

<b><u>No:</u></b>	<b>BH2016/05369</b>	<b><u>Ward:</u></b>	<b>Hollingdean &amp; Stanmer</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Veolia Environmental Services South Down Ltd Hollingdean Lane Brighton</b>		
<b><u>Proposal:</u></b>	<b>Application for temporary variation of conditions 3, 4 &amp; 5 of BH2013/02219 (original application BH2006/00900) to allow the operation of the Waste Transfer Station (WTS) and the Materials Recycling Facility (MRF) and the importation and export of waste on the 26th December 2016.</b>		
<b><u>Officer:</u></b>	<b>Luke Austin, tel: 294495</b>	<b><u>Valid Date:</u></b>	<b>21/09/2016</b>
<b><u>Con Area:</u></b>	<b>n/a</b>	<b><u>Expiry Date:</u></b>	<b>21/12/2016</b>
<b><u>Listed Building Grade:</u></b>	<b>n/a</b>		
<b><u>Agent:</u></b>	<b>Veolia Environmental Services, Poles Lane Otterbourne Winchester SO21 2EA</b>		
<b><u>Applicant:</u></b>	<b>Veolia ES (South Downs) Ltd, 210 Pentonville Road London N1 9JY</b>		

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives: (to follow on Additional Representations list)

## 2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 Hollingdean Waste Transfer Station (WTS) and Materials Recovery Facility (MRF) is located on the corner of Upper Hollingdean Road and Hollingdean Lane. The facility abuts the Lewes to Brighton railway line and is also adjacent to the City Clean depot. The topography of the site slopes steeply from west to east.
- 2.2 The site is overlooked by its adjoining neighbours, Downs Infants School is immediately to the North West of the site and due to the steep topography of the surrounding terrain, the school looks directly over the facility's buildings. Similarly to the south east of the site, Princes Road rises up towards the south with residential properties overlooking the site and the adjacent railway line. Although, further away to the north and on the other side of Upper Hollingdean Road, residential properties on Davey Drive also partially overlook the site.

- 2.3 On the site itself there are three buildings consisting of the MRF to the west and highest part of the site, the WTS in the centre of the site and at the lowest level, the office and education facility building. Vehicular access is gained from Hollingdean Lane through a weighbridge station whereby vehicles destined for tipping manoeuvre around a central hard standing before accessing either the MRF or the WTS. Vehicular access around the perimeter of each building has been provided for access to separate loading bays to the rear of either the WTS or the MRF.
- 2.4 Planning permission is sought for the variation of conditions 3, 4 and 5 of **BH2013/02219** to allow the operation of the Waste Transfer Station (WTS) and the Materials Recycling Facility (MRF) and the importation and export of waste on 26 December 2016.
- 2.5 The variation of the conditions would allow for operational changes to the site to enable the City Council as the Waste Authority to have greater flexibility in terms of collecting waste to allow operations to take place on 26 December 2016.
- 2.6 The supporting documentation accompanying the application states that the additional operations are required on 26 December 2016 to ensure that a satisfactory waste collection service is maintained for all residents over the Christmas and New Year period. In previous years, a 'catch up' service has been operated by undertaking waste collection on Saturdays but this has not proved to provide an acceptable level of service, with services disrupted for up to 3 weeks. According to the supporting documentation, the variation of the conditions to allow operations to take place on Boxing Day, will have a more normal pattern of waste deliveries and of exports such that there would be less waste stored in the WTS.
- 2.7 The site has a number of conditions of which 3, 4, 5 restrict hours of operation for the MRF and WTS.
- 2.8 Condition 3 of **BH2013/02219** currently sets out the permitted times for the receipt and removal of materials at the MRF, including the operating hours of 07.00 to 22.00 Monday to Sunday including Bank Holidays except on Christmas or Boxing Day.
- 2.9 The application seeks to maintain the operational hours but seeks to permit use of the MRF on Boxing Day.
- 2.10 Condition 4 of **BH2013/02219** sets out the permitted times for the receipt and removal of materials at the WTS of 07.00 to 22.00 Monday to Sunday including Bank Holidays except on Christmas or Boxing Day.
- 2.11 The application seeks to maintain the operational hours but seeks to permit use of the WTS on Boxing Day.
- 2.12 Condition 5 of **BH2013/02219** sets out the permitted times for the receipt and handling of waste materials from communal bins within the WTS. Clause 5 iii)

states that there would be no HGV movements for the importation or export of waste and recyclable materials on Christmas Day and Boxing Day (with the exception of waste from street cleaning and litter collection).

