

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(2)	12/02655/COMIND Cold Ash Parish	7 th February 2013	Change of Use to include a skip waste recycling and transfer facility to import, store and process up to 18,000tpa of general skip waste (including wood, metal, plastic, paper and card). Unit 3, Red Shute Industrial Estate. Red Shute Hill Hermitage Thatcham Berkshire RG18 9QL Harwood Recycling

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=12/02655/COMIND>

Recommendation Summary: The Head of Planning and Countryside be authorised to **GRANT** Planning Permission subject to the imposition of the suggested conditions and informatives.

Ward Member(s): Cllr. Garth Simpson

Reason for Committee determination: Level of local interest

Committee Site Visit: Thursday 17th January 2013.

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1.0 Site History

- 1.1 Unit 3 of the Red Shute Industrial Estate, (the application site), was granted outline planning permission in 1985 under planning permission 124529. This permission granted consent for the development of 5,000sq ft of light industrial, and or warehousing, from Use Class X or Use Class 2 of the Use Classes Order 1972 with ancillary hardstanding, or the erection of two 2,500 sq ft units, again with ancillary hardstanding.
- 1.2 Conditions imposed upon this consent state that the processes carried on, and the machinery installed on the site, or within the building, shall not cause detriment to the amenities of the area by reasons of noise, vibration, smell, fumes, soot, ash, dust or grit. A further condition restricted the ancillary open space about the building to use as access, loading, unloading and parking only.
- 1.3 In 1987 the reserved matters application associated with the outline permission was granted (reference 129001). The two conditions relating to amenity impact and use of the hardstanding areas were re-imposed upon the consent.
- 1.4 In 1987, the 1972 Use Classes Order was replaced. For the sake of clarity, Use Class X is now referred to as a B8 Use and Use Class 2 is now a B1 (c) Use. Therefore the approved use of Unit 3 of the Red Shute Industrial Estate as governed by the 1987 Order (as amended) would be B1 (c) and B8 uses. B1 (c) being light industry, which can be carried out in a residential area without any detriment to the amenity of that area, and B8 being warehousing (storage and distribution).
- 1.5 The Red Shute Industrial Estate is made up of 10 separate buildings, some of which are subdivided into separate units, the industrial estate is covered by a number of different planning consents.
- 1.6 Seven units are served via the access of Sawmill Road and two larger units, and an office building, are served off the road that forms the south eastern boundary of the identified employment area.
- 1.7 Officers understand that the occupiers and permitted uses of the following units at the Red Shute are as follows:-

Unit name	Current occupier	Permitted use class
Unit 1 & 1A	Vacant / SCI	B1(c)
Unit 2	PIC Ltd	B8
Unit 3	Vacant (Application site)	B1 (c) and B8
Unit 4	HSP Valves	B1(c), B2 and B8
Unit 5	Vacant / Groundworks	B1(c), B2 and B8
Unit 6	Barlow Timber Yard	B1(c), B2 and B8
Unit 7	Baileys Coaches	B2 and B8
Unit A	Frontier Countrystore	B1(c)
Unit B	Grimsby Farm Storage	B1(c)
Unit C	Red shute hill business centre	B1(a)

B1 (a) – Offices (except financial or professional services)

B1 (b) – Research and development products or processes

B1 (c) – Any industrial purposes

(all B1 use classes are uses that can be carried out in an residential are without detriment to the amenity of that area)

B2 – General Industrial uses

B8 – Storage and distribution

- 1.8 At present it is understood that the current uses undertaken at the Red Shute Hill Industrial Estate are a mix of offices, general industry and storage and distribution uses. Whilst not specifically covered by any of the permissions relating to the site there is also an element

of retail undertaken from a number of the units (A.1 use) that is considered likely to be ancillary to the dominant uses.

- 1.9 Notwithstanding what is actually taking place at Red Shute Hill it is clear that several of the units (4, 5, 6 and 7) could be used for B2 uses (general industrial uses) without requiring any further planning permissions. The range of uses that is permitted under Class B2 is very wide ranging and is generally referred to as the manufacture, processing or repair of articles. However the unit which is the subject of this application cannot be used for B2 uses under the current consent for the unit.

2.0 Publicity of Application

2.1 Site notice expired: 20th December 2012

2.2 Press notice expired: 6th December 2012

2.3 Member end date: 19th December 2012

3.0 Consultations and Representations

Parish Council (Cold Ash):

Strongly oppose the proposal. The application site is not listed in the Waste Local Plan and therefore is not seen as a suitable site in West Berkshire for such operations.

Recycling the contents of skips is the 'dirty end' of the recycling business.

The proposal indicates that an existing building will be used for the recycling process. The main doors will have to be opened and closed to allow each skip-carrying lorry to enter and exit. It cannot be argued that it will be possible to contain airborne dust, odours or noise with a single door, even if modified by plastic curtaining. Furthermore, every movement in and out of the reception hall will allow noise to escape which will be directed at the nearby housing.

There is no detail as to how sorted materials awaiting transport away from the site are to be stored. The size and variety of those materials could be significant given the variety of waste that can be accommodated in a skip. Furthermore, it is not made clear whether projected vehicles movements include the much larger vehicles that will be used to collect sorted materials from the site.

The local roads are wholly unsuitable for additional HGV movements. A weight limit through Cold Ash of 7.5tons and an extensive number of 'police required' traffic calming chicanes were introduced some ten years ago, specifically to lessen the attraction of the road through Cold Ash as an A4/M4 commuter route. It must also be taken into account that the 30mph restricted road through Cold Ash, by which skip-carrying lorries could approach the industrial estate, has two schools and a church which all generate local on-road parking and congestion at least twice a day.

