

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	13 March 2013
Title:	Variation of Condition 4 of Planning Permission BDB/72250 to change the permitted hours at Southern Waste Management, Armstrong Road, Basingstoke, Hampshire. (Application Number: BDB/77550) (Site Ref: BA161)
Reference:	4772
Report From:	Head of County Planning

Contact name: Katherine Snell

Tel: 01962 845938

Email: katherine.snell@hants.gov.uk

1. Executive Summary

- 1.1. The proposal is to change the permitted hours of Condition 4 of planning permission BDB/72250 (as detailed in the committee report as Appendix D), to allow up to eight lorries to exit the site between the hours of 05:00 and 07:00am at Southern Waste Management, Armstrong Road, Basingstoke, Hampshire. The site is permitted for waste use and a biomass plant within the industrial building. These lorries are not directly involved in the biomass operations, but are connected with the applicant's waste recycling and transfer activity.
- 1.2. The issue for this application is whether or not it is acceptable to have eight lorries exit the site and use the roads within the local area from 05:00am. In particular the potential impacts for the nearest housing areas in Lychpit and Old Basing and neighbouring businesses, need to be considered in terms of noise and highway safety.
- 1.3. It is considered that the proposal would be in accordance with the development plan in that it accords with the policies of the Hampshire Minerals and Waste Core Strategy, as it would not materially harm the character of the area (policy DC3,DC13) or the amenity of local residents in terms of air quality and noise (policy DC 8) and would be acceptable in terms of highway safety and convenience (policy DC6).

2. Site and proposal

- 2.1. The application site, as shown on the attached plan, comprises an industrial building and outside yard on the industrial estate at Armstrong Road, totalling an area of 0.4 hectares. The building occupies about a quarter of the site and measures about 31 metres by 30 metres by eight metres high. The yard is enclosed by five metre high metal fencing. Access to the site is from Armstrong Road. The site was previously used by SCA for waste paper sorting and baling as part of their waste paper recycling operations.
- 2.2. The site has permission for a 4,800 kilowatt thermal biomass plant within the an industrial building. The plant can provide up to 750 kilowatt of electricity to the national grid via an existing substation to the north of the site. The plant also has the capability of providing heat for use in nearby properties and businesses. The waste wood for the biomass plant comes from the applicant's waste recycling and transfer facility at Wade Road, Basingstoke.
- 2.3. The site is within an industrial estate and the neighbouring properties are in industrial/commercial use. The nearest houses to the east are at Lychpit, Old Basing, about 240 metres from the site. There are also houses to the south at Cowdery Heights about 220 metres from the site.
- 2.4. The River Loddon and Basing Fen with associated areas of nature conservation interest are about 550 metres to the south east of the site.
- 2.5. Due to lack of space at Wade Road, the eight lorries in question have been parked at the site overnight since 2009. They leave the site as early as 5.00am and the gates are closed again after they leave. Staff re-open the gates at 6.00am when they start arriving to make ready for work on the site at 7.00am.
- 2.6. The applicant was of the opinion that the lorries were not being used for the biomass plant operations, but simply a continuation of the previous use at the site and was in common with other users on the industrial estate with B2 and B8 planning uses. They did not believe that the lorries were covered by the new permission which has restrictions
- 2.7. However, the Waste Planning Authority informed the applicant that it is our view that the biomass planning permission (BDB/72250) had superseded any previous permitted use on the site and that therefore these vehicles, while used at Armstrong Road, are also required to comply with the operating hours in condition 4 when parking at the application site.
- 2.8. Not parking the lorries at the site would cause the applicant operational problems, as they have no space or Operators Licence for any of their other sites which would allow them to park the vehicles elsewhere. They have therefore chosen to apply for a variation to condition 4 of permission BDB/72250 to allow them to continue to park these vehicles at the site and leave between 5-7am.

3. Development plan

- 3.1. Hampshire Portsmouth Southampton and New Forest National Park Minerals and Waste Core Strategy (2007) policies DC3 (Impact on Landscape and Townscape), DC6 (Highways), DC8 (Pollution, Health, Quality of life and Amenity) and DC13 (Waste Management) are relevant.

