

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

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	23 October 2013
<b>Title:</b>	Retrospective change of use of land from B8 storage to vehicle breaking and building for de-pollution activities with ancillary office/mess facilities at Yard 25, Wynford Industrial Park, Belbins, Romsey, SO51 OPW (Application No: 13/00344/CMAS) (Site Code: TV252)
<b>Reference:</b>	5282
<b>Report From:</b>	Head of County Planning

**Contact name:** Fay Eames

**Tel:** 01962 845479

**Email:** fay.eames@hants.gov.uk

## 1. **Executive Summary**

- 1.1. Planning permission is sought for a retrospective change of use of land from B8 open storage to vehicle breaking and a building for de-polluting activities with an ancillary office mess facility at Yard 25, Wynford Industrial Park, Romsey.
- 1.2. The nearest residential properties are Wynford Farm and Wynford Lodge, which are situated 120 metres to the south west and within 25 metres of the main site access road. Wynford Cottage is located 250 metres to the south and within 40 metres of the main site access road. Other nearby residential properties include: The Stables, Abbotswood Farm and Abbots Barn, located approximately 180 metres to the east 250 metres to the south respectively. To the north-west is Yokesford Hill Industrial Estate, an existing waste recycling and transfer station.
- 1.3. The main issues with regards to the proposal are:
  - (a) noise and amenity; and
  - (b) traffic.
- 1.4. It is considered that the proposal is in accordance with the Hampshire Minerals and Waste Core Strategy (2007) as the site is situated on previously developed land and is therefore a site which meets the criteria for site waste management uses (DC13). The site also has good transport connections and is situated in close proximity to the strategic road

network, which is used for other waste management uses within the locality. The proposal is therefore considered to be in accordance with emerging Policy 29 of the Hampshire Minerals and Waste Plan (locations and sites for waste management). It is considered that there will be no increase in noise from the proposal as the use of the disc cutter is not to increase from permitted levels and all other breaking and de-pollution activities are to take place inside the building. Consequently, no adverse impact on the amenity of the public or nearby residents is anticipated furthermore, no concerns have been raised with regards to groundwater pollution (Policy 10) and the proposal will also be subject to an Environmental Permit from the Environment Agency and will be regulated in accordance with this permit once granted. Therefore planning permission is recommended.

## 2. **Site and proposal**

- 2.1. Although designated as countryside in the Test Valley Borough Council (TVBC) Local Plan (adopted 2006) the site is within a 1.21 hectare site which already benefits from planning permission for B1, B2 and B8 open storage uses where ancillary maintenance, repair and adaption of vehicles and boats is permitted. The site is therefore within an industrial estate, although it is not formally designated as such within the Test Valley Borough Council Local Plan, (2006). Prior to permission being granted for B1, B2 and B8 open storage uses, the site had permission for mineral extraction and landfilling and restoration to agricultural use (Planning permission TVS.05531/1 granted on appeal 05.01.1990). Operations associated with this permission ceased in 1997.
- 2.2. The nearest residential properties are Wynford Farm and Wynford Lodge, which are situated 120 metres to the south west and within 25 metres of the main access road. Wynford Cottage is located 250 metres to the south and within 40 metres of the site access track. Other nearby residential properties include: The Stables, Abbotswood Farm and Abbots Barn, located approximately 180 metres to the east and 250 metres to the south respectively. To the north west is Yokesford Hill industrial estate, an existing waste recycling and transfer station.
- 2.3. The proposed operation involves the collection of End of Life (ELV) vehicles from within a 25 mile radius using the operator's own lorry, which is capable of carrying four cars per load. A maximum throughput of 25 cars per week and 1,500 tonnes per annum is proposed. The applicant intends to store cars outside in the yard for banger racing. Vehicle breaking operations using a windy gun and hand tools will take place inside the de-pollution building, which has already been constructed to the following dimensions: 3.35 metres (height) x 12.85 metres (length) and 5.4 metres (diameter). A disc cutter is proposed to be used outside of the building on a limited basis. No compactor or car crushing equipment is proposed. All de-pollution activities are to take place inside the building, Internal works for the containment of fluids from de-polluted cars have

been partly constructed but not yet completed. The de-pollution unit has been constructed with a bunded concrete floor so as to contain any accidental spillage. Any liquid spills inside the building will be collected and transferred to a bunded storage tank inside of the building. The fluids will then be contained and collected in bulk by a suitably qualified company for treatment and disposal off-site.