The steepness and reduced width of Red Shute Hill itself, coupled with the complexity of the railway bridge and junction with the B4009, are key factors in resisting additional HGV movements.

The suggested hours of opening (7am - 6pm Mon - Fri and 7am - 1pm Sat) are excessive and out of keeping with the hours of the other industrial units. This would have an adverse effect on the right to quiet time of local residents.

**Adjacent Parish
(Hermitage):**

Strongly oppose the proposal due to the lack of an environmental impact assessment. It is considered that to grant consent without a full Environmental Impact Assessment would be unlawful.

The site is not a preferred area for waste management and therefore contrary to policy.

Policies in the Waste Local Plan exclude waste sites in the AONB except in specific limited cases.

The effects of the proposals will generate a substantial noise impact. The proposed access and increase in traffic movements are unacceptable.

The suggested opening hours are excessive and will have an adverse impact.

**Adjacent Parish
(Chieveley):**

The Parish Council objected to the application on the following grounds:-

The site does not have planning permission for waste management uses and is not an identified waste management site in the development plan.

Change of use to waste would be unacceptable due to the level of transport movements in this sensitive location and have a safety impact on the local roads.

HGV's and large vehicles that approach this site are restricted by a narrow railway bridge through which two large vehicles would have difficulty negotiating.

An increase of 36 movements a day of 5 tonne vehicles would cause inconvenience to local people, additional noise and highway safety issues.

The vehicle movements associated with the proposals are over and above that of an industrial use in a sensitive location.

The reversing beepers will cause a noise nuisance to neighbouring properties.

Chieveley Parish Council support Cold Ash Parish Council in their objection to the application.

Highways:

According to the Transport statement (TS), the materials "will be imported to the site utilising a mix of traditional skips, each with a payload of 3 - 4 tonnes, and one or two Ro - Ro vehicles with a payload of 5 - 6 tonnes. With 5.5 working days per week (275 working days per annum). Assuming an average incoming payload of 5 tonnes, the above figures give rise to 13 loads per day, or 26 HGV movements per day"

Also according to the TS, “once sorted, the waste will then be exported for recycling or as non – recyclable waste. In both cases, the export is in large bulk vehicles, each carrying a 20 tonnes payload. With 18,000 tonnes per annum, and 275 working days, those vehicles would therefore need to make 3 visits per day or 6 HGV movements”

It is also assumed that with around four employees, there will be 10 car movements per day (5 in, 5 out).

Therefore in total, the proposal at maximum input will generate the following for 275 days per year:

3 to 6 tonne HGV's = 26 vehicle movements (13 in, 13 out) per day
20 tonnes HGV's = 6 vehicle movements (3 in, 3 out) per day
Cars = 10 vehicle movements (5 in, 5 out) per day

The existing permitted planning use of the building and site is for B1 Light Industrial / B8 Storage & Distribution. With some of these uses, especially distribution, there is potential that there would be similar numbers HGV movements. Also with some of these uses, there is greater potential for larger HGV's, while for this proposal, the majority of the HGV's are small.

As there is potentially no increase in traffic from some of the uses that the site already has permitted under planning, no objections are raised on traffic grounds.

A more detailed parking layout is required.

Open Space:	No contribution towards the provision of public open space is required
Environmental Health	The proposed building is a good structure for the proposed use. Due to the fact that the doors will be closed whilst waste is being unloaded and processed a mechanical ventilation system will be required to manage fumes from vehicles and machinery operating within the building as all operations will take place with the doors closed. This can be secured by condition. A condition requiring that the roller shutter doors be kept closed whilst the recycling unit is in operation is also requested.
Archaeology	No major impact on any features of archaeological significance.
Environment Agency	No objections to the proposed development. The development will require an environmental permit and the applicant is advised to contact the Environment Agency to discuss these matters.
Thames Water	No objections from a water infrastructure or sewerage infrastructure perspective.
SPOKES	No response received.
Thames Valley police	No response received.
Sustainable Drainage	No response received.
Disabled Access	No response received.

Correspondence:

46 of letters of objection have been received in respect of this application raising the following planning considerations:

Amenity impacts

- Noise impacts and air pollution associated with the waste operations in and around the buildings effecting local residents.
- Litter problems and vermin issues associated with the management of waste.
- Noise and vibration impacts associated with the traffic will impact on residential amenity.
- The proposed site borders residential properties.
- Concern over inadequate drainage and trade effluent hazards.
- The proposed operating hours are considered excessive and not in line with existing users of units in the industrial estate.
- Concern over the range of wastes that could be imported.
- Reference has been made to commercial development of this nature being wholly unwelcome in this area.
- Reference has been made to there being very little noise currently generated by the estate and existing occupiers consider that their business will be compromised by the proposed use.

Highways impacts

- Concern over the risk to pedestrians as there are no pavements in the locality.
- The increase in vehicle movements is considered unacceptable and the local road network is inadequate.
- The junction with the B4009 (and nearby bridge) is considered unsafe and reference has been made to the local road network being already saturated.
- Residents are seeking to reduce overall vehicle movements and traffic movements must not be allowed to increase for any reason, the large vehicles associated with the proposed use are unacceptable.
- The proposed increases in vehicle movements are unacceptable.
- Concern has been raised over road safety issues and the increased risk of accident with school children.

Other issues

- Reference has been made to the application site being within the AONB and the fact that in such a protected development should be limited. The applicant has not demonstrated that there is an exceptional need for the development proposed or that the proposals will conserve and enhance this greenfield site *Officer comment: The application site is not within the AONB (detailed further below) nor a greenfield site.*
- The proposals would set a dangerous precedent for further development and change the face of the village forever.
- Reference has been made to the Red Shute hill industrial estate being for B1 and B8 users only and must remain so. *Officer comment: The existing permitted uses at the industrial estate have been set out in section 1 of this committee report.*
- Waste sites should be allocated to sites in the Berkshire Waste Local Plan – Cothrop and Membury, there is no need or want for the proposed development.

