

**HAMPSHIRE COUNTY COUNCIL****Decision Report**

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	28 September 2011
<b>Title:</b>	Removal of condition 1 (Hours of working) on PP: F22689/002/FUL at Beacon House, 13 Mill Lane, Alton GU34 2PH. (Application No: 22689/003)(Site Ref: EH157)
<b>Reference:</b>	3281
<b>Report From:</b>	Head of County Planning

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## 1. Executive Summary

- 1.1. Planning permission for a change of use to waste transfer station with recycling at Beacon House, Mill Lane, Alton (F22689/002/FUL) was granted on 13 June 2008 and includes a condition restricting the hours of working. The initial application sought to delete the condition, however this was subsequently amended to delete the condition and substitute new conditions which extend the operating hours.
- 1.2. The main issues are the environmental consequences for the nearest resident and the locality of extending the hours, particularly with regard to noise. However the success of the recycling business is also recognised and, therefore, there should be consideration of whether the existing hours could be extended without having a significant amenity impact.
- 1.3. It is considered that the site is appropriate for waste transfer and recycling (DC13) and that, subject to further conditions restricting hours and use, would not have an unacceptable impact on the amenity of local residents (DC 8).
- 1.4. The recommendation is that planning permission is granted for a variation of Condition 1 (Hours of Working) on planning permission F22689/002/FUL at Beacon House, 13 Mill Lane, Alton, subject to the conditions listed in Integral Appendix B.

## 2. Site and proposal

- 2.1. The site, as shown on the attached plan, comprises an industrial building and yard at Mill Lane, Alton. The site adjoins the Caker Stream, and is located within an industrial/commercial area, although there is a house, Lynch Hill Cottage, about 70 metres to the south west of the site.
- 2.2. Planning permission was granted for change of use to waste transfer station with recycling in June 2008. Condition 1 of the planning permission states
  - 'No work related to the storage, baling and recycling activities shall take place before 0800 or after 1800 Monday to Friday inclusive, before 0800 or after 1300 on Saturday and not at all on Sunday or recognised public holidays, unless otherwise agreed beforehand in writing with the Waste Planning Authority. Reason: To protect the amenities of occupiers of nearby properties.'
- 2.3. The applicant (Specialist Waste Recycling Ltd) provides a waste service to the motor trade. The site handles cardboard, paper, polythene, bumpers, tyres, metal and rigid plastic. Condition 2 of the planning consent restricts storage, baling and recycling to within the building. They state that since moving to the site in 2008 they have experienced a considerable increase in the demand for recycling and work at the site and find the hours of working condition too restrictive.
- 2.4. They have commissioned a noise report, which accompanies the application, to determine the background noise level at the site and to assess whether normal working operations within the building, when carried out over a full 24 hour period would exceed the background level at the nearest house. The conclusion was that the background noise levels would not be exceeded.
- 2.5. There is also an analysis of other commercial/industrial permissions in the vicinity which do not have such a time restriction.
- 2.6. Following the receipt of objections to the application, the applicant proposes to delete the condition and substitute with the following new conditions;
  - No work relating to storage, baling and recycling activities shall take place before 0700 or after 2200 Monday to Friday inclusive, before 0700 or after 1300 Saturdays and not at all on Sunday or recognised public holidays unless otherwise agreed in writing with the Waste Planning Authority.
  - Prior to 0800 and after 2000, in line with the restrictions of condition 1 above, the main doors to the property on the north-east facing elevation (marked x on PlanML1) shall remain closed and the external yard (marked in green on PlanML1) shall remain closed and shall not be used for any reason unless otherwise agreed in writing with the Waste Planning Authority.

- Prior to 0800 and after 2000, in line with the restrictions of condition 1 above, there shall be no sorting or movement of metallic waste and no metal noise shall be audible outside the building.