- 2.4. The proposed office/mess facility is also situated on site. It is galvanised metal in appearance and has the following dimensions: 2.8 metres (height) x 5.4 metres (length) and 2.45 metres (diameter). A 2 metre high galvanised steel fence is proposed around the perimeter of the entire site to clearly delineate the site boundary.

### 3. **Development plan**

- 3.1. The following policies within the Hampshire Minerals and Waste Core Strategy Development Plan Document (2007) are relevant; DC13 (Waste Management and Recycling), DC3 (Impact on Landscape and Townscape), DC6 (Highways) and DC8 (Pollution, Health, Quality of Life and Amenity).
- 3.2. The following emerging policies within the Hampshire Minerals and Waste Plan are relevant; Policy 12 (managing traffic) and Policy 10 (protecting public health, safety and amenity) and Policy 29 (locations and sites for waste management).
- 3.3. The following policies from the TVBC Local Plan (2006) are relevant; SET03 (Development in the countryside) SET10 (Existing Employment Sites).

### 4. **Consultations**

- 4.1. **Councillor Perry** initially raised concern with regards to noise, supporting concerns raised by local residents. Following amendments to the proposal no objection raised.
- 4.2. **Councillor Gibson** raised no objection.
- 4.3. **Romsey Extra Parish Council** raises no objection.
- 4.4. **Environment Agency** raises no objection, subject to conditions concerning drainage.
- 4.5. **Test Valley Borough Council Environmental Health Officer** raises no objection to the proposal subject to conditions concerning hours of operation and activities taking place within the building.

4.6. **Test Valley Borough Council Planning** raises no objection to the proposal subject to conditions recommended by Environmental Health Officer.

4.7. **Highway Authority** raises no objection.

## 5. **Representations**

5.1. Six letters have been received raising the following issues:

- (a) lack of enforcement of the previous planning permission granted by Test Valley Borough Council in 2011;
- (b) noise from the site at unsociable hours. Use of disc cutter and windy gun created noise, additional screening to act as a noise mitigation measure suggested;
- (c) vehicles in an apparently dangerous state are moved, often on Sundays;
- (d) the activity is not in keeping with the countryside;
- (e) reassurance that; the activities do not permit oil pollution into the ground or cause ground pollution from hydro-carbons, heavy metals from break fluid, battery acid and lubricating oils are correctly contained, correct working practices are adopted when undertaking cutting activities, correct storage of gas bottles;
- (f) visual impact; the storage of stacked cars/vans/containers as permitted under planning permission 11/00451/VARS granted by TVBC in 2011 exceeds the permitted restriction of 5 metres;
- (g) the retrospective nature of the proposal;
- (h) the additional commercial/industrial development of the area to the North East of Belbins, any further expansion would cause additional disruption.

## 6. **Commentary**

6.1. Wynford Industrial Park has an existing established industrial use through a planning permission (Number: 11/00451/VARS) granted by Test Valley Borough Council for B1/B2 and B8 uses. The proposal is therefore considered to be situated on previously developed land and thus the principle of the proposal is considered to accord with Policy DC13.

