

<u>No:</u>	BH2016/01592	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	Household Waste Recycling Site, Modbury Way, Hove		
<u>Proposal:</u>	Application for variation of condition 3 of application BH2015/00180 to allow the transfer facility to accept street cleansing waste, waste from communal bin operations, cardboard, green garden waste from Brighton & Hove City Council collections, re-usable, recyclable, recoverable and residual waste arising from Household Waste Recycling Sites, commercial recyclable waste and commercial residual waste for energy recovery or landfill. (Retrospective)		
<u>Officer:</u>	Steve Tremlett Tel 292108	<u>Valid Date:</u>	05/05/2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16 September 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Veolia, Poles Lane Otterbourne Winchester SO21 2EA		
<u>Applicant:</u>	Veolia Environmental Services (South Downs) Ltd, 8th Floor 210 Pentonville Road London N1 9JY		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The Hove Household Waste Recycling Site is approximately 2.0 ha with a floor area of 2800m². The site is accessed from the south side of Old Shoreham Road between No.198 and the Curry's Retail Warehouse (Nos 184-185) via long access road. To the north are industrial buildings, to the east is the Hove Technology Centre. The west flank of the site is backed on by residential dwellings with gardens in Aldrington Avenue. At the southern end of the site is a large shed where domestic refuse and the recyclable material is collected and sorted.

3 RELEVANT HISTORY

BH1997/00778/FP – Demolition of existing buildings and the erection of new civic amenity facility incorporating waste transfer, recycling and associated works.
Approved 26/09/97

BH2004/02838/FP Temporary variation of conditions attached to planning permission BH1997/00778/FP to facilitate the provision of interim facilities for municipal waste recycling & transfer comprising:

1. Condition 3 amended to permit the transfer of collected household waste and the receipt of dry recyclables.
2. Condition 5 amended to allow extended hours of operation, from 0800 -1800 Monday - Friday and 0800 -1300 on Saturdays.
3. Condition 6 amended to permit the use of HGVs for operational purposes (other than street cleansing) from 0730-1800 Monday to Friday and 0800 -1300 on Saturdays.
4. Condition 7 amended to enable use of plant from 0730-1800 Monday to Friday and from 0800 - 1300 on Saturdays and Sundays.
5. Condition 10 amended to allow an increase in tonnage restriction to 40,000 tonnes per annum.
6. Condition 17 amended to permit the fitting of a low level reversing safety alarm to transfer station loading plant.
7. Condition 28 amended to allow the placement on the ground of metal items delivered by the public, prior to loading into waste containers.
8. Condition 30 amended to permit the positioning of waste containers in the approved designated area (drawing AL-100G) except where otherwise agreed in writing with the Local Planning Authority.
9. Condition 35 amended to permit the development to be carried out with the approved plans, or where otherwise agreed in writing by the Local Planning Authority. Approved 01/12/2004

BH2006/03620 Renewal of temporary planning permission BH2004/02838/FP to allow continued interim recycling and transfer activities until 31 December 2008. Approved 15/12/2006

BH2008/03960 - Application for the variation of the following conditions attached to planning permission BH1997/00778/FP:

1. Condition 3 amended to allow the use of the waste transfer building for general household waste and the receipt of dry recyclables.
2. Condition 5 amended to allow extended hours of operation, from 0800-1700 hrs Monday to Friday and 0800-1300 hrs on Saturdays.
3. Condition 6 amended to permit the use of HGVs for operational purposes (other than street cleansing) from 0800-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays.
4. Condition 7 amended to enable use of mechanical shovels and loaders between 0800-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays.
5. Condition 10 amended to allow the site to accept 25,000 tonnes per annum.
6. Condition 11 amended to allow HGV parking along the eastern side of the waste transfer hall.
7. Condition 17 amended to permit the fitting of a low level reversing safety alarm to transfer station loading plant.
8. Condition 27 amend the wording of this condition, which restricts sale of recycled materials to a designated area, by the addition of the phrase "except where agreed in writing by the Waste Planning Authority".

9. Condition 28 amended to allow the placement on the ground of metal items delivered by the public, prior to loading into waste containers on a permanent basis.

10. Condition 30 amended to permit the positioning of waste containers in the approved designated areas (drawing LEIG/04/001/C) except where otherwise agreed in writing with the Local Planning Authority.

11. Condition 35 amended to permit the development to be carried out in accordance with the approved plans, or where otherwise agreed in writing by the Local Planning Authority. Approved 20/04/2009

BH2010/03611 Application for variation of condition 1 of permission BH2008/03960 to allow the additional use of the waste management site as a transfer facility for cardboard and green waste recycling. Approved 04/03/2011

BH2015/00180 Application for variation of condition 3 of application BH2010/03611 to allow the importation and transfer of commercial waste through the transfer station at the site. Approved 01/05/2015

Pre-Application Consultation:

Pre-application advice was provided on details of the wording and nature of the application.

