

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

Date: **8 December 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/416/CM**

Key Issues:

- i. **Site Location**
- ii. **Best Practicable Environmental Option**
- iii. **Environmental Impacts**
- 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 a largely vacant, open area of hardstanding located on the northern fringe of Hastings. The site is situated to the south of The Ridge West and to the west of the A21, accessed via Junction Road and Whitworth Road, which is only single carriageway width in part.

1.2 Whitworth Road serves a number of commercial operations including a car showroom, a coach depot and a Southern Water depot and offices. The site itself 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.

2. The Proposal

2.1 This application is for a waste recycling facility. A previous planning application for a waste recycling facility on the site (HS/404/CM) was refused by the Sub Committee in June 2004.

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 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 into roll-on roll-off containers positioned under the building. The containers can then be easily removed off site for reprocessing.

2.4 The remainder of the site would be given over to the storage of empty skips and lorries and landscaping. An office and weighbridge would also be located on the site.

2.5 It is proposed to operate the site from 0700 – 1800 Monday to Friday and 0700 to 1600 on Saturdays. The application estimates that the operations would generate 100 HGV movements per day although it suggests that a daily maximum of 120 HGV movements be allowed.

3. Site History

3.1 Planning application HS/404/CM for a waste recycling facility was refused in June 2004. The reasons for refusal were based on highway impact and safety, amenity and Best Practicable Environmental Option grounds.

3.2 Previously Hastings Borough Council granted permission (HS/FA/99/00317) on 9 July 1999 for the temporary change of use of the site for the storage of construction materials. Renewal of that permission 99/00317 was granted on 14 June 2002 and expired in 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 Highways Agency - recommend refusal of the application until such time as the applicant can demonstrate that the proposal would not have an unacceptable impact upon the junction with the A21 Trunk Road.

4.3 Environment Agency – does not object to the principle of the development but has identified a number of conditions relating to drainage and protection of local watercourses that would need to be attached to any permission.

4.4 Southern Water - does not object to the application.

4.5 To date 32 individual representations from nearby residents and a petition signed by 23 nearby residents have been received. A further letter has been received from an occupant of The Ridge West Trading Estate. 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.

4.6 In addition, Hastings Borough Council has received 30 representations on the application, although some are from local residents who have also made representations directly to the County Council. All except one object to the application for the reasons set out above.

4.7 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 Second 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).

(NB: The Council will be considering on 7 December 2004 proposed Modifications to the Waste Local Plan for public comment. Some of the above policies are proposed to be modified.)

6. Considerations

6.1 As noted in paragraph 3.1, a similar application was refused earlier this year by the Sub Committee. The current application differs from that application in 3 key respects:

1. There would be less throughput of waste at the site and thus fewer lorry movements.
2. Improvements to the A21/Junction Road junction are proposed.
3. The application is now supported by a traffic impact report and a noise, vibration and dust impact assessment.

6.2 In addition, changes that were made to the previous application during the course of its consideration, namely omitting the crushing of hardcore from the proposal and no Sunday operating, are carried through to the current application.

6.3 As with the previous application, the current proposal was appraised in accordance with the appropriate Regulations to determine whether it required a formal Environmental Statement. It was determined that an Environmental Impact Assessment was not required. 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

6.4 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.

6.5 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 although Waste Local Plan Policies WLP35 – WLP40 set out general development control criteria such as impact upon amenity, highways and drainage etc. that must also be applied to the consideration of individual proposals.

6.6 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.

6.7 In general terms the provision of a waste recycling facility is acceptable in principle in locational terms subject to a detailed examination of a number of other issues such as impact upon amenity and highways.

Best Practicable Environmental Option (BPEO)

6.8 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.'

6.9 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. A reason for refusal of the first application was that the applicant had not addressed the issue of BPEO in the planning application, a matter which is prescribed by Waste Local Plan Policy WLP1.

6.10 It was therefore anticipated that this second application would present a step-by-step analysis to demonstrate how this site represented the most appropriate site for the recovery/transfer of commercial, construction and demolition waste in the eastern part of the plan area. This would reasonably have involved showing how the proposal met the objectives of Waste Strategy 2000, which is the national waste strategy for England and Wales by addressing such issues as the waste hierarchy, the proximity principle and self sufficiency for the waste stream that the development is intended to serve. No such analysis is included in support of the proposal.