- The application site is in a residential area.
- The proposals will undermine local economic developments.
- The building is too small and therefore operations will spill out into the yard areas.
- The proposal to keep the doors closed is unrealistic.

Other non planning matters raised

- This is a new company so they have no track record so there is no reason to believe they will comply with legislation or judge them on.
- The applicants have no experience of operating such a site.
- The applicant had an application in Beenham refused.

4.0 Description of Development and Site Location

- 4.1 The application site is Unit 3 of the Red Shute Hill Industrial Estate. As set out in section 1 of this report the Red Shute Hill Industrial Estate has existed in this location for over 25 years. Prior to being an industrial estate, much of the site where the Red Shute Hill Industrial Estate is currently located was occupied by a timber yard and sawmill (a B2 use). As such this area has a long established history for industrial uses.
- 4.2 The Red Shute Hill Industrial Estate is located approximately 800m to the south of the village of Hermitage, to the east of the B4009 being accessed off Red Shute Hill. There are a number of residential properties that are in close proximity to the industrial estate. Bridge House is located opposite Sawmill Road to the south-west, of the estate, a property known as Roseberry to the south (along Red Shute Hill), Fairmead and Grimsbury house are situated to the east of the industrial estate and to the west, beyond the former railway line are a row of residential properties that front the B4009.
- 4.3 The unit which is the subject of this application (Unit 3) is currently vacant and located relatively centrally within the estate being approximately 100m to the north east of Bridge House, 150m to the west of Fairmead and 130m from the nearest property that fronts the B4009.
- 4.4 As detailed further in section 5, the application site is outside, but in close proximity to the North Wessex Downs AONB, which is located to the west, north and east of the industrial estate.
- 4.5 The application site is approximately 0.1ha in size. The industrial unit comprises a single storey office and welfare area (90m²) linked to the larger warehousing element of the unit (450m²). Along with the physical building the application site also includes the hardstanding areas that surround the unit, together with the access road (Sawmill Road) that links a number of units through the estate to Red Shute Hill.
- 4.6 This planning application is an application for the change of use of Unit 3 of the Red Shute Hill Industrial Estate to a skip waste recycling and transfer facility to import, store and process up to 18,000 tpa of general skip waste (including wood, metal, plastic, paper and card).
- 4.7 It is proposed that all waste materials imported to the site will be stored, processed and managed solely within the existing building with the hardstanding areas outside the industrial unit being solely used for parking and the storage of empty skips. The imported skips will be unloaded within the building within the tipping area. The waste will then be processed using magnets and eddy current separators (to remove metals) a trommel / screen to remove fines and a picking station, where waste materials can be hand sorted.

As is usual with such facilities a quarantine area is proposed where any materials that cannot be processed within the facility can be stored for exportation.

- 4.8 The recyclable materials recovered from the imported and sorted waste will be bulked up (and baled where appropriate) for re-use / further processing off site. The non recyclable wastes will be exported for disposal / energy recovery. The recovered re-cyclate will be stored within the building until it is loaded onto an articulated lorry or bulker that will be stationed outside the building on the hard standing areas during the loading process.
- 4.9 In respect of their Use Class, waste management facilities are generally classed as being sui generis uses, but some waste uses are also classed as B2 uses. For example a “waste processing facility” is classed as a sui generis use, whereas a “waste sorting facility” is a B2 use. Unfortunately, when it comes to waste management facilities such as that which is proposed the line between a B2 use and a sui generis use is not clear cut and there are examples of case law and inspectorate decisions that take opposing stances on this matter.
- 4.10 Whilst it is clear that the proposed use does not fall within the existing permitted use classes of Unit 3, and therefore this application is definitely required, officers consider that the use proposed by this application is more akin to a waste sorting operation than a waste processing facility as the applicant is effectively seeking to just sort the imported waste into various waste streams before exporting them off site for further processing or management and therefore could be argued to be within a B2 use. As such the use would be within the same Use Class as a number of the existing units within the Red Shute Hill Industrial area.
- 4.11 Arguably, had the applicant decided to locate his business in one of the other industrial units in the Red Shute Hill estate that already has permission for a B2 use then planning permission may not even have been required.

5.0 Consideration of the Proposal

- 5.1 Before considering the proposals in detail, officers considered it prudent to address a number of points of misinformation raised by parties making representations on this application.
- 5.2 North Wessex Downs Area of Outstanding Natural Beauty (AONB).
Despite assertions to the contrary from a number of local residents, together with Hermitage Parish Council, the application site is not within the North Wessex Downs AONB. It is not disputed that the boundary of the AONB runs close to the application site (being just over 100m to the west and also wrapping around the north and east of the industrial estate) but the entire of the Red Shute Hill Industrial Estate is outside of the AONB.
- 5.3 Unfortunately the North Wessex Downs Management Unit’s own website is not particularly clear on this matter as, by default, the interactive online map on their website does not show the boundary of the AONB, and instead shows the landscape character areas relevant to the AONB. Whilst the extent of the plotted landscape character areas generally aligns with the AONB boundary (particularly when viewed at a large scale) when a user zooms in to a particular locality it is clear that the extent of the plotted landscape character areas and the boundary of the AONB are not actually congruent. An area where there is a significant anomaly in this regard is in the locality of the application site.
- 5.4 Whilst the North Wessex Downs website is arguably misleading, and it is therefore clear how this confusion has arisen, the application site is not within the North Wessex Downs Area of Outstanding Natural Beauty and therefore it is not subject to the planning policies in place that relate to development proposals within the AONB.

