

Committee: **Regulatory  
Planning Committee**

Date: **20 May 2020**

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

Proposal: **New building for storage of segregated waste materials**

Site Address: **Greenacre Recycling Ltd, New Road Industrial Estate,  
Newhaven, BN9 0HE**

Applicant: **Mr James Malyan, Greenacre Recycling**

Application No. **LW/839/CM**

Key Issues:           (i)     **Purpose of development**  
                          (ii)     **Effect on amenity**  
                          (iii)    **Access to culvert and flood risk**  
                          (iv)     **Effect on National Park**

Contact Officer:       **Jeremy Patterson - Tel: 01273 481626**

Local Member:       **Councillor Darren Grover**

---

## **SUMMARY OF RECOMMENDATIONS**

**1. To grant planning permission subject to conditions as indicated in paragraph 8.1 of this report.**

---

---

## **CONSIDERATION BY DIRECTOR OF COMMUNITIES, ECONOMY AND TRANSPORT**

### **1. The Site And Surroundings**

1.1 The application site is used as a construction and demolition waste transfer station within the New Road Industrial Estate (also referred to as the North Industrial Estate), off New Road (A26 Trunk Road) in Newhaven. The site comprises buildings and an external yard and occupies the northern and eastern parts of the Industrial Estate. Other industrial units are present on the western and southern sides of the site, including garages and workshops for motor repairs. A car dealer, AMC Cars, is immediately to the south of the application site and shares the eastern access off New Road with the waste transfer station.

1.2 The nearest residential properties are located along a cul-de-sac, also known as New Road, the nearest property being about 16 metres from the transfer station on the opposite side of the A26, with the residential area of South Heighton beyond. A water course (the South Heighton Sewer) is culverted at the north-eastern boundary of the site and traverses the transfer station yard southwards. The land to the north and north-west of the site forms part of the undeveloped area of the Ouse Valley within the South Downs National Park. Part of the northern developed area of the application site also falls within the National Park. The site is within a Flood Zone 3, due to it being within a tidal floodplain of the River Ouse, which flows about 250 metres to the west.

## **2. The Proposal**

2.1 The proposal is for the erection of a building, known as a 'Zapp Shelter', to enable the covered storage of pre-sorted waste, for example, wood and metals, in existing open containers. The applicant has indicated that the covering of the containers is a requirement of the Environment Agency. The building is proposed to be located at the north-eastern boundary of the site, in close proximity to a culvert enclosing the South Heighton Sewer, where the containers are currently located.

2.2 The Zapp Shelter would cover an area of about 154 square metres and would incorporate a domed roof with an end wall facing the eastern boundary fence and hedgerow. It would be secured on modular concrete walls on three sides and stand up to 6.4 metres in height (including 3.2 metres for the walls). The domed structure would comprise steel hoops which would provide a frame to accommodate a tough fabric membrane (involving composite polyethylene).

2.3 The Zapp Shelter is proposed as it is able to be relatively easily dismantled, due to its proximity to the culvert and the requirement of the Environment Agency to be able to access the water course for maintenance purposes, or in the case of an emergency. Originally, the applicant had proposed a pitched roof profiled metal clad building, which the Environment Agency objected to.

2.4 As noted above, part of the northern area of the application site falls within the National Park boundary. However, the proposed building would not be sited within the Park but would be adjacent to it. Despite this, because of the cross boundary nature of the application, a duplicate planning application has been submitted to the National Park Authority for determination.

## **3. Site History**

3.1 Planning permission was granted (ref. LW/767/CM) in 2016 for a change of use of the application site from an industrial unit and yard to a construction and demolition waste transfer station, subject to conditions.

