

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

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	27 May 2014
<b>Title:</b>	Waste transfer station for asbestos to rear of yard at Unit 4, Hardley Industrial Estate, Hythe, Southampton, SO45 3NQ. (Application No. 14/10437) (Site ref: NF268)
<b>Reference:</b>	5856
<b>Report From:</b>	Head of County Planning

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## **1. Executive Summary**

- 1.1 Planning permission is sought for a waste transfer station for asbestos in the rear yard of Unit 4, Hardley Industrial Estate, Hythe, Southampton. The proposal would involve the construction of a fenced compound within which would be placed two secure metal containers for the storage and transfer of bagged asbestos waste brought to the site.
- 1.2 No objections have been raised by consultees however five letters of objection were received from local residents and adjacent occupiers. These raised concerns regarding potential adverse health effects, impact on residential amenity, internal access issues and impact on the environment.
- 1.3 The main considerations arising from the application are therefore; whether the site is in accordance with the development plan and whether it would be likely to have an unacceptable impact on the health and amenity of local residents.
- 1.4 The proposal is in principle in accordance with the Hampshire Minerals & Waste Plan (2013) as the use would be within an existing industrial estate (Policy 29 (Locations and sites for waste management) and Policy 33 (Hazardous and Low Level Radioactive Waste development)). The operating hours would match those of adjacent business units and the development would not have an unacceptable adverse impact on the health, safety or amenity of local residents (Policy 10 (Protecting public health, safety and amenity)). There would be a negligible increase in vehicle movements in connection with the proposal (Policy 12 (Managing traffic)) and it is not visually intrusive (Policy 13 (High-quality design of minerals and waste development)). The proposal would replace the applicant's current site and

therefore subject to a legal agreement for the surrender of planning permission 10/95719 it is considered that the proposal is acceptable and in accordance with the development plan.

## **2. Site**

- 2.1 The site comprises 144m<sup>2</sup> of existing hardstanding to the rear of Unit 4, Hardley Industrial Estate, Hythe. Access to the industrial estate is by way of the A326 to the north or Lime Kiln Lane to the south. The land is currently in use for the parking of vehicles and trailers ancillary to the use of the existing industrial units which are within the ownership of the applicant.
- 2.2 Vehicular access to the site will be off of the public highway via a shared one-way circular access to the rear of the units. The nearest residential properties to the site lie approximately 10-15 metres to the north-east beyond an existing strip of established landscaping vegetation. Land to the west and south of the site comprises business units forming the remainder of the Hardley Industrial Estate with the New Forest National Park beyond approximately 170 metres to the west of the site. Footpath Fawley 33 lies approximately 85 metres to the south of the site.

## **3. Proposal**

- 3.1 Solent Environmental Services Ltd undertakes contract work in the management of asbestos, including the removal of asbestos from sites. The proposal is to import small quantities of bagged asbestos waste back to the Hardley Industrial Estate site for storage in containers prior to disposal. Larger quantities of asbestos would not be brought to the site, as these are stored in larger roll on-roll off containers located at the work site itself.
- 3.3 Bagged asbestos waste is currently imported to the applicant's site at 151-153 Long Lane, Holbury, Southampton which received planning permission in July 2010 (10/95719). The applicant asserts that the proposed site will replace its existing operations at Long Lane and to this end has agreed to enter into a Legal Agreement to surrender use of the previous permission.
- 3.4 The proposed development would entail the erection of 2 metre high metal palisade fencing and gates to form a secure compound within which will be placed two 26m<sup>3</sup> steel containers used for storage of the waste brought to the site. The compound shall measure 18 metres in length and 8 metres in width. The proposed containers shall measure 6.1 metres in length, 2.4 metres in width and 2.5 metres in height.
- 3.5 Asbestos waste is double-bagged in-situ at the point of removal and once bagged is contained and ready for transportation. Bagged asbestos is proposed to be transported to the application site for storage and then onward transfer to an appropriately licensed landfill.

- 3.6 Loading of the containers with bagged asbestos will be at the end of the working day upon employees return to the office, this would typically take place between 1600 and 1700 hours. Lorry movements and transfers of filled containers are proposed to take place approximately once every fortnight with the removal and replacement of a container taking about 15 minutes.
- 3.7 The applicant states that there will be no increase in vehicle movements to the site beyond container collection and replacement as waste will be brought back to the site in vehicles already stored/parked at the site.
- 3.8 The applicant proposes operating hours of 0730-1730 hours Monday-Friday and 0900-1300 on Saturdays. Existing lighting covering the rear yard area shall be maintained and CCTV is to be fitted to the rear of the existing building to cover the containers and provide additional security.
- 3.9 The proposal is not an EIA Development under the Environmental Impact Assessment Regulations 2011 owing to its nature and scale and the sensitivity of the receiving environment and an environmental statement has not been submitted.

