#### DELEGATED REPORT

## Report considered and agreed by Head of Planning and Environment

*Edward Sheath*……………….. date …8 March 2018……………

## Report considered and agreed by Team Manager, Planning Policy & Development Management

…*Sarah Iles*……………….. date …7 March 2018…………

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| Report by: | **Head of Planning and Environment** |
| Proposal: | **Variation of Condition 15 of planning permission WD/426/CM to enable Heavy Goods Vehicles to exit the site from 06.30 hours on Mondays to Fridays inclusive and from 07.00 hours on Saturdays and Sundays.** |
| Site Address: | **Veolia Waste Transfer Station, Land off A272, Ashdown Business Park, Maresfield** |
| Applicant: | **Veolia ES (South Downs) Ltd** |
| Application No. | **WD/800/CM** |
| Key Issues: | 1. **Purpose of the development** 2. **Other matters** |
| Contact Officer: | **Jeremy Patterson - Tel: 01273 481626** |
| Local Member: | **Councillor Roy Galley** |

**RESOLUTION OF THE HEAD OF PLANNING AND ENVIRONMENT**

**Under the powers delegated to me by the Governance Committee on 30 January 2003, I resolve to approve the proposal subject to the completion of the following procedure:**

**(i) The completion of a Legal Agreement to require details for vehicle routeing and landscape management; and**

**(ii) For the Head of Planning and Environment to grant planning permission upon completion of the Legal Agreement above, subject to conditions, as set out in paragraph 8.3 of the report.**

**If, within six months of the date of this report, the Legal Agreement has not been completed, the application will be referred back to the Head of Planning and Environment for determination.**

# CONSIDERATION OF RELEVANT PLANNING MATTERS

## The Site and Surroundings

1.1 The application site comprises a Waste Transfer Station (WTS) and Household Waste Recycling Site (HWRS), which are operated by the applicant, Veolia Environmental Services. It forms part of the western side of the Ashdown Business Park, about 220 metres to the west of Maresfield village, with direct access to and from the A272 via a roundabout, which services all users within the Business Park. A Fire Services Training Centre is adjacent to the south-east, a Travellers’ site to the west and a wastewater treatment works to the south-west of the site. Commercial development has recently taken place within the eastern part of the Business Park.

# Site History

## 2.1 Planning permission (ref WD/426/CM) was granted in February 2006 for the redevelopment of the site to provide a HWRS, WTS and ancillary infrastructure, including highway improvements, on land forming part of the former Maresfield Camp, subject to the completion of a legal agreement and conditions. The development has been implemented.

## The Proposal

3.1 The proposal is for the variation of Condition 15 of planning permission WD/426/CM, which controls the hours of operational activity at the site. The variation would enable heavy goods vehicles (HGVs) to exit the site from 06.30 on Mondays to Fridays instead of from 07.00, and from 07.00 on Saturdays and Sundays instead of from 08.00. The reason for the proposal is to provide greater consistency in the times that vehicles leave the site compared to other sites operated by the applicant.

## Consultations and Representations

4.1 Wealden District Council raises no objections subject to the County Council being satisfied that the proposal would not adversely affect the conservation interests of the Ashdown Forest.

4.2 Maresfield Parish Council has not submitted any observations.

4.3 The Highway Authority raises no objections.

4.4 Representations: None received.

1. **The Development Plan and other policies of relevance to this decision are:**

5.1 East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP6 (Safeguarded site); WMP22 (Increased operational capacity within existing sites); WMP25 (General amenity).

5.2 Wealden District Local Plan 1998: Saved Policy EN27 (Design & layout of development).

Wealden District Council has not formally determined whether its Saved Policies in the Wealden Local Plan are in general conformity with the NPPF. However, the Saved Policies are considered by the Waste Planning Authority to be in general conformity with the overarching principles of the NPPF.

5.3 Wealden District Council (incorporating part of the South Downs National Park) Core Strategy Local Plan 2013

The Wealden District (incorporating part of the South Downs National Park) Core Strategy Local Plan was adopted in February 2013. The Core Strategy Local Plan is the key policy document setting out a strategic vision, objectives and spatial strategy for the area up to 2027. Currently, saved development management policies contained in the Wealden Local Plan 1998 remain part of the Development Plan for the area.

5.4 National Planning Policy Framework (NPPF) 2012

The NPPF does not change the status of the Development Plan as the starting point for decision making and constitutes guidance as a material consideration in determining planning applications. Although it does not contain specific waste policies, regard should be had to the policies so far as relevant.

