

Committee: **Regulatory
Planning Committee**

Date: **15 January 2020**

Report by: **Director of Communities, Economy and Transport**

Proposal: **Change of use of coal yard and existing building to a
tyre recycling and crumb and bale production facility.**

Site Address: **The Coal Yard, Swan Barn Road, Hailsham, BN27 2BY.**

Applicant: **Mr Mohammed Hashim, Pyrite Industries Ltd**

Application No. **WD/831/CM**

Key Issues: **(1) Principle of the Development
(2) Effects on Amenity
(3) Visual Impact
(4) Traffic, Access and Parking**

Contact Officer: **Benjamin Brett, Tel No. 01273 481833**

Local Member: **Councillor Bob Bowdler**

SUMMARY OF RECOMMENDATIONS

- 1. The Committee is recommended to refuse planning permission for the reason set out at paragraph 8.1.**
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CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT

1. The Site and Surroundings

1.1 The application site is a former coal yard located to the south east of Hailsham town centre, within an existing industrial and commercial estate that adjoins Station Road. The site is 0.26 hectares in size and surfaced with concrete. Its layout has not been altered from its previous use as a coal storage and distribution facility, and comprises a metal sheet building in the northern corner of the site with an enclosed storage area adjacent to it, a number of storage bays in the western area, and a small site office in the south-eastern area. There is a large area of open space in the centre of the site. Concrete walls 2.3m in height bound the site to the north, west and south, and there is palisade fencing approximately 2.4m in height along the eastern boundary. Mature vegetation screens the site from the north and west.

1.2 The other units on the industrial and commercial estate are the Hailsham Household Waste Recycling Site (HWRS) to the southwest of the site and the Swan Barn Business Centre, which consists of a number of business related units, to the southeast. The land directly to the north, east and west is open fields. The closest existing residential areas are approximately 130m to the northwest of the site along Station Road, 140m to the south at the Swan Barn Travellers Site and 150m to the north within the Butts Field housing estate. Approximately 160m to the southeast of the site is the Hailsham South Wastewater Treatment Works. Approximately 500m to the east is the Pevensey Levels Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Ramsar site.

1.3 There is significant further residential development planned in close proximity to the site. Outline planning consent has been granted by Wealden District Council, subject to a section 106 Legal Agreement, for the development of 400 houses on land approximately 20m to the west across Station Road. According to indicative layout plans submitted with the outline application, the nearest residential properties to the site would be approximately 120m away. The land directly to the northeast of the site is subject to an outline planning application for 140 houses which has not yet been determined. According to indicative layout plans, the nearest properties would be approximately 40m from the site.

1.4 Access to the site is via the shared access road for the industrial and commercial estate, Swan Barn Road. Swan Barn Road connects with Station Road, which runs from central Hailsham and joins with the B2104 to the south via Saltmarsh Lane.

2. The Proposal

2.1 The proposal is for the change of use of an existing coal storage and distribution facility to a tyre recycling, crumb and bale production facility. The proposed use is considered to be waste management, and therefore falls under the *sui generis* use class. The proposal would make use of the existing buildings and bays onsite, and would not involve any excavation or engineering works. The existing boundary treatment, including all trees, would be retained.

2.2 The proposed facility would accept and store end of life tyres for processing and turning into product for onward sale. The machinery employed onsite would comprise a shredder and a secondary shredder each 3.6m in height, a baler, and a mixer used for colouring processed material. Raised conveyors up to 3.6m in height would run between the two shredders to feed material along the processing line. Bagged tyre crumb, baled tyres and baled steel extracted from tyres would be exported from the site. Processing would mainly be carried out in the south western part of the site closest to Station Road, with baling in the southern part of the site and colouring in the enclosed area adjacent to the metal sheet building. The metal sheet building would be used for tyre storage and bicycle parking. The existing site office would be

kept as an office, and there would be parking in the eastern part of the site. Vehicles accessing the site would drive into the central part of the yard to deliver tyres for processing, or to pick up processed material.