#### **4. Consultations and Representations**

- 4.1 Lewes District Council raises no objections.
- 4.2 Newhaven Town Council has not submitted any observations.
- 4.3 Newhaven Enterprise Zone has not submitted any observations.
- 4.4 South Highton Parish Council objects to the proposal as it considers that the proposed building would be closer to the culvert than previously proposed and questions the ability of the building to be removed in the case of an emergency. It also considers that the introduction of an industrial storage unit in this area would contribute to the overdevelopment of the site and lead to an increase in noise and disturbance to nearby residents. The Parish Council also considers that the County Council should not proceed with the application until a duplicate application has been submitted to the National Park Authority.
- 4.5 Environment Agency (EA) raises no objections.
- 4.6 Lead Local Flood Authority ESCC raises no objections.
- 4.7 South Downs National Park Authority raises no objections.
- 4.8 Local representations: Two objections have been received: one on the grounds that the building is near to a culvert and has implications for flood risk, as well as a negative visual effect to residents; and the other on the grounds that there would be more noise, dust and probably lorries.

#### **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: WMP6 (Safeguarding waste sites); WMP23a (Design principles for built waste facilities); WMP25 (General amenity); WMP27 (Environment); WMP28a (Flood risk).
- 5.2 East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan, 2017: Policy SP6 (Safeguarding waste sites).
- 5.3 East Sussex, South Downs and Brighton & Hove Waste and Minerals Schedule of Industrial Estates, 2017: Plan I/B Avis Way / New Road Industrial Estates.
- 5.4 Lewes District Local Plan, Part 1 Joint Core Strategy 2010 – 2030, 2016: Core Policy 12 (Flood risk).
- 5.5 Lewes District Local Plan, Part 2 Site Allocations and Development Management Policies, February 2020: No relevant policies.

5.6 Newhaven Neighbourhood Plan 2017 – 2030, 2019: The site of the proposed building lies outside the Plan area.

5.7 National Planning Policy Framework (NPPF) 2019

The relevant parts are: 12 (Achieving well-designed places), 14 (including flood risk) and 15 (Conserving and enhancing the natural environment).

## **6. Considerations**

### **Purpose of the development**

6.1 The applicant is proposing to install a new building, a 'Zapp Shelter', at the north-eastern corner of the yard. This building would serve as a cover, or shelter, for existing, open containers, which are used for the storage of pre-sorted waste and which the EA now requires under its permitting requirements. No other changes to operations are proposed.

6.2 The site is an existing waste management facility and the proposal has been made to meet enhanced regulatory standards under the EA permit. The Waste and Minerals Plan safeguards the continued use of existing waste sites under Policy WMP6 (and under Policy SP6 of the Sites Plan) and the Plan's Schedule of Industrial Estates has identified the New Road Industrial Estate as one which is suitable for waste management activities. The proposal would seek to improve the way in which the site is operated in waste management terms and is therefore supported by the aforementioned policies.

### **Effect on amenity**

6.3 South Heighton Parish Council and two local residents have raised concerns regarding the effect of the proposal on the amenity of residents. Policy WMP25 of the Waste and Minerals Plan seeks to safeguard the amenity of persons who might be affected by a proposal, for example, through noise, dust or visual intrusion.

6.4 In terms of the potential visual effect, the proposed building would be located at the north-eastern boundary of the site and would be well screened by trees on the northern boundary which adjoins the National Park. The building would be less well screened from the east where the boundary vegetation is thinner in extent. However, this boundary abuts the A26 Trunk Road and the nearest residential properties would be about 40 metres to the south-east of the building. Existing trees along the eastern side of the A26 would also provide some visual screening to the occupiers of these properties. Views of the proposal by occupiers of properties further to the east within South Heighton, would be likely to be screened by intervening trees, or would be seen against existing structures within the industrial estate, due to the elevated nature of the land.

6.5 The proposed building is an industrial building located within an industrial estate and is therefore appropriate in its setting. Moreover, the Zapp

Shelter is a domed structure and untypical of the standard shallow pitched roof sheds, which are common in industrial estates. Consequently, the proposed design is considered to exhibit some architectural interest and, arguably, would introduce a more visually pleasing structure. As such, the proposal complies with Policy WMP23a of the Waste and Minerals Plan and raises no conflict with Policy WMP25 in relation to its effect on visual amenity. It also accords with the provisions of Part 12 of the NPPF.

