

Committee: **Regulatory
Planning Committee**

Date: **16 October 2024**

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

Proposal: **Variation of Condition 2 of planning approval LW/786/CM to include a side roller shutter door for emergency use only on the southern elevation of the building.**

Site Address: **Unit 3, Cradle Hill Industrial Estate, Cradle Hill Road, Seaford, East Sussex, BN25 3JE.**

Applicant: **James Waste Ltd**

Application No. **LW/892/CM**

Key Issues: **1) Purpose of the development
2) Effect on Amenity**

Contact Officer: **Miss Kiran Sajjan Tel no.01273 481846**

Local Member: **Councillor Sam Adeniji**

SUMMARY OF RECOMMENDATIONS

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 located in the southern part of the Cradle Hill Industrial Estate, an established industrial area on the north-eastern outskirts of Seaford and within the development boundary. The boundary of the South Downs National Park (SDNP) is about 220 metres to the north and east of the site. The application site itself includes an existing waste transfer station (WTS), which operates from an industrial unit (Unit 3) with associated vehicular parking and access space. The WTS is not currently operational as construction works for a new transfer station are underway.

1.2 Further industrial units are located to the north and north-east of the application site and across the relatively narrow estate road to the west and north-west. The adjacent Unit 4 is to the north of the application site and is

occupied by an electrical company. Unit 2 to the south-west of the application site is occupied by a firm of Funeral Directors, which includes a chapel of rest, and a Fire Station is located further to the south-west. Seaford Town Cemetery is situated to the south and east and residential properties are to the south-east and south-west. The closest residential property is 17 Kammond Avenue, which is about 30 metres east of the application site, although the distance from the western corner of its garden to the site is about 8 metres.

2. The Proposal

2.1 Planning permission is sought to install a secondary electronically operated roller shutter door on the southern elevation of the waste transfer building. The roller shutter door would be used in emergencies or in specific situations where the main roller shutter door on the western elevation is obstructed. The applicant states that circumstances in which the proposed roller shutter door would be used include failure of the main roller shutter, firefighting, breakdown of machinery, servicing/breakdown of weighbridge and as an emergency exit.

2.2 The door opening would be 4 metres wide and 5 metres in height. The applicant has confirmed that the colour of the door would be grey to match the exterior of the building.

2.3 The plans submitted in support of the planning application also include a 1.5 metre increase in the width of the main roller shutter door on the front (western) elevation of the building.

3. Relevant Site History

3.1 Planning permission was granted in 2009 (ref. LW/581/CM) for a change of use from a disused storage unit to a waste transfer station. Later in the same year, permission was granted (ref. LW/602/CM) for a variation to Condition 4 of permission LW/581/CM to allow the storage of empty skips outside the building on its northern side. In 2011, permission was also granted (ref. LW/652/CM) for a change of use of an adjoining building to the WTS, which forms part of Unit 3, from a disused storage area to an extension of the existing WTS.

3.2 Planning permission was sought in 2016 for the demolition and replacement of the existing waste transfer station building. In March 2017, the Planning Committee resolved to refuse the application for various reasons including the scale of the building, proximity to the neighbouring cemetery and amenity concerns. Subsequently, an appeal was made to the Secretary of State. The appeal was allowed and planning permission was granted in February 2018 (Ref. LW/786/CM).

3.3 In July 2024, a non-material amendment (ref. LW/786/CMNM/2) was sought to add a roller shutter door on the southern elevation of the building and amend the parking layout and approved landscaping scheme. This application was refused as the amendments sought were not considered non-material in their effect, hence the current planning application.

4. Consultations and Representations

4.1 Lewes District Council – No response received.

4.2 Seaford Town Council – No response received.

4.3 East Sussex Fire & Rescue Service – No response received.

4.4 Local Representations – Two letters of representation have been received which raise objections to the proposal. The following concerns are raised:

- Residents of Kammond Avenue have already had to experience prolonged noise disturbance during the construction phase of the new transfer station. The additional roller shutter door would add potential for more adverse impacts.
- Concerns that the new door would be used for general work vehicles operating at the site.
- The proposal would increase noise emitted from the building.