#### **4. Development plan**

- 4.1 Hampshire, Portsmouth, Southampton, New Forest and South Downs Mineral and Waste Local Plan 2013 policies: Policy 10 (Protecting public health, safety and amenity), Policy 12 (Managing traffic), Policy 13 (High-quality design of minerals and waste development), Policy 29 (Locations and sites for waste management), Policy 33 (Hazardous and Low Level Radioactive Waste development).

#### **5. Consultations**

- 5.1 **New Forest District Council** recommendation within officer report to NFDC Committee is to raise no objection.
- 5.2 **Environmental Health Officer New Forest District Council** comments that they have no concern with the general principal of the waste site receiving asbestos as this will be tightly controlled by other strict legislation. To protect the nearest noise sensitive premises from any loss of amenity due to noise from the use of the skips and the delivery and removal of the skips, the proposed use should take place only between the hours of 0730 and 1730 on Mondays to Fridays, between the hours of 0900 and 1300 on Saturdays and at no time on Sundays and public/bank holidays. Furthermore, the delivery and removal of the skips shall only take place between the hours of 0800 and 1730 on Mondays to Fridays and at no time on Saturdays/Sundays and public/bank holidays.
- 5.3 The **Environment Agency** has no objection to the proposed development as submitted.

- 5.4 The **Highway Authority** comments that it is not anticipated that there will be an increase of vehicle movements as a result of the proposals. The proposals do not impact upon the highway and as such I raise no objections to this application.
- 5.5 **Fawley Parish Council** recommends that permission is granted as an industrial estate is a more suitable position for a company of this nature – the site is further away from housing than the company's current site. Before the proposed fencing is erected rubbish should be removed from this area.
- 5.6 **Councillor Fawkes** commented that he agrees with the proposal but would want to see some kind of screening between the properties and the site.

## 6 Representations

- 6.1 Five letters of objection have been received; three from local residents, one from an adjacent occupier and one from the New Forest East Labour Party.
- 6.2 The letters of objection raise the following issues of concern:
- proximity to neighbouring properties and other sensitive receptors and subsequent risk to health from escape of asbestos;
  - the proposed location of the site is inappropriate;
  - security of the proposed site and stored waste;
  - light pollution from any additional security lighting;
  - noise pollution from the proposed site;
  - access issues to adjacent industrial units;
  - The layout of the site may cause space restrictions leading to the likelihood of vehicular collisions and release of asbestos. Emergency vehicles may also be prevented from accessing the site;
  - Risk of pollution to watercourses and the environment from the washing down of vehicles used in connection with asbestos removal; and
  - The development would have a detrimental affect on the ability to sell residential property adjacent the site.

## 7 Commentary

The proposal is for the use of an existing area of hardstanding for asbestos waste transfer entailing the erection of a metal palisade fenced compound within which shall be sited two metal containers used for the storage and transfer of waste. The key issues are whether the proposed development

would be in accordance with the development plan and whether it would be likely to have an unacceptable impact on the health and amenity of local residents.

### **Development Plan**

- 7.1 Policy 33 (Hazardous and Low Level Radioactive Waste development) of the Hampshire Minerals & Waste Plan (HMWP) (2013) supports development which seeks to provide sufficient capacity for management of hazardous waste. In seeking to provide a facility for the bulking up and transfer of asbestos the proposal would contribute to the management of hazardous waste within Hampshire. The development is therefore considered to comply with Policy 33.
- 7.2 The site is located within urban south Hampshire and is considered to lie within a suitable industrial estate benefiting from permission for general industry/storage. Policy 29 (Locations and sites for waste management) of the Hampshire Minerals & Waste Plan (HMWP) (2013) supports waste management development in these locations and as such the proposal is considered to be in accordance with this policy.

