

## REGULATORY COMMITTEE

### PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes, on 25 February 2009.

---

PRESENT- Councillor Tunwell (Chairman), Councillors Daniel, Ost, Taylor and Woodall

#### 62. MINUTES

62.1 RESOLVED – to approve as a correct record the minutes of the previous meeting held on 21 January 2009.

#### 63. APOLOGIES

63.1 Apologies for absence were received from Councillor Maynard and Councillor Stogdon.

#### 64. REPORTS

64.1 Copies of the reports and documents referred to below are contained in the minute book.

#### 65. DECLARATIONS OF INTEREST

65.1 Councillor Daniel declared a personal and non-prejudicial interest in item 5A in that he is a member of Hastings Borough Council who had been consultees on the application; however he confirmed that he had not been involved in the consultation.

65.2 Councillor Wilson declared a personal and non-prejudicial interest in item 5A in that he is a member of Hastings Borough Council who had been consultees on the application; however he confirmed that he had not been involved in the consultation. He also advised that he lived in the vicinity of the application site but did not consider that his interest was prejudicial.

#### 66. CHANGE OF USE FROM A SKIP HIRE DEPOT WITH SITING OF A PORTABLE OFFICE BUILDING TO A MIXED USE INCORPORATING SKIP HIRE DEPOT WITH SITING OF A PORTABLE OFFICE BUILDING, WEIGHBRIDGE AND NEW BUILDING FOR A WASTE TRANSFER AND RECYCLING FACILITY. HAV-A-SKIP LTD., WHITWORTH ROAD, ST LEONARDS ON SEA – HS/570/CM

66.1 The Committee considered a report by the Director of Transport and Environment.

66.2 The Committee was advised that there were three errors in the report which were:

- Page 5, Para 3.3 – the word ‘refused’ should be replaced with ‘withdrawn following a recommendation of refusal’
- Page 8, Para 6.12 – Last sentence should read ‘Conditions should be imposed to ensure that polluted surface water can not affect this area.
- Page 12, Condition 11 – delete the words ‘treatment, including crushing or grading’

66.3 Councillor Wilson, local member, spoke advising that whilst his constituents accepted the use of the site for skip rental services, they were concerned that planning conditions were currently being breached as full skips were observed on the site. Councillor Wilson also raised concerns over the increased risk of vermin on the site; and the increased number of vehicle movements to and from the site, should the application be approved, which would cause increased traffic congestion along Whitworth Road and the junction of The Ridge.

## Reason for decision

66.4 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 7 of the report.

66.5 RESOLVED 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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) there shall be no erection of any additional buildings or structures, the carrying out of works, engineering or other operations of any kind including (but not by way of limitation) the external deposit of subsoil, topsoil or any waste material within any part of the land within the applicant's control and/or ownership and adjoining the application site.

Reason: To enable the Local Planning Authority to control and regulate the development of the land to comply with Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

3. The building shall be constructed in accordance with submitted plans WRH 14, WRH 12A and WRH 13A in the position shown on WRH 11B and details/colour of materials as provided. The use of the site as a Waste Transfer Station/Skip Hire Depot shall not commence until the building has been erected and coloured as approved.

Reason: in the interests of the amenity of the area and to comply with S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

4. There shall be no crushing, grading, or other processing of any waste materials within or outside the building. Only sorting for the recycling of waste materials will take place on the site.

Reason: To ameliorate noise, dust, litter, smell and potential vermin in the interests of the amenity of the local residents and local businesses to comply with Policy S1a, S1b and S1s of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

5. The access on the eastern boundary through the former Southern Water Site shall be closed with chain link fencing to match, in height colour and materials and connected into the existing boundary fencing.