Both representations raise points about the importance of the approved landscaping scheme to screen the building from neighbouring properties.

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 WMP23a (Design Principles for Built Waste Facilities) and WMP25 (General Amenity).

5.2 Lewes District Joint Core Strategy 2016: Core Policy 11 (Built & Historic Environment and High Quality Design).

5.3 Lewes District Local Plan Part 2: Site allocations and development management policies 2020: Policies DM23 (Noise) and DM25 (Design).

5.4 National Planning Policy Framework (NPPF) 2023: The NPPF does not change the status of the Development Plan as the starting point for decision making and constitutes guidance as a material consideration in determining planning applications. It does not contain specific waste policies but regard should be had to NPPF policies so far as relevant. Part 12 (Achieving well-designed and beautiful places) is relevant in this case.

6. Considerations

Purpose of the development

6.1 The roller shutter door for which permission is sought would not be used for day-to-day use. The main roller shutter door on the western elevation of the

permitted waste transfer building will be the primary point for entrance/egress. The purpose of this door is in case there is an obstruction or blockage to the main entrance/exit. From a health and safety perspective, the purpose of the development is considered acceptable. As noted earlier in this report, the applicant applies for the door to be used in the following circumstances: failure of the main roller shutter, firefighting, breakdown of machinery, servicing/breakdown of weighbridge and as an emergency exit. It is not considered necessary for the proposed door to be used for the purposes of breakdown or servicing of machinery. The main door on the south-western elevation is considered to be sufficient for this purpose, particularly with a wider access. A condition is recommended to restrict the use of the door for emergencies only.

Effect on amenity

6.2 Policy WMP25 of the Waste and Minerals Plan requires, *inter alia*, that proposals should have no unacceptable effects 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 there is adequate means of controlling noise, dust, litter and odours, including those arising from traffic generated by the development. Moreover, Policy DM25 of the Lewes Local Plan Part 2 requires development to contribute to the local character and distinctiveness by, *inter alia*, ensuring its siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site and ensuring there will be no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.

6.3 Policy WMP23a of the Waste and Minerals Plan requires buildings associated with waste development to be, *inter alia*, of a scale, form and character appropriate to its location. In urban fringe locations, design should complement the existing scale and built form of the local area and take account of local landscape character and distinctiveness.

6.4 Policy DM23 of the Lewes Local Plan Part 2 states that noise-generating development will only be permitted where it can be demonstrated that nearby noise sensitive uses (existing or planned) will not be exposed to noise impact that will adversely affect the amenity of existing or future users. Where appropriate, proposals will be required to mitigate noise impacts through careful planning, layout and design. In assessing mitigation proposals, account will be taken of; the location, layout and design of the proposed development; existing levels of background noise; measures to reduce or contain generated noise and hours of operation and servicing.

6.5 The proposed roller shutter door would be on the southern elevation, which is the elevation closest to residential properties in Kammond Avenue. The mechanical element of the door would have a noise impact, however this would not be excessive as the door would only be used occasionally. There is

an existing condition included on the main consent for the site which requires operational noise levels emitted from the site to be at least 5dB below the LA90 value when measured at the northern or western boundaries of the garden of 17 Kammond Avenue. Additionally, a condition is recommended to ensure the operator notifies the authority within one working day of the use of the roller shutter door to allow the Waste Planning Authority to monitor and control the use and impact of the roller shutter door.

6.6 The letters of representation raise concerns regarding noise from daily operations as a result of the proposed door being open. The applicant has confirmed that when the door is open, all operations within the building would cease. Therefore, any impact on the amenity of occupiers for neighbouring properties from the day-to-day operations within the building would be minimal. As such it is considered that the proposal complies with WMP25 of the Waste and Minerals Plan, Policies DM23 and DM25 of the Lewes Local Plan Part 2.

6.7 The increase in width of the main roller shutter is unlikely to have an adverse effect on the amenity of the locality as it fronts onto the industrial estate and would not significantly differ from the approved scheme.

6.8 In terms of its design, the additional roller shutter door would not be out of keeping with the immediate surroundings within an industrial estate. Whilst the building appears prominent in its setting when viewed from the neighbouring cemetery, the principle for the development has already been established. The proposed additional roller shutter door would not significantly alter the appearance of the southern elevation from what was originally approved.