### **Impact on Health and Amenity**

- 7.3 Concerns have been raised by local residents regarding the proximity of the proposal to neighbouring properties and consequent potential for adverse health and environmental effects. However, no objection has been raised by the New Forest District Council Environmental Health Officer, furthermore the containment of asbestos is an activity undertaken under controlled conditions at the point of its removal. No processing or treatment of asbestos is proposed at the site and all asbestos imported to the site shall already be double-bagged and therefore contained. The company is regulated by the Environment Agency under a three year licence and governed by the Asbestos Removal Contractors Association (ARCA) and the Chartered Institution of Waste Management (CIWM) and in addition will require a separate Environmental Permit from the Environment Agency for the use of the site.
- 7.4 Residents have also raised concerns regarding the security of the site and stored waste. Double-bagged asbestos waste shall be stored within secure metal containers within a two metre high gated and fenced compound. The yard area already benefits from existing security lighting (no further lighting than that already existing at the yard is proposed as part of this application) which is to remain in place and the applicant proposes to install CCTV to the site to cover the containers and rear yard area. Conditions are recommended to ensure that containers are kept locked when not being filled and that no waste is stored externally on the site.
- 7.5 Comments were also received regarding the potential for noise disturbance from the use of the site. No objection has been raised by the Environmental Health Officer on these grounds however conditions have been requested to

control the operating hours and timing of the delivery and removal of skips at the site to ensure there is no loss of amenity to neighbouring properties as a result of noise. The use of the site would match the hours of use associated with the parking of the vehicles and the running of the existing business from the site. Activity at the site would consist of operatives loading the containers with waste, typically for a short period of time at the end of each day and the fortnightly collection of a container.

- 7.6 In light of the above it is considered that the proposal would not cause adverse public health impacts or unacceptable adverse amenity impacts and therefore complies with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013).

### **Highways**

- 7.7 The development shall give rise to approximately one lorry movement a fortnight in connection with the collection and delivery of replacement containers. There are no other additional vehicle movements associated with the proposal as the applicant operates from the adjacent offices and vehicles bringing waste back to the site are already stored at the site overnight. Representations regarding manoeuvrability and emergency access on site are noted, however the Highway Authority has raised no objection to the application and considers that the proposal will not affect the public highway. The applicant has demonstrated that vehicles will be able to turn within the site and access the containers to enable replacement. All asbestos shall be stored within secure metal containers within the fenced compound to prevent accidental release by vehicular collision. As such the site is considered to comply with Policy 12 (Managing traffic) of the HMWP (2013).

### **Visual Impact**

- 7.8 The site is located approximately 170 metres east of the New Forest National Park, but being to the rear of the existing business unit it will not be visible from the National Park. A 10 metre wide landscaping strip exists between the site and the boundaries of the nearest residential properties to the east, this comprises of mature trees and some low-level scrub. The development will be partially visible from residential properties to the east through the landscaping strip, however given the context of the application site within an existing industrial estate, visual impact as a result of the proposal is not considered to be significant.
- 7.9 The proposal is therefore considered to comply with Policy 13 (High-quality design of minerals and waste development) of the HMWP (2013).

### **Other**

- 7.10 Concerns have also been raised regarding potential for pollution of watercourses and the environment from the washing down of vehicles used in connection with asbestos removal. The applicant has clarified that

references to 'wash and quarantine trailers' within the supporting statement refers to the trailers within which Solent Environmental operatives washdown and remove their protective suits. This activity takes place on the site where asbestos is being removed.

- 7.11 Impact on the ability to sell residential property adjacent the development site has been stated as a concern, unfortunately this matter does not constitute a material planning consideration and cannot be taken into consideration in the determination of the application.

## **8 Conclusion**

- 8.1 The proposal is in principle in accordance with the Hampshire Minerals & Waste Plan (2013) as the use would be within an existing industrial estate (Policy 29 (Locations and sites for waste management) and Policy 33 (Hazardous and Low Level Radioactive Waste development)). The operating hours would match those of adjacent business units and the development would not have an unacceptable adverse impact on the health, safety or amenity of local residents (Policy 10 (Protecting public health, safety and amenity)). There would be a negligible increase in vehicle movements in connection with the proposal (Policy 12 (Managing traffic)) and it is not visually intrusive (Policy 13 (High-quality design of minerals and waste development)). The proposal would replace the applicants current site and therefore subject to a legal agreement for the surrender of planning permission 10/95719 it is considered that the proposal is acceptable and in accordance with the development plan.

## **9 Recommendation**

- 9.1 That subject to a Legal Agreement securing the surrender of planning permission 10/95719, planning permission for waste transfer station for asbestos to rear of yard at Unit 4, Hardley Industrial Estate, Hythe, Southampton, SO45 3NQ (Application No. 14/10437) be granted subject to the planning conditions in integral Appendix B.

**CORPORATE OR LEGAL INFORMATION:****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>	No
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>	
The proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste planning authority.	

**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.)**

DocumentLocation

Waste transfer station for asbestos to rear of yard at Unit 4, Hardley Industrial Estate, Hythe, Southampton, SO45 3NQ.  
(Application No. 14/10437) (Site ref: NF268)

County Planning  
Elizabeth II Court West  
The Castle  
Winchester  
SO23 8UD

## 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.

### Plans and Particulars

2. The development hereby permitted shall be carried out and completed strictly in accordance with the approved plans, specifications and written particulars identified within the decision notice.