6.6 It was also noted in the representations that there was the potential for the proposal to result in more noise and dust. On the contrary, as the building would be used to cover an existing operation, the proposal would be likely to result in less noise and dust. As such, it is not considered that there would be any additional adverse effect on amenity resulting from the proposal, thereby complying with Policy WMP25 of the Waste and Minerals Plan.

### **Access to culvert and flood risk**

6.7 The South Heighton Sewer is an open water course on land within the National Park to the north of the application site, which is then culverted as it enters the application site. The EA is responsible for the maintenance of this water course and had objected to the applicant's original proposal for a pitched roof building. This was because the building would obstruct access to the culvert. As the location of the building has been dictated by the location of the existing containers, the applicant has sought to find a structure that could be dismantled relatively quickly if the EA required access to the culvert. The Zapp Shelter is considered by the applicant to serve this purpose and the EA agrees, as it no longer raises an objection.

6.8 The application site is within a Flood-Zone 3 (high risk of flooding) and a flood risk assessment has been carried out by the applicant. The proposal would not result in any increase to the impermeable surface area within the site and there would be no significant increase in risk from flooding either within the site or elsewhere. Moreover, the recent construction of tidal flood defences by the EA in the locality would benefit the site and the wider industrial estate. Both the EA and the Lead Local Flood Authority raise no objections on the grounds of flood risk or drainage and therefore, the development is considered to accord with Policy WMP28a of the Waste and Minerals Plan, Core Policy 12 of the Lewes Local Plan Core Strategy and the provisions of Part 14 of the NPPF.

### **Effect on National Park**

6.9 Part of the northern area of the application site is included within the boundary of the National Park. This area forms part of the existing developed yard of the transfer station and accommodates material stockpiles. The site of the proposed building is outside the Park but is adjacent to it. However, this boundary is well screened by trees from within the Park and there are no readily available public views from this direction into the application site. The building would be used for industrial purposes within the existing transfer station and as such would maintain the *status quo* in terms of the use of the

land. The building would cover open containers and so would be likely to reduce the potential for any dust emissions into the Park, which would be beneficial.

6.10 The Park Authority has raised no objections to the proposal. It is not considered that the development would adversely affect the purposes or interests of the National Park and so raises no conflict with Policy WMP27 of the Waste and Minerals Plan and the provisions of Part 15 of the NPPF.

## **7. Conclusion and reasons for approval**

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 the erection of a new building to act as a shelter for open topped containers housing pre-sorted waste. This is a requirement of the EA and would be a benefit in managing waste at the site. The building would exhibit a domed roof and has the potential to reduce noise and dust emissions from this part of the yard. The building would be sited in close proximity to a culvert but as it could be dismantled relatively easily, access to the water course would be maintained. Although the boundary of the transfer station adjoins the National Park where the building would be located, the development would have no adverse effect on the purposes and interests of the Park.

7.3 Consequently, the proposal complies with Policies WMP6, WMP23a, WMP25, WMP27 and WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 (including Policy SP6 of the Sites Plan 2017 and Plan I/B of the Schedule of Industrial Estates 2017), Core Policy 12 of the Lewes District Local Plan, Part 1 Joint Core Strategy 2010 – 2030, 2016 and the relevant provisions of Parts 12, 14 and 15 of the National Planning Policy Framework 2019.

7.4 In considering 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 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 drawings and documents listed in the Schedule of Approved Plans.

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

#### INFORMATIVE

1. The applicant should contact the Environment Agency with regard to any effects the proposed development would have on the site's Environmental Permit and in relation to works in close proximity to a water course.

#### Schedule of Approved Plans

Planning statement, Flood Risk Assessment, 16615-PL01 - Location Plan, 16615-PL22B- Proposed Storage Shelter Plan, 16615-PL21B - Proposed Elevations, 16615-PL20B - Proposed Site Plan

RUPERT CLUBB

Director of Communities, Economy and Transport  
7 May 2020

#### **BACKGROUND DOCUMENTS**

File LW/839/CM

Planning permission LW/767/CM

The Development Plan

The National Planning Policy Framework 2019