2.3 It is proposed that the site would open between the hours of 07:00-17:30 Monday to Friday and between 09:00-13:00 on Saturday, and at no time on Sundays or Bank Holidays. Operation of processing plant would be limited to periods when the nearby HWRS is operational. The HWRS operates, on Monday to Friday, between the hours of 8:00-16:00 from October to the end of March, and between the hours of 8:00-17:00 from April to the end of September; Saturday hours are 09:00-13:00 all year round. Processing hours at the application site would be restricted to 8:00-16:00 Monday to Friday and 09:00-13:00 Saturday all year round. Outside of these hours the site would only be open for deliveries, exports and general housekeeping.

2.4 The site would accept and process a maximum of 5,000 tonnes of end of life tyres per annum, with tyres delivered in vans transporting loads of approximately 1.7 tonnes. There would be a maximum of 20 vehicle movements per day for imports into the site: 10 trips into the site and 10 leaving. Heavy Goods Vehicles (HGVs) would be used for transporting bagged crumb, baled tyres and baled steel from the site. There would be 6 HGV movements per week: 3 into and 3 out of the site. HGVs accessing the site will be routed to approach from the south of Station Road, so as to avoid the existing and planned residential areas of Hailsham.

2.5 It is proposed that the site would employ up to 10 full-time equivalent members of staff.

2.6 The site would operate under an Environmental Permit, issued by the Environment Agency, which would govern site management and environmental standards, and which would be applied for pending determination of this planning application.

3. Site History

3.1 There is no relevant County Planning history for this site. The most recent Wealden District Council planning permission for the site was granted in September 1987 for the change of use of an existing coal storage bay to storage of liquid propane gas cylinders (WD/1987/2344/F).

4. Consultations and Representations

4.1 Wealden District Council – **Object** to the planning application pending further information regarding its potential impacts on residential amenity, based on the recommendations of the Council's Environmental Health Officer. The Council considers that, should this application be approved, appropriate traffic routing should be secured and planning conditions should be imposed to control impacts on residential and visual amenities. The Council have also requested confirmation that Habitats Regulation Assessment screening has

been undertaken by the County Council to assess whether the proposal requires an Appropriate Assessment in respect to its potential to increase trips through the Ashdown Forest SAC, Lewes Downs SAC.

4.2 Environmental Health – **Object** to the application due to the potential for noise nuisance and loss of amenity to a number of residential premises, both existing and proposed.

4.3 Hailsham Town Council – **Strongly object** to the proposal due to the following concerns: the site's proximity to residential areas; the planned redevelopment of Hailsham leading to the site being surrounded by residential areas within 10 years; the impact of the proposal on traffic conditions due to the use of HGVs, the environmental impact of the proposal and health risk to nearby residents, and; the fire risk of the proposal.

4.4 Highway Authority – **No objection**, subject to the imposition of conditions ensuring that no part of the development is occupied until car parking has been provided, and until covered and secure cycle parking spaces have been provided.

4.5 Environment Agency – **No comments received.**

4.6 Representations and Comments

i. A joint representation was received from the Local Member (Cllr Bowdler) and a neighbouring Ward Councillor (Cllr Fox) who **objected** to the proposal for the following reasons: its impacts on local air quality in the context of other nearby development; the traffic impacts from HGVs accessing the site; the impact of the proposal on the environment and pollution in light of the climate change emergency adopted by Wealden District Council, East Sussex County Council and Hailsham Town Council; the concerns that have been expressed by East Sussex Fire and Rescue Service over the application, and; the adverse effect of the proposal on the redevelopment of Hailsham town centre. The Councillors expressed support for the objection submitted by Hailsham Town Council.

ii. A representation was received on behalf of the promoters of land to the southwest of the application site which has received a resolution to grant planning permission subject to the completion of a section 106 Legal Agreement, for a residential development. The representation **strongly objected** to the proposal as submitted, on the basis that there had been no consideration for the potential impacts on the deliverability of the aforementioned future residential development or the amenity of future residents. The representation recommended that revisions be made to the noise impact assessment to reflect the presence of the future residential development in question, and that full consideration be given to other potential environmental impacts. Concerns were also raised about the assessment of traffic movements made as part of the application.

iii. Comments were received from the East Sussex Fire and Rescue Service, highlighting the fire risk at this type of facility; however, no objection was made on planning grounds. It is considered that, were planning permission to be granted, fire risk would be managed onsite through the requirements of the Environmental Permit.