### 3. RELEVANT HISTORY

**BH2013/02219:** Application for variation of conditions 3 and 4 (relate to opening hours), 5 and 6 (relate to HGV movements) and removal of condition 21 of application **BH2011/03179** (Original application number **BH2006/00900**) to allow operational changes to the Materials Recovery Facility (MRF) and Waste Transfer Site (WTS). Approved 16 August 2013.

**BH2011/03179:** Application for variation of condition 39 of application **BH2006/00900** (Construction and operation of a Materials Recovery Facility, Waste Transfer Station and Visitor Centre/Office building and ancillary infrastructure including gatehouse building and weighbridge, parking and highway revisions including creation of new access off Upper Hollingdean Road) to read: The permanent public art display hereby approved shall be carried out in strict accordance with drawings no. LD1, LP1, NTS 7, RL1, Planning Statement, Expression of Interest, Shortlist Submission Development Details, Jointing/fixing Technique Dibond Technical Brochure and RGB Flexible Lighting Module received 19 October 2011 and shall be installed within 12 months of this permission. The public art display shall thereafter be permanently retained as such. Approved 18/01/2012.

**BH2006/00900:** Construction and operation of a Materials Recovery Facility, Waste Transfer Station and Visitor Centre/Office building and ancillary infrastructure including gatehouse building and weighbridge, parking and highway revisions including creation of new access off Upper Hollingdean Road. Approved 19/06/2006.

### 4. REPRESENTATIONS

4.1 **Twelve (12)** letters of representation have been received from the occupiers of **13 Ashdown Road; 34 Belton Road; 4, 8 D'Aubigny Road; 36B, 55 Princes Road (x2); 58 Richmond Road; 47 Roundhill Crescent; The Round Hill Society, 51 Upper Lewes Road, 1 anonymous objecting** to the proposal on the following grounds:

- The site is extremely noisy, smelly, dusty and results in noise and air pollution;
- It is impossible to plan for a quiet, relaxing time;
- It is not reasonable to keep changing the conditions to remove the respite neighbours have;
- At first Sundays were quiet and then changes were made, then Bank Holidays except Christmas. Two days a year is all the respite residents get;
- A temporary consent will lead to a permanent request;

- If this one day represents a massive generation of wastes and recyclables, then collections continue as usual, but the material be delivered direct to the incinerator at Newhaven;
- The documentation does not cover the reasons for the proposal and an estimation of how much will be used.

## 5. CONSULTATIONS

### 5.1 Internal

5.2 **Environmental Health:** No comment. This particular application seems a temporary relaxation of the site to not work on Boxing Day. By temporarily removing the condition, the site will be free to operate a reduced service which is felt to be essential to ensure that the site is able to cope with the cities refuse demands over the Christmas and holiday periods. There are no current noise complaints and no further comments are provided.

5.3 **Sustainable Transport:** No objection. It is not considered that this would have substantial highway and transportation implications.

## 6. MATERIAL CONSIDERATIONS

6.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report.

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 Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

## 7. POLICIES

The National Planning Policy Framework (NPPF)

East Sussex and Brighton & Hove Waste Local Plan (February 2006)  
WLP8 Site-specific Allocations for Material Recovery Facilities / Waste Transfer Facilities

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan  
(February 2013)

WMP6	Safeguarding Waste Sites
WMP18	Transport - Road, Rail and Water
WMP23a	Design Principles for Built Waste Facilities
WMP25	General Amenity
WMP26	Traffic Impacts
WMP27	Environment and Environmental Enhancement
WMP28b	Water Resources and Water Quality

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP11	Flood risk
CP12	Urban design
CP15	Heritage

Brighton & Hove Local Plan:

TR4	Travel Plans
TR7	Safe development
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR14	Cycle access and parking
TR15	Cycle network
TR18	Parking for people with a mobility related difficulty
SU3	Water resources and their quality
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
QD5	Design – street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD25	External lighting
QD27	Protection of amenity
HO19	New community facilities
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting setting of Conservation Areas
HE12	Scheduled ancient monuments and other important archaeological sites

**8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the impact of the use of the facilities on Boxing Day upon the amenity of the adjoining occupiers and also the impact of the proposals upon the existing highway network.