1. **Considerations**

**Purpose of the development**

6.1 The site is a safeguarded waste facility under Policy WMP6 of the Waste and Minerals Plan. As well as managing waste, it also acts as an operational base for about 10 HGVs that collect waste from other HWRS in the county for delivery to WTS facilities for bulking up. In terms of when waste can be first deposited at a WTS, this is relatively consistent at 07.00. However, the Maresfield WTS is only operational from 07.00 Mondays to Fridays and from 08.00 at weekends, whereas other facilities are operational for HGVs to exit from earlier times. Consequently, earlier collections can be undertaken from those facilities when HWRS open at 07.00, enabling drivers to avoid the more intensive rush hour period and be more efficient. The proposed change to the Maresfield WTS operating times would also enable drivers from the site to benefit from the earlier start times. This would increase the operational efficiency of the site, which is supported by Policy WMP22 of the Waste and Minerals Plan.

**Other matters**

6.2 The extant planning permission includes controls on the noise levels from the site, including in relation to the Travellers’ site. However, the application does not include proposed changes to the conditions that control noise to enable them to match the proposed changes to the operational hours. Although noise from vehicles is difficult to control when set against a rating level, due to the often very short time periods when noise would be emitted before the vehicle leaves the site, the time periods for this source of noise should nevertheless be included for consistency. Despite this, it is not considered that earlier start times for HGVs leaving the site would cause an unacceptable loss of amenity to the occupiers of the Travellers’ site, or within the locality generally. Subject to the change to the conditions controlling noise emissions from the site, it is not considered that a conflict would arise with Policy WMP25 of the Waste and Minerals Plan or with Saved Policy EN27 of the Wealden Local Plan in safeguarding amenity.

6.3 Wealden District Council has noted that the County Council should be satisfied that the proposal would not adversely affect the conservation interests of the Ashdown Forest. The proposal is seeking only to extend the period of time in which HGVs can leave the site, not to increase the level of vehicle movements from the site. Therefore, the proposal would have no additional effect and the status quo would be maintained, thereby resulting in no adverse affect on the conservation interests of the Ashdown Forest.

**7. Conclusion and reasons for approval**

7.1 In accordance with Section 38 of the Planning and Compulsory Purchase Act 2004 the decision on this application should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 The proposal is for the variation of Condition 15 of planning permission WD/426/CM to change the operational hours to enable HGVs to exit the site at earlier times than is currently permitted. This would allow the Maresfield WTS to be more consistent in its operating hours compared to other facilities operated by the applicant and would provide for greater operational efficiencies. It is not anticipated that there would be an adverse effect on the amenity of the neighbouring Travellers’ site or in the locality more generally, although the conditions controlling noise levels would need to be changed to complement the proposed changes to the operational hours, for consistency. There would be no increase in the numbers of vehicles leaving the site and so there would be no additional effect to the conservation interests of the Ashdown Forest. The proposal is acceptable and accords with Policies WMP6 and WMP22 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013 and Saved Policy EN27 of the Wealden Local Plan 1998.

7.3 As well as the applicant’s proposed condition and the conditions relating to noise controls noted above, other conditions will need to be changed and updated on the extant planning permission relating to WD/426/CM. This is because some refer to schemes which require submission but have since been submitted and discharged, while others are no longer applicable as they relate to construction activities. The reasons for the conditions also need to be revised, as references are made to documents which no longer form part of the Development Plan.

7.4 In determining this planning application, the County Council has worked with the applicant in an appropriate manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.5 There are no other material considerations and the decision should be taken in accordance with the Development Plan.

**8. Recommendation**

8.1 It is recommended that the application be approved subject to the completion of the following procedure:

1. The completion of a Legal Agreement to require details for vehicle routeing and landscape management;
2. For the Head of Planning to grant planning permission, upon completion of the Legal Agreement in (i) above, subject to conditions, along the lines set out in paragraph 8.3.

8.2 If the Legal Agreement has not been completed within six months from the date of this report, the application will be referred back to the Head of Planning and Environment for determination.

8.3 The grant of planning permission shall be 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 development hereby permitted shall be carried out in accordance with the relevant drawings approved under permission WD/426/CM together with the plans listed in the Schedule of Approved Plans and those identified in other conditions comprising this permission.

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

3. The landscaping scheme comprising:

(1) The Landscape Management and Maintenance Plan Rev B, dated September 2006;

(2) The Arboricultural Method Statement Rev B, dated September 2006;

(3) The Landscape Specification Rev A, dated September 2006;

(4) The Planting Schedule Rev D, dated December 2006;

(5) The Landscape Masterplan, Drg No. D105558/S/D/100 Rev B; and

(6) The Tree Protection Plan, Drg No. D105558/S/D/200 Rev B,

which was approved on 5 January 2007, shall continue to be maintained in accordance with the approved details.

Reason: To maintain the integration of the development into the surrounding environment in accordance with Saved Policy EN14 of the Wealden Local Plan 1998.

