

12/02655 Pins Ref 2195141	Unit 3, Red Shute Hill Industrial Estate, Red Shute Hill, Hermitage, Thatcham RG18 9QL	Change of use to include 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).	Ctte. Refusal	Dismissed 13.11.2013
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Background

The small industrial estate, which was once a timber yard and which still includes a timber yard, lies on the north east side of Red Shute Hill, in attractive open countryside near the village of Hermitage. The appeal site within the estate includes a disused modern industrial building and attached office. The appeal site has had, since 1987, full permission for a building of 450 sq m of light industrial or warehousing space. The proposal is to use the building for recycling, with the side extension (90 sq m) serving as an ancillary office.

At the site inspection, when checking the other uses on the estate, the Inspector found that the appellant was already occupying the adjacent Unit 5 to the south west of the appeal site. He was advised that a Lawful Development Certificate (LDC) had recently been issued for the use of that site.

After his site visit and at his request, the appeal Case Officer obtained a copy of the LDC and supporting papers. These confirm that Unit 5 had a lawful B2 (general industrial) and that the Council was satisfied that the sorting of waste also fell within the same B2 Use Class. On the balance of probabilities, the Council concluded that the use of Unit B5 for B2 purposes was lawful. The LDC is dated 11 June 2013, Ref 13/00915/CERTP.

The Environment Agency has no objections to the appeal proposal but it points out that an environmental permit would be needed for the development.

Policy CS9 of the adopted (July 2012) West Berkshire Core Strategy (WBCS) has a presumption in favour of industrial uses being located on defined Protected Employment Areas (PEAs) such as this industrial estate. Employment generating uses other than B class uses within the PEAs will be favourably considered where they would be complementary to the existing business uses in that location. Saved policy OVS.5 of the adopted (2002) West Berkshire District Local Plan (WBDLP) seeks to control pollution of the environment and OVS.6 deals with the adverse impacts of noise. The adopted (1998) Waste Local Plan for Berkshire (WLPB) identifies 27 preferred areas of search for waste management purposes together with policies saved in 2007 to control such uses outside the preferred areas, including in particular WLP16, WLP27 and WLP30. Of these, WLP27 weighs benefits against environmental harm and states that permission for waste management development will only be granted where there is a need for the development.

The National Planning Policy Framework (the Framework) provides a presumption in favour of sustainable development. The WBCS postdates the Framework but it is predated by the saved policies in the WBDLP and the WLPB. The above saved policies are consistent with the Framework and full weight in accordance with their statutory status will therefore be attached to them.

The Framework replaces many national policy documents but not Planning for Sustainable Waste Management (PPS10 of 30/3/2011) which emphasises the principles of the waste

hierarchy, the need to consider a broad range of locations including industrial sites and, in Annex E, it sets out the key issues for dealing with waste planning applications, including noise, vibration, dust, visual intrusion, odours and potential land use conflict. PPS10 postdates the saved policies and is to be accorded precedence in the event of any conflict.

Main Issues

The main issues are highway safety and amenity impacts arising from the size of the premises, the nature of the waste and from noise, dust and litter.

Reasons

Highway safety

From the B4009 Long Lane, to the north-west, Red Shute Hill passes across a bridge over a former railway line, with a sharp bend in the road at each side of the bridge. It then slopes down past the estate entrance and then past another estate entrance before climbing more steeply on the way to Cold Ash.

There is significant public opposition from local residents on highway safety grounds, including that: the road is used as a rat run; the bridge abutments have been damaged by passing vehicles; one vehicle ended in the garden of the dwelling opposite the estate entrance, as shown on a submitted photograph; the garden and the property opposite the estate road are at a significantly lower level than the carriageway of Red Shute Hill; there is constant water seepage over this road to the south east of the estate road entrance, which is particularly dangerous when it is icy; there would be added dangers from the HGV traffic that would be generated.