Reason: In the interests of road safety and to comply with Policy TR3 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

6. No activity or operation associated with the use of the site as a Waste Transfer Station/Skip Hire Depot, including the parking of vehicles shall be carried out other than between the hours of 07.00-18.00 on Monday to Friday inclusive and the hours of 07.00-13.00 on Saturdays at no time on Sundays, Public and Bank Holidays except for works of essential maintenance or which are to respond to an emergency. No later than one week after the carrying out of such works full details of the time, date, reason for and nature of the works shall be given in writing to the Director of Transport and Environment

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site and to comply with Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

7. No more than 5 Heavy Goods Vehicles shall be parked on the site at any one time (including overnight).

Reason: To safeguard the amenity of nearby local residents and to comply with Policy DG1 of Hastings Local Plan 2004.

8. No more than 40 skip lorry movements and eight 28 tonnes container lorry movements shall take place to and from this site per day without the prior written permission of the Director of Transport and Environment.

Reason: In the interests of road safety and to comply with Policy TR3 of the East Sussex and Brighton & Hove Structure Plan.

9. Only clean, empty skips shall be stored on open areas of the site at any time.

Reason: In the interests of local amenity and to prevent litter and dust emanating from the site and to comply with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and DG1 of Hastings Local Plan.

10. No sorted or unsorted waste material or residue of recycled materials, including soils or any building materials/waste or any other items shall be stored outside the building.

Reason: In the interests of amenity and health and safety in accordance with Policy S1 (b) of the East Sussex and Brighton & Hove Structure Plan 1991-2011/ Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

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

Reason: In the interests of amenity in compliance with Policies WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and S1 (i) & (g) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

12. The operational noise levels from the site relating to the carrying out of the operations of Waste Transfer Station / Skip Hire Depot between the hours of 07.00-18.00 from Monday to Friday inclusive and 07.00-13.00 on Saturday, measured as LAeq 1hr (freefield) at 43 Beauharrow Road or equivalent property and in accordance with British Standard 4142:1997, must be at least 5dB below the background LA 90 value.

Reason: To safeguard the residential amenities of occupiers of properties in the vicinity of the site and to accord with Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

13. Development shall not commence until details of a sustainable containment drainage scheme, to prevent the pollution of any surface water run off from the hard standing areas of the site entering the area of SCNI, have been submitted to and approved in writing by the Director of Transport and Environment. The use of the site as a Waste Transfer Station shall not commence until the works have been carried out in accordance with the approved details.

Reason: To ensure satisfactory drainage of the site and to prevent water pollution and to comply with Policy NC6 of the Hastings Local Plan 2004.

14. The roller doors on the sorting building shall be kept closed at all times except when lorries are entering or leaving the building.

Reason: In the interest of local amenity and to reduce dust, noise and litter problems in accordance with S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

15. The use of the site as a Waste Transfer Station shall not commence until a scheme to control the emission of dust has been submitted to and approved in writing by the Director of Transport and Environment and has been fully implemented. The approved equipment shall be maintained in accordance with the manufacturer's instructions at all times until completion of the development.

Reason: In the interests of amenity of the locality and to comply with Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

16. No artificial external lighting, including floodlighting, shall be installed or used in relation to the Waste Transfer Station/Skip Hire Depot other than in accordance with details submitted to/for approval in writing by the Director of Transport and Environment.

Reason: To protect amenity of the SCNI and to comply with Policy NC6 of Hastings Local Plan 2004.

17. The use of the site as a Waste Transfer Station/Skip Hire Depot shall not commence until a 2 metres high chain link fence has been erected along the line of the tree canopy as shown on drawing WRH11B and a maintenance scheme for the retention and yearly maintenance of all the trees within the boundary of this site is submitted and approved in writing by the Director of Transport and Environment.

Reason: In the interests of amenity and the protection of the SNCI to comply with Policy NC6 of Hasting Local Plan 2004.

18. There shall be no servicing or maintenance of HGV's on the site except for emergency repairs for the reasons of road safety.

Reason: To enable the Director of Transport and Environment to control the future use of the site in order to protect the character and amenity of the area in accordance with Policy S1f of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

19. The Use of the site as a Waste Transfer Station/Skip Hire Depot shall not commence until the following have been submitted for approval by the Director of Transport and Environment:

1) A preliminary risk assessment which has identified:  
all previous uses  
potential contaminants associated with those use  
a conceptual model of the site indicating sources, pathways and receptors  
potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the County Planning Authority. The scheme shall be implemented as approved.