4. The scheme for controlling dust during operations at the site, which was approved on 5 January 2007, shall continue to be carried out in accordance with the approved details.

Reason: In the interests of the amenity of adjoining occupiers and the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

5. The scheme for the provision of surface water limitation incorporating sustainable drainage principles and comprising Drg Nos. 022.1559-100-SK01-A and 022.1559-101-SK01-A, which was approved on 5 January 2007, shall continue to be carried out in accordance with the approved details.

Reason: To minimise the risk of flooding in accordance with Policy WMP28a of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

6. The scheme for the provision of foul water drainage comprising Drg Nos. 022.1559-100-SK01-A and 022.1559-101-SK01-A, which was approved on 5 January 2007, shall continue to be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment in accordance with Policy WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. The scheme for the drainage of surface water from parking areas, roads, hardstandings and high risk polluting areas comprising Drg Nos. 022.1559-100-SK01-A and 022.1559-101-SK01-A, which was approved on 5 January 2007, shall continue to be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment in accordance with Policy WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. Any oil, fuel, lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or aquifer. For any liquid other than water, this shall include the storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain the equivalent of 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both water and oil. The pipes should vent downwards into the bund.

Reason: To minimise the risk of pollution to watercourses in accordance with Policy WMP28b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

9. The scheme for the creation and management of reptile habitat under Phase 2 of the works to safeguard reptiles at the site, which was approved on 22 November 2006, shall continue to be maintained in accordance with the approved details.

Reason: To ensure the protection of protected species in accordance with Policy WMP27b of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

10. No artificial lighting shall be installed or used in relation to the works other than in accordance with details which have been first submitted to and approved in writing by the Head of Planning and Environment.

Reason: To protect residential amenity in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. Heavy goods vehicles exiting the site shall not do so before the hours of 06.30 on Mondays to Fridays inclusive and 07.00 on Saturdays and Sundays and all other uses hereby permitted shall not be carried out other than between the hours of 07.00 and 18.30 on Mondays to Fridays inclusive and between the hours of 08.00 and 18.00 on Saturdays and Sundays 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 and nature of the works shall be given in writing to the Head of Planning and Environment. There shall be no working on Christmas Day, Boxing Day and New Year's Day.

Reason: In the interests of safeguarding the amenity of occupiers of nearby properties in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

12. The Noise Abatement Scheme for site operations, which was approved on 26 January 2007, shall be maintained in accordance with the approved details.

Reason: In the interests of safeguarding the amenity of occupiers of nearby properties in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

13. No alterations to the structure, roof, doors, windows, external facades, or any acoustic treatment or enclosure shall be undertaken to the Waste Transfer Station building without first receiving approval in writing by the Head of Planning and Environment.

Reason: To safeguard the amenity of occupiers of nearby properties in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

14. The noise level emitted from the site between the hours of 06.30 and 18.30 on Mondays to Fridays inclusive and between the hours of 07.00 and 18.00 on Saturdays and Sundays relating to the uses hereby permitted shall not exceed a rated level of 50 dB on the LAeq 1hour index at the western boundary of the site identified as point A on ESCC Plan 1.

Reason: To safeguard the amenity of occupiers of nearby properties in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

15. The noise level emitted from the site betwen the hours of 06.30 and 18.30 on Mondays to Fridays inclusive and between the hours of 07.00 and 18.00 on Saturdays and Sundays relating to the uses hereby permitted shall not exceed a rated level of 56 dB on the LAeq 1hour index adjacent to the boundary of the Fire Service Training Centre site identified as point B on ESCC Plan 1.

Reason: To safeguard the amenity of occupiers of premises in the vicinity of the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

16. There shall be no storage of waste or recycled materials or any processing by hand or machine in the area between the Waste Transfer Station building and the northern, western and southern boundaries of the application site.

Reason: To safeguard the amenity of the occupiers of the Batts Bridge Road Caravan Site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

17. The doors to the vehicle loading and unloading areas on the southern and northern elevations of the Waste Transfer Station building shall not be opened except when a vehicle is entering or leaving the building through those doors.

Reason: To safeguard the amenity of the occupiers of the Batts Bridge Road Caravan Site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

18. The scheme for the collection and management of litter, which was approved on 26 January 2007, shall continue to be carried out in accordance with the approved details.

Reason: In the interests of the amenity of the locality and to minimise the risk of vermin proliferating on the site in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

Schedule of Approved Plans

MARE/P/001 - Application Area, MARE/P/002 - Site Location

EDWARD SHEATH

Head of Planning and Environment

7 March 2018

## BACKGROUND DOCUMENTS

Application file WD/800/CM

Planning permission WD/426/CM

The Development Plan

National Planning Policy Framework 2012