6.2. The main issue with regards to the proposal concerns noise. Vehicle breaking is predominantly proposed to take place within the de-pollution building. However, the use of the disc cutter is proposed to be used outside of the building on a limited basis to provide the applicant with the

flexibility to carry out breaking activities associated with his business when it is not possible to do so inside of the building. This is expected to be an infrequent activity as the building will have the necessary equipment needed to undertake the majority of breaking activities inside using a windy gun and hand tools. All de-pollution activities, including draining of oils and other fluids, dismantling of component parts (engine, battery, brakes and gear boxes), will take place inside the building.

- 6.3. The activities at the Wynford Industrial Park relating to the ancillary maintenance, repair and adaption of vehicles and boats are in accordance with planning permission (11/00451/VARS). The use of the disc cutter has been used by the applicant, as well as other users of the industrial park, on a limited scale whilst working in accordance with this planning permission since it was granted in June 2011. Therefore, the use of the disc cutter on a limited basis is consistent with the previous planning permission. However in response to noise concerns regarding this proposal a condition is recommended restricting the frequency of the outdoors use of the disc cutter to twice per calendar month, for a period of no more than two hours between 9.00-17.00 Monday to Friday and the applicant keeping a record of the dates and times that the disc cutter is used, which is to be made available for inspection on request. Additionally, the proposed hours of operation is recommended to be restricted to 0800-1730 Monday – Friday and 0800-1300 Saturday. No working is proposed to take place on Sundays or recognised Bank Holidays. These hours of operation are shorter than those currently permitted under the permission granted by Test Valley Borough Council in 2011. Taking the above into account, the proposal is not anticipated to result in an increase in noise from the site and no objection has been raised by the Environmental Health Officer subject to the restriction recommended by way of condition. Taking the above into account, proposal is considered to be in accordance with Policy DC8 of the Hampshire Minerals and Waste Core Strategy (2007) and emerging Policy 10 of the Hampshire Minerals and Waste Plan (2013).
- 6.4. Access to the site is from an existing metalled access spine road. No objections in relation to highway safety or convenience have been raised, therefore the proposal is considered to be in accordance with Policy DC6.
- 6.5. It is proposed that the de-pollution building will comply with the Environment Agency ELV Directive for the Storage and Treatment of ELVs. As the application is part retrospective, the de-pollution building has already been constructed with an impermeable concrete floor and a concrete bund is proposed around its external perimeter as an additional measure to contain any accidental spillage. Any liquid spills will be contained within the building and transferred to storage tanks, which will also be suitably banded, thus ensuring that any break fluids, battery acid and lubricating oils are correctly contained. The fluids contained will be collected by a qualified company for legal disposal and treatment off-site. Consequently, the proposal is not anticipated to cause any groundwater

pollution. The development will also require an Environmental Permit from the Environment Agency and will be regulated in accordance with this once granted. A scheme has been requested by the Environment Agency for dealing with surface water disposal and this has been recommended as a condition. No concerns have been raised by the Environment Agency with regards to groundwater pollution and therefore the proposal is considered to accord with Policy DC10.

- 6.6. In conclusion, it is considered that the proposal is in accordance with the Hampshire Minerals and Waste Core Strategy (2007) as the site is situated on previously developed land and is therefore a site which meets the criteria for site waste management uses (DC13). The site also has good transport connections and is situated in close proximity to the strategic road network, which is used for other waste management uses within the locality. The proposal is therefore considered to be in accordance with emerging Policy 29 of the Hampshire Minerals and Waste Plan (locations and sites for waste management). It is considered that there will be no increase in noise from the proposal as the use of the disc cutter is not to increase from permitted levels and all other breaking and de-pollution activities are to take place inside the building. Consequently, no adverse impact on the amenity of the public or nearby residents is anticipated furthermore, no concerns have been raised with regards to groundwater pollution (Policy10) and the proposal will also be subject to an Environmental Permit from the Environmental Agency and will be regulated in accordance with this permit once granted. Therefore planning permission is recommended.