5.5 Existing uses / occupiers

Reference has been made by third parties to the Red Shute Hill Industrial estate being restricted to solely B1 and B8 uses, as detailed above in section 1 of this report, whilst the application site is currently restricted to B1 and B8 uses, and many of the existing occupiers of units on the estate undertake B1 and B8 uses, from a planning perspective there is permission for B2 uses to be carried out in a number of the units in the estate and there are B2 uses being carried out.

5.6 Reference has also been made to the existing users of units on the industrial estate having restrictive operating hours, this is not the case, only a small number of units on the industrial estate have planning restrictions on their operating hours. Similarly officers understand that none of the existing units on the industrial estate are understood to have any planning restrictions relating to vehicle movements.

5.7 Application site

Reference has been made to the application site being a greenfield site and bordering residential properties, however Unit 3 is actually around 100m from the nearest residential property. It is not disputed that the wider industrial estate is bordered by residential properties, however Unit 3 is located relatively centrally within the other units that make up the estate and is actually the unit that is furthest from any of the residential properties in the locality.

5.8 Reference has also been made to the application site being a greenfield site, as an existing industrial unit it is clearly not a greenfield site.

6.0 **Policy Considerations**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that any determination to be made under the Planning Acts must be made in accordance with the development plan unless material considerations indicate otherwise.

6.2 The development plan in this instance comprises of the following adopted documents:

- The West Berkshire Core Strategy (2006 – 2026)
- The West Berkshire District Local Plan (Saved Policies 2007)
- The Waste Local Plan for Berkshire (adopted in 1998)
- The Replacement Minerals Local Plan for Berkshire (including the alterations adopted in 1997 and 2001)
- There are also a number of adopted SPG's and SPD's
- The South East Plan (published in 2010)

The West Berkshire Core Strategy (WBCS) and West Berkshire District Local Plan (WBDLP)

6.3 The WBCS and WBDLP sets out the policy framework for the consideration of development proposals in West Berkshire. The WBCS and WBDLP sit alongside the Waste Local Plan for Berkshire (WLPB) and the Replacement Minerals Local Plan for Berkshire (RMLP) and the policies within the WBDLP and WBCS are designed to complement those of the County wide plans that deal with the specific policies for Waste and Minerals developments. Therefore it is necessary to have regard to the fact that, whilst the policies in the WBCS and WBDLP set out the local planning policy context, they do not necessarily consider the particular issues that relate to waste proposals. The WBDLP was originally adopted in 2002, and has, in part been replaced by the WBCS (adopted in 2012), however a number of policies remain in force until they are replaced in subsequent development plan documents.

6.4 The application site is located within the Red Shute Hill Industrial Estate which is identified in the Development Plan as a protected employment site and thus was subject to policy

Econ.1 in the WLDLP. Whilst this policy has now been replaced by policies in the WBCS, principally by policy CS9, the areas covered by policy CS9 remain identical to those covered by policy Econ 1 in the WBDLP.

- 6.5 Policy CS9 of the WBCS is the key policy in the development plan that relates to proposals in the protected employment areas states that:-

Proposals for industry, distribution and storage uses will be directed to the District's defined Protected Employment Areas, and existing suitably located employment sites and premises.

Proposals for employment generating uses, other than B class uses, within Protected Employment Areas will be favourably considered where these would be complementary to the existing business use in that location, and consistent with the integrity and function of the location for employment purposes. Proposals for such non B class employment generating uses which are likely to substantially prejudice the strategy set out at the start of this policy, will not be permitted.

Proposals for business development should be in keeping with the surrounding environment, not conflict with existing uses, and promote sustainable transport.

The Council will promote the intensification, redevelopment, and upgrade of existing, vacant and or derelict employment sites and premises for business development.

- 6.6 This policy therefore sets out a presumption in favour of industrial uses (such as the application proposals) being located on the defined protected employment areas. The policy does confirm that any proposals that are not a B Use Class (discussed further above) will be considered favourably only when they would be complementary to existing businesses uses and be consistent with the function and location. Policy CS9 also seeks to ensure that development proposals are in keeping with the surrounding environment and do not conflict with existing uses, and promote sustainable transport. Amenity matters are discussed further below in section 7 but officers consider that the proposed use of Unit 3 (arguably a B2 use) is complementary with the existing mix of B1(c), B2 and B8 uses that already exist on the estate.
- 6.7 As detailed above not all of the policies in the WBDLP have been replaced by the WBCS and therefore a number of policies remain extant until such time as they are replaced by subsequent DPD's that will be adopted that support the WBCS.
- 6.8 Policy OVS.5 of the WBDLP remains extant and this policy demonstrates the commitment of the LPA to ensure that development proposals will only be permitted where they do not give rise to an unacceptable pollution of the environment. Policy OVS.6 demonstrates the commitment of the LPA to ensure that the adverse noise impacts of developments are fully mitigated to an acceptable level.
- 6.9 Amenity matters and the potential impacts that could be generated by the application proposals are considered further below in section 7 of this report but in summary the development proposals are considered to generally accord with the policies in the WBDLP and WBCS.

