

Committee: **Regulatory
Planning and Highways Sub Committee**

Date: **16 June 2004**

Report by: **Director of Transport and Environment**

Proposal: **Waste Recycling Facility**

Site Address: **Whitworth Road St Leonards on Sea**

Applicant: **Hav-A-Skip Limited**

Application No. **HS/404/CM**

Key Issues: i. **Site Location**
 ii. **Best Practicable Environmental Option**
 iii. **Environment**
 iv. **Highways**
 v. **Other Relevant Matters**

SUMMARY OF RECOMMENDATIONS

- 1. To refuse planning permission**

CONSIDERATION BY DIRECTOR OF TRANSPORT AND ENVIRONMENT

1. The Site

1.1 The application site is an open area of hardstanding located on the northern fringe of Hastings. Located to the south of The Ridge West and to the west of the A21, the site is accessed via Whitworth Road, which serves a number of commercial operations including a car showroom, a coach depot and the Southern Water Hastings Project offices. The site is situated at the western end of Whitworth Road. Bordering the site to the west and south is an area of open space crossed by paths. There are public rights of way adjacent to the north east boundary and to the north west of the site.

1.2 The site has recently been used for the storage of construction materials used in storm water tunnel projects. However, this project has been completed and the site is now largely vacant.

2. The Proposal

2.1 The application proposes to use the site as a waste recycling facility with the overall objective to reduce the amount of waste material that is sent to landfill and increase the amount of material that is recycled.

2.2 The applicant operates a skip hire business and the intention would be to unload at this site the waste material collected in the skips, rather than taken directly to landfill sites, thereby allowing the waste to be sorted into different categories and appropriate material to

be recycled. The waste will be predominantly construction/demolition waste or commercial/industrial waste.

2.3 The overall intention was that the inert construction/demolition waste would be crushed and screened on site enabling it to be reused as a secondary aggregate. Items such as plastics or wood would be removed and sent for recycling off-site. (The crushing/screening activities have subsequently been omitted by the applicants from the application - see paragraph 2.5). Similarly, any commercial/industrial waste brought onto the site would be sorted with any recyclable material removed and sent off-site for reprocessing.

2.4 At the centre of the operations would be a large tipping hall (40 metres by 25 metres depth, with a height to eaves of 9 metres) into which most of the waste material would be delivered. An internal reinforced concrete wall would enable loading machines to scoop up the waste material and load it onto a conveyer, which would take the material through to a material recovery facility (MRF). The MRF is a separate building measuring 16 metres by 5 metres and positioned on 3 metre high legs. Material entering the building on the conveyer would be picked through by hand and any material that could be recycled would be deposited in roll-on roll-off containers positioned under the building. The containers can then be easily removed off site for reprocessing.

2.5 The southern part of the site was to be used as the inert waste recycling area, where hardcore would be delivered and tipped to await crushing/screening. However, following concerns raised about the noise likely to be generated from the crushing and screening, the applicants have removed this from the application.

2.6 It is proposed to operate the site from 0700 – 1800 Monday to Friday and 0700 to 1600 on Saturdays. (Sunday working was initially proposed but was omitted by the applicants in response to concerns raised.) The applicants indicate that the site would generate up to 250 HGV movements per day and have sought a maximum daily limit on any permission of 300 HGV movements per day.

3. Site History

3.1 HS/FA/99/00317 – Temporary change of use for the storage of construction materials. Granted by Hastings Borough Council on 9 July 1999.

3.2 HS/FA/02/00328 – Renewal of permission 99/00317. Granted by Hastings Borough Council on 14 June 2002. (Expires July 2004).

4. Consultations

4.1 Hastings Borough Council – Opposes the development due to the adverse environmental impacts and the impact from additional heavy goods vehicle movements on pollution and congestion. The Borough Council would also oppose the development were it to be shown to adversely prejudice the Queensway - A21 link road. The Borough Council considers proposals of this nature should be in strategic location, which can also be accessed by rail if possible.

4.2 Environment Agency – No objection in principle but have identified a number of conditions relating to drainage and protection of local watercourses that they would wish to see attached to any permission.

4.3 Highways Agency – Deadline for representations 25 May 2004. To date no representations received.

4.4 To date 54 individual representations have been received from nearby properties. All object to the application. The key grounds of objection are:

- i. Impact of additional HGV traffic on the surrounding roads.
- ii. Impact upon surrounding area from odour, noise, dust and vibration.
- iii. Operating Times
- iv. General disturbance from the activities.
- v. Impact upon ecology of the adjacent area.

