

<b><u>No:</u></b>	<b>BH2020/03516</b>	<b><u>Ward:</u></b>	<b>Hove Park Ward</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>BHCC Household Waste Recycling Site, Modbury Way, Hove BN3 7DU</b>		
<b><u>Proposal:</u></b>	<b>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 &amp; 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.</b>		
<b><u>Officer:</u></b>	<b>Helen Hobbs, tel: 290585</b>	<b><u>Valid Date:</u></b>	<b>30.11.2020</b>
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	<b>01.03.2021</b>
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	<b>Veolia ES (UK) Ltd</b>	<b>Springfield Farm Quarry</b>	<b>Broad Lane</b>
	<b>Beaconsfield HP9 1XD</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:

### 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	VES_TD_LEIGH_100_000		30 November 2020
Location Plan	VES_TD_LEIGH_100_002		30 November 2020
Report/Statement	Planning Statement		30 November 2020
Other	Cover Letter		30 November 2020

2. Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

revoking and re-enacting that Order with or without modification) no fixed plant or machinery, building, or structure shall be erected, installed or replaced within the site without the prior approval in writing by the Local Planning Authority.

**Reason:** Due to the proximity of the proposed development to residential property there is an exceptional need to secure control over additional plant and machinery in the interests of protecting residential amenity and in accordance with policy QD27 of the Brighton & Hove Local Plan.

3. The premises shall be used for no other purpose than as a Household Waste Recycling Site and transfer facility for household waste, commercial waste, street cleansing waste (including fly tipped waste and bulky waste collections), communal bin operations, cardboard and green waste, and on occasions when the Hollingdean MRF or WTS facility are unavailable or where there are other exceptional operational conditions the site shall also be used as a transfer facility for kerbside collected waste, including recyclables (not to exceed 20 days per year, except where agreed in writing by the Local Planning Authority).

**Reason:** Due to the proximity of residential properties there is a need to secure control over additional activities on the site in the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

4. The premises shall be not be open to and in use by the public except between the hours of 0800-1630 hrs on Monday to Fridays, 0830-1330 hrs on Saturdays and 1030-1330 hrs on Sundays and not at any time on Bank Holidays.

**Reason:** To safeguard residential amenity and in accordance with policy QD27 of the Brighton & Hove Local Plan.

5. Containers receiving waste shall not be emptied on site or collected except between the hours of 0700-1700 hrs Monday to Friday and 0800-1300 hrs on Saturdays and not at any time on Sundays or Bank holidays.

**Reason:** In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

6. Other than street cleansing, no HGVs shall enter/exit the site except between the hours of 0700-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays and at no time on Bank Holidays.

**Reason:** In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

7. Mechanical shovels, loaders and other plant shall only be used between 0700-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays and at no time on Bank or Public Holidays.

**Reason:** In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste

and Minerals Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

8. No plant/vehicles required for the operation of facilities shall be used on the site unless fitted with silencers maintained in accordance with manufacturer's recommendations and specification.  
**Reason:** To safeguard residential amenity and in accordance with policy QD27 of the Brighton & Hove Local Plan.
9. The tonnage of waste accepted by the civic amenity facility shall not exceed 25,000 tonnes per annum.  
**Reason:** In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
10. HGV parking shall be restricted to the area hatched in blue as shown on drawing LEIG/04/001/B received on the 13th January 2009 which shows HGV parking along the eastern side of the waste transfer hall. Any HGV will be either empty or contain dry recyclables only.  
**Reason:** In the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan, policy CP9 of the Brighton & Hove City Plan Part One and policies QD27 and SU10 of the Brighton & Hove Local Plan.
11. The transfer station loading plant shall be fitted with of a low level reversing safety alarm. Prior to their installation, details of the safety reversing devices shall be submitted to and agreed in writing with the Local Planning Authority and thereafter retained.  
**Reason:** To prevent noise breakout and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.
12. The localised acoustic screen within the central area of the car park shall be retained on site as approved, throughout the operation of the Household Waste Recycling Site.  
**Reason:** In order to protect adjoining residential properties from noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.
13. The 'push wall' along the western facade of the waste transfer building shall be independent from the external building fabric.  
**Reason:** To minimise impact noise breakout and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.
14. All metal recycling/collection containers shall be sited on the eastern elevation of the centrally positioned acoustic screen.  
**Reason:** To minimise noise and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton and Hove Local Plan.