### **3. Development plan**

- 3.1. Hampshire Portsmouth Southampton and New Forest National Park Minerals and Waste Core Strategy (July 2007), policies DC8 (Pollution, health, quality of life and amenity) and DC13 (Waste management and Recycling) are relevant.
- 3.2. East Hampshire Borough Local Plan Second review (March 2006) policy GS1 concerns sustainable development.

### **4. Consultations**

- 4.1. County Councillor Joy comments that there are environmental considerations to be taken into account in that the site is immediately next to the Caker Stream with the risk of unseen spillage at night. Notwithstanding the noise report Lynch Hill Cottage is susceptible to disturbance from isolated night-time noise and concern whether 'closed door' operation at night is enforceable.
- 4.2. East Hampshire District Council raises no objection.
- 4.3. East Hampshire District Council Environmental Health Officer has concerns about the proposal due to the potential for noise to impact residential amenity outside reasonable working hours and cause sleep disturbance if noise should occur at night. Commenting that a subjective assessment of noise observed loud crashes and bangs being audible on the drive of the nearest property. Also comments most nearby units do not operate at weekends, which means noise would be more noticeable at that time and local residents should not be affected by noise outside reasonable working hours (ie outside 0800 to 1800 Monday to Friday and 0800 to 1300 hours on Saturday). Recommend that permission is not granted to remove the condition, however commenting it may be possible for extending hours without having a significant impact subject to sufficient controls being put in place to protect local residents so that noise generating activities that are audible outside the unit do not take place outside reasonable working hours.
- 4.4. Environment Agency raises no objection.
- 4.5. Highway Authority raises no objection.
- 4.6. Alton Town Council raises objection on the grounds that the reason the original condition was imposed, i.e. "to protect the amenities of occupiers of nearby properties", has not changed.

## **5. Representations**

- 5.1. The nearest resident objects very strongly. Commenting there are breaches of the existing conditions and they are extremely noisy in their operations, particularly the sorting and movement of scrap metal, which takes place outside the building. The visual impact of the site and the noise are detrimental to the enjoyment of the adjacent public footpath. Also detrimental to the wildlife on the Caker Stream. Any relaxation of working hours would be disastrous for Lynch Hill Cottage in terms of noise disturbance. The company already makes too much noise even during their allowed hours (which are largely ignored in any case). If they really wish to increase their permitted operating hours they should relocate to a more suitable site.

## **6. Commentary**

- 6.1. The site is located within an industrial/commercial area which is suitable for this type of activity, however there is a house nearby and the main issue is the impact of the proposed change in working hours on the amenity of the local resident. The main impact being noise.
- 6.2. In view of the location of the nearest house it is not considered acceptable to delete the condition and have unrestricted working hours. It is noted the Environmental Health Officer comments that although not necessarily restricted by condition, the neighbouring businesses do not normally operate at weekends and that operations at night could lead to sleep disturbance. Whilst recognising the noise report concludes the noise would not exceed background levels there is clearly a potential for loud bangs and crashes which would be very disturbing at night.
- 6.3. However the success of the recycling business is also recognised and, therefore, there should be consideration of whether the existing hours could be extended without having a significant amenity impact. The proposed revised conditions would allow extended operating hours and the restriction on activity to within the building and so would restrict deliveries and vehicle movements in the yard, and also precluding movement/sorting of metals within the building in the evening which would also reduce the impact.
- 6.4. It is considered that, whilst the removal of any restriction on working hours would be unacceptable, on balance amended conditions can provide an acceptable compromise enabling an extension of working hours with restrictions to preclude the noisiest activities outside reasonable working hours.
- 6.5. In conclusion it is considered that the site is appropriate for waste transfer and recycling (DC13) and that, subject to further conditions restricting hours and use, would not have an unacceptable impact on the amenity of local residents (DC 8).

**7. Recommendation**

- 7.1 That planning permission for the removal of condition 1 (Hours of working) on PP: F22689/002/FUL at Beacon House, 13 Mill Lane, Alton GU34 2PH (Application No: 22689/003)(Site Ref: EH157) be granted, subject to the conditions listed in Integral Appendix B.