Reason: In view of the information provided intrusive investigations need to be undertaken to ascertain the risk to identified receptors from potential contaminants and to recommend any mitigation measures required to comply with Policy EN 11 and WLP35e of East Sussex and Brighton & Hove Structure plan 199-2011.

20. No retail sales shall take place on this site.

Reason: To enable the Director of Transport and Environment to control the future use of the site in order to protect the character and amenity of the area in accordance with Policy S1f of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

67. VARIATION OF CONDITION 3 OF CONSENT LW/469/CM TO EXTEND THE PERMITTED AREA OF THE FORECOURT FOR SKIP/CONTAINER STORAGE, AND TO ALLOW OUTSIDE STORAGE OF EMPTY SKIPS AND CONTAINERS HOLDING SORTED MATERIAL OVERNIGHT. UNIT 25/26 CLIFFE INDUSTRIAL ESTATE, SOUTH STREET, LEWES – LW/569/CM

67.1 The Committee considered a report by the Director of Transport and Environment.

67.2 The Committee was advised that since publication of the report, a further letter of representation had been received which highlighted an error in the report. Paragraphs 1.3 and 6.2 in the report should refer to one 'overflow' car park rather than two.

Reason for decision

67.3 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 7 of the report.

67.4 RESOLVED to grant planning permission subject to the following conditions:

1. There shall be no storage of waste materials or any other sorted or unsorted material outside the building other than within a skip or container under condition 2 below.

Reason: In the interests of amenity in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

2. Notwithstanding the terms of condition 5, there shall be no outside storage of skips or containers associated with the use other than within the 2 Skip Storage Areas identified on approved drawing ref. 756/P.01 Rev C (Proposed Forecourt Layout) and that use shall only take place between the hours of 07.00 and 19.00 on Mondays to Saturdays inclusive and at no time whatsoever on Sundays, Bank or Public Holidays, unless:

(a) The skips or containers are empty and stored within 2 storage areas identified on drawing ref. 756/P.01 Rev C, or

(b) the container is stored within the area labelled 'containerised storage of clean sorted material and skip storage' on drawing ref. 756/P.01 Rev C, and contains only clean sorted material.

unless otherwise agreed first in writing by the Director of Transport and Environment.

Reason: In the interests of amenity in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006 and to ensure adequate off-street parking in accordance with Policy TR3 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

3. Only clean, sorted UPVC window frames shall be stored in the container under condition 2 (b), unless otherwise agreed first in writing by the Director of Transport and Environment.

Reason: In the interests of amenity in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

4. Other than the setting down of containers and the input of clean sorted waste material in accordance with condition 2 above, no loading, unloading, sorting and separating of waste materials shall take place other than within the building.

Reason: In the interests of amenity in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

5. The use of the site as a recycling centre shall not be carried on other than between the hours of 07.00 and 19.00 on Mondays to Saturdays inclusive and at no time on Sundays, Public and Bank Holidays except for works of essential maintenance or which are to respond to an emergency. No later than one week after the carrying out of such works full details of the time, date, reason for and nature of the works shall be given in writing to the Director of Transport and Environment.

Reason: In the interests of amenity in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

6. The use of processing equipment or static sorting equipment, such as a trommel screener, shall not commence until a noise attenuation scheme has been submitted to and approved in writing by the Director of Transport and Environment. Thereafter the plant and equipment used and attenuation works shall be retained unless any alternative arrangement is agreed in writing by the Director of Transport and Environment. The noise attenuation scheme shall include the following:
  - (a) a description of the generation plant and equipment which will be used and manufacturer's specification
  - (b) details of the siting of plant and machinery
  - (c) existing background noise levels on a rated LAeq 1 hour index
  - (d) levels of noise emitted from all plant and machinery
  - (e) details of the design, materials and their acoustic attenuation properties, specification of works to be carried out or other measures to be taken for the reduction or mitigation of noise; and
  - (f) details of the character of the noise or vibration from all plant and machinery which may attract attention such as a distinguishable or discrete noise or one which has a continuous note or impulses

Reason: To safeguard the amenity of the locality in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

7. The level of noise emitted from the site from the use hereby permitted shall not exceed a rated level of 55dB on the LAeq1 hour index at any time in any area on the site boundary as identified on the approved drawing number N11756/3/r, revised February 2006.

