

<u>No:</u>	BH2025/00747	<u>Ward:</u>	Westdene & Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	BHCC Household Waste Recycling Site Modbury Way Hove BN3 7DU		
<u>Proposal:</u>	Installation of a fire tank and pumphouse.		
<u>Officer:</u>	Helen Hobbs, tel: 290585	<u>Valid Date:</u>	01.04.2025
<u>Con Area:</u>		<u>Expiry Date:</u>	27.05.2025
<u>Listed Building Grade:</u>		<u>EOT:</u>	31.08.2025
7Agent:	Veolia ES (UK) Ltd Springfield Farm Quarry Broad Lane Beaconsfield HP9 1XD		
Applicant:	Veolia ES (South Downs) Ltd 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 below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan	VES_TD_LEIGH_200_003	A	10-Jul-25
Block Plan	VES_TD_LEIGH_200_000	A	10-Jul-25
Proposed Drawing	VES_TD_LEIGH_200_002		01-Apr-25
Proposed Drawing	VES_TD_LEIGH_200_004		01-Apr-25

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

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The development hereby permitted shall implement the following precautionary working methods during site clearance to minimise the likelihood of harm to protected species;

- a) Vegetation shall be cleared in two phases, with the direction of clearance towards open ground/permeable boundary features to allow any animals

present to safely disperse. The first cut shall be no lower than 15cm with a second cut 25 hours later to ground level; and

- b) Any piles of spoil or other materials shall be carefully dismantled by hand.

Reason: To ensure that any adverse impacts on protected species from development activities are mitigated and works comply with the Protection of Badgers Act 1992, Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017, as amended and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 4. The development hereby permitted shall not be first used until a Completion Report, evidencing the habitat enhancements set out in the approved Biodiversity Gain Plan and Habitat Management and Monitoring Plan, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

- 5. No development shall take place until a Habitat Management and Monitoring Plan (HMMP) has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall accord with the approved Biodiversity Gain Plan (BGP) and include:

- i) A non-technical summary
- ii) The roles and responsibilities of the people or organisations delivering the HMMP
- iii) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan
- iv) The management measures to maintain habitat in accordance with the approved BGP for a period of 30 years from the first use of the development
- v) The monitoring methodology and frequency in respect of the created or enhanced habitat
- vi) Provision for the identification, agreement and implementation of contingencies and/or remedial actions where the results from monitoring show that the conservation aims and objectives of the HMMP are not being met.

The created/enhanced habitat specified in the approved BGP shall be provided and thereafter managed and maintained in accordance with the approved HMMP. The habitat monitoring shall be submitted to and approved in writing by the Local Planning Authority in accordance with the methodology and frequency specified in the approved Habitat Management and Monitoring Plan.

Reason: To ensure the development delivers biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act, Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove

City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.

6. The development hereby permitted shall not be first used until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies DM20 and DM40 of Brighton & Hove City Plan Part 2.

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. No development (including any demolition, site clearance or enabling works) shall take place until:
 - (a) A Biodiversity Gain Plan (BGP) has been prepared in broad accordance with the Biodiversity Net Gain Assessment dated July 2025 and prepared by Steven Pagett Ecological Services Ltd; and
 - (b) The BGP has been submitted to and approved in writing by the Local Planning Authority.

Reason: Based on the information available, this permission will require the approval of a Biodiversity Gain Plan by the local planning authority before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply. The effect of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission granted for the development is deemed to have been granted subject to the condition ("the biodiversity condition")

3. The Biodiversity Gain Plan must relate to development for which planning permission is granted, and specify as a minimum the following matters:
 - i) Information about the steps taken or to be taken to minimise the adverse effect of the development on biodiversity,
 - ii) A completed Metric tool calculation
 - iii) The pre-development biodiversity value of the onsite habitat (shown on scaled plans),
 - iv) The post-development biodiversity value of the onsite habitat (shown on scaled plans),
 - v) Any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
 - vi) Any biodiversity credits purchased for the development.
 - vii) Any such other matters as the Secretary of State may by regulations specify including the requirements of Article 37 C of the Town and