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 Planning permission is sought for a secondary roller shutter door on the southern elevation of the permitted waste transfer building. The proposal complies with Policies WMP23a and WMP25 of the Waste and Minerals Plan and Core Policy 11 of the Lewes Local Plan Part 1 as well as policies DM23 and DM25 of the Lewes Local Plan Part 2.

7.3 In determining this planning application, the County Council has worked with the applicant and 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.

7.4 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 plans listed in the Schedule of Approved Plans and Documents.

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

3. The applicant shall provide formal notification to the County Planning Authority of the date they intend to commence the development hereby permitted.

Where development is not commenced on the date provided in the notice, the applicant must serve a new notice with an updated anticipated commencement date.

Reason: To comply with Section 93G of the Town and Country Planning Act 1990.

4. In the event that the roller shutter door hereby approved is required to be open, all operations within the building shall cease until the door is fully closed.

Reason: In the interests of protecting the amenity of occupiers of properties in Kammond Avenue in line with Policy WMP25 of the Waste and Minerals Plan and Policies DM23 and DM25 of the Lewes Local Plan Part 2.

5. The roller shutter door hereby permitted shall remain closed at all times and shall not be used other than for the purposes of firefighting, access for emergency services and as a means of escape in an emergency. Notice of the date and reason for the use of the door shall be given in writing to the waste planning authority no later than one working day after the use of the door.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

6. The colour of the door hereby permitted shall match the colour of the cladding on the exterior of the southern elevation of the building.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

7. The roller shutter door hereby permitted shall measure 4 metres wide and 5 metres in height.

Reason: For the purposes of clarity.

8. Demolition and construction works associated with the development shall accord with the details approved in East Sussex County Council's letter dated 20th November 2020, namely:

- Proposed site arrangement dwg. GRE07A rev A Jun 2020. Received 17/09/2020.
- Construction Management Plan Ref GRE 20 D. Received 20/11/2020.

The approved plan shall be implemented in full throughout the demolition and construction works.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

9. Measures to manage surface water drainage at the site shall accord with details approved in East Sussex County Council's letter dated 20th November 2020, namely:

- Expert Skips, Cradle Hill Rd, Seaford, As Built Drainage Drawing, Casey Construction Yeovil Ltd. Dated 28th May 2024. Received on 31st May 2024.

- Tanks Direct invoice for Klargestor Full Retention Separator -NSFP006 - 335M² drainage area. Dated 23/01/2024. Received on 14th June 2024.

The development shall be implemented in accordance with the approved details, and thereafter retained for the life of the development.

Reason: To ensure satisfactory drainage of the site and to prevent water pollution and to comply with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013.

10. Before the occupation of the building hereby permitted a dust mitigation scheme for the operational use of the site, including dust arising from the use of vehicles, shall be submitted to the Waste Planning Authority for approval in writing. The development shall thereafter be implemented and

operated in accordance with the approved scheme for the life of the development.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

11. The landscaping scheme shall accord with the details approved in East Sussex County Council's letter dated 19th March 2020, namely:

- Landscape Proposal Report Rev 2.3.2020. Received on 05.03.2020.

The shared wall with the cemetery will be protected from damage during any works and sufficient space shall be available to undertake planting and its subsequent management. The scheme shall thereafter be implemented and retained in accordance with the approved details.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

12. The landscape management plan shall accord with the details approved in East Sussex County Council's letter dated 19 March 2020, namely:

- Landscape Proposal Report Rev 2.3.2020. Received on 05.03.2020.

The development shall thereafter be implemented and maintained in accordance with the approved management plan.

Reason: To ensure the approved landscape scheme is effective and maintained for the lifetime of the development.

13. The building hereby permitted shall not be occupied until the parking area for employees has been provided in accordance with the details approved in East Sussex County Council's letter dated 19th March 2020, namely:

- Proposed site layout plan 1589/D003 revised and received on 25.07.2019.

The development shall be implemented in accordance with the approved details before the building is first occupied and the parking area shall thereafter be used for no purposes other than the parking of vehicles.