5. The Development Plan and other policies of relevance to this decision are:

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies WMP3b (Turning Waste into a Resource), WMP5 (Provision of Built Waste Facilities to Ensure Net Self-Sufficiency), WMP7a (Sustainable Locations for Waste Development), WMP7b (More Detailed Criteria for Waste Development), WMP25 (General Amenity) and WMP26 (Traffic Impacts).

5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017: Policies SP2 (Areas of Opportunity on Previously Developed or Allocated Land) and SP5 (Existing Industrial Estates).

5.3 Wealden Local Plan 1998: Saved Policies EN27 (Layout and Design of Development), TR3 (Traffic Impact of New Development) and TR10 (Heavy Goods Vehicles).

The Wealden District Core Strategy Local Plan, adopted on the 19th February 2013, replaces parts of the Wealden Local Plan 1998. Policies in the Wealden Local Plan 1998 that are not replaced are considered 'saved' and remain of relevance until they are superseded by further Development Plan documents.

Wealden District Council has not formally determined whether the Saved Policies in the Wealden Local Plan 1998 are in general conformity with the NPPF. However, the County Planning Authority considers Saved Policies EN27, TR3 and TR10 to be in general conformity with the revised NPPF (February 2019).

5.4 National Planning Policy Framework 2019 (NPPF):

The NPPF sets out the Government's planning policies for England and how they should be applied. Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Part 12 (Achieving well-designed places) is relevant to this application.

5.5 National Planning Policy for Waste 2014 (NPPW):

The NPPW sets out detailed waste planning policies and regard should be had to them when planning authorities seek to discharge their responsibilities to the extent that they are appropriate to waste management.

6. Considerations

Principle of the Development

6.1 Policy WMP3b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 states that proposals for the management of waste shall be permitted which are able to demonstrate that the waste to be managed cannot reasonably be managed by a process which is further up the waste hierarchy, and that the proposed process is an option which delivers the best overall environmental outcome. Policy WMP5 of the same Plan sets out provision for a sustainable network of waste recycling, composting and recovery facilities in the Plan Area, and gives indicative targets for recycling and recovery capacity. Policy WMP7a of the same Plan states that sites for additional waste recycling and recovery facilities should be sought within the broad Areas of Focus identified in the Plan. The Policy also states that proposals should demonstrate how they will balance the need to be located close to waste arisings, moving waste management up the waste hierarchy, and minimising adverse impacts on communities and the environment. Policy WMP7b of the same Plan states that preference will be given to proposals for waste management development on general industrial land including general industrial estates, previously developed land or land already in waste management uses.

6.2 Policy SP2 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017 states that waste management development will be supported, subject to other policies, on suitable land within identified areas of opportunity. Policy SP5 of the same Plan states that proposals for waste management development located on existing industrial land will be supported in principle where it is shown that, *inter alia*, there is a demonstrable need for additional waste capacity in the Plan Area, the proposed use would be compatible with neighbouring uses, there would not be an unacceptable detrimental impact on residential amenity and the impact of increased traffic would not be unacceptable. Policy SP5 is considered relevant to the proposal as the site is on an existing industrial estate; however, the proposal's effects on residential amenity and traffic will be considered in subsequent sections under the Development Management policies (Policies WMP25 and WMP26 of the Waste and Minerals Plan 2013, and Saved Policies EN27, TR3 and TR10 of the Wealden Local Plan 1998).

6.3 The proposed tyre recycling facility would import approximately 5,000 tonnes per year of end-of-life tyres, and turn them into value added product for onward sale. Tyres which are in good enough condition would be stored onsite and sent to be reused. The only material that would not be processed onsite would be the ferrous wire inside the tyres which would be baled for waste transfer. Recycling and reuse are the highest placed waste management processes in the waste hierarchy, and are considered to provide a better environmental outcome than other methods of waste management such as energy recovery or landfill. Furthermore, the proposal would contribute to meeting targets for recycling capacity identified in the Waste and

Minerals Plan. The proposal is therefore supported by Policies WMP3b and WMP5 of the Waste and Minerals Plan 2013.

