

Committee	Transport and Environment Planning Sub-Committee
Date	27 August 1997
Report by	Director of Transport and Environment
Proposal	Deletion/variation of condition relating to the hours of operation of Waste Transfer Station.
Site Address	Cophall Wood, Hailsham Road (A22), Polegate
Applicant	P J Mini-Skip Hire
Application No.	WD/171/CM
Key Issues	(a) Impact on amenity (b) Precedent for similar waste handling facilities

SUMMARY OF RECOMMENDATIONS

The Sub-Committee is recommended to :-

- 1. Approve a variation of the site operating hours in Condition 5 of WD/98/CM and Condition 3 of WD/24/CM.**

CONSIDERATION BY DIRECTOR OF TRANSPORT AND ENVIRONMENT

1. SITE

1.1. The application site is situated mid-way between Hailsham and Polegate adjacent to the A22 just north of the point where it becomes a dual carriageway. Cophall Wood is an ancient semi-natural deciduous woodland with the Forestry Commission Abbott/Wilmington Wood beyond to the west. To the south-east of the site on the east side of the A22 there is a terrace of houses (Nightingale Villas) and four detached properties. To the north of the site is Natewood Poultry Farm which is currently being redeveloped with new poultry buildings.

1.2. The Waste Transfer Station site, of about 0.5ha, is an irregular shaped area of land formed within a cleared area of woodland and set back some 60m from the A22 highway frontage. A seasonal logging yard occupies an area between the Transfer Station and the tree belt to the site frontage. Both uses are served by a concrete access road directly from the A22.

2. HISTORY

2.1. The site and adjoining woodland have been in the ownership of the applicant's family since 1959 and tree felling and seasonal logging operations have taken place on the land since before 1984. Since 1989 site operations have expanded, and other activities and uses of the land have gradually developed. The site history over this period is complex and is briefly described in the following paragraphs.

2.2. In October 1989 Wealden District Council served Enforcement and Stop Notices requiring cessation of the use of the land for the importation and deposit of waste materials. An Enforcement Notice was also served at that time in relation to the unauthorised use of the land for the storage of skips.

2.3. Further investigation by the District Council and the County Council revealed that other activities carried out in the wood without planning permission involved the unloading and sorting of skips containing builders' waste and household effects. Metal, timber, topsoil and hardcore had also been stored on the site.

2.4. A retrospective planning application was submitted in respect of the waste transfer operations (reference WD/89/3103(CM)). A new vehicular access (which has now been constructed) was proposed as part of the scheme. The logging activity was accepted as a seasonal use ancillary to the forestry use of the land.

2.5. Although there were policy objections to the use in this location the Development Control Sub-Committee granted temporary consents in March 1990 and March 1993 (ref: WD/24/CM) to enable the applicant to find an alternative site which would be more acceptable in general planning terms. In May 1995 an application to make this a permanent permission was approved subject to the imposition of conditions (ref. WD/98/CM). It was considered that on balance the small scale operations with limited environmental and landscape impact should be supported provided site controls were observed.

2.6. In response to complaints received in June 1996 a number of breaches of planning control were identified associated with the Transfer Station activities. These included the unauthorised deposit of mixed waste on adjoining land and the change of use of land within Cophall Wood to a mixed use involving the burning and deposit of waste materials. Enforcement Notices were served. Subsequent compliance with the restoration requirements allowed the notices to be withdrawn.

2.7. In May 1997 this Sub-Committee agreed to enforcement action being taken in respect of breaches of planning conditions. A breach of condition notice was subsequently served seeking compliance with three conditions to the operative planning permission. In response to a challenge to the High Court by the applicant, and on advice from the County Secretary these notices have been withdrawn.

2.8. Whilst the applicant has been requested to submit a comprehensive single application for all waste development at the site, currently three further applications are awaiting determination and will be reported to this Sub-Committee in due course. In addition there is to be a joint hearing in November 1997 to consider two appeals lodged by the applicant. These concern the failure to determine application WD/147/CM relating to operating times within the prescribed time period, and the refusal to allow the use of a grader at the site.

3. THE PROPOSALS

3.1. The current application WD/171/CM seeks to delete/vary the operating conditions that apply at the site. Condition 3 attached to consent WD/24/CM, and Condition 5 attached to consent WD/98/CM, read as follows:-

"The operations at the site including the delivery and removal of material shall only take place between the hours of 08.00 and 17.00 Monday to Fridays and 08.00 to 12.00 on Saturdays and at no time Sundays or Bank Holidays".

The applicant considers that this condition unnecessarily duplicates the controls in the Waste Management Licence and conditions of the planning permission. The relaxation of controls is

sought to achieve greater flexibility with the site operations which are dependent upon the fluctuating demands of the building and construction industry and weather conditions for the sorting of waste.

3.2. It is proposed to change the opening times to 6.30 to 18.30 Monday to Friday and 6.30 to 17.30 on Saturdays with plant operating times being limited to 7.30 to 17.30 Monday to Friday and 7.30 to 12.00 on Saturdays. The site would not be open or be operational on Sundays or Bank Holidays as at present.