6.11 Clearly the current application seeks to overcome some of the previous reasons for refusal which is why the applicant is now proposing a daily input of 900 tonnes of

waste (and thus 100 HGV movements) compared to the previous application which was for 2300 tonnes per day and thus 250 HGV movements. However, the application contains no discussion as to how the figure of 900 tonnes was determined or whether the applicant could efficiently operate the same site with less than half the input of waste or indeed where the remaining 1400 tonnes of waste (150 HGV movements) would be diverted to. In this respect the application could be seen to raise additional questions over the previous application with regard to the choice of this site and its ability to effectively handle the predicted waste stream.

6.12 It is considered that this second application has again failed to address the issue of BPEO or be able to demonstrate compliance with Waste Strategy 2000. 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 again be a valid reason for refusal.

Environmental Impacts

6.13 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.

6.14 One of the reasons for refusal of the previous application was the lack of any assessment of these potential impacts by the applicants and the concerns that were raised by local residents and the Environmental Health Officer at Hastings Borough Council.

6.15 In response to these concerns, an assessment has been undertaken by environmental consultants acting on behalf of the applicants and their report has been submitted in support of this current application. The report produces the following main conclusions:

1. No adverse noise impact is expected on roads surrounding the site from HGV traffic.
2. No vibration impacts will occur.
3. Dust control procedures can be implemented and managed on site.
4. Traffic related air pollution will be negligible.
5. Odour nuisance should not be created for the nearest sensitive receptor.

6.16 The Environmental Health Officer (EHO) at Hasting Borough Council has assessed the consultants report and found that the report and its conclusions appear to be flawed. It appears that the report contains some inconsistencies and may not have been as rigorous in its application of modelling standards as the EHO considers appropriate for this type of development. Overall, the assessment report is said by the EHO not to be sufficiently robust and is particularly misleading on the probable noise impact on the amenity of the area.

6.17 In view of these observations it is considered that the application has been unable to demonstrate that the proposal will not cause a loss of amenity to the neighbourhood. The onus is on the applicant to provide sufficient information and detail to demonstrate that proposals comply with Policy WLP35 of the Waste Local Plan and Policies DG1 and DG4 of the Hastings Local Plan. This development has not been able to show that there will not be unacceptable adverse impacts upon amenity and that there

are adequate means of controlling noise, dust, litter etc. Accordingly, the application cannot be supported on these grounds.

Highways

6.18 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.

6.19 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 with Junction Road are already at capacity, the addition of a further 100 HGV movements per day would be a significant added pressure.

6.20 The applicants have employed a highways consultant to assess the impact of the proposal on the surrounding road network and identify possible mitigation measures. As a result the application suggests the installation of a temporary traffic light control system on the single carriageway section of Whitworth Road as an interim measure and in the longer term some minor improvements to the Junction Road/A21 junction. These improvements entail additional carriageway markings to the Junction Road/A21 junction which would segregate the left and right turns out of Junction Road.

6.21 The proposed traffic light control system was proposed in the previous application although the previous application did not propose the new carriageway markings. It is also noted that the current application proposes fewer lorry movements per day from the site.

6.22 In response to the application the Highway Authority has recommended refusal of the application due to the increased traffic hazards which would result on Whitworth Road, Junction Road and The Ridge West. The Highway Authority acknowledges the reduced daily vehicle movements but considers the suggestion of traffic signals to be inappropriate, notwithstanding the lack of any details or data to support this option. The Highway Authority maintains that the proposal needs to include a traffic management scheme for Whitworth Road to control on street parking and the upgrading of the single carriageway section of Whitworth Road to adoptable standards. In addition, the Highway Authority is of the opinion that the proposal will exacerbate hazards at existing nearby junctions and therefore there is a need to fund and implement the signal control scheme currently being designed for the Junction Road/Ridge West junction.

6.23 As the A21 is trunk road, the impact of the proposal on this road and the assessment of the junction improvements fall to be assessed by the Highways Agency. The Highways Agency recommended refusal of the previous application and having considered the applicant's supporting Highways Assessment, have recommended refusal of the current application.

6.24 The Highways Agency does not consider that the application has sufficiently addressed the impact of the traffic on the A21. They have advised that the point at which traffic from the application site first enters the trunk road i.e. the Junction Road/A21 junction, must be able to accommodate all traffic for a period of 15 years after the development opens. This includes any projected increases in traffic which would occur, regardless of whether the application site is operating and thus, it is not acceptable to propose an improvement which would provide for a situation where the conditions are no worse than if the development had not taken place. As this junction is

already at capacity, it is likely that the applicants would need to provide sufficient improvements to ensure that the junction was able to accommodate all traffic passing through this junction for the next 15 years.

6.25 It may be the case that the highways issues could be resolved. There are certain offsite 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 is therefore contrary to Policies TR3 (c) and (e), W9 (h) of the East Sussex and Brighton & Hove Structure Plan; Policy DG18 of the Hastings Local Plan and Policy WLP36 of the Waste Local Plan. Accordingly the application cannot be recommended for approval.