4. Consultations

- 4.1. **Councillor Frankum** has been consulted and chosen not to comment.
- 4.2. **Councillor Still** comments that “I would like to see this application go to the Regulatory Committee and not have it approved under officers devolved powers. I would also request we look into setting up a liaison panel along the lines of the Chineham incinerator liaison panel.”
- 4.3. **Basingstoke and Deane Borough Council** has been consulted and no comments were received.
- 4.4. The **Environmental Health officer** at Basingstoke and Deane Borough Council has been consulted and no comments received.
- 4.5. The **Environment Agency** has no objection.
- 4.6. The **Highway Authority** has no objection subject to highways conditions limiting the number of early lorry movements and their direction when leaving the site.
- 4.7. **Chineham Parish Council** has no comment.
- 4.8. **Old Basing and Lychpit Parish Council** has objected to the application on behalf of four local residents, which have been adversely affected by the noise associated with these vehicle movements.

5. Representations

- 5.1. There have been two letters of objection from local residents. The main areas of concern are the content of the planning statement being inconsistent, and in conflict with the supporting information of the planning permission BDB/72250.
- 5.2. Also of concern are noise disturbance, pollution and the safety and convenience impacts associated with heavier traffic volumes to be generated with the proposal.

6. Commentary

- 6.1. The location of the site within an existing industrial estate accords with policy DC13.

- 6.2. The issues are therefore concerned with the details of this particular proposal, and whether they are acceptable in terms of the local environment, and in particular the potential impact for the nearest housing areas in Lychpit and Old Basing. These main issues are noise and lorry traffic being generated in the early morning. These are the concerns raised by local residents and Old Basing and Lychpit Parish Council.
- 6.3. However, Armstrong Road is heavily used by industrial traffic, and has good links to the major roads (A339, M3). In addition, it is proposed that these eight lorries would avoid the residential area and so not have the potential to cause disturbance to the residents through noise or vehicle emission pollution (Policy DC8). The lorries are not expected to return until later in the day, during normal working hours, and so the number of journeys on the local roads is a minimal increase (Policy DC6). Accordingly there has been no objections from the Highway Authority on highways safety or convenience grounds.
- 6.4. Parking the lorries will not adversely impact upon the landscape as they are within the operation yard of an industrial building (DC13b) and cannot be seen from the road (policy DC8).
- 6.5. In conclusion, it is appreciated that the application has raised concern and it is right that the issues by the public should be properly scrutinised. However, the application for eight lorries is not seen as a significant increase in this context and not likely to have a harmful impact to the road capacity or the amenity of the local residents. Also, there will be no impact on the landscape by adding this parking to the site. Therefore, the proposal is considered acceptable.
- 6.6. It is considered that the proposal would be in accordance with the development plan in that it accords with the policies of the Hampshire Minerals and Waste Core Strategy as it would not materially harm the character of the area (policy DC3, DC13b) or the amenity of local residents in terms of air quality and noise (policy DC 8) and would be acceptable in terms of highway safety and convenience (policy DC6).

7. Recommendation

- 7.1. That planning permission the variation of Condition 4 of Planning Permission BDB/72250 to change the permitted hours at Southern Waste Management, Armstrong Road, Basingstoke, Hampshire (Application No: BDB/77550), be granted subject to the planning conditions in Integral Appendix B.

CORPORATE OR LEGAL INFORMATION:**Links to the Corporate Strategy**

Hampshire safer and more secure for all:	no
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	no
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	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

Variation of Condition 4 of Planning Permission BDB/72250 to change the permitted hours at Southern Waste Management, Armstrong Road, Basingstoke, Hampshire. (Application Number: BDB/77550) (Site Ref: BA161)

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.

Waste type

3. The only biomass to be used in the plant shall be chipped waste wood, and the volume of chipped waste wood shall not exceed 12,000 tonnes per year.

Reason: The assessment of impacts has been on the basis of specific quantity and type of biomass.

4. No chipped waste wood shall be tipped or stored outside the building, other than in the inspection bay provided. All other waste brought to the site shall only be stored in the waste sorting area as shown on Block Plan received 26 May 2010.

Reason: In the interests of the amenity of the area.