3.3. This proposal is identical to application WD/147/CM which was considered by this Sub-Committee on 21st May 1997 when it was resolved that, had the Sub-Committee been able to determine the application, the condition would have been varied as follows:-

- a) The site shall be open for the delivery, collection and setting down of skips between the hours of 7.00 and 18.00 Mondays to Fridays and 7.00 and 17.30 hours on Saturdays and the operation of site plant between the hours of 7.30 to 17.30 Mondays to Fridays and 7.30 to 12.00 on Saturdays. The site shall not open or plant operated at any other time and not at all on Sundays, Bank Holidays or Public Holidays.

A further condition would have been imposed to control the illumination of the site.

4. CONSULTATIONS

4.1. Wealden District Council raise no objections to the application.

4.2. Polegate Town Council object to the proposal to increase operating hours on the grounds of undue noise and disturbance to local residents.

4.3. The Environment Agency has no objections to modifying the waste management licence and confirm they would be happy to do so once planning approval has been granted.

4.4. The Highway Authority raise no objections to the change in operating hours.

4.5. Wealden District Council Environmental Services consider that the extended hours of site use are unlikely to give rise to nuisance to neighbouring properties and raise no objections.

4.6. Local residents and interested persons have been consulted and two letters of objection have been received on the grounds of the inappropriate countryside location where the increase in activity and opening times would be detrimental to the peace and quiet enjoyment of the area and the unacceptable impact by noise and additional traffic on local residents. One letter raising no objections has also been received.

5. CONSIDERATIONS

(a) Background

5.1. This waste transfer station operated with a time-limited consent after the breach of planning control was regularised in 1989. It has had the benefit of a permanent consent since May 1995.

5.2. It is accepted that transfer stations provide a valuable waste management function in encouraging the recycling of waste, and that such a sustainable activity should be supported. However, the draft County Structure Plan 1991-2011 states that they should normally be located within or adjoining built-up areas, or on industrial sites.

5.3. In the case of Cophall Wood, local circumstances indicated that a small-scale facility would be acceptable, given an identified need and the fact that the applicant's search for a more acceptable site was unsuccessful. However, site operations must reflect the constraints imposed by this sensitive countryside location.

(b) Amenity

5.4. It is accepted that the countryside location of this site, its separation from adjoining residential uses and its proximity to a busy highway do limit the impact of the existing use, with the site activity tending to be muffled by traffic noise particularly during the busier times of the day. Between the hours of six and seven in the morning traffic levels on the A22 increase significantly and at the quieter period skip lorries entering and leaving the site might be audible particularly in view of the manoeuvre required to cross the dual carriageway to enter the site or to travel in a southerly direction. Whilst the closest property is 150 metres from the site there is perception from a local resident that this would give rise to a nuisance.

5.5. On the basis of the existing situation the revised operating hours proposed would spread the present scale and nature of activities over a longer period of the day. Other than in the early morning this is unlikely to be particularly noticeable except during the winter months when illumination of the site would be necessary, and visible through the surrounding tree cover.

5.6. Some extension of the weekday opening and operational hours is therefore considered acceptable subject to controls on site illumination. Having regard to the site location and the current scale and nature of this use together with the operating hours of other waste transfer stations I consider that 7.00 to 18.00 hours are appropriate times for the delivery of waste, particularly having regard to the normal working period of building activities and the operational hours of landfill sites. The proposed plant operating hours are also considered acceptable subject again to controls on site illumination. I do not consider that there are currently justifiable grounds to open and operate vehicles to and from the site from 6.30 in the morning or after 18.00 hours on weekdays. In my view this would set a precedent which would be difficult to resist at other waste transfer stations.

5.7. The proposed Saturday afternoon opening time would allow the delivery and collection of skips to take place from the site. Although there are objections to this increase in site use it is not considered that this element of activity is likely to give rise to a noticeable loss of amenity.

5.8. I therefore recommend the application be approved subject to the limits on operational hours.

6. FORMAL RECOMMENDATION

6.1. The Sub-Committee is recommended to resolve the variation of Condition 5 of WD/98/CM and Condition 3 of WD/24/CM as follows:-

- (a) The site shall be open for the delivery, collection and setting down of skips between the hours of 7.00 and 18.00 Mondays to Fridays and 7.00 and 17.30 hours on Saturdays and the operation of site plant between the hours of 7.30 to 17.30 Mondays to Fridays and 7.30 to 12.00 on Saturdays. The site shall not open or plant operated at any other time and not at all on Sundays, Bank Holidays or Public Holidays.
- (b) The illumination of any part of the application site shall only take place in accordance with a scheme which shall be submitted to and approved by Director of Transport and Environment. Such a scheme shall show how the

arrangement and direction of any lamps is to contain illumination to the site and avoid traffic safety concerns. The approved scheme shall be implemented within three months of approval in full accordance with the approved details and the site shall only be illuminated within the site operating hours.

Informative

The applicant is reminded that all other conditions attached to permissions WD/98/CM and WD/24/CM remain in force and must be complied with in full.

7 BACKGROUND PAPERS

Application details and responses to consultations.

Correspondence with applicants agent.

Previous planning application files - WD/98/CM, WD/24/CM, WD/89/3103(CM), WD/147/CM.

BOB WILKINS

Director of Transport and Environment

19 August 1997

PLANSUB:WD171

PE/sec

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