Other Relevant Matters

a) Ecology & Landscaping

6.26 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 applicants 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 provide an uncommon habitat.

6.27 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.

6.28 The current application suggests that there will be the opportunity to landscape part of the site, in addition to perimeter landscaping works. Although the planting of trees can be secured by condition there is no information provided in the application on where and how the landscaping would be accommodated. If the application were acceptable, it would be necessary to secure further information on landscaping before approving the application.

b) Visual Impact

6.29 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 new proposed 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.

6.30 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, particularly if a landscaping scheme were developed for the site.

c) Drainage

6.31 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.

6.32 These matters can be addressed by the submission of detailed schemes covered by conditions. The absence of the details at this stage is therefore not essential to the determination of the application.

7. Conclusion

7.1 The application in its current form is 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 Second 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 Second 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 Second Deposit Draft 2002.

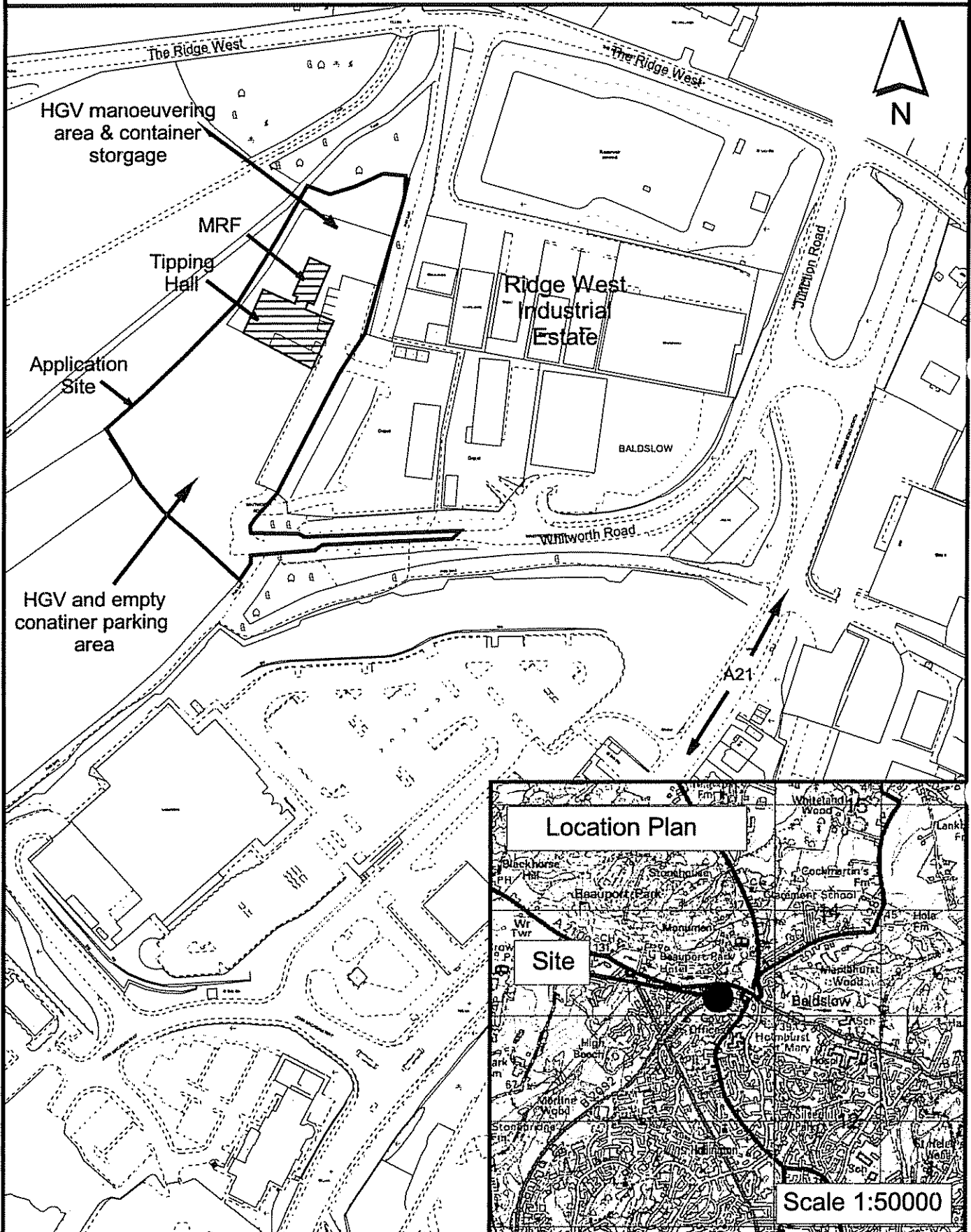
BOB WILKINS
Director of Transport and Environment
30 November 2004
P&HSUB: P8December-HS416CM

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

BACKGROUND DOCUMENTS

Planning Files HS/404/CM & HS/416/CM.