6.4 The site is part of an existing industrial and commercial estate in the southern part of Hailsham, which also contains the Hailsham HWRS and the Swan Barn Business Centre. The site was previously used as a coal storage and distribution facility, and is therefore on existing industrial land. The site is considered to be within one of the broad Areas of Focus for strategic waste recycling and recovery facilities identified in the Waste and Minerals Plan. It is also identified as an area of opportunity for waste development, subject to other considerations including residential amenity and visual impact, under Waste Site Profile SP-O/H Station Road/Old Swan Lane Industrial Estate in the Waste and Minerals Sites Plan. The proposal is therefore considered to comply with Policies WMP7a and WMP7b of the Waste and Minerals Plan 2013, and Policy SP2 of the Waste and Minerals Sites Plan 2017. Hence, the principle of the proposed development is supported.

Effects on Amenity

6.5 Policy WMP25 of the Waste and Minerals Plan 2013 states that all proposals should ensure there is no unacceptable effect on the standard of amenity appropriate to the established, permitted or allocated land uses of the local and host communities likely to be affected by the development, that there is no significant adverse impact on air quality or the local acoustic environment and that adequate means of controlling noise, dust and other emissions generated by the development are secured. Policy EN27 of the Wealden Local Plan 1998 states that developments should not create an unacceptable adverse impact on the privacy and amenities of adjoining developments and the neighbourhood by reason of scale, height, form, noise and traffic movements. The National Planning Policy Framework 2019 (NPPF) requires developments to create places with, *inter alia*, a high standard of amenity for existing and future users.

i. Noise impacts

6.6 The proposal would generate noise due to the use of shredding, baling and colouring machinery onsite, vehicle movements and the loading and unloading of material. Processing would largely be carried out in the open, with machinery mainly sited within the existing bays along the western site boundary. Processing hours at the site would be within the operating hours of the nearby Hailsham HWRS, so that processing would only occur when the background noise level would most likely be at its highest. Processing would only take place at intervals during these hours, and the agent has indicated that shredding and baling would not take place concurrently due to limitations on power supply. All other processes could take place concurrently. The applicant has submitted a Noise Impact Assessment to accompany the application, which sets out the background noise levels for the site, provides calculations of predicted future site noise levels and provides a noise assessment using BS 4142:2014 ('Methods for Rating and Assessing Industrial and Commercial Sound').

6.7 The site has a historic use as a coal yard, which was an industrial process that would have generated noise. The site is within an existing industrial and commercial estate which also contains the Hailsham HWRS, and which is identified as an area of opportunity for waste management development in the Waste and Minerals Sites Plan. However, it should be noted that the context of the site has changed since its historic use as a coal yard, with a proposed new residential development to the southwest. As this application is for a change of use which would introduce a new noise source into the local acoustic environment, it is considered that its effects on residential amenity should be given significant weight in the determination of this application.

6.8 The nearest noise-sensitive receptors to the site are identified as the residential properties along Station Road approximately 130m to the northwest, the Swan Barn Travellers Site approximately 140m to the south and the Butts Field housing estate approximately 150m to the north. The land directly to the north east of the site is subject to an outline planning application for 140 houses. It is understood that the housing line identified in the outline planning application would be approximately 40m from the northern perimeter of the site. Further residential development has been granted planning permission subject to a Legal Agreement to the southwest. It is understood that the housing line for this development would be approximately 120m from the site boundary. Given that a clear resolution has been made by Wealden District Council on the site to the southwest, the impact upon the residential amenity of this development does need to be considered.

6.9 The Noise Impact Assessment identifies mitigation to lessen the noise impacts of the proposal. The site is currently bordered with 2.3m concrete walls to the north, west and south. However, as the two shredders would be 3.6m tall and therefore taller than the boundary walls, an acoustic barrier is proposed which would be attached to the top of the western perimeter wall up to a total height above ground of 4.1m. No acoustic barriers are proposed atop the other perimeter walls. The secondary shredder would be positioned underneath an existing metal sheeting canopy over one of the bays. Acoustic enclosures would be installed around the hydraulics and cooling fan of the primary shredder, and also around the generator. No mitigation is proposed along the eastern site boundary, which is bordered with palisade fencing.