Waste Local Plan for Berkshire (WLPB)

- 6.10 The Waste Local Plan for Berkshire is a key planning policy document relevant to this proposal. It is accepted that the WLPB is now dated, but it remains the adopted plan relating to waste proposals in Berkshire and provides a key local planning policy context for waste proposals. In accordance with the Planning and Compulsory Purchase Act (2004)

the WLPB was reviewed in 2007 and a number of policies were saved following this review process

6.11 Despite the fact that the WLPB was adopted in 1998, it is clear from the National Planning Policy Framework (NPPF) that policies in existing adopted plans shall be still afforded due weight and more weight given to policies that are consistent with the NPPF. The NPPF does not contain any specific policies on Waste, referring to PPS10 (discussed below) but confirms that decision makers should have regard to policies in the NPPF and therefore it is considered that, where the policies in the WLPB are in conformity with the policies in the NPPF and PPS10 then they should still be afforded due weight in the decision making process.

6.12 The WLPB sets out a preferred area approach for the delivery of waste management facilities across Berkshire. There are 27 areas in the adopted WLPB identified as preferred areas of search for waste management purposes. Of these 27 areas 10 are within West Berkshire. However notwithstanding this preferred area approach the WLPB makes it clear that it is not expected that all waste management facilities that are required in Berkshire will be delivered solely through the adopted preferred areas. Therefore the WLPB includes a number of policies specifically drafted to facilitate the consideration of where specific waste management development may be acceptable outside the preferred areas.

6.13 Policy WLP16 is one such policy. This policy relates to the consideration of proposals for waste management facilities for sorting, separating, recycling and treating waste outside of the identified preferred areas and states:

Outside preferred areas, proposals for waste management facilities, other than landfill will normally be permitted on sites within existing permanent waste management facilities or within existing or proposed industrial areas [i.e. areas containing a proportion of uses in the Use Classes categories B2 to B8, subject to]

I Consideration of environmental impacts; and

II The proposals overcoming or accommodating all constraints deriving from the considerations set out in Policies WLP27 and WLP29 to WLP33 and all other relevant policies of the Plan

6.14 This policy therefore sets out a general presumption in favour of waste management facilities, such as that proposed, in industrial locations, such as the Red Shute Hill Industrial estate, which as set out in section 1, contains a number of units that are used for, and permitted to be used for, B2 and B8 uses. Therefore the proposed use of unit 3 for waste management functions is in line with planning policy WLP16 of the WLPB.

6.15 Policy WLP27 of the WLPB (referred to in policy WLP16) states that:

Planning applications for waste management development will only be permitted if the Local Planning Authorities are satisfied that:

I having regard to Policy WLP2, there is a need for the development,

II that there is a wider environmental benefit resulting from the development which outweighs any adverse environmental and other effects resulting from it,

III that the development and its associated traffic would not give rise to any unacceptable environmental impact;

IV and that satisfactory arrangements are made to secure infrastructure, services and amenities made necessary by the development

6.16 Policy WLP2 is not longer saved and the other matters referred to are discussed further below in section 7 of this report.

- 6.17 Policy WLP29 (also referred to in WLP16) sets out strong presumptions against waste management development outside of preferred areas, that are within or adversely affecting certain areas. The most applicable of which, to this proposal, is the North Wessex Downs Area of Outstanding Natural Beauty (with the exception of certain development types that are not relevant to this proposal). As detailed above the application site is actually outside the AONB, but it is close to the boundary of the AONB and vehicles accessing the site, if travelling to the M4 or A34, would travel through the AONB.
- 6.18 It is considered by officers that the proposed change of use will not have any adverse impact upon the AONB, that could not be generated by the use of the unit for its currently authorised use and similarly the impacts of vehicles that may travel through the AONB would be no greater than the impacts of vehicles that could be associated with the authorised use of the unit in question.
- 6.19 Policy WLP30 (referred to in WLP16) sets out the consideration of all relevant impacts of all waste management development proposals referring to the need to consider all relevant planning considerations such as:
- Traffic and traffic related impacts
 - The need to safeguard health and living conditions
 - The consideration of impacts on the surrounding population
 - Visual impacts of proposed developments and effects on landscape
 - The need to safeguard the character and setting of settlements and safeguard open gaps between settlements
 - The need to safeguard and enhance public rights of way and recreational areas
 - The need to safeguard ecologically important areas together with archaeological sites and safeguard best and most versatile agricultural land

Clearly not all these points are relevant to the proposed development, but the traffic and amenity impacts of the development are key areas of concern discussed further below in section 7.

- 6.20 The final policies referred to in WLP16 are WLP31, which sets out the details expected to be submitted alongside planning applications, Policy WLP32 which relates to EIA, is no longer in force and Policy WLP33 that relates to seeking environmental and public benefits relevant to development proposals. In summary the proposed development is considered to be in accordance with the policies in the WLPB.

South East Plan

- 6.21 The South East Plan is, at present, still part of the statutory development plan, being the current adopted Regional Spatial Strategy. Government has stated its clear intention to revoke the Regional Spatial Strategies and case law has confirmed that the intention to abolish the South East Plan is a material consideration in making planning decisions. There are no policies in the South East Plan that are considered to be specifically relevant to this proposal however in the context of this appeal it is considered that the policies in the RSS, which include the protection consideration of traffic and amenity impacts support the policies in the Local and National policy context such that the revocation would not alter the planning policy position.

PPS10 – Planning for Sustainable Waste Management

- 6.22 The government have, recently, revoked many of the current national Planning Policy Statements, Mineral Planning Statements, Planning Policy Guidance notes and Mineral Planning Guidance notes and replaced them with a National Planning Policy Framework (NPPF) to replace all these documents. However a number of guidance documents remain in place, one of which is PPS10 – Planning for sustainable waste management, which has particular relevance to this proposal.

