



Appeal Decision

Site visit made on 2 February 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2021

Appeal Ref: APP/V0728/W/20/3263290

Former Motor Sport Centre, Old Station Road, South Bank TS6 6AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr K Rutherford (Teesstone Group Ltd) against the decision of Redcar & Cleveland Borough Council.
 - The application Ref R/2020/0172/FFM, dated 19 March 2020, was refused by notice dated 8 October 2020.
 - The development is proposed as a waste facility.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There was no address identifying the appeal site on the submitted application form and therefore the address within the banner has been taken from the submitted appeal form.
3. The Council did not provide a Statement of Case. As such, I have progressed the appeal on the basis of the evidence provided.
4. The noise impact assessment (NIA) includes a site location plan different to the site location plan submitted with the appeal. Most notably, the layout of the two weighbridges and the relationship with the wheel washing facility does not accurately correspond with the appeal plans. I have however assessed the proposal based on the Council's list of refused plans.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of local residents with particular regard to noise and dust levels.

Reasons

6. The appeal site is a motor cross track situated between the A66 and the Saltburn to Darlington railway line located within the South Tees Business Parks. The surrounding area is industrial in nature. The Haven gypsy and traveller site is located close to the boundary with the site with approximately 19 residential bungalows and hardstandings where mobile caravans are parked.
7. The racetrack is currently disused, and the land is uneven with significant earth bunds to its perimeter and throughout the site. Some levelling of the internal

- site would be required to provide a level roadway, and filling proposed with areas segregated for the different components required for storage, crushing and screening of mixed stone and processing and composting of soil and vegetable matter. Once the on-site waste has been processed, the material would be loaded onto HGVs and taken off site. The access gates into the site are illustrated to be moved close to the vehicular access into Haven.
8. The appellant explains that the site would eventually build up to 100 vehicular movements to the site per day across the hours of operation from 0800 until 1800 Monday to Friday and 0800 until 1300 Saturday.
 9. The NIA states that on average, vehicles to the site would be approximately ten HGV movements per hour. The appellant's submission explains that there would be fourteen vehicles at the site of two different road weights. However, it has been confirmed by the appellant that customers would arrive to site with their own loads. Details of how numbers of wagons to the site at any one time, or the management of how the weights of loads would be controlled, has not been explained.
 10. The proposed wheel washing facility and the outgoing weighbridge would be located on opposite sides of the internal road from one another. This proposed relationship would result in additional vehicular manoeuvring to navigate both facilities, one after the other. As a consequence, the wagon's time on site would inevitably be prolonged. Manoeuvring would be further restricted given the one-way system to be employed.
 11. Moreover, there is only one vehicular access and egress into the site and no designated internal standing area identified for vehicles to wait before entering the weigh-in facility. There is insufficient evidence provided to demonstrate that vehicles arriving at the site would not back up along the access road. In addition, there are no details regarding the effects of vehicles arriving to site before it opens.
 12. The details of wagon noise identified within the NIA was based on a different site layout to that before me. On the basis of the operations that would be carried out on site and the logistical arrangements I have noted, I conclude that there are insufficient details of the potential for noise arising from engines idling within close proximity to the Haven site and the consequential effect for residents to experience increased noise levels and dust emissions from these waiting wagons with their heavy loads.
 13. In terms of internal activities, the planning application form explains that the total site capacity would be '5000000' tonnes of waste with '250000' tonnes of waste as the 'maximum annual operational through-put'. Consequently a significant amount of waste would be dealt with on site. There are no details submitted with regards to stock piling heights of any materials. I note the appellant explains the levels 'may' exceed those of the remaining mounds on site. There is potential for dust emissions to arise from waste deposited on site.
 14. The crushing of stone and screening is proposed to occur and as this is an external activity, dust emissions from the operation would inevitably arise. No details of dust suppression measures have been submitted.
 15. I note the appellant's assertion that the Haven residential site could be accessed by the northerly entrance only. However, there is no mechanism

within the appeal scheme to secure this. Moreover, it has not been demonstrated how this would overcome the harm I have identified. Furthermore, whilst I note the appellant's suggestions regarding revisions to the scheme relating to the entrance gates and location of operations on the site, no such details are before me. I must base my decision upon the submitted details on which the Council consulted and made its decision.

16. Should the appellant wish to pursue a revised scheme, this must be via a planning application to the local planning authority. Details of an acoustic screen adjacent to the Haven site are not before me for consideration. It is therefore not possible to reach a view on whether such measures would mitigate the identified harm.
17. The Environment Agency would have certain controls on the site via waste licensing permits, however, there are no details submitted on this matter to take into consideration.
18. Whilst the former use of the site would generate noise, I have limited information regarding the extent of this activity and so cannot readily draw comparisons between that and the proposed development. Likewise, there is little information about the noise generated by the motocross site to the south of the A66.
19. Bringing all these matters together, I therefore conclude that there is no evidence presented to demonstrate that the development would not lead to harm arising to the living conditions of local residents. Consequently, it has not been demonstrated that the appeal scheme would accord with part b of policy SD 4 of the Redcar and Cleveland Local Plan.

Other Matters

20. Evidence of fly tipping occurring on and around the site is obvious, however there are alternative means to deal with this other than the proposal. There are no details of trespass or anti-social behaviour at the site to allow me to comment upon. I therefore give these matters very little weight.
21. An employment use at the site would generate local jobs. In addition, I recognise the benefits associated with waste recycling and that the proposal may make effective use of the land and safeguard other sites from development. I afford these matters moderate weight.

Conclusion

22. The proposal would conflict with the development plan and the material considerations identified above are not sufficient to outweigh this conflict and the identified harm to residents' living conditions. Therefore, based on the information before me, for the reasons I have given, the appeal is dismissed.

Alison Scott

INSPECTOR