4.5 These issues are considered in detail in Section 6 of this report.

5. The Development Plan policies of relevance to this decision are:

5.1 East Sussex and Brighton & Hove Structure Plan 1991-2011: Policies S1 (Sustainable Development), TR3 (Accessibility), W1 (Sustainable Approach to Waste Planning), W2 (General Strategy for Waste), W3 (General Strategy for Waste), W6 (General Strategy for Waste), W9 (Strategic Development Criteria), W11 (Construction Industry Waste), W13 (Household, Commercial and Other Waste).

5.2 Hastings Local Plan 2004: Policy E2 (Existing Employment Sites), DG1 (Form, Density and Design), DG4 (Noise), DG18 (Commercial development – Traffic).

5.3 East Sussex and Brighton & Hove Waste Local Plan Deposit Draft 2002: Policies WLP1 (Plan Strategy), WLP13 (Recycling, Transfer and Materials Recovery Facilities), WLP14 (Recycling and Recovery Facilities for Construction and Demolition Waste), WLP35 (General Amenity Conditions), WLP36 (Transport Considerations).

6. Considerations

6.1 Developments of the type and scale proposed in the current application usually raise a number of issues for consideration. An initial issue for the Council was whether the development required an environmental impact assessment. The development was appraised in accordance with the Regulations and it was considered that the scheme did not raise significant environmental effects sufficient to require a formal Environmental Statement. However, that decision does not prejudice the Council from raising specific issues that are of concern or from refusing the application if there are issues, which cannot be overcome.

Location

6.2 Structure Plan policies W1, W2 and W3 seek to ensure that where waste management proposals are provided they serve the plan area, thereby ensuring that the area is self-sufficient in dealing with its own waste arisings. In addition, these policies promote the waste hierarchy, which places the recycling of materials above disposal to land. Within this framework the Waste Local Plan seeks to develop a number of strategic sites for waste transfer/recycling that will form a co-ordinated approach to waste management within the Plan area (Policy WLP8). However, these sites are intended principally for municipal waste facilities although some commercial and industrial waste will be managed at these sites.

6.3 Therefore additional sites, which are not allocated in the Waste Local Plan, will need to come forward to manage construction/demolition waste and commercial/industrial waste.

Such proposals must be judged against locational criteria that are set out in Structure Plan Policy W9 and Waste Local Plan Policies WLP13 and WLP14. These policies accept that sites that are suitable or allocated for industrial development would in general be acceptable for waste management facilities. (Waste Local Plan policies WLP35 – WLP40 set out general development control criteria such as impact upon amenity, highways and drainage etc.)

6.4 The application site is within land identified in Policy E2 (Existing Employment Sites) of the Hastings Local Plan as being suitable for light and heavy industrial and storage/distribution uses.

6.5 In general terms the provision of a waste recycling facility is acceptable in principle in this location subject to a detailed examination of a number of other issues.

Best Practicable Environmental Option (BPEO)

6.6 The Royal Commission on Environmental Pollution's Twelfth Report, '*The Best Practicable Environmental Option*' (1988) developed the concept of BPEO. The Commission's report indicated that BPEO entailed a balancing of criteria, including technology, financial costs and pollution impacts. This Report also provided the commonly quoted summary of BPEO as:

'the outcome of a systematic, consultative and decision-making procedure which emphasises the protection and conservation of the environment across land, air and water. The BPEO procedure establishes, for a given set of objectives, the option that provides the most benefits or the least damage to the environment as a whole, at acceptable cost, in the long-term as well as the short-term.'

6.7 The approach seeks to identify the optimum balance in terms of emissions and discharges to land, air and water, so as to minimise harm and ensure the protection of the environment, taking account of what is affordable and practicable.

6.8 The applicant has not addressed the issue of BPEO in the planning application in accordance with Waste Local Plan policy WLP1. Whilst the background to the Waste Local Plan may represent the initial preparatory work, it is important that the application builds on this previous work to demonstrate how the site would represent the BPEO for the recovery/transfer of the proposed waste in the eastern part of the plan area. The application should demonstrate how the proposal meets the objective of Waste Strategy 2000, which is the national waste strategy for England and Wales, through a step-by-step analysis of the key issues that should be addressed: the waste hierarchy, the proximity principle and self-sufficiency for the waste stream that the development is intended to serve.