- 6.23 PPS10 is a material consideration on individual decisions, particularly where a policy in older Regional or Local policy documents do not reflect the policies in the PPS then the Policy in PPS10 will be a material consideration of considerable weight. The PPS emphasises the need to take into account the principles of the waste hierarchy (as set out in the Waste Framework Directive) in planning decisions for current and future waste arisings. The hierarchy is (in order of preference) (a) prevention; (b) preparing for re-use; (c) recycling; (d) recovery and (d) disposal. The proposed recycling operations that are proposed are within the “recycling” element of the waste hierarchy as it is proposed to develop a facility that enables the collection, sorting and bulking up of waste materials that are then exported for re-processing off site (preparing for re-use).
- 6.24 PPS10 also confirms that when seeking for suitable sites and areas for waste management facilities Planning Authorities should consider a broad range of locations, including industrial sites.
- 6.25 PPS10 sets out, in Annex E, the key issues that need to be taken into account in the determination of planning applications and includes; traffic and access matters, air emissions including dust, odours, noise and vibration and potential land use conflict. All of which are relevant to this proposal and discussed further in section 7 of this report.

National Planning Policy Framework (NPPF)

- 6.26 The NPPF, whilst not containing any specific waste policies is recognised to be a document that supports economic growth; however the NPPF also makes it clear that, whilst it is intended to be a pro-growth policy framework, development still has to be sustainable and therefore there remains a focus on ensuring the protection and enhancement of the environment.
- 6.27 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, which is seen as a golden thread applicable to both plan making and decision taking. The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental. The proposal is considered to have some economic considerations through the creation of employment opportunities and recovery of resources from waste materials. From a social perspective the proposals would enable locally generated waste to be managed locally. From an environmental perspective the management of waste will assist in the reduction of waste that is deposited to landfill, and provide sources of re-cyclate, reducing the demands on the use of virgin materials in line with the waste hierarchy.
- 6.28 In summary it is considered by officers that the development proposals will contribute to the economy, bring limited social benefits as well as environmental benefits and therefore accord with the sustainability objectives of the NPPF.

Conclusion

- 6.29 Officers consider that the local and national planning policy context relating to the application site sets out a position whereby, in principle, the proposed development accords with the development plan and is acceptable. However the same policy documents also confirm that notwithstanding this in principle position, any development proposals would have to accord with other relevant policies, the implications of which are discussed further below.

7.0 Main planning considerations

- 7.1 Section 6 of this report confirms that the proposed use of Unit 3 of the Red Shute Hill Industrial Estate for waste management uses is generally in line with the local and national policy context applicable to the proposals and therefore, in principle, acceptable. However members will note that many of the policies set out above, whilst setting out a general presumption make it clear that the specific impacts of any proposed development have to be considered.
- 7.2 In the context of these proposals the two principle key issues, which have also been identified by the majority of parties making representations, applicable in this case are those of highways and traffic related impacts and the amenity related impacts.

Traffic

- 7.3 Reference has been made by a number of parties making representations to the proposed development generating an additional 3,000 HGV movements a year (the equivalent of 11 per day)
- 7.4 It has to be recognised that the building that it is proposed to be used for the waste operations is already constructed and already has consent for use for the uses set out above in section 1. Clearly it is difficult to be prescriptive over the potential vehicle movements that could be generated by unit 3 under the existing consents however the applicant has interrogated the TRICS database which suggests that an industrial unit of the size of the appeal site would generate a daily traffic flow of some 35 movements a day. The application proposals, for the management of 18,000 tonnes of waste would generate a maximum of 42 movements per day (a mix of HGV's and cars). This is an increase of less than 20% (but would be an increase of 6 per day or 1650 per year (or over 3000 movements))
- 7.5 The applicant's traffic assessment acknowledges that the proposed use has the potential to increase the number of HGV movements from the site, but it also notes that the application site is within an existing identified and protected industrial area. In addition the current planning consents on unit 3 do not restrict the number of vehicle movements in any way, nor the operating hours.
- 7.6 Highways officers, having considered the applicants submissions acknowledge this existing permitted, and unrestricted, use of the application site and have concluded that the proposed use would not generate a level of vehicle movements that is in excess of the potential level of movements that could be generated by the existing permissions.
- 7.7 Highways officers also note that the majority of the HGV movements associated with the proposed use (skip vehicles) would involve smaller sized HGV's than those that could be associated with the existing permitted uses.
- 7.8 Concern has been raised by third parties over the former railway bridge and bends on Red Shute Hill between the access to Sawmill Road and the B4009 and HGV's negotiating these bends together with the impacts of vehicles on the wider highway network. However it has to be recognised that HGV's associated with the industrial estate are already negotiating this route and other routes in the locality and the proposed use would generally involve smaller sized HGV's than those that could be associated with the existing permitted uses, in addition the existing permission for unit 3 has the potential to generate a greater level of vehicle movements than the current proposed use.
- 7.9 If granted the waste facility would be limited to processing no more than 18,000 tonnes of waste per annum and therefore, through restricting this overall throughput, the total annual vehicle movements would be restricted.

- 7.10 In terms of its location the application site is not necessarily ideally located to nearby sources of waste as it is located within a semi rural area of West Berkshire, however it is relatively close to Junction 13 of the M4 and also only 5km from the centre of Newbury, which is clearly one of the main sources of waste in West Berkshire. However the proposed facility would only manage 18,000 tonnes of waste per year, which is a very small scale facility, and as such the size of the facility actually well suited to this semi rural locality.