15. The shutters and pedestrian doors on the southern elevation of the waste transfer building shall remain closed at all times other than of exit and access and shall be fitted with an automatic closing device.  
**Reason:** To minimise noise and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton and Hove Local Plan.
16. The 7m high building on the western boundary of the site shall not be used for the siting of waste collection containers.  
**Reason:** To minimise noise and disturbance to adjoining properties and in accordance with policy QD27 of the Brighton and Hove Local Plan.
17. No materials shall be burnt on site.  
**Reason:** To safeguard residential amenity and in accordance with policy QD27 of the Brighton and Hove Local Plan.
18. Prior to the use of the additional areas for sales of recycled materials outside of the designated area, a plan shall be submitted indicating the location of the proposed areas to the Local Planning Authority for approval in writing. The plan as approved shall be implemented in accordance with the agreed details.  
**Reason:** To secure control over activity occurring on the site and in the interests of protecting residential amenity in accordance with polices WMP6 and WLP35 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policy QD27 of the Brighton & Hove Local Plan.
19. Metal items delivered by the public can be placed on the ground prior to loading into waste containers on a permanent basis. No other waste material shall be tipped onto the ground outside of the waste transfer building for storage purposes, sorting or loading into skips.  
**Reason:** To secure control over activity on the site in order to safeguard residential amenity and to prevent ground water pollution in accordance in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policies SU9 and QD27 of the Brighton & Hove Local Plan.
20. No mechanical crushing or screening of stone, concrete, bricks, planings, asphalt or hardcore shall take place on the application site.  
**Reason:** To safeguard residential amenity and in accordance with policy QD27 of the Brighton and Hove Local Plan.
21. The waste containers shall be positioned as shown on drawing VES\_TD\_LEIGH\_100\_000, unless otherwise agreed in writing with the Local Planning Authority.  
**Reason:** To control the level of activity on the site and in accordance with policies WMP6 and WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan policies SU9 and QD27 of the Brighton & Hove Local Plan.
22. The acoustic fencing positioned along the south western corner of the site shall be retained on site.

**Reason:** In order to protect adjoining residential properties from noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.

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. SITE LOCATION

- 2.1. The Hove Household Waste Recycling Site is approximately 2.0 ha with a floor area of 2800m<sup>2</sup>. The site is accessed from the south side of Old Shoreham Road between No.198 and the Curry's Retail Warehouse (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.

## 3. RELEVANT HISTORY

- 3.1. **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.
- 3.2. **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
- 3.3. **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
- 3.4. **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
- 3.5. **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
- 3.6. **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

**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. APPLICATION DESCRIPTION**

4.1. The application seeks variation of a number of conditions to change the operating hours to allow the site to be serviced from 7.00am instead of 8.00am Monday to Friday. Conditions 5, 6, & 7 of Planning Permission BH2016/01592 therefore require varying. There would be no change to the public opening hours of the facility.

**Condition 5 states:**

4.2. Containers receiving waste shall not be emptied on site or collected except between the hours of 0800-1700 hrs Monday to Friday and 0800-1300 hrs on Saturdays and not at any time on Sundays or Bank holidays.

**Condition 6 states:**

4.3. Other than street cleansing, no HGVs shall be used for operational purposes except between the hours of 0800-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays and at no time on Bank Holidays.

**Condition 7 states:**

4.4. Mechanical shovels and loaders shall only be used between 0800-1800 hrs Monday to Friday and 0900-1300 hrs on Saturdays and Sundays and at no time on Bank or Public Holidays.

4.5. The application is also seeking changes to where different recycling materials must be placed. Conditions 14 and 21 of Planning Permission BH2016/01592 therefore require varying.

**Condition 14 States:**

4.6. All glass, hardcore, asbestos, metal and paper recycling/collection containers shall be sited on the eastern elevation of the centrally positioned acoustic screen.

**Condition 21 states:**

4.7. The waste containers shall be positioned as shown on drawing LEIG/04/001/C, unless otherwise agreed in writing with the Local Planning Authority.

4.8. It should be noted that application BH2016/01592 as originally submitted included the proposed the importation of source separated food waste. As a result of concerns raised by residents and the Environmental Health Team regarding possible odour impacts the food waste element of the proposal was omitted.

4.9. A number of representations have been received on the current application, raising concerns about the transfer of food waste onto the site. This current

application does not seek to introduce this type of waste onto the site. It solely relates to the operational hours of the site and current storage arrangements.

## **5. REPRESENTATIONS**

- 5.1. Twenty (20) letters have been received objecting the proposed development for the following reasons:
- Vermin
  - Increase in smells and air pollution from the communal bin storage
  - Health and safety
  - Increase in noise and disturbance from the additional open hours
  - Increase in traffic
  - Decrease in property value

## **6. CONSULTATIONS**

- 6.1. **Environmental Health:** Comment  
The Environmental Protection department of Brighton & Hove City Council have received no noise complaints with regards to the site for at least the past 4 years. This indicates the conclusions in the original noise assessments were correct. No objections on the grounds of additional noise.
- 6.2. **Southern Water:** No objection
- 6.3. **Sustainable Transport:** No objection  
The changes to opening hours will allow containers to be emptied/exchanged before the site opens to the public. This in turn means that site will not need to be closed to the public during the day for this activity and therefore will reduce queuing on the highway network during these hours. The number of traffic movements are not proposed to change, the change of hours will allow the redistribution of traffic flows and improve the operational efficiency of the site. Therefore, we have no objection.
- 6.4. Condition 14 and 21 relate to where waste containers will be positioned. The revised arrangement of waste containers would not have a highways impact.

## **7. MATERIAL CONSIDERATIONS**

- 7.1. 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
- 7.2. 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, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

7.3. 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.

## 8. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the key CPP2 policies considered in determining this application is set out below where applicable.