Reason: To ensure adequate parking is provided on site to avoid overspill onto the surrounding road network.

14. The external materials used for the construction of the building shall accord with the details approved in East Sussex County Council's letter dated 19th March 2020, namely:

- Steel powder coated goose wing grey profile single skin for roof and all walls with 15% rooflights. Steel roller shutter also in goose wing grey.

Development shall be carried out and thereafter retained in accordance with the approved details.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and to ensure the buildings appearance is sympathetic to the surroundings in accordance with Policy DM25 of the Lewes Local Plan Part 2.

15. The use of the waste transfer station shall not be carried on outside the hours of 0730 - 1800 on Mondays to Fridays inclusive and the hours of 0800 and 1600 on Saturdays, and at no time on Sundays, Public Holidays and Bank Holidays except for works of essential maintenance or which are in response to an emergency. Notice of the date, reason for and nature of the works shall be given in writing to the waste planning authority no later than one week after the carrying out such works.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

16. Except for the two containers shown on Drawing Number 1589/D003 Rev v.a, dated 9 November 2016 (Proposed Site Plan), no container, skip, sorted or unsorted waste materials including recycled materials shall be stored outside the building.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2 and the allow the Waste Planning Authority to appropriately control and regulate the site.

17. There shall be no sorting, treatment, loading or unloading of waste, recyclable materials or any other materials other than within the building.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2 and the allow the Waste Planning Authority to appropriately control and regulate the site.

18. The operational noise levels emitted from the site, measured as LAeq 1 hour (freefield) at the northern or western boundaries of the garden of 17 Kammond Avenue and in accordance with British Standard 4142:2014 shall be at least 5dB below the background LA90 value.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

19. The use of the waste transfer station shall not commence until an external lighting plan showing the location and specification of the lights and any associated structures, together with the extent of light spillage from each light, has been submitted to the Waste Planning Authority for approval in writing. The development shall be implemented and thereafter retained in accordance with the approved details.

Reason: In the interests of protecting the amenity of the locality in accordance with Policy WMP25 of the Waste and Minerals Plan and Policy DM25 of the Lewes Local Plan Part 2.

20. The development shall accord with the remediation strategy approved in East Sussex County Council's letter dated 20th November 2020, namely:
- Contamination Assessment: Intrusive Investigation August 2020. Received 17/09/2020.
 - Contamination assay 1-4
 - The Environmental Laboratory Report and spreadsheet 20-29008. Received 17/09/2020.

Any changes to these components require the written consent of the waste planning authority. The scheme shall be implemented as approved.

Reason: To ensure an appropriate method of remediation is in place in case contamination is found during the construction phase.

21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the waste planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure an appropriate method of remediation is in place in case contamination is found during the construction phase.

22. Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the waste planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure an appropriate method of remediation is in place in case contamination is found during the construction phase.

23. Prior to the commencement of any work on site details of any proposed works of piling or other penetrative foundation works and measures to

avoid the creation of preferential pathways to groundwater shall be submitted to the waste planning authority for approval in writing. The development shall thereafter be implemented in accordance with the approved details.

Reason: To protect the quality of the groundwater in the area in accordance with Policy WMP28b of the Waste and Minerals Plan 2013.

INFORMATIVES

1. The applicant is reminded that the site will be monitored as part of the County Council's Site Monitoring Policy, to ensure operations at the site remain in compliance with the conditions attached to the planning permission hereby approved.
2. The permitted site operations will enable the production of recycled aggregate to be sold from the site. As such the site operator will be required to make annual returns (detailing sales production and capacity) to the minerals planning authority in respect of the Aggregate Monitoring survey. This information will then be collated and sent to the South East Aggregate Working Party on behalf of the Government.

Schedule of Approved Plans and Documents

GRE01A Rev A Jun 2020 - Location Plan, GRE07G Rev G July 2024 - Proposed Site Plan, GRE08A Rev A Jul 2024 - Proposed elevations - amendments

RUPERT CLUBB

Director of Communities, Economy and Transport

Date:

BACKGROUND DOCUMENTS

Application File LW/892/CM

The Development Plan