Amenity impacts

- 7.11 Concern has been raised over the potential amenity impacts of the proposed waste facility, with noise impacts of the waste processing operations being cited as a particular concern and reference being made to there currently being very little noise generated by the current operations at the industrial estate.
- 7.12 The applicant has submitted a noise impact assessment in accordance with BS4142 that predicts that the noise level that would be experienced at the 3 monitoring points that are considered to be representative of the nearest residential properties would be below the existing measured background level at these same locations. Therefore the use of the application site for waste management purposes is predicted to operate such that the level of impact would be less than “marginally significant”.
- 7.13 Using an IOA / IEMA impact rating (Institute of Acoustics / Institute of environmental management and assessment) the noise impact assessment suggests that the proposed change of use would have a neutral impact (there would be no significant change experienced).
- 7.14 The Council’s Environmental Health officers have been consulted on this application and not raised any concerns with respect to potential noise impacts of the proposed development.
- 7.15 Concern has been raised by the occupier of the adjacent unit to the applicant site in respect of the potential noise, and dust related impacts that the change of use could generate which could impact upon his business. As the closest building to the application site it is recognised that the amenity impacts of the waste operations are potentially the greatest, however it also has to be remembered that this is an industrial estate and Members will be aware that because of the B2 permission that covers a number of units a myriad of general industrial units could arguably operate within the Red Shute Hill industrial estate without requiring planning permission, that could generate far greater amenity impacts on both residential properties and the other units.
- 7.16 Concern has been raised in respect of the proposed operating hours for the site with references being made to the operating hours being too long, it is perhaps worth noting that the application site does not currently have any restrictions upon operating hours. The proposed operating hours are the “standard” hours of operations that are normally imposed upon a waste site, and given the conclusions of the noise impact assessment and the views expressed by the Council’s Environmental Health officers it is considered by officers that the proposed operating hours are acceptable.
- 7.17 In addition to noise impacts, concern has been raised in respect of litter, vermin, and dust and air pollution. In respect of these matters it has to be noted that the applicant is proposing to undertake all storage, processing and management of waste within the building, the only exception to this is the storage of empty skips and the loading of materials onto lorries / bulkers for exportation, officers therefore propose to restrict the operations in such a manner through the use of planning conditions that would cover the following:

- No waste storage outside the building (only the storage of empty skips or loading of waste materials for export shall be allowed outside the building).
- No unloading of skips with the roller doors open.
- No loading of skips with waste materials or recyclate with the roller doors open.
- No operation of the waste recycling / processing plant with the doors open.

7.18 As such the operations would effectively be fully enclosed and any dust or odours should be contained within the proposed building. The installation of a mechanical ventilation system (to enable the operation of the plant and loading and unloading of skips in a safe manner) should keep the building under a slight negative air pressure, again reducing the risk of dust or odours escaping. In respect of vermin the waste streams that are generally involved in skip waste is non putrescible, such that it is not likely to attract vermin. Again a fully enclosed operation would minimise the potential for vermin to access any potential food sources that may be imported to the site. In summary, it is considered by officers that appropriately worded conditions would ensure that the operations at the site do not cause unacceptable amenity impacts on local residents.

7.19 In addition to the proposed planning conditions the operations at the site would be governed by an environmental permit, issued by the environment agency, which would control and restrict the operations in a more stringent manner than any planning conditions, and be subject to periodic reviews. It is acknowledged that the planning and pollution control regimes are separate but complementary. PPS10 confirms that the Pollution control system is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should focus on whether development is an acceptable use of the land, and the impacts of those uses on the development and use of land.

Other matters raised.

7.20 Reference has been made to the fact that the applicant is a new waste management company that has no "track record" that can be relied upon to judge their likely performance. However it is a well recognised planning principle that who an applicant is has no bearing on the consideration of a planning application. This is due to the fact that planning permission runs with the land and in perpetuity. Therefore, a waste management operator, who is considered to be reputable and responsible, could obtain consent for a site and then immediately sell it or let the facility to another operator.

7.21 Reference has also been made to the applicant having been refused planning permission for the development of a skip waste facility in Beenham. However such assertions are incorrect. It is not disputed that the applicant submitted an application to change the use of a building in the Beenham employment area to a skip waste facility, however this application (12/00663) was withdrawn by the applicant prior to a determination being made by the Planning Authority, it was not refused. It is recognised that through the progression of the Beenham application a number of shortcomings were identified, mainly around the physical constraints of the building that the applicants were proposing to use and there were also noise related concerns given that residential properties abutted the building proposed to be used at the locality in Beenham and highways related concerns. However this has no bearing on these proposals.

7.22 Hermitage Parish Council have asserted that the Planning Authorities decision not to require the completion and submission of an EIA is both incorrect and to grant consent without an EIA is unlawful. Officers have reviewed the screening opinion that was issued by the planning authority prior to this application being submitted and are satisfied that the

appropriate procedures have been carried out and that an EIA is not required to accompany this application.

8. Conclusion

- 8.1 Having taken account of all the relevant policy considerations and the other material considerations referred to above it is considered that there are clear planning policy reasons to support the proposal. The proposals are considered to constitute sustainable development, in the terms set out in the NPPF and will deliver economic, social and environmental benefits.
- 8.2 Officers acknowledge that the proposed use of the application site has the potential to generate adverse amenity impacts, however subject to the imposition of suitably worded conditions the potential level of impacts is considered to be acceptable, and arguably these impacts could be below the level of impacts that could hypothetically be generated by the existing consent for the application site or other units on the industrial estate.
- 8.3 It is also acknowledged that the proposed use has the potential to generate traffic movements, however highways officers are satisfied that the level of traffic movements that would be generated is below the level of traffic movements that could potentially be generated by the existing consent for the application site.
- 8.4 Subject to the imposition of suitable conditions it is considered that the proposed land use will not conflict with the existing and permitted uses of the other units in the Red Shute Hill Estate or the nearby residential uses, therefore the development proposed is considered to be acceptable and a conditional approval is justifiable.