6.9 Clearly, in the absence of information to demonstrate compliance with Waste Strategy 2000, the Council is unable grant planning permission. As both Structure Plan policy W1 (Sustainable Approach to Waste Planning) and Waste Local Plan Policy WLP1 (Plan Strategy) require applications to demonstrate that they accord with national policy and meet the Council's waste strategy, the absence of this information would be a reason for refusal.

On Site Processes And Potential Environmental Impacts

6.10 Although industrial sites are identified as possible locations for waste management facilities, Waste Local Plan Policy WLP35 requires no unacceptable adverse effect on the

standard of local amenity and requires adequate means of controlling noise, dust, litter, odour and other emissions.

6.11 As noted previously the screening and crushing of inert waste has been removed from the application, in an attempt to overcome concerns on noise, dust and vibration.

6.12 The applicants acknowledge that the operations can be noisy. Initially they identified the crushing operations as potentially the noisiest aspect of the proposal. However, they suggested a bund along the southern boundary of the site would offer protection and that modern equipment can be operated within tolerances, which will not cause nuisance to the personnel on site or neighbouring properties. However, it is noted that the nearest properties are industrial units and there is no attempt to demonstrate whether the on-site operations would affect residential properties, which are not adjacent to the site. The nearest residential properties are in Beauharrow Road and are approximately 250 metres from the site. In addition, the application does not consider whether there would be any impact upon the Sainsbury's superstore, the rear of which is some 75 metres from the site.

6.13 To address the issues of dust, odour and litter it is suggested by the applicants that on-site management and the use of enclosed buildings will enable the operations to be undertaken without undue impact.

6.14 Although the application has addressed the key environmental issues, it has not addressed them in any substantive way. There is no indication of either baseline data for existing noise or air quality nor the proposed noise levels, the specific details of the plant/equipment to be used or the height/construction of the noise bund. Although it is acknowledged that the crushing/screening elements have now been omitted, the site will still generate activity, noise and dust through the other operations and there is no information to demonstrate that this will not cause a problem. There is no indication as to how noise breakout from the buildings has been minimised through the building's design and orientation. On the issues of odour and dust the application is limited on specific details and the Environmental Health Officer at Hastings Borough Council has identified a number of areas where further information is required.

6.15 If these issues had been assessed and predicted against ambient conditions it would be possible to identify the likely impacts and the necessary remedial actions required. However, the onus must be on the applicant to provide sufficient information and detail to be able to demonstrate that there will not be problems. The applicants were asked to supply appropriate supporting material to address these concerns. Policy WLP35 of the Waste Local Plan and policies DG1 and DG4 of the Hastings Local Plan clearly require developments to show that there will not be unacceptable adverse impacts upon amenity and that there are adequate means of controlling noise, dust, litter etc. In its current form the applicant has not shown that the development meets these tests and would protect local amenity.

Highways

6.16 The site is located close to the strategic road network. Both the A21 and The Ridge West are accessible from the site. The proposed use could serve the Hastings/Bexhill area without traffic having to constantly travel through residential or inappropriate roads to access the site. However, access to and from the application site does raise highway concerns.

6.17 A short length of road, Junction Road, connects the Ridge West and the A21. Whitworth Road, on which the site is located, is accessed via Junction Road. As both the

A21 and Ridge West junctions are already at capacity, the addition of up to a further 300 HGV movements per day would be a significant added pressure.

6.18 The Highway Authority is designing a solution to The Ridge West junction but would require a financial contribution from the applicant towards this development. The applicant has offered £20,000 contribution towards this work. However, this is not considered by the Highway Authority to be in keeping with the scale of the proposed development, which would increase traffic at a junction with a poor accident record.

6.19 The A21 is a trunk road and therefore the impact of the additional HGV movements on the A21 is a matter for the Highways Agency. They have been consulted but a response has not been received to date. A response is anticipated prior to the sub committee meeting and will be reported orally. In addition the Highways Agency may have concerns regarding the impact of the application on the implementation of the Queensway– A21 link road. At present access to the A21 is from Queensway via the Ridge West and Junction Road. Significant traffic delays already arise due to congestion on Junction Road. However, associated with proposals for the Bexhill-Hastings link road, additional traffic will wish to gain access to the A21 via Queensway and Junction Road and therefore a new link road between Queensway and the A21 is proposed by the Highways Agency. The Highways Agency's favoured schemes require land in the vicinity of the application site (including part of Whitworth Road) and possibly part of the application site itself. This road proposal is at an early stage but might be prejudiced by the implementation of the current application.