Country Planning (Development Management Procedure) (England)
Order 2015 (as amended)

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The Hove Household Waste Recycling Site is approximately 2.0 ha with a building with the floor area of 2800m². The site is accessed from the south side of Old Shoreham Road between No.198 and the Barker and Stonehouse Furniture show room (Nos 184-185) via a 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.
- 2.2. The application seeks permission for the installation of a fire tank and pumphouse, to be located in the southwest corner of the site. The proposed fire tank would measure 10m by 5.5m and 4m in height. The proposed pumphouse measures 6m by 4m and 4m in height. These facilities are required to comply with the Environment Agency Fire Protection Plan (FPP) legislation and to be used in an emergency should there be a fire at the site.

3. RELEVANT HISTORY

- 3.1. **BH2020/03516** - Variation of conditions 5, 6, 7, 14 and 21 of application BH2016/01592 (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)) to allow change of hours and where materials are stored. Approved 12/03/2021.
- 3.2. **BH2016/01592** - 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). Approved 14/09/2016.
- 3.3. **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

- 3.4. **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
- 3.5. **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
- 3.6. **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
- 3.7. **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
- 3.8. **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

4. REPRESENTATIONS

- 4.1. In response to publicity, responses were received from **eleven (11)** individuals, objecting to the proposed development for the following reasons:
- Increase in noise and vibration
 - Increase in smells and flies
 - Visual impact
 - No justification for the location and need of the tank
 - Proximity to neighbours
 - Impact on neighbour garden walls
 - The applicant has not consulted with residents
- 4.2. **Councillor Bageen** has objected to the application. The full representation is attached to this report.
- 4.3. Full details of representations received can be found online on the planning register.

5. CONSULTATIONS

- Internal:
- 5.1. **Environmental Health: Comment**
Veolia ES (South Downs) Ltd (Veolia) operates the Integrated Waste Management Service for East Sussex County Council (ESCC) and Brighton & Hove Council. It is proposed to erect a fire tank and pumphouse on site to comply with Environment Agency Fire Protection Plan (FPP) legislation. This would be located close to the southern boundary of the wider site.

- 5.2. Several objections have been submitted in relation to this application. The objections relate mainly to noise of the development, odour and visual amenity of the area.
- 5.3. Conditions are recommended for the site to safeguard the amenity of neighbouring properties.
- 5.4. **Planning Policy:** No Comment received.
- 5.5. **Sustainable Transport:** No objection
The site is located outside of the public highway, so the proposed development is not expected to have any impact on the public highway.
- External:
- 5.6. **Environment Agency:** No Objection
Advice is provided for the applicant to review in regard to any hazardous waste that might be found on site.
- 5.7. **Ecology:**
Initial Comment 2/07/2025
Insufficient information has been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement.
- Final Comment 22/08/2025
- 5.8. The additional information is satisfactory and the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions securing Biodiversity Net Gain and Ecological enhancements.
- 5.9. Full details of consultation responses received can be found online on the planning register, with the exception of the verbal responses noted above.

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 City Plan Part Two (adopted October 2022);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024; revised October 2024);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);

- Shoreham Harbour JAAP (adopted October 2019).

7. RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One:

CP8	Sustainable buildings
CP9	Sustainable transport
CP10	Biodiversity
CP12	Urban design

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM40	Protection of the Environment and Health - Pollution and Nuisance

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The principle of the use of the site for waste management purposes has been long established, and appropriate mitigation measures put in place such as limiting the hours of operation, the type of waste that can be managed on the site and acoustic fencing. As set out above, the proposed facilities, namely a fire tank and pumphouse, are required to comply with the Environment Agency Fire Protection Plan (FPP) legislation.