DM20	Protection of Amenity - significant weight
DM33	Safe, Sustainable and Active Travel - significant weight
DM40	Protection of the Environment and Health - Pollution and Nuisance - significant weight

#### Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport

#### Brighton and Hove Local Plan (retained policies March 2016):

TR7	Safe Development
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD27	Protection of amenity

#### Supplementary Planning Documents:

SPD14	Parking Standards
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## 9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the facilitation of sustainable waste management, impact on the amenity of neighbouring residents and impact on sustainable transport.

### **Principle of the Development:**

- 9.2. 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 requiring acoustic fencing.
- 9.3. The stated reason for the change in hours is to allow containers to be emptied/exchanged before the site opens to the public. This means the site will not need to close to the public for 20-30 minutes each time during the day for this activity. There often is a queue of cars into the site, especially at peak times, of up to one hour in duration on the Old Shoreham Road, which in turn impacts on Modbury Way, the access road to the site. The proposed variation would facilitate an easing of this traffic while also aiding the operational efficiency at the site. The applicant has stated that it is likely that the emptying of the containers will only be required three times per week based on current waste flows although operationally it would not be possible to be specific as to which days. There are no proposed changes to any weekend restrictions, or to the hours that the site opens to the public.
- 9.4. The current storage layout of the site shows six specific areas on site where different types of waste can be stored. Condition 14 has been carried over from all planning permissions since 1997 (where it was condition 21 of planning permission BH1997/00778/FP). The original reason for the location of certain waste materials on site was to ' minimise noise and disturbance to adjoining properties '.
- 9.5. Veolia now requires the flexibility across the site to store waste types in different areas. It is stated that this is a historic requirement which does not reflect the way the site currently operates or the absence of noise complaints in recent years.
- 9.6. The current condition stipulates:
- Area A - (Northern boundary of the site)  
Gas bottles, textiles, bonded asbestos, tyres, chemicals cooking oil, oil.
  - Area B - (Western boundary of the site)  
Charity re-use, fridges, TVs, small electronics, batteries.
  - Area C - (Central/West part of the site)  
Paper, cardboard, plastic bottles, green waste.
  - Area D - (Central/south part of the site)  
Metals, large electronic waste
  - Area E - (Central/North part of the site)  
Wood/timber, MDF/chipboard, hard core, soil.
  - Area F - Central/Eastern part of the site)  
Bottle bank.

- 9.7. It is proposed to move some of these materials (glass, hardcore, asbestos and paper) to the western half of the site (Areas B and C on the approved plan), with metal to stay where it is in the centre. The applicant has stated that this change has partly been implemented already due to the Covid 19 restrictions currently in place, which means that the staff parking area has been relocated to areas E and F to allow for cars to queue between areas A and E.
- 9.8. In addition to the central acoustic fence (as approved under condition 20 of Planning permission BH1997/00778/FP in 2004), a second 35m long acoustic fence was installed as part of condition 12 of planning permission BH2008/03960 in 2009. This fence provides extra noise attenuation, in addition to the building running along the western edge of the site.
- 9.9. It is considered that in principle these amendments are acceptable, and maintain the site's use as an established household waste recycling facility, while improving efficiency in waste management and the City's recycling operations, which would accord with the overall objectives of City Plan Part One and the diversion of waste from landfill. However, this is subject to demonstrating that there would be no adverse amenity or environmental impacts.

**Impact on Amenity:**

- 9.10. The main concerns raised by neighbouring occupants relate to an increase in noise and odours at the site. As confirmed above, the application does not now propose introducing household food waste onto the site, and the proposed relocation of waste groups are not types of waste that would result in any additional odours.
- 9.11. There are existing measures in place to minimise noise impacts for residents to the west of the site, including an acoustic fence and large building to enclose operations, both of which would ensure noise impacts are maintained at an acceptable level. While the glass bin would be relocated closer to the western part of the site, it would be better enclosed than is currently the case, helping to reduce noise emissions.
- 9.12. The Environmental Health Officer has confirmed that there have been no complaints regarding noise or odour for over 4 years, including in the past months when the site has operated with the revised layout in response to Covid conditions. The Environmental Health Officer has examined the Planning Support Statement submitted with the application and does not raise any objections to the proposed changes. Whilst there could be some additional noise from the emptying of the storage units, earlier than the currently permitted 8.00am, it is not considered that it would result in significant harm, particularly given the site's location between Old Shoreham Road and the railway corridor, within an industrial area, with the existing background noise associated with these. The recycling site would remain closed to the public at this time and therefore the increase in activity should be minimal.

**Sustainable Transport:**

- 9.13. The proposed changes to the hours of operation will mean that the site will not need to be closed to the public during the day and therefore will reduce queuing

on the highway network during these hours. The number of traffic movements are not proposed to change, the change of hours will allow the redistribution of traffic flows and improve the operational efficiency of the site.

- 9.14. The changes to material storage on the site would have no highway impacts.

**Conclusion:**

- 9.15. The variation of conditions to allow the change of operational hours and storage arrangements make a modest change to the overall operations at the site. The facility would still be operating well within all the other limits imposed by the existing permission and that there would not be any significant harm caused to residents arising from these amendments.

- 10. EQUALITIES**  
None identified.