6.20 In addition to the impact upon the strategic road network, there are also improvements required to Whitworth Road itself. Only part of Whitworth Road is adopted, with the unadopted part being of insufficient width and construction. The Highway Authority would require this to be brought up to adoptable standards to ensure that the additional HGV movements did not cause problems on Whitworth Road and into Junction Road. In addition, it would be necessary to rationalise the on-street parking provision along Whitworth Road, to ensure lorries could pass one another. The applicant has proposed a traffic light system to control traffic from the site through the narrower part of Whitworth Road, although no details are provided. The Highway Authority does not consider the applicant's solution to be the most appropriate means of serving the proposed development.

6.21 It may be the case that the highways issues could be resolved. There are certain off-site works that would be required prior to the site becoming operational and if the applicant is able to fund these, an objection on highway grounds might not be sustained. However, in its present form, the application is clearly deficient in detail and has not fully addressed the highway situation. Again, the application has not demonstrated that the development could be undertaken without adverse impact and accordingly cannot be recommended for approval.

Other Related Matters

a) Ecology

6.22 A small part of the site is within the Hollington Valley Site of Nature Conservation Interest (SNCI), which lies to the south west of the site. The majority of the SNCI that is within the site has previously been developed. Therefore, as the site is predominantly hardstanding, there are minimal ecological constraints to the site's development. The applicant's have commissioned an ecological survey of the site and although undertaken in February, which is not the most conducive time for such work, the findings clearly demonstrate that the site does not accommodate protected species or uncommon habitat.

6.23 The ecological report recommends that a band of tree and shrubs be planted along the site's southern and western boundaries. It will be important to ensure that activities at the site do not impact upon the SNCI where it abuts the site and therefore the introduction of this additional planting will be of assistance if it creates a buffer between the SNCI and the activities on site. The planting of trees can be secured by condition.

b) Visual Impact

6.24 The West Ridge Industrial Estate does not have a significant visual impact, although some of the units can be seen from the west, across the SNCI. The proposed tipping hall will be the more prominent of the two structures. The building immediately to the east of the site, which forms a backdrop against which the tipping hall would be seen when viewed from the west, is a standard industrial unit. It is approximately 8 metres in height and sits on land some 2-3 metres higher than the application site. The application site is currently well screened by mature trees to the west and north west, which enclose the site and ensure that the buildings when viewed from the east are seen against a backdrop of mature planting.

6.25 Given the orientation of the building (which minimises its impact when viewed from the west), the backdrop and existing and potential boundary planting, it is considered that the proposal could be accommodated without undue visual impact.

c) Drainage

6.26 The Environment Agency has identified the need for drainage details to be agreed prior to the development commencing. This is to ensure that the method of surface water drainage is appropriate for the site and will not cause any problems either to the adjacent SNCI or the surrounding ground water. The site lies on a minor aquifer and therefore this water resource must be protected.

6.27 However, the required details can be covered by conditions and the absence of the details at this stage is not essential to the determination of the application.

7. Conclusion

7.1 The application in its current form would be contrary to Structure Plan policies TR3 (c) and (e), S1 (b), W1 (a), W2, W9 (g) and (h); Hastings Local Plan policies E2, DG1, DG4 and DG18 and Waste Local Plan policies WLP1, WLP35 and WLP36 as the application is unable to demonstrate that (a) the proposal could be undertaken without adverse impact upon the surrounding road network; (b) without adverse impact upon the amenity of the area by virtue of unacceptable noise, dust and disturbance and (c) that the application represents the Best Practicable Environmental Option for the waste stream that the development is intended to serve

8. Formal Recommendation

8.1 To recommend the Planning & Highways Sub Committee to refuse planning permission for the following reasons: -

1. The application has not demonstrated that the proposal can be undertaken without an adverse highways impact and that it would not significantly worsen traffic congestion or road safety at the site access and at the Whitworth Road/Junction Road/Ridge West/A21 junctions. Accordingly the proposal is considered to be contrary to Policies TR3 (c) and (e), W9 (h) of the East Sussex and Brighton & Hove Structure Plan

1991-2011; Policy DG18 of the Hastings Local Plan 2004 and Policy WLP36 of the East Sussex and Brighton & Hove Waste Local Plan Deposit Draft 2002.