6.10 Taking the proposed mitigation into account, the Noise Impact Assessment provides rating levels for the individual noise-generating activities onsite, together with rating levels for concurrent activities. The Assessment indicates that there would be an increase in noise levels above the background noise level in the area at four existing residential properties where noise monitoring was carried out, notwithstanding future residential developments: numbers 152 and 154 Station Road (approximately 130m from the site), and numbers 20 and 22 Butts Field (approximately 150m from the site). It should be noted that while these four properties are identified in the Noise Impact Assessment as indicative nearest noise sensitive receptors, there are other properties within the vicinity which could potentially be similarly affected. The Assessment indicates that shredding would be the

loudest individual activity onsite, and would generate an increase of +6 dB at 20 Butts Field and 154 Station Road, +5dB at 22 Butts Field and +4dB at 152 Station Road. Shredding concurrent with colouring and housekeeping is calculated to generate the same noise rating level as shredding alone at the above properties, with an additional +1dB increase at 152 Station Road giving a total level about background noise level of +5dB at this property. All other operations, including other concurrent operations, are considered to generate less noise. The Assessment also states that there would be a noise increase of +3dB above background noise level at the future residential properties to the southwest of the site for which planning permission has been granted subject to a Legal Agreement.

6.11 The Noise Impact Assessment states that it is generally accepted that under normal conditions humans are capable of detecting changes in steady sound levels of 3dB, whilst a change of 10dB is perceived as a doubling or halving of sound level. However, the proposed noise sources from the application site would take place at intervals, and therefore would be more noticeable than a steady-state increase in noise levels. The calculated noise level increase at the nearest existing residential properties for the noisiest activities onsite (+5dB and +6dB) would therefore be clearly audible, and the Assessment identifies an adverse noise impact at these properties. The calculated noise level would remain below the +10 dB threshold which BS 4142:2014 guidance identifies as being likely to indicate a significant adverse impact. However, comments from the Council's internal Environmental Advice Team indicate that the Noise Impact Assessment has not provided a correct logarithmic addition of concurrent noise generating activities onsite, meaning that the noisiest concurrent activities onsite are estimated to potentially be up to +8dB above the background noise level at the nearest noise sensitive receptors. While this still remains below the +10dB threshold which BS4142:2014 states is considered likely to indicate a significant adverse impact, this is a relatively large increase in noise level which would impact the amenity of the occupiers of the aforementioned residential properties. The Wealden Environmental Health Officer has objected to this application, and considers that activities onsite would be clearly audible at the nearest noise sensitive receptors, and that there would be the potential for statutory noise nuisance to occur. Overall, it is considered that the proposal, including the identified mitigation measures, would have an unacceptable adverse effect on the amenity of existing residents at Station Road and Butts Field.

6.12 The Council considers that, were all processing to be carried out within a building this could have the potential to overcome the noise issues associated with the application. However, this does not form part of the current proposal.

6.13 Although processing would be limited to the hours of operation of the HWRS, there are still proposed to be vehicle movements and housekeeping activities at the site outside of these hours. As the background noise level would be lower during this period (07:00-08:00am), noise from the site would be audible, and may have an adverse impact on the amenity of the closest residential properties. However, in the context of the industrial and

commercial estate, and of the existing permitted use of the site as a storage and distribution facility, it is considered unreasonable to restrict the use of vehicles and general housekeeping at the site between these hours.

6.14 The calculated noise level rating increase of +3dB above background noise level at the proposed residential properties to the southwest of the site may also be higher than identified in the Noise Impact Assessment, given the earlier comments from the Council's internal Environmental Advice Team regarding the logarithmic addition of noise ratings for concurrent activities. This could take the rating level at these proposed properties to approximately +5dB above background noise level. Therefore, although there would not be a significant increase in noise at the proposed residential properties to the southwest, the proposal may have some adverse effect on the amenity of future residents in this area.

6.15 It is considered that noise generated by the proposal would have an unacceptable effect on the standards of amenity appropriate to the established residential areas that are in close proximity to the site, and that there may also be an adverse effect on the proposed residential area to the southwest of the site. The proposal therefore conflicts with Policy WMP25 of the Waste and Minerals Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998 and the requirements of Part 12 of the NPPF 2019.

ii. Dust impacts

6.16 As the proposal would involve the shredding of tyres, there is the capacity for dust to be generated, comprised of small pieces of rubber and metal wire from inside the tyres. If this were not properly mitigated and managed it could become windblown and spread beyond the site boundaries. The applicant has submitted a Dust Emissions Management Plan to accompany the application, which details measures to prevent and control dust onsite. The site would also be subject to an Environmental Permit issued by the Environment Agency which would cover the management of dust from the perspective of pollution control.