- 8.2 The application is sought for a temporary period for Boxing Day 2016.
- 8.3 **Background:**  
Permission was granted under planning application reference **BH2006/00900** for the use of the site as a materials recovery facility and waste transfer station. The combined throughput of both facilities is restricted to 160,000 tonnes of waste per year.
- 8.4 The MRF which is located to the western boundary of the site receives separated recyclable material from kerbside collection schemes, recycling points and household waste recycling sites, such as paper, metal, cardboard, glass and plastic. It is then further separated and bulked, ready for onward transfer to processing companies for recycling.
- 8.5 The WTS located to the southern boundary of the site receives general household waste from collection rounds and it is then bulked for collection By HGVs who would then take it off the premises.
- 8.6 A full Environmental Statement was submitted as part of the original application (planning reference **BH2006/00900**). The original ES concluded that the proposal would not have a significant adverse impact on the environment including in terms of traffic generation and highway safety, residential amenity, visual amenity, ecology of the site and amenity of the locality in general. This ES also assessed the development with Monday to Sunday 7 day operation between the hours of 07.00 and 22.00.
- 8.7 Application **BH2013/02219** extended the hours of operation to include bank holidays. The proposal also sought to simplify the timing of the existing vehicular movements and to restrict the requirement for tipping.
- 8.8 The current scheme proposes to allow operations to take place on Boxing Day 2016. All other operational requirements and restrictions would remain as the previous permissions. There would be no increase in the volume or tonnage of waste handled by the facility.
- 8.9 **Impact on Amenity:**  
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use 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. Local Plan policies SU9 and SU10 seek to ensure that development which may be liable to cause pollution and/or nuisance are appropriately conditioned to ensure that the local amenity is not compromised
- 8.10 The application proposes to allow operational development to take place on Boxing Day 2016. The hours of operation would remain as **BH2013/02219**.

- 8.11 In terms of noise impact, Environmental Health Officers have commented on the application and have advised that given the works only relate to introduce collections on Boxing Day for this year only, the proposal is unlikely to have a detrimental impact on amenity. Environmental Health do not have any outstanding noise complaints for the site.
- 8.12 Turning to odour, a number of objections relate to increased odour, resulting from the use of the site as a WTF and MRF. The continued use of the site on Boxing Day may reduce the potential for odours from being created. In theory the intention of working more days, refuse would be collected quicker and not have the opportunity to deteriorate and generate odours. This is particularly relevant to this scheme, given that previous years the non-working days can result in up to three weeks delays which could potentially lead to increased levels of odour from rubbish and recycling been stored.
- 8.13 Hollingdean Road is located within AN Air Quality Management Area. The Councils Environmental Health team has reviewed the submitted supporting information and consider that the proposed changes are not likely to be significant in terms of their impact upon air quality. This is due to there being no additional vehicular movements to and from the site.
- 8.14 It is noted that the adjoining residents currently do not experience continued working at the site on Boxing Day, however it is not considered that the proposed variation of conditions would result in a significant impact upon the amenity of the adjoining residents in terms of noise and disturbance, odour or air quality in accordance with policies QD27, SU9 and SU10 of the Brighton and Hove Local Plan.
- 8.15 Sustainable Transport.  
The Sustainable Transport team have not raised any objection to the scheme and have advised that given the proposal would not result in additional transport movements at the site.
- 8.16 **Conclusion**  
The proposed variation of the conditions would not result in a significant impact on the amenity of adjacent properties or highways safety and congestion. The variation would also allow the site to continue operating in an efficient and effective manner in accordance with local plan policies in respect of a city wide approach to waste management.

## **9. EQUALITIES**

- 9.1 None identified.