Reason: To safeguard the amenity of the locality in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

8. Units 25 and 26, the subject of this permission, shall not be divided or operated as two separate units.

Reason: To enable the County Planning Authority to control and regulate the development.

9. A cycle parking facility for a minimum of six bicycles shall be retained on site at all times.

Reason: To ensure appropriate facilities are available for cyclists and to accord with Policy TR5 of the East Sussex and Brighton & Hove Structure Plan 2006.

10. Notwithstanding the details on approved drawing no. 756/P.01 RevC (Proposed Forecourt Layout), within 2 months of the date of this permission a scheme for the delineation of car parking spaces on the forecourt and the edges of the 'skip storage area' and the area for 'containerised storage of clean sorted material and skip storage' shall be submitted to the Director of Transport & Environment for written approval. The approved scheme shall be implemented in full within 1 month of its approval and shall thereafter be retained.

Reason: To assist the proper use of the forecourt and to ensure that appropriate space for vehicle parking and manoeuvring is retained on site, in accordance with Policy WLP36 (e) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

#### INFORMATIVE

1. The applicant is informed that the activity hereby permitted must also be acknowledged and/or approved by the Environment Agency via the Environmental Permitting System and is advised to contact the Environment Agency for further information.

68. CHANGE OF USE FROM DISUSED STORAGE UNIT TO A WASTE TRANSFER STATION. UNIT 3 CRADLE HILL INDUSTRIAL ESTATE, SEAFORD – LW/581/CM

68.1 The Committee considered a report by the Director of Transport and Environment.

68.2 Warren Hanson, spoke on behalf of Seaford Funeral Service; and Sam Shippen spoke on behalf of Seaford Town Council.

68.3 Paula Whittaker spoke on behalf of the applicant.

#### Reason for decision

68.4 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 7 of the report.

68.5 RESOLVED 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 use hereby permitted shall not be carried on other than between the hours of 07.30 and 18.00 on Monday to Friday inclusive and the hours of 08.00 to 16.00 on Saturdays, and at no time on Sundays, Public and Bank Holidays except for works of essential maintenance or which are to respond to an emergency. No later than one week after the carrying out of such works full details of the time, date, reason for and nature of the works shall be given in writing to the Director of Transport and Environment.

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site and to comply with Policy WLP35 (b) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

3. No powered machinery or plant shall be installed or operated at the site without the prior approval in writing of the Director of Transport and Environment.

Reason: In the interests of amenity in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

4. No storage container, skip, sorted or unsorted waste material or residue of recycled materials or any other items shall be stored outside the building.

Reason: In the interests of amenity and health and safety in accordance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

5. 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 amenity in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

6. The operational noise levels emitted from the site, measured as LAeq 1hour (freefield) at the northern or western boundaries of the garden of 17 Kammond Avenue and in accordance with British Standard 4142:1997, shall be at least 5dB below the background LA90 value.

Reason: To safeguard the residential amenities of the occupiers of properties in the vicinity of the site in accordance with Policy WLP35 (b) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

7. The area of land to the south of the building, labelled 'lorry parking' on the approved site plan (1:500), shall not be used for any purpose associated with the use hereby permitted other than pedestrian access to and from the building, unless otherwise agreed in writing by the Director of Transport and Environment.

Reason: In the interests of amenity in accordance with Policy WLP35 (b) of the East Sussex and Brighton & Hove Waste Local Plan 2006.