6.17 Processing would largely take place in the open, although the concrete bays would partially enclose the machinery, the secondary shredder would be positioned under a canopy and the mixer would be housed in the enclosed storage area adjacent to the main building in the northern corner of the site. The 2.3m concrete wall which borders the site to the north, south and west is also likely to prevent the majority of windborne dust from spreading beyond the site in these directions. However, the eastern boundary is demarcated with palisade fencing which could allow dust to spread. The prevailing wind direction from the site is to the north east, meaning that there is the potential for windblown material to be carried into the fields that are subject to a planning application for a residential development. However, as this application has yet to be determined and considering that the land does not benefit from any development plan allocation, it would be unreasonable for this proposal to assess and plan for any mitigation necessary for the proposed residential development (were this application to be approved by the County Planning Authority, Wealden District Council would need to give the planned

use of the site due consideration when considering the application for the residential development).

6.18 The Dust Emissions Management Plan states that all conveyors and chutes used in the processing of material would be covered in order to minimise spillage from discharge into bags in the bay. The bags would then be sealed for onward transportation. Suppression sprays would be used to dampen the material in order to further reduce the capacity for windborne dust. Given the provisions set out in the Dust Emissions Management Plan, it is considered unlikely that significant amounts of dust would spread beyond the site boundaries, and therefore that adequate means of controlling dust are provided, in accordance with Policy WMP25 of the Waste and Minerals Plan 2013.

Visual Impact

6.19 Although the proposal is for a change of use and would not involve the erection of any new buildings, due to the machinery that would be used onsite the visual impact on the locality is still a consideration in the determination of this application. All processing equipment would be sited in the yard, mostly within the existing bays along the western site boundary with Station Road. Public views across the site are limited to views from Station Road and Swan Barn Road. The site is well screened by mature vegetation from Station Road, and partially screened from Swan Barn Road by the 2.3m concrete walls, palisade fencing and a gate at the eastern end of the road. In the context of the industrial and commercial uses on the estate it is not considered that the proposal would have a negative effect on public views from Swan Barn Road.

6.20 The land directly to the northeast of the site is subject to an application for residential development, and there would be clear views from this land through the existing palisade fencing were the site to be developed. As stated in Paragraph 182 of the NPPF, existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Given that the residential housing would be built adjacent to an existing industrial and commercial estate, any future residential development would need to take this context into account. Therefore the visual amenity of future residents of the proposal to the northeast of the site is given minimal weight in the determination of this application. Overall, in the context of the existing industrial and commercial estate it is considered that the proposal would have a minor impact on views and local landscape character, and would not have an unacceptable effect on visual amenity, in accordance with Policy WMP25 of the Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

Traffic, Access and Parking

6.21 Policy WMP26 of the Waste and Minerals Plan 2013 states that proposals will be permitted where, *inter alia*, access arrangements are suitable for the volume and nature of traffic, the level of traffic generated would not exceed the capacity of the road network, and there are suitable

arrangements for on site vehicle manoeuvring, parking and loading/unloading areas. Saved Policy TR3 of the Wealden Local Plan 1998 states that planning applications for new development will be permitted where, *inter alia*, the proposed development does not create or perpetuate unacceptable traffic conditions. Saved Policy TR10 states that development proposals which would have a detrimental impact on the environment by reason of a material increase in the generation and attraction of heavy goods vehicles within villages and along unsuitable country roads will be resisted.

6.22 Access to the site is from Swan Barn Road, which connects with Station Road and also serves the HWRS and the other units on the industrial and commercial estate. Station Road is a single carriageway country road, but it connects with the B2104 to the south via Saltmarsh Lane, approximately 1.1 miles from the site. The proposal would generate a maximum of 20 vehicle movements a day (10 into and 10 out) for inputs of waste tyres into the site. There would also be an additional 6 HGV movements per week to collect the bagged crumb, baled tyres and baled steel produced onsite. The agent has indicated that HGVs and other large vehicles accessing the site would be routed so as to approach from the south of Station Road, thereby avoiding the existing residential area to the north where on-street parking restricts the carriageway width.