2. The application has not demonstrated that the proposal can be undertaken without adversely affecting the amenity of the surrounding area. In particular, the proposal has failed to demonstrate that the proposal would not have an unacceptable adverse impact on the surrounding amenity by virtue of noise, dust, vibration or disturbance. Accordingly, the proposal is considered to be contrary to Policies S1 (b), W9 (g) of the East Sussex and Brighton & Hove Structure Plan 1991-2011; Policies DG 1 (f) and (g), DG4 of the Hastings Local Plan 2004; Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan Deposit Draft 2002.
3. The application has not demonstrated that the proposal represents the Best Practicable Environmental Option for the waste stream that the development is intended to serve. Accordingly the proposal is considered to be contrary to Policies W1 (a) and W2 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy WLP1 of the East Sussex and Brighton & Hove Waste Local Plan Deposit Draft 2002.

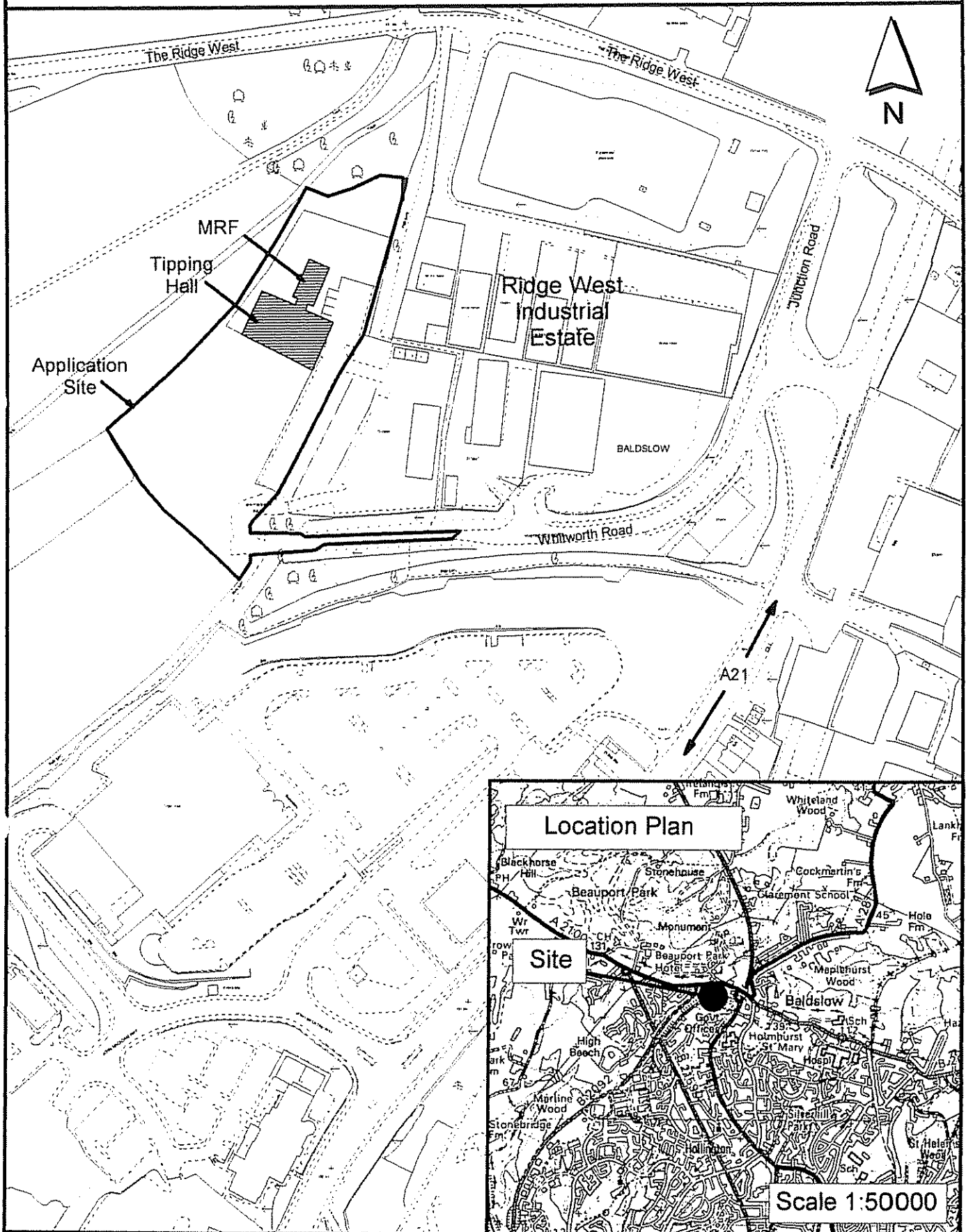
BOB WILKINS
Director of Transport and Environment
8 June 2004
P&HSUB: P16JUN-HS404CM