- 8.2. The main considerations in the determination of this application relate to the impact on the character and appearance of the site and surrounding area from the proposed additional facilities, the impact on neighbouring amenity and any biodiversity/transport impacts.

Design and Appearance

- 8.3. It is proposed to erect a fire tank and pumphouse on site to comply with the Environment Agency Fire Protection Plan (FPP) legislation. These facilities would be located close to the southern boundary of the wider site. The proposed fire tank would measure 10m in length, 5.5m in width and 4m in height. The proposed pumphouse would measure 6m in length, 4m in width and 4m in height. They would sit on a plinth slightly larger than the overall dimensions to provide a stable base. The materials proposed include galvanised steel with the fire tank coloured grey and the pump house coloured green.
- 8.4. The development would not be highly visible due to its siting away from public vantage points, as well as the existing boundary treatments. Even when visible

from neighbouring properties, they would not look out of keeping given the use and other buildings / structures on the wider site.

- 8.5. Overall, it is considered that the proposal would not therefore adversely harm the character and appearance of the site or the wider area and would comply with design policies above.

Impact on Amenity:

- 8.6. The development would be located approximately 12m from the side boundary of the site which borders with No. 1 and 3 Aldrington Avenue and no. 2 Amherst Avenue. The properties have long rear gardens, with no. 1 having a large garden studio built adjacent to the shared boundary with the application site.
- 8.7. The height and scale of the structures, given their siting and height, would not significantly detract from the amenity of these neighbouring properties. They are unlikely to result in any significant loss of light, outlook or have an unneighbourly, overbearing or enclosing impact. It is also noted that this section of shared boundary benefits from substantial planting and tree coverage which will further minimise any impacts of the development.
- 8.8. A number of representations from neighbouring properties have raised concerns regarding additional noise, additional odours and air pollution. The development is unlikely to result in a significant increase in these concerns. Environmental Health have commented on the application and have recommended conditions to secure noise levels of the plant and machinery incorporated within the development and hours of use which are to coincide with the site opening times. The agent has confirmed that the development will remain dormant unless required for emergencies. There is a weekly test which would last approximately 20 minutes once a week and which would not be carried out within unsociable hours. It is therefore considered that it is not reasonable to control the hours of use, as the primary function of the development is for use during an emergency. Overall, it is considered that the any additional noise from the development would not be significant. To further safeguard the neighbouring properties, a condition will be imposed to secure further details of soundproofing and suitable treatment of sound and/or vibration, as no details have been submitted with the application.
- 8.9. Subject to compliance with the conditions, it is considered that the development would not have a significantly harmful impact on neighbouring amenity.

Biodiversity:

- 8.10. Further information has been provided by the applicant since submission, which confirms that a total of two trees will be removed to facilitate the proposal (one sapling and one semi-mature sycamore, which are not covered by any Tree Preservation Orders). Sufficient evidence has been provided by the applicant to assess that neither of these trees has the potential for roosting bats.

- 8.11. The revised Biodiversity Metric is considered sufficient by the County Ecologist. It is proposed to plant ten small trees in the southwest corner of the site; however, the County Ecologist has raised some concerns regarding the number of trees within the identified area, which could compromise the long-term viability of the new trees. The final BNG approach however will be secured by condition (and the final number of replacement trees agreed), and the applicant should review the full comments of the County Ecologist. It may be the case that the applicant will need to purchase units from a Habitat Bank or Statutory Biodiversity credits to make up the 10% BNG.
- 8.12. The County Ecologist has recommended a condition to ensure that precautionary working methods are followed during site clearance due to the potential for the site to house opportunistic mobile species such as reptiles and hedgehogs.

Sustainable Transport:

- 8.13. Given the nature of the development and the location of the site, there would be no significant impacts on the transport network and the application is acceptable in this regard.

9. EQUALITIES

- 9.1. Section 149(1) of the Equality Act 2010 provides:
- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers considered the information provided by the applicant, together with the responses from consultees (and any representations made by third parties) and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.