A Traffic Regulation Order restricts traffic through Cold Ash to 7.5 tonnes maximum gross weight. However, an exception for loading allows vehicles going to or from the industrial estate to approach or leave in either direction.

The majority of the skip lorries would be likely to take payloads of 3 - 4 tonnes plus some with a payload of 5 - 6 tonnes. The expected number is 13 loads or 26 HGV movements per day. Material exported from the site would be in large vehicles with 20 tonne payloads, at 3 loads or 6 movements per day.

The Inspector recognised the highway safety concerns about the appeal proposal. However, the existing permitted use of the appeal site for light industrial, storage and distribution has potential for similar numbers of HGV movements to those currently proposed and these could include many more large vehicles than would visit the site for the proposed recycling use. With this in mind, he had no objection to the proposal on highway safety grounds.

Amenity impacts

The large roller shutter door at the north eastern end of the building would provide access for the skip lorries to the waste reception area and the waste quarantine/oversize area. The proposed internal layout is shown on the Plan 'Unit 3 Red Shute to Scale', sent to the Council on 4 January 2013 and amended from the layout on earlier plans. The layout shows an 18t skip loader, waste quarantine/oversize area, an in-feed hopper and finger screen/trommel small, a mech grab waste handler and a tipping pad in front of 'steel n sleeper push walls' before the storage bunkers and picking station. The south west/output end of the building would have a baler, clean hardcore store, and areas of baled recyclables, with a bobcat and fork lift to move materials/bales.

In the earlier submitted information, all activities other than the moving of skips to their storage area at the side of the building, were to have taken place within the building and he noted that that was the basis for the noise assessment. In the revised scheme, which he outlined above and which was sent to the Council on 4 January 2013, a flat-bed trailer would be loaded via the large roller shutter door at the south west end of the building, once a week. This activity would take place outside the building using a forklift with silent flashing alarms. The flat-bed trailer would transport recyclables away from the premises.

The space within the building at its input end would be very restricted for the scale and type of activities proposed and for the amount of material to be sorted and to be moved. Depending on the rate of arrival of skips, this would require the roller shutter door to be kept open for longer periods than have been anticipated, thereby allowing dust, noise, litter and possibly odour to escape.

Moreover, skips can hold a wide variety of materials, some of which can be unforeseen and unpredictable when other material is on top of them. There is very limited space within the input end of the building for storage of unwanted materials and at the output end for materials that would need to be stored if they were not suitable for baling before being taken away.

The proposed throughput is 18,000 tpa but the Inspector was not satisfied that this would be practicable within the existing building because of its limited size. It is likely, even with the amended operational details, that activities would spill over to the external yard areas, which would detract unacceptably from the character and appearance of this small industrial estate and cause a combination of similar harmful amenity impacts to those outlined in paragraph 18 above.

Although there are general industrial uses on the estate, the appeal proposal would be likely to be seriously detrimental to the amenity of occupiers and users of nearby units. In this context, he noted that the adjacent unit No 4 to the north west of the site supplies valves to the oil and gas industry but it is principally an office, with a predominantly clean computer-based environment, which has windows near to the appeal premises.

Conclusion

The appellant provides general information on the need for waste recycling facilities, on the materials coming from local sources, on the reduction in waste going to landfill – which helps to drive waste up the waste hierarchy – and on helping to meet recycling targets. However, there is no specific or detailed evidence on waste arisings locally or on the subject of need against which, in making his decision, the Inspector could weigh the environmental harm that would be generated.

The site is not within a preferred area of search for waste management purposes but it is within an industrial estate that includes a number of general industrial uses. Nevertheless, the harm that would be caused to the estate and to nearby uses would, for the reasons outlined above, be in conflict with saved policies OVS.5, OVS.6, WLP16 and WLP30. He was satisfied that this proposal would be in conflict with the development plan and considered all other matters raised but they are not as convincing as the factors that led him to the conclusion that the appeal should be dismissed.