## 7. **Recommendation**

- 7.1. That planning permission in respect of the retrospective change of use of land from B8 storage to vehicle breaking and building for de-pollution activities with ancillary office/mess facilities at Yard 25, Wynford Industrial Park, Belbins, Romsey, SO51 OPW (Application No: 13/00344/CMAS) (Site Ref:TV252) be approved, subject to the conditions listed 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):	

**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

Retrospective change of use of land from B8 storage to vehicle breaking and building for de-pollution activities with ancillary office/mess facilities at Yard 25, Wynford Industrial Park, Belbins, Romsey, SO51 OPW (Application No: 13/00344/CMAS) (Site Code: TV252)

Elizabeth II Court 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.

### 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. No heavy goods vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0800-1730 Monday to Friday and 0800-1300 Saturday. There shall be no working on Sundays or recognised public holidays.

Reason: In the interests of local amenity.

### Capacity

4. The maximum throughput of vehicles shall not exceed 25 cars per week and 1,500 tonnes per annum. Records of the daily deliveries shall be kept at the site and made available to the Waste Planning Authority on request.

Reason: In the interests of local amenity.

5. All outside storage of vehicles shall not exceed 5 metres in height.

Reason: In the interests of visual amenity

### Protection of Water Environment

6. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes

shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment.

7. Prior to the use of the building for vehicle breaking and de-pollution activities, the floor of the building shall have an impermeable surface and a sealed drainage system is to be incorporated into its design.

Reason: To prevent pollution of the water environment.

### **Noise, Dust and Odour**

8. Vehicle breaking and de-pollution activities, including draining of oils and other fluids, dismantling of component parts (engine, battery, brakes and gear boxes), shall only take place within the de-pollution building. The use of the disc cutter outside of the de-pollution building shall be restricted to between 9.00 and 17.30 Monday to Friday and only used twice per calendar month for a period of no more than two hours. Records of the use of the disc cutter shall be kept at the site and made available to the Waste Planning Authority on request.

Reason: To protect the amenities of the area and to prevent noise disturbance to the residents of the nearest houses.

### **Highways**

9. Measures shall be taken to prevent mud and spoil from vehicles leaving the site during the building works being deposited on the public highway. These measures shall be implemented before the development commences. Once the development has been commenced, these measures shall be used by all vehicles leaving the site and maintained in good working order for the duration of the building works. No vehicle shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried on to the public highway.

Reason: In the interests of highway safety.

### **Advice Note**

1. This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, unless a waste exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 to discuss the issues likely to be raised.

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

**HAMPSHIRE MINERALS AND WASTE LOCAL PLAN (2013)**

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

1. 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.

## **TEST VALLEY BOROUGH LOCAL PLAN (2006)**

### **SET 03: Development in the countryside**

Development in the countryside (i.e. outside the boundaries of settlements defined by Policy SET 01 and shown on the Inset Maps) will only be permitted if:

1. there is an overriding need for it to be located in the countryside; or
2. it is of a type appropriate in the countryside as set out in Policies SET 06 – 13, ESN 05-09, ESN 11, ESN 13 - 14, ESN 23 -25 and ESN 27 - 33.

For developments that require a building or buildings, it must be demonstrated that in the locality there are no existing buildings:

3. which are adequate for the proposed use;
4. which reasonably could be made available;
5. which have been severed from an existing farm unit; or
6. which have recently changed from the proposed use.

### **SET 10: Expansion of existing employment sites in the countryside**

In the countryside, proposals for the extension of existing buildings or construction of new buildings as expansion of existing employment sites will be permitted provided that the building(s) and their use;

1. are appropriate in scale to the site and a rural location;
2. are appropriate in scale to the curtilage and contained within it;
3. are well related to existing building(s) and would be in keeping with their character;
4. would not have a significant detrimental impact on the character and appearance of the surrounding area and the wider countryside;

5. does not include outside storage where this would be visually intrusive;  
and
6. would not lead to a significant detrimental impact resulting from vehicle movements.