Contact Officer:	Stewart Glassar	Tel. No. 01273 481595
Local Member:	Councillor Scott	

BACKGROUND DOCUMENTS

Planning File HS/404/CM

HS/404/CM

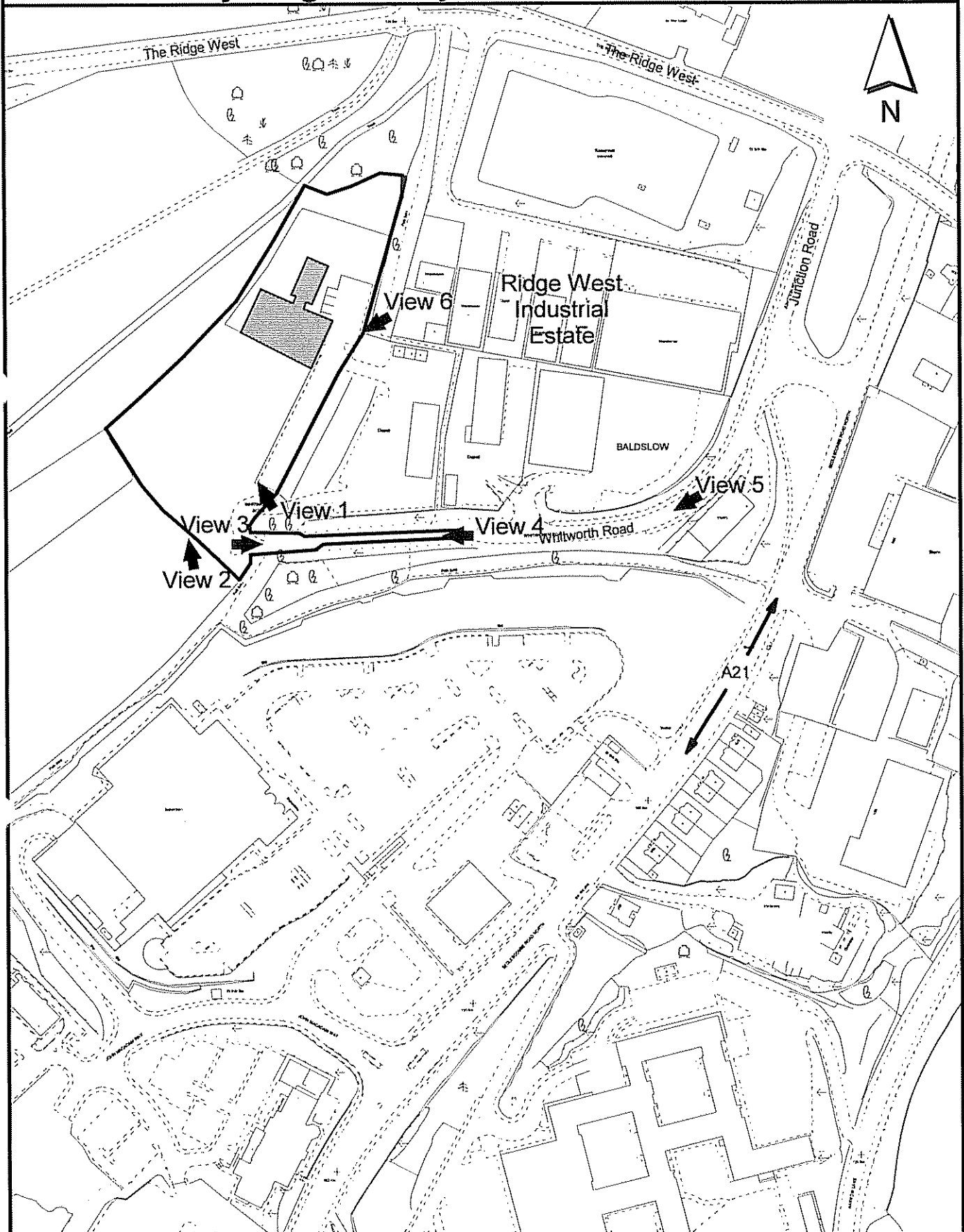


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View 1. Site Entrance



View 2. Southern part of site identified for inert material storage

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View 3. Site exit and access along Whitworth Road, looking east



View 4. Site exit and access along Whitworth Road, looking west

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View 5. Whitworth Road is used by existing commercial businesses. On street parking restricts road width.