Reason: To ensure that the development is carried out in accordance with the approved details.

### Hours of Working

3. The use hereby permitted shall only be operated between the following hours: 0730-1730 Monday to Friday and 0900-1300 Saturday. There shall be no working on Sundays or recognised public holidays.

Reason: In the interests of amenity.

4. The delivery and removal of containers shall only take place between the hours of 08:00 and 17:30 Monday to Friday and not at all on Saturdays/Sundays or public/bank holidays.

Reason: In the interests of amenity.

### Storage

5. Containers on the site should be locked to prevent unauthorised access.

Reason: To ensure asbestos cannot be access by unauthorised persons and cause a potential public health hazard.

6. There shall be no outside storage of waste.

Reason: To protect public health and safety.

7. There shall be no storage of waste other than bagged asbestos shall be stored on site.

Reason: In the interest of public health and safety.

**Lighting**

8. No additional lighting shall be erected on site.

Reason: In the interests of visual amenity.

**Advice Note**

1. In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner by liaising with consultees, respondents and the agent. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.
2. There is a legal agreement attached to this permission concerning the surrender of planning permission 10/95719.

*Annexe to Reasons for Conditions  
(as required by Article 31 of the Town and Country Planning  
(Development Management Procedure) (England) Order  
2010)*

**Policy 10: Protecting public health, safety and amenity**

Minerals and waste development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. Minerals and waste development should not:

- a. release emissions to the atmosphere, land or water (above appropriate standards);
- b. have an unacceptable impact on human health;
- c. cause unacceptable noise, dust, lighting, vibration or odour;
- d. have an unacceptable visual impact;
- e. potentially endanger aircraft from bird strike and structures;
- f. cause an unacceptable impact on public safety safeguarding zones;
- g. cause an unacceptable impact on:
  - i. tip and quarry slope stability; or
  - ii. differential settlement of quarry backfill and landfill; or
  - iii. subsidence and migration of contaminants;
- h. cause an unacceptable impact on coastal, surface or groundwaters;
- i. cause an unacceptable impact on public strategic infrastructure;
- j. cause an unacceptable cumulative impact arising from the interactions between minerals and waste developments, and between mineral, waste and other forms of development.

The potential cumulative impacts of minerals and waste development and the way they relate to existing developments must be addressed to an acceptable standard.

**Policy 12: Managing traffic**

Minerals and waste development should have a safe and suitable access to the highway network and where possible minimise the impact of its generated traffic through the use of alternative methods of transportation such as sea, rail, inland waterways, conveyors, pipelines and the use of reverse logistics. Furthermore, highway improvements will be required to mitigate any significant adverse effects on:

- a. highway safety;
- b. pedestrian safety;
- c. highway capacity; and
- d. environment and amenity.

### **Policy 13: High-quality design of minerals and waste development**

Minerals and waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape and townscape. The design of appropriate built facilities for minerals and waste development should be of a high-quality and contribute to achieving sustainable development.

### **Policy 29: Locations and sites for waste management**

Development to provide recycling, recovery and/ or treatment of waste will be supported on suitable sites in the following locations:

- i. Urban areas in north-east and south Hampshire;
- ii. Areas along the strategic road corridors; and
- iii. Areas of major new or planned development.

2. Any site in these locations will be considered suitable and supported where it:

- a. is part of a suitable industrial estate; or
- b. has permission or is allocated for general industry/ storage; or
- c. is previously-developed land or redundant agricultural and forestry buildings, their curtilages and hardstandings or is part of an active quarry or landfill operation; or
- d. is within or adjoins sewage treatment works and the development enables the co-treatment of sewage sludge with other wastes; and
- e. is of a scale compatible with the setting.

3. Development in other locations will be supported where it is demonstrated that:

- a. the site has good transport connections to sources of and/or markets for the type of waste being managed; and
- b. a special need for that location and the suitability of the site can be justified.

### **Policy 33: Hazardous and Low Level Radioactive Waste development**

Developments to provide sufficient capacity necessary to deal with hazardous and Low Level Radioactive Waste will be supported, subject to:

no acceptable alternative form of waste management further up the waste hierarchy can be made available, or is being planned closer to the source of the residues; or

in the case of landfill, it will be for material that is a proven unavoidable residue from a waste management activity further up the waste hierarchy and; it will contribute to the management of hazardous or radioactive waste that arises in Hampshire (accepting cross-boundary flows).