4 THE APPLICATION

- 4.1 Planning permission is sought to vary condition 3 of application BH2015/00180 to allow the transfer facility to accept street cleansing waste, waste from communal bin operations, cardboard, green garden waste from Brighton & Hove City Council collections, re-usable, recyclable, recoverable and residual waste arising from Household Waste Recycling Sites, commercial recyclable waste and commercial residual waste for energy recovery or landfill.
- 4.2 Application BH2015/00180 also amended Condition 3, however the new condition restricted commercial waste imports to cardboard and green waste which was not the intention of the applicant.
- 4.3 The application seeks to regularise an activity which has been occurring at the site for the last two / three years, to allow a broader range of commercial waste to be processed at the site. The application as submitted would also permit source-separated household food waste to be managed at the site, however in response to concerns raised the applicant has indicated that this aspect of the application is no longer being pursued.
- 4.4 At the request of the applicant following the submission of the application, the condition, as proposed to be amended, now clarifies that street cleansing waste can include waste fly-tipped onto the street.

5 PUBLICITY & CONSULTATIONS

External

Neighbours:

5.1 **Eighteen (18)** letters of representation have been received from **Kensett Ltd (196 Old Shoreham Rd), 1, 3, 5, 7, 9, 10, 11, 13, 17, 21, 31, 45, 57 Aldrington Avenue, 2 Amherst Crescent, 202, 204, 206 Old Shoreham Road** objecting to the application for the following reasons:

- Additional traffic;
- Reduced safety on the access road;
- Odour resulting from storage of food waste;
- Problems with vermin;
- Increased noise;
- The junction with Old Shoreham Road is not easy to navigate, and will be made worse with the increase in disposal and collection vehicles;
- Adverse impact on the enjoyment of gardens;
- Screens at the centre are broken and inadequate;
- Disposal of this kind of waste in the middle of a residential area is completely unacceptable;
- Increase in garden plants dying due to chemicals;
- Reduction in house values;
- East Brighton HWRS is a more appropriate location;
- Current planning conditions are frequently broken;
- Increasing the capacity of the site will exacerbate dust, smell and litter;
- If Veolia wish to mix this food waste with green waste it should go directly to their Whitesmith site;
- Permission should not be granted unless and until we have seen a full investigation into dumping food in a residential area;
- Application doesn't make clear how future abuse of permission will be mitigated

Internal:

5.2 **Environmental Health:**

Comment - From a departmental perspective, my concern is odour, as the site has been subject of numerous odour complaints which follow a seasonal pattern in the warmer months which is typically when residents might wish to enjoy external areas such as gardens. There have not been recent complaints and this may in part be due to the fact that the site management used to operate an extraction system for the tipping hall which exhausted air into the external environment. This has since ceased.

5.3 What this application fails to do is define an odour management plan that specifically addresses the additional odour potential from this new waste stream of source separated food waste. I do not believe that the current odour mitigation measures are sufficient to manage this new waste stream and I have no revised odour management scheme to assess and have confidence in ensuring that this waste will not cause odour problems to adjacent neighbours. We are now looking at a new application where the character of the waste is changing and it is proposed to include source separated food waste which will by its very character generate odour. I understand that this waste will vary in age and where it is in the decomposition process. Decomposed food generates odour.

- 5.4 Whilst I am happy that commercial waste may continue and the consent altered to allow this, I have my reservations over the introduction of source separated food waste being added to the permitted waste streams.
- 5.5 **Sustainable Transport:** Support - The Highway Authority would not wish to object to the above application. Whilst it is noted that that the volume of waste transported to and from the site will increase, this remains within currently permitted levels. As such it is not considered that refusal on the grounds of additional traffic would be warranted in this instance.
- 5.6 The Highway Authority would look for the previous conditions included on planning permission BH2015/00180 to be included on any new permission granted.
- External:**
- 5.7 **Southern Water:** Southern Water has no comments to make in respect of the above variation of condition application submitted.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016);
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.
- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP9 Sustainable transport

Brighton and Hove Local Plan (retained policies March 2016):

TR7 Safe Development
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD27 Protection of amenity

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan

WMP6 Safeguarding Waste Sites
WMP18 Transport – Road, Rail and Water
WMP22 To enable expansions of capacity or alterations to operations within existing waste management facilities
WMP25 General amenity
WMP26 Traffic Impacts

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the facilitation of sustainable waste management, impact on the amenity of neighbouring residents, an increase in activity on site including lorry journeys, and the impact on road journeys and the environment arising from the increase in journeys to and from the site. Matters relating to property values are not material planning considerations.