HS/416/CM

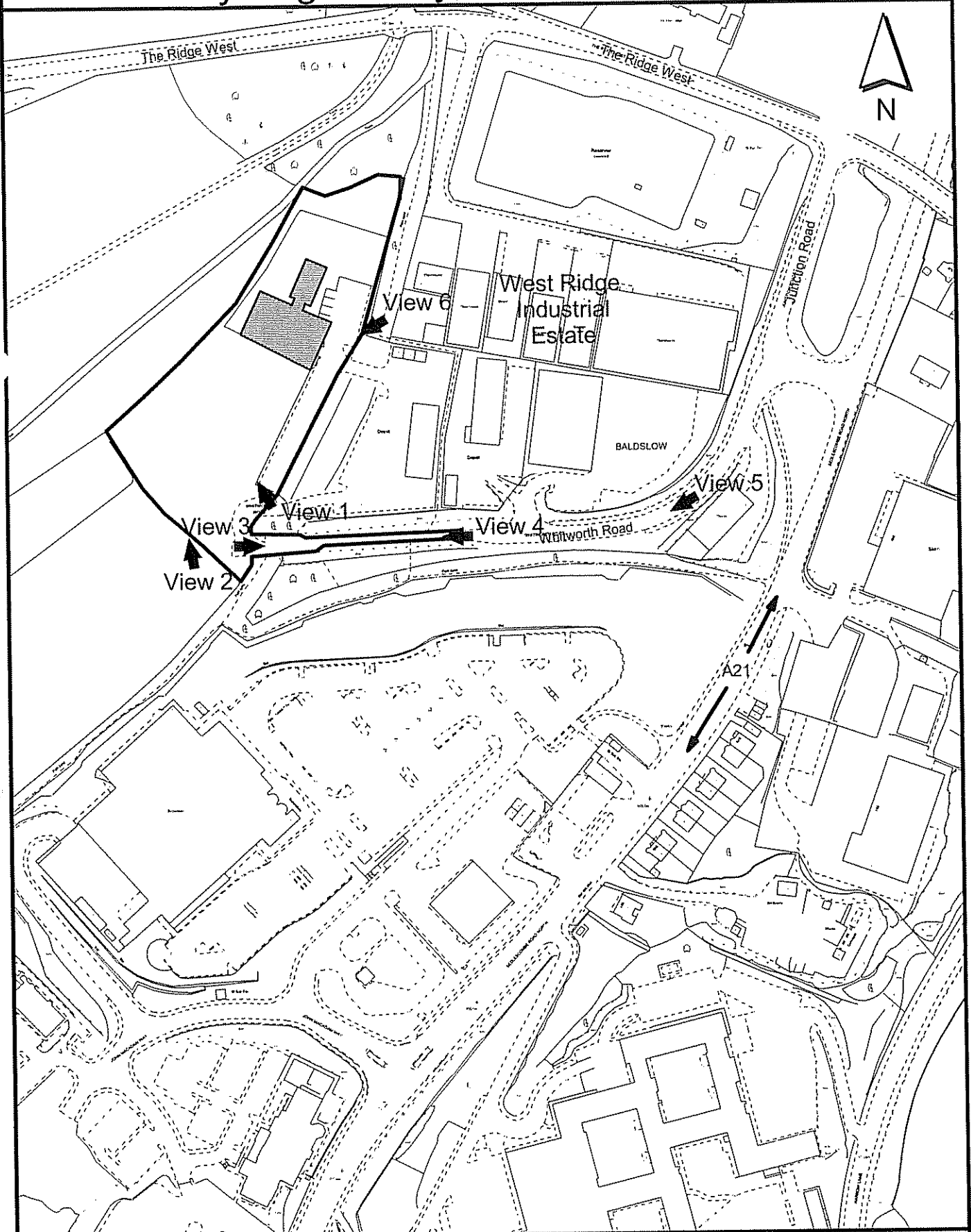


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Agenda item 5a, HS/416/CM Waste Recycling Facility, Whitworth Road, Hastings



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HS/416/CM



View 1. Site Entrance



View 2. Southern part of site identified for vehicle & container 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.