

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes on 11 March 2020.

PRESENT Councillors Richard Stogdon (Chair), Barry Taylor (Vice Chair), Bob Bowdler, Godfrey Daniel, Philip Daniel, Kathryn Field and Tom Liddiard

41 MINUTES OF THE MEETING HELD ON 12 FEBRUARY 2020

41.1 The Committee approved as a correct record the minutes of the meeting held on 12 February 2020.

42 APOLOGIES FOR ABSENCE

42.1 Apologies for absence were received from Councillor Pat Rodohan. It was noted that Councillor Philip Daniel was acting as a substitute for him.

43 DISCLOSURES OF INTERESTS

43.1 Councillor Bob Bowdler declared a prejudicial interest in Item 5 in that he had raised objections to the proposal. He made comments on the proposal as the Local Member and then withdrew from the Chamber for the remainder of the consideration of the Item.

44 REPORTS

44.1 Reports referred to in the minutes below are contained in the minute book.

45 CHANGE OF USE OF COAL YARD AND EXISTING BUILDING TO A TYRE RECYCLING AND CRUMB AND BALE PRODUCTION FACILITY. SWAN BARN BUSINESS CENTRE, THE COAL YARD, SWAN BARN ROAD, HAILSHAM, BN27 2BY - FOR PYRITE INDUSTRIES LTD - WD/831/CM

45.1 The Committee considered a report by the Director of Communities, Economy and Transport, together with written comments from Councillor Gerard Fox and a press release from the Tyre Recycling Association submitted by the applicant following publication of the report.

45.2 The following people spoke in support of the application:

- Mr Alan Potter, agent
- Mr Mohammed Hashim, Pyrite Industries Ltd, the applicant

45.3 Councillor Bowdler, the Local Member and member of the Planning Committee, spoke against the recommendation, and then left the Chamber during the consideration of the Item.

45.4 Members have considered the report and the comments of the public speakers and Local Member, and agree with the conclusion and reasons for recommendation as set out in paragraph 7 of the report.

45.5 The Committee voted on the recommendation, with an equal number (three) voting for and against the motion, with the matter RESOLVED on the Chairman's casting vote to grant planning permission subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans and documents listed in the Schedule of Approved Plans.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No processing of material by shredding, baling, colouring or any other means shall take place except between the hours of 08.00 and 16.00 Mondays to Fridays inclusive between October and the end of March, between 08.00 and 17.00 Mondays to Fridays inclusive between April and the end of September and between the hours of 09.00 and 13.00 on Saturdays year-round, and no such works shall take place on Sundays, Bank and Public Holidays, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

4. Subject to Condition 3, no activities associated with the development hereby approved shall take place except between the hours of 07.30 and 17.30 on Mondays to Fridays inclusive and 09.00 and 13.00 on Saturdays and at no time on Sundays, Bank and Public Holidays, unless otherwise agreed in writing by the Director of Communities, Economy and Transport.

Reason: To protect amenity in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

5. No machinery or plant other than two shredders, conveyors, two shakers, one baler, forklift moving trucks and one mixer shall be installed or operated at the site without the prior written approval of the Director of Communities, Economy and Transport.

Reason: For the avoidance of doubt and to enable the County Planning Authority to control the development and in the interests of the amenity of the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

6. No waste materials other than tyres and materials extracted from tyres shall be deposited, stored or processed at the site.

Reason: For the avoidance of doubt and to enable the County Planning Authority to control the development.

7. There shall be no processing of material other than baling of tyres by any means at the site outside of the enclosed areas as set out in the Proposed Site Layout Plan in Appendix 1 of the Supporting Statement V1.5 (dated 19 February 2020).

Reason: To protect the amenity of the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

8. No operations hereby permitted shall take place prior to the erection of acoustic barriers and acoustic enclosures as specified in the Anderson Acoustic Noise Impact Assessment (reference: 4274_001R_12-0_AG) dated 28 January 2020. The acoustic barriers shall be installed atop the western perimeter wall adjacent to the shredding line and atop the bay wall adjacent to the warehouse building to an overall height of 4.1 metres, and the shredding line shall be fully enclosed as specified. Thereafter the acoustic barriers and acoustic enclosures shall be maintained in accordance with the approved details for the duration of the development.

Reason: To safeguard the amenities of the occupiers of properties within the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

9. Following the commencement of the development hereby permitted, the rating noise level at the site shall, at all times, be below the existing background LA90 value noise level at all existing noise sensitive receptors, as determined and reported in accordance with BS 4142: 2014+A1: 2019 (Methods for rating and assessing industrial and commercial sound).

Reason: To safeguard the amenities of the occupiers of properties within the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

10. Within three months of the commencement of processing activities (including shredding and baling), a noise survey shall be undertaken in accordance with BS 4142: 2014+A1: 2019 (Methods for rating and assessing industrial and commercial sound) and the results submitted to and approved in writing by the Director of Communities, Economy and Transport. The Survey shall:-
 - a) demonstrate whether the noise levels required by condition 9 are being achieved;
 - b) if the survey does not demonstrate such compliance the report must include measures to reduce noise, which shall first be agreed in writing by the Director of Communities, Economy and Transport, such that the noise levels required by condition 9 will be met;

c)These measures shall be implemented within a time period to be agreed by the Director of Communities, Economy and Transport, and compliance shall be demonstrated by a further noise survey, which must be submitted to and agreed in writing by the Director of Communities, Economy and Transport within a further 3 months of the measures being implemented.

Reason: To safeguard the amenities of the occupiers of properties within the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

INFORMATIVES

1. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Pollution Control Team of the Environmental Health Department at Wealden District Council.
2. For the avoidance of doubt, any monitoring undertaken of noise levels from the site activities will need to take into consideration all operations, including all processing activities, vehicles accessing the site and housekeeping.

Schedule of Approved Plans

Location Plan SK 03, Dust Emissions Management Plan V1.1, 4274-001R-12-0-AG - Noise Impact Assessment, PL01 A - Enclosure Elevations, Supporting Statement - Feb 2020 V 1.5, Revised Block Plan SK 02

The meeting ended at 11.40 am.