#### INFORMATIVES

1. The applicant is informed that the activity hereby permitted may require an Environmental Permit from the Environment Agency before commencement and is advised to contact the Environment Agency on telephone number 08708 502 858 for further information.
2. The applicant is advised that activities carried out at this site in the past may have caused contamination of soils, subsoils and groundwater. If, during the carrying out of the development, contamination not previously identified is found to be present at the site, the applicant is advised to contact the Environment Agency.
69. CONTINUED PROVISION OF A COLLECTION FACILITY ON SUNDAYS FOR BULKY HOUSEHOLD WASTE. UCKFIELD MOBILE HOUSEHOLD WASTE RECYCLING SITE, LUXFORD FIELD CAR PARK, OFF HIGH STREET, UCKFIELD – WD/575/CM

69.1 The Committee considered a report by the Head of Planning.

69.2 The Chairman advised the Committee that he had received email correspondence from the local member, Councillor Sparks, advising that whilst he supported the application, he was concerned with the delay in opening the new household waste facility at Maresfield due to access problems.

Reason for decision

69.3 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 7 of the report.

69.4 RESOLVED to grant temporary planning permission subject to the following conditions:

1. The temporary use of the site on Sundays for the collection of household waste shall cease on or before 31 December 2009 and the site restored to a condition for use as a car park by that date unless otherwise agreed in writing with the Head of Planning.

Reason: An extension to the operational time period is required as a new permanent household waste recycling site is not yet operational although is due to open in the near future thereby replacing this temporary facility.

2. The site shall not be used for the development hereby permitted except on Sundays between the hours of 08.30 and 11.30.



Reason: In the interests of amenity, in accordance with Policy WLP35(b) of the East Sussex and Brighton & Hove Waste Local Plan 2006, Policy EN27(2) of the Wealden Local Plan 1998 and Policy BE1(7) of the Non-Statutory Wealden Local Plan 2005.

70. CONSTRUCTION OF TWO STOREY EXTENSION TO THE NORTH AND SOUTHERN ELEVATIONS; NEW CAR PARKING LAYOUT INVOLVING CREATION OF 4 ADDITIONAL CAR PARKING SPACES (TOTAL 35), 12 CYCLE SPACES AND WIDENING OF THE SITE ENTRANCE BY 1 METRE. 1 HAWTHYLANDS ROAD, HAILSHAM – WD/2753/CC

70.1 The Committee considered a report by the Director of Transport and Environment.

70.2 The Chairman advised the Committee that he had received confirmation from the local member, Councillor Thomas, that he supported the officer's recommendations in the report.

Reason for decision

70.3 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 7 of the report.

70.4 RESOLVED 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 re-constructed access shall be in the position shown on the submitted plan (Drawing No. ESC2419-08 Rev C) and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the County Planning Authority prior to the occupation of the development hereby permitted.

Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the Highway and having regard to policy TR1 and TR3 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

3. Development shall not commence until samples of all the materials to be used in the external surfaces of the approved development have been submitted to and approved in writing by the Director of Transport and Environment. The development shall be carried out in accordance with the approved samples.

Reason: For the avoidance of doubt and to enable the County Planning Authority to control and regulate the development and to comply with Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

4. No development shall take place until plans and full details of both hard and soft landscaping works have been submitted to and approved in writing by the Director of Transport and Environment and these works shall be carried out as approved. These details shall include:

Hard Landscaping

- Proposed finished levels or contours
- Means of enclosure
- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc)
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc.)
- Proposals for restoration, where appropriate

#### Soft Landscaping

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- Implementation programme

The landscaped areas shall be maintained thereafter in accordance with the approved management plan.

Reason: To integrate the development effectively into the surrounding environment and to comply with Policies S1 and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

5. No works shall commence on site including the carrying out of any works of demolition until a detailed strategy and method statement for securing and demonstrating that the amount of construction waste resulting from the development has been reduced to smallest amount possible has been submitted to and approved in writing by the Director of Transport and Environment. The statement shall include details of the extent to which waste materials arising from the demolition and construction activities will be reused on site and demonstrating that maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be disposed of for reuse, recycling, composting or other method in accordance with the best practicable environmental option. All waste materials from the demolition and construction associated with the development shall be reused, recycled and dealt with in accordance with the approved strategy and method statement.

Reason: To minimise the amount of construction waste to be removed from site for final disposal in accordance with Policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan 2006.