View 6. View of site from the north, with Southern Water Depot in the foreground.

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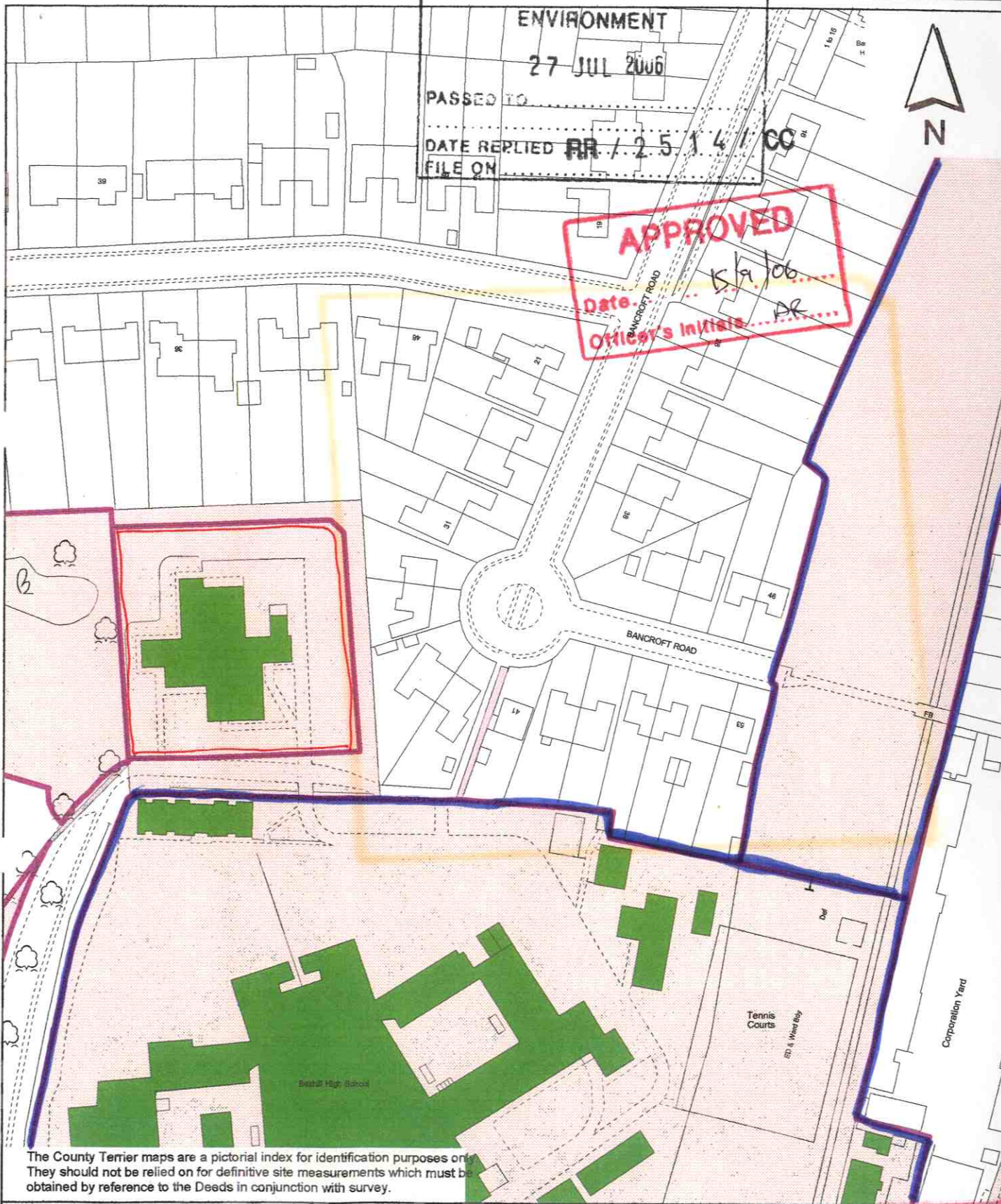
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