6.23 The total volume of traffic generated by the proposal is considered to be relatively low in the context that the site has an established industrial use, and that, therefore, in planning terms it already generates vehicle movements. The site also forms part of an existing industrial and commercial estate which already generates a number of HGV movements. In addition, HGVs already use Swan Barn Road to access the HWRS, and therefore the principle of vehicles of this type using the access road is already set. The junction with Station Road is considered to have sufficient width and radius to safely accommodate HGVs and other large vehicles. While there would be an increase in HGV movements as a result of the proposal, given that it would not be a large increase, and given that HGVs would be routed so as to approach from the south of Station Road the volume and nature of the traffic generated by the proposal is considered to be suitable for the site access and the local highway network.

6.24 The site proposes to employ 10 full-time equivalent members of staff; however, information on staff vehicle movements has not been provided. There would be parking space for 8 vehicles onsite, including one disabled bay; therefore, it is possible that at some times there would not be sufficient parking within the site for all employees. However, additional parking is available immediately outside the site on Swan Barn Road, with overspill parking available in the Swan Barn Business Park Car Park. There would also be secure cycle parking provided within the building in the northern corner of the site. It is considered that there is ample space in the central part of the site for the manoeuvring, loading and unloading of vehicles onsite including HGVs.

6.25 Given the suitability of the site access, the volume and nature of traffic that the proposal would generate and the vehicle parking, manoeuvring, loading and unloading arrangements onsite, it is considered that the proposal complies with Policy WMP26 of the Waste and Minerals Plan 2013 and Saved Policies TR3 and TR10 of the Wealden Local Plan 1998.

6.26 As part of the determination of this application, the County Council has undertaken Habitats Regulation Assessment screening, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), in order to determine whether the application requires an Appropriate Assessment due to the effects of traffic generated by the proposal on the Ashdown Forest SAC and Lewes Downs SAC sites. The application site is approximately 9.1 miles from the Lewes Downs SAC and 13.6 miles from the Ashdown Forest SAC. End-of-life tyres would be imported into the application site from locations throughout Sussex and from further afield, therefore there is the potential for some of the traffic generated by the proposal to cross the Ashdown Forest SAC and pass near to the Lewes Downs SAC. However, this would only be a small proportion of what is considered to be a relatively low level of traffic generated by the proposal. Considering this, and considering that vehicle movements can already be attributed to this site that could similarly pass across/near to the SACs, the County Council has determined that the proposal would not have a significant effect on the Ashdown Forest SAC and Lewes Downs SAC, and that an Appropriate Assessment is therefore not required for this application.

7. Conclusion and reason for refusal

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 The proposal is for a change of use of a formal coal yard to a tyre recycling and crumb and bale production facility. The site is on existing industrial land that was previously developed, and is within an industrial and commercial estate. It is considered to be within an Area of Focus for waste development in the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, and is identified as an area of opportunity in the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017.

7.3 While the County Council, as Waste Planning Authority supports, in principle, the development of waste recycling facilities, this has to be balanced against other material considerations. The proposal would generate a high level of noise, and although some mitigation would be provided, there would still be an adverse impact on the amenity of existing residential areas in close proximity to the site, and a potential adverse impact on the amenity of proposed residential areas. As such, it is considered that the proposal would have an unacceptable effect on amenity, and would conflict with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and

Minerals Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998, Policy SP5 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017 and the relevant provisions under Part 12 of the National Planning Policy Framework 2019. Therefore, whilst the application is considered to have a number of positive attributes, the detrimental impact upon residential amenity from the noise generated from the proposal is considered to outweigh these attributes. Therefore, and on balance, the application is recommended for refusal.

7.4 In determining this planning application, the County Council has worked with the agent in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.5 There are no other material considerations and the decision should be taken in accordance with the Development Plan.

8. Recommendation

8.1 To recommend the Planning Committee to refuse planning permission for the following reason:

1. The proposal would have an adverse impact on the amenity of existing residential properties in close proximity to the site, and a potential adverse impact on the amenity of the proposed residential area to the southwest of the site, by reason of noise. This is considered to be unacceptable, and therefore conflicts with Policy WMP25 (a), (b) & (c) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013, Saved Policy EN27 (2) of the Wealden Local Plan 1998, Policy SP5 (d) of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan 2017 and the relevant provisions of Part 12 of the National Planning Policy Framework 2019.

RUPERT CLUBB
Director of Communities, Economy and Transport
7 January 2020

BACKGROUND DOCUMENTS

Application File WD/831/CM
The Development Plan