Planning Policy:

8.2 Waste & Minerals Plan Policy WMP22 relates to alterations to operations within existing waste management facilities. The policy wording specifically relates to increases in operational capacity, which is not proposed through this application. However, the application is in conformity with the supporting text which encourages alterations to operations on existing sites to support more sustainable waste management and the movement of waste up the waste hierarchy. The application will enable better use to be made of an existing waste management facility which currently has spare capacity.

Impact on Amenity:

8.3 Waste & Minerals Plan Policy WMP25 covers general amenity considerations including odour when considering waste proposals, as well as consideration of the impact on air quality. Similarly Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

8.4 As originally submitted, the application proposed the importation of source separated food waste. The large shed is fitted with odour controllers and there have been no complaints within the past two years. However concerns have been raised by residents and the Environmental Health Team regarding possible odour impacts resulting from separated food waste being stored outside of black bags. These concerns have led the applicant to indicate that the food waste element of the proposal is no longer pursued.

- 8.5 Without the food waste element of the proposal, the impact on amenity does not raise a concern. Commercial waste generally has similar characteristics to household waste, and has been processed through the site for approximately two years. Evidence from Environmental Health indicates there have been no complaints regarding odour during this period.

Sustainable Transport:

- 8.6 Waste and Minerals Plan Policy WMP18 deals with minimising the environmental impacts arising from the transportation of waste by road.
- 8.7 Condition 9 of the substantive consent restricts the total cumulative volume of waste that may be handled on this site per annum to 25,000 tonnes. It is not proposed to alter this condition and the maximum permitted waste throughput of the site will therefore remain unaltered.
- 8.8 The applicants have submitted a table of waste journeys and tonnage for the past 12 months. Householder waste accounted for significantly the largest volume of waste (900-1150 tonnes) and average daily journeys (1400). Commercial waste accounted for between 6-12 daily lorry movements and 200-550 tonnes per month. In addition the contract waste for the City Council's street cleaning and communal bins amounted to 10-20 daily movements with one tonne per load. More significantly, the facility has been and will continue to operate well within its permitted capacity as required by condition.
- 8.9 As set out in the application details, the proposed variation to the condition 3 of the 2015 consent would avoid some commercial waste vehicles arriving from the west having to traverse the City to Hollingdean which would reduce the length of journeys, the volume of vehicular emissions and noise, disturbance and vibration along the extended journey. The Transport team have raised no objections subject to re-imposition of the transport related conditions from the substantive consent (BH2015/00180).

9 CONCLUSION

- 9.1 The variation of Condition 3 of the previous consent (BH2015/00180) to allow the processing of commercial waste is considered to be acceptable and would make a modest change to vehicle trips and waste volume passing through the site. The data submitted demonstrates that the facility would still be operating well within the limits imposed by the existing consent and that there would not be any significant harm caused to residents arising from the increase in activity which has been operating for two years already. It is considered that the benefits of reducing journey lengths for commercial vehicles to use this site would be of wider benefit and would result in a more sustainable operation. The proposal would thus comply with adopted policies in the Waste and Minerals Plan, City Plan, Local Plan and the NPPF.

10 EQUALITIES

10.1 There are no equalities issues raised by this application.

11 CONDITIONS / INFORMATIVES

Regulatory Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings no.AL-100G, 101D, 102D, 103A, 106D received on the 23rd and 25th September 1997 and LEIG/04/001/A/1, B & C received on 13th and 22nd January 2009 and 21st January 2015.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2) Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no fixed plant or machinery, building, or structure shall be erected, installed or replaced within the site without the prior approval in writing by the Local Planning Authority.
Reason: Due to the proximity of the proposed development to residential property there is an exceptional need to secure control over additional plant and machinery in the interests of protecting residential amenity and in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 3) The premises shall be used for no other purpose than as a Household Waste Recycling Site and transfer facility for commercial waste, street cleansing waste (including fly tipped waste and bulky waste collections), communal bin operations, cardboard and green waste, and on occasions when the Hollingdean MRF or WTS facility are unavailable or where there are other exceptional operational conditions the site shall also be used as a transfer facility for kerbside collected waste and recyclables (not to exceed 20 days per year, except where agreed in writing by the Local Planning Authority).
Reason: Due to the proximity of residential properties there is a need to secure control over additional activities on the site in the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
- 4) The premises shall be not be open to and in use by the public except between the hours of 0800-1630 hrs on Monday to Fridays, 0830-1330 hrs on Saturdays and 1030-1330 hrs on Sundays and not at any time on Bank Holidays.
Reason: To safeguard residential amenity and in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 5) Containers receiving waste shall not be emptied on site or collected except between the hours of 0800-1700 hrs Monday to Friday and 0800-1300 hrs on Saturdays and not at any time on Sundays or Bank holidays.
Reason: In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove

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Waste and Minerals Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

- 6) Other than street cleansing, no HGVs shall be used for operational purposes except between the hours of 0800-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays and at no time on Bank Holidays.
Reason: In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
- 7) Mechanical shovels and loaders shall only be used between 0800-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays and at no time on Bank or Public Holidays.
Reason: In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
- 8) No vehicles required for the operation of facilities shall be used on the site unless fitted with silencers maintained in accordance with manufacturer's recommendations and specification.
Reason: To safeguard residential amenity and in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 9) The tonnage of waste accepted by the civic amenity facility shall not exceed 25,000 tonnes per annum.
Reason: In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
- 10) HGV parking shall be restricted to the area hatched in blue as shown on drawing LEIG/04/001/B received on the 13th January 2009 which shows HGV parking along the eastern side of the waste transfer hall. Any HGV will be either empty or contain dry recyclables only.
Reason: In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, policy CP9 of the Brighton & Hove City Plan Part One and policies QD27 and SU10 of the Brighton & Hove Local Plan.
- 11) The transfer station loading plant shall be fitted with of a low level reversing safety alarm. Prior to their installation, details of the safety reversing devices shall be submitted to and agreed in writing with the Local Planning Authority and thereafter retained.
Reason: To prevent noise breakout and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 12) The localised acoustic screen within the central area of the car park shall be retained on site.

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Reason: In order to protect adjoining residential properties from noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 13) The 'push wall' along the western facade of the waste transfer building shall be independent from the external building fabric.

Reason: To minimise impact noise breakout and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.

- 14) All glass, hardcore, asbestos, metal and paper recycling/collection containers shall be sited on the eastern elevation of the centrally positioned acoustic screen.

Reason: To minimise noise and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton and Hove Local Plan.

- 15) The shutters and pedestrian doors on the southern elevation of the waste transfer building shall remain closed at all times other than of exit and access and shall be fitted with an automatic closing device.

Reason: To minimise noise and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton and Hove Local Plan.

- 16) The 7m high building on the western boundary of the site shall not be used for the siting of waste collection containers.

Reason: To minimise noise and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton and Hove Local Plan.

- 17) No materials shall be burnt on site.

Reason: To safeguard residential amenity and in accordance with policy QD27 of the Brighton and Hove Local Plan.

- 18) Prior to the use of the additional areas for sales of recycled materials outside of the designated area, a plan shall be submitted indicating the location of the proposed areas to the Local Planning Authority for approval in writing. The plan as approved shall be implemented in accordance with the agreed details.

Reason: To secure control over activity occurring on the site and in the interests of protecting residential amenity in accordance with policies WMP6 and WLP35 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policy QD27 of the Brighton & Hove Local Plan.

- 19) Metal items delivered by the public can be placed on the ground prior to loading into waste containers on a permanent basis. No other waste material shall be tipped onto the ground outside of the waste transfer building for storage purposes, sorting or loading into skips.

Reason: To secure control over activity on the site in order to safeguard residential amenity and to prevent ground water pollution in accordance in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policies SU9 and QD27 of the Brighton & Hove Local Plan.

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- 20) No mechanical crushing or screening of stone, concrete, bricks, planings, asphalt or hardcore shall take place on the application site.
Reason: To safeguard residential amenity and in accordance with policy QD27 of the Brighton and Hove Local Plan.
- 21) The waste containers shall be positioned as shown on drawing LEIG/04/001/C, unless otherwise agreed in writing with the Local Planning Authority.
Reason: To control the level of activity on the site and in accordance with policies WMP6 and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan policies SU9 and QD27 of the Brighton & Hove Local Plan.
- 22) The acoustic fencing positioned along the south western corner of the site shall be retained on site.
Reason: In order to protect adjoining residential properties from noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The variation of Condition 3 of the previous consent (BH2015/00180) is considered to be acceptable and would make a modest change to vehicle trips and waste volume passing through the site. The data submitted demonstrates that the site would still be operating well within the limits imposed by the existing consent and that there would not be any significant harm caused to residents arising from the increase in activity which has been operating for 2 years already. It is considered that the benefits of reducing journey lengths for commercial vehicles to use this site would be of wider benefit and would result in a more sustainable operation. Concerns regarding food waste processing have been overcome by the applicant indicating that aspect of the application is not being pursued.