Full Recommendation

The Head of Planning and Transport Strategy be authorised to **GRANT** Planning permission subject to the following conditions and informatives:-

Conditions

1. Commencement of development

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within seven days of such commencement.

Reason: To comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended) and to enable the Local Planning Authority to review the desirability of the development against up to date planning policies at a National, Regional and local level should it not be started within a reasonable time.

2. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the following submitted documents and plans:

- Application form dated 02/11/12.
- Site location plan, Figure No 2 dated Nov 2012.
- Site Plan, Figure No 3 dated Nov 2012.
- Planning Statement, reference no CRM.041.003 dated September 2012.
- Transport Statement, reference no GDB/4247/TS.2 dated October 2012.

- Flood Risk Assessment, reference no CRM.041.003 dated October 2012.
- Ecological statement dated October 2012.
- Noise Impact Assessment reference CRM.041.003.R.001.A.dated October 2012.
- Letter from Mr T. Bland dated 4th January 2013.

the details of which are approved except as amended by the following conditions

Reason: To enable the Local Planning Authority to adequately control the development, to minimise its impact on the amenities of the local area in accordance with policy WLP31 of Waste Local Plan for Berkshire 1998-2006 and policies OVS.5 and OVS.6 of the West Berkshire District Local Plan (Saved Polices 2007).

3. Operating Hours

No operations or activities authorised by this permission including the receipt, movement and despatch of goods vehicles shall be carried out except between the following hours:

0700 and 1800 Mondays to Fridays
0700 and 1300 Saturdays

and no such operations shall be carried out on Sundays, Bank Holidays or Public Holidays.

Reason: In the interests of the local amenities of the area in accordance with policy WLP30 in the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 in the West Berkshire District Local Plan (Saved Polices 2007).

4. Parking and turning details

No waste recycling and transfer operations shall take place until a plan detailing the areas of vehicle parking, vehicle turning and skip storage has been submitted to and been approved in writing by the Planning Authority. The relevant parking and storage areas shall be marked out prior to the commencement of waste recycling and transfer operations. The development shall thereafter be carried out and operated in full accordance with the approved plan.

Reason: In the interests of the local amenities of the area and in the interests of highway safety in accordance with WLP30 of the Waste Local Plan for Berkshire 1998-2006.

5. Extraction system

No waste recycling and transfer operations shall take place until the full details of the mechanical ventilation systems have been submitted to and been approved in writing by the Local Planning Authority. No waste recycling and transfer operations shall take place until the facilities have been provided in accordance with the approved details. The approved extraction system shall be retained and maintained and operational at all times waste management operations are taking place within the building.

Reason: To protect the employees and visitors of the site from engine fumes and odour in accordance with WLP30 of the Waste Local Plan for Berkshire 1998-2006.

6. Litter Scheme

No waste recycling and transfer operations shall take place until a litter management scheme has been submitted to and been approved in writing by the Planning Authority. The development shall thereafter be carried out and operated in full accordance with the approved scheme.

Reason: In the interests of the local amenities of the area in accordance with policy WLP30 in the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 in the West Berkshire District Local Plan (Saved Policies 2007).

7. Internal layout

No waste recycling and transfer operations shall take place until the full details of the plant and machinery to be provided within the building, together with its location, has been submitted to and been approved in writing by the Planning Authority. No waste recycling and transfer operations shall take place until the approved plant and machinery has been fully installed. The development shall thereafter be carried out and operated in full accordance with the approved details.

Reason: In the interests of the local amenities of the area in accordance with policy WLP30 in the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 in the West Berkshire District Local Plan (Saved Policies 2007).

8. Operations outside the building

No waste transfer, waste recycling or waste storage operations shall take place outside of the building hereby approved for use as a skip waste recycling and transfer facility.

No recycle or waste residues produced by the skip waste recycling and transfer facility shall be sorted, stored, placed, processed, managed or deposited outside of the building hereby approved for use as a skip waste recycling and transfer facility.

Only empty skips (stacked no more than 5 high) shall be stored outside the building and only in the locations approved on the plan approved under condition 4.

No vehicles loaded (or part loaded) with waste materials, or vehicles loaded (or part loaded) with recovered materials shall be stationed outside of the building unless they are awaiting entry to the building to unload or are actively involved in the process of being loaded with materials for exportation.

Reason: In the interests of the local amenities of the area in accordance with policy WLP30 in the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 in the West Berkshire District Local Plan (Saved Policies 2007).

9. Doors

The roller shutter doors on the building shall be kept closed at all times that waste is being unloaded, and at all times that the waste recycling plant within the building is operational.

Reason: In the interests of the local amenities of the area in accordance with policy WLP30 in the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 in the West Berkshire District Local Plan (Saved Policies 2007).

10. Throughput

The throughput of waste shall not exceed 18,000 tonnes in any one calendar year.

Reason: To accord with the application in the interests of the local amenities of the area in accordance with policy WLP30 in the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 in the West Berkshire District Local Plan (Saved Policies 2007).

Informatives

1. Reason for decision

Having taken account of all the relevant policy considerations and the other material considerations it is considered that there are clear planning policy reasons to support the proposal. The proposals are considered to constitute sustainable development, in the terms set out in the NPPF and will deliver economic, social and environmental benefits. Subject to the imposition of suitable conditions it is considered that the proposed land use will not conflict with the existing and permitted uses of the other units in the Red Shute Hill Estate or the nearby residential uses, therefore the development proposed is considered to be acceptable and a conditional approval is justifiable. This informative is only intended as a summary of the reason for the grant of planning permission. For further details on the decision please see the application report which is available from the Planning Service or the Council website.

2. Sustainable development

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

DC