Hours of Working

5. No heavy goods vehicles (other than those allowed under condition 6) shall enter or leave the site and no fixed or mobile plant or machinery, other than the Biomass Power Plant shall be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 Saturday. There shall be no working on Sundays or recognised public holidays.

Reason: In the interests of local amenity.

6. No more than eight vehicles shall enter or leave the site between 0500 and 0700 hours on any day.

Reason: In the interest of Highway safety

Site security

7. The measures for site security, particularly outside of the hours specified in condition 5 above, shall be carried out as detailed in the Environmental Management Scheme (approved 17.05.11 by the Waste Planning Authority) for the duration of the site's operation.

Reason: To ensure site security as plant operates continuously.

Noise, Dust and Odour

8. Noise once plant is operational shall not exceed a noise level of 38.8 dBLAeq between 0700 and 2300 hours and 37.3 dBLAeq at all other times when measured at the facade of residential premises and shall not exceed 50 dBLAeq when measured at the nearest commercial premises.

Reason: To prevent noise disturbance to the residents of the nearest houses and neighbouring commercial premises.

9. Prior to commissioning the plant the noise mitigation scheme as detailed in NOICO Environmental Noise Survey and Plant Noise Assessment Report 300228/Issue C dated 24 May 2010 shall be implemented. The mitigation scheme shall be maintained in accordance with the details as approved.

Reason: To ensure that the building, structures and plant are adequately soundproofed in the interests of the amenities of the occupants of the nearby premises and residents.

10. The Environmental Management Scheme, for the control of dust and odour at the site, shall be carried out as detailed in the Environmental Management Scheme (approved 17.05.11 by the Waste Planning Authority) for the duration of the site's operation.

Reason: In the interests of local amenity.

Materials

11. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match, in type, colour and texture those on the existing building.

Reason: In the interests of visual amenity.

Highways

12. The plant shall not be commissioned until the vehicle parking, turning and loading area has been marked out in accordance with the approved details and that area shall not thereafter be used for any purpose other than parking, loading and unloading of vehicles.

Reason: In the interests of highway safety.

13. Any and all vehicles leaving the site between the hours of 0500 and 0700 shall leave the site using A339 via Armstrong Road and there shall be no use of Swing Swang Lane.

Reason: In the interests of highway safety and amenity.

Protection of Water Environment

14. All areas where waste is stored, handled or transferred shall be underlain by impervious hard-standing with dedicated drainage to foul sewer or sealed tank.

Reason: To prevent pollution of the water environment.

Note to applicant

In determining this planning application, the Waste Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with respondents and the applicant. 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.

The permitted plant shall be in compliance with the environmental permit from the Environment Agency at all times.

There should be regular liaison undertaken between the Applicant and Old Basing and Lychpit Parish Council.

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

**HAMPSHIRE PORTSMOUTH SOUTHAMPTON AND NEW FOREST NATIONAL
PARK MINERALS AND WASTE CORE STRATEGY (2007)**

DC3 - Impact on Landscape and Townscape

Minerals and waste development will only be permitted if due regard is given to the likely visual impact of the proposed development and its impact on, and the need to maintain and enhance, the distinctive character of the landscape or townscape. If necessary, additional design, landscaping, planting and screening, including planting in advance of the commencement of the development, should be proposed.

DC6 - Highways

Major mineral extractions, landfills and 'strategic' recycling, aggregate processing and recovery and treatment facilities, will be permitted provided they have a suitable access to and/or route to the minerals and waste lorry route as illustrated on the Key Diagram.

In all cases, minerals and waste development will only be permitted if it pays due regard to the likely volume and nature of traffic that would be generated by the proposal and the suitability of the proposed access to the site and of the road network that would be affected. Consideration should be given to highway capacity, road and pedestrian safety, congestion and environmental impact, and whether any highway improvements are required and whether these could be carried out satisfactorily without causing unacceptable environmental impact.

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 Plan, or

- b) Re-uses/redevelops previously developed land and/or redundant agricultural and forestry buildings (including their curtilages), or
- c) Is on employment land, preferably co-located with complementary activities, and
- d) 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 waterborne and rail freight, and
- e) 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
- f) In the case of sites providing public access, the site shall be accessible for use by disabled people.