### Links to the Corporate Strategy

<b>Hampshire safer and more secure for all:</b>	no
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	no
Corporate Improvement plan link number (if appropriate):	
<b>OR</b>	
<b>This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:</b>	

#### **Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

Document

Removal of condition 1 (Hours of working) on PP: F22689/002/FUL at Beacon House, 13 Mill Lane, Alton, GU34 2PH.

(Application No: 22689/003)(Site Ref: EH157)

Location

County Planning  
Department of Economy Transport and Environment  
QE II West  
The Castle  
Winchester

## CONDITIONS

### Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990.

### Hours of Working

2. No work or activities shall take place at the site before 0700 or after 2200 Monday to Friday inclusive, before 0700 or after 1300 on Saturday and not at all on Sunday or recognised public holidays unless otherwise agreed in writing with the Waste Planning Authority.

Reason: In the interests of local amenity.

3. Prior to 0800 and after 1800, the main doors to the building on the north east facing elevation (marked x on planML1) shall remain closed and there shall be no activity in the outside yard, and within the building there shall be no sorting or movement of metallic waste and no metal on metal noise shall be audible outside the building.

Reason: In the interests of local amenity.

### Environmental control

5. No work relating to the storage, baling and recycling activities shall take place outside the approved building.

Reason: To ensure the protection of the local environment and the amenities of occupiers of nearby properties.

*Annexe to Reasons for Conditions  
(as required by Article 22 of the Town and Country Planning  
(General Procedure) Order 1995 – as amended)*

**Hampshire Portsmouth Southampton and New Forest National Park  
Minerals and Waste Core Strategy (July 2007)**

**DC8 - Pollution, health, quality of life and amenity**

Minerals and waste development will only be permitted if due regard is given to the pollution and amenity impacts on the residents and users of the locality and there is unlikely to be an unacceptable impact on health and/or the quality of life of occupants of nearby dwellings and other sensitive properties. Where necessary minerals and waste developments should include mitigation measures, such as buffer zones between the site and such properties.

**DC13 - Waste Management and Recycling (including Aggregate Recycling Facilities)**

Waste management developments (excluding landfill) will be permitted provided that the site:

- a. Is identified as a site, or within an area suitable for waste management uses, in the Hampshire Waste Management Plan or Minerals Plans, or
- b. Re-uses/redevelops previously developed land and/or redundant agricultural and forestry buildings (including their curtilages), or
- c. Is within a planned area of large-scale development, or
- d. Is on employment land, preferably co-located with complementary activities, and
- e. Has good access to, the minerals and waste lorry route as shown on the Key Diagram, and where possible, the site enables the use of water-borne and rail freight, and
- f. In the case of recovery and treatment sites, incoming waste shall be subject to pre-treatment, either on or off site to maximise the potential for recycling, and where technically possible, energy will be generated and used and the by-products, including heat, will be reused or recycled, and
- g. In the case of sites providing public access, the site shall be accessible for use by disabled people.

**East Hampshire District Local Plan: Second Review (March 2006)**

**GS1**

Development will be permitted where it would meet the housing, economic and social needs of East Hampshire and where it would create well balanced communities, provided that it would respect the need to maintain and, where required, to preserve or enhance the natural and built environment.

It must be readily accessible by public transport, bicycle and on foot and must be located so as to minimise the number and length of trips that would be made by car.

In its determination of planning applications, the Council will have special regard to the following material considerations and the effect of the proposed development on:

- a. natural resources, including water, air and soil quality and bio-diversity;
- b. the overall appearance, intrinsic character and quality of the countryside and its landscape character areas;
- c. the cultural and historic heritage;
- d. the distinctiveness, intrinsic character, setting and individual identity of settlements;
- e. the amenity, including health and safety, of the community; and
- f. the minimisation of energy consumption and the need to travel, especially by car.