

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	23 November 2011
Title:	Proposed bulking station for skip waste, Old Park Farm, Main Road, Kingsley, Bordon GU35 9LU. (Application no. 27396/036) (Site ref. EH167)
Reference:	3463
Report From:	Head of County Planning

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1. Executive Summary

- 1.1. Planning permission is sought for a change of use of land to a bulking station for skip waste at Old Park Farm, Kingsley.
- 1.2. The proposal does not fully accord with policy as it does not meet the requirements of Policy DC13 - the site is in the countryside and is not redundant agricultural land. The main issue is whether there are sufficient grounds to warrant a departure from countryside policy. In particular the small scale nature of the proposals, the visual impact, the amenity impact and the highways impact.
- 1.3. It is considered that the proposal would not be in accordance with the development plan as it is not on redundant agricultural land (DC13). However the proposal is small scale and has benefits in encouraging recycling/reuse of waste material. It would not have an adverse visual impact (DC3), would not have an unacceptable impact on the amenity of local residents (DC8) and would be acceptable in terms of highway safety and convenience with good access to the primary road network (DC6). Therefore, on balance, it is considered that the proposal is acceptable and recommended for approval.

2. Site and proposal

- 2.1. The proposals are for a change of use of land to a bulking station for skip waste at Old Park Farm, Main Road, Kingsley. The site, as shown on the attached plan, comprises 0.19 hectares of land to the north east of the main complex of farm buildings. There are allotments to the south east of the site and a horse ménage to the south. The nearest houses front onto the access

track. The access track joins Main Road and serves other industrial/business units. The site is currently in use primarily for storage of agricultural machinery and containers.

2.2. Skip waste would be brought to the site, sorted into the appropriate bins then removed from the site for recycling or disposal. There would be a baler on site for plastics. Skips arriving at the site would be tipped onto the unloading pad and the waste sorted and deposited in appropriate bins by small loading shovel. The main details are as follows:

- site would be enclosed by a 2.4 metre high close board fence;
- site would be concrete surfaced;
- vehicle washing and mist spray within site to minimise dust;
- surface water drainage system proposed to minimise risk of flooding and pollution;
- access would be via existing farm access track, through business park, from Main Road;
- proposed hours of operation 0830 -1730 Monday to Friday, 0830 – 1230 Saturday;
- the annual through put of waste through the site would not exceed 480 tonnes, comprising 160 tonnes from house/garage clearance, 160 tonnes construction waste and 160 tonnes commercial/industrial waste from small builders operating in the local area;
- site would contain 5 bins (40 cubic yard capacity) which would be for metals, timber, general waste, soil and rubble; and
- lorry movements would be about 8 per day (4 in and 4 out) for the skip lorries and 4 movements (2 in and 2 out) per week for removal/replacement of the bins.

2.3. The proposal is not an EIA development under the Environmental Impact Assessment Regulations 2011 and an Environmental Statement has not been submitted.

3. Development plan

3.1. Hampshire Portsmouth Southampton and New Forest National Park Minerals and Waste Core Strategy policies DC3 (Impact on landscape and townscape), DC6 (Highways), DC8 (Pollution, health, quality of life and amenity) and DC13 (Waste management and recycling) are relevant.

3.2. East Hampshire District Local Plan: Second Review policy GS3 (Protecting the countryside).

4. Consultations

- 4.1. County Councillor Kemp-Gee comments 'After a great deal of thought and consideration, I have concluded that I must object to this application. The proposed site lies on the north-eastern edge of Kingsley on quite sharply rising ground because it is on the southern side of a pretty, tranquil valley that runs laterally east/west between the Binsted Straits which is in the South Downs National Park and Kingsley. I visited the valley some two weeks ago and it contains a much-used sports ground and nature trail (being the old railway line between Bordon and Bentley). There are a number of secluded residences in this valley and I noted on my visit there how much intrusive sound carried from the existing light industrial and storage uses at Old Park Farm. I have therefore concluded that there are grounds for objection on noise and visual impairment issues. Additionally, the site is easily overlooked from the Straits and would interfere, in my opinion, with the amenity of the national park in visual terms. Declaring an interest, I used a grant from my Member's Devolved Budget to support the recent establishment of the Kingsley Parish Allotments. This site is in close proximity to those allotments which were established inter alia to provide tranquil and constructive rest, recuperation and wholesome activity for the villagers which would be seriously interfered with, if not ruined, by the granting of this application.
- 4.2. East Hampshire District Council raises objection on the grounds that the proposed development would be an unacceptable introduction of a business use into this rural area detrimental to its character, contrary to policy GS3 of the East Hampshire District Local Plan: Second Review.
- 4.3. Environmental Health Officer East Hampshire District Council has no objection in principle, subject to conditions requiring dust control and noise. However due to the rural character of the area and the proximity of noise sensitive premises to the site, recommend use is restricted to weekdays only.
- 4.4. South Downs National Park comment that the site is a suitable distance from the National Park for noise and dust to not be a concern. With regard to views from within the National Park, any views would be limited to distant glimpses through existing trees/hedgerows. The proposed close boarded fence and any machinery visible above this would appear out of place in this rural setting and I would suggest the impact of any such views could be limited by the planting of a mixed native hedgerow along the northern side of the proposed close boarded fence. However have no overriding objection on grounds of impact upon the National Park.
- 4.5. Environment Agency raises no objection and comment that applicant must ensure that the operations at the site are in accordance with the Environmental Permitting Regulations 2008.
- 4.6. Highway authority raises no objection subject to conditions restricting vehicle numbers and details for preventing mud being deposited on the public highway.

4.7. Kingsley Parish Council comments that the application is to regularise the existing operation in another part of Old Park Farm which has been taking delivery of waste skips, sorting and burning on site which is in breach of planning regulations. The parish council raises objection on the basis that the application does not accord with the development plan and the access route will cause disruption to the various commercial premises due to an increase in lorry traffic for both skips and 40 cubic yard containers. One of these premises has numerous visits from their customers during the day. The row of houses and the allotment users will also suffer from this disruption as also having the noise and dust nuisance. This skip business is not suitable in this rural environment. In response to the further information the parish council states the noise from the existing site is completely unacceptable and has caused complaints all around the neighbourhood and no information is included on the particular details of this screener This is not a very large farm and as stated before the main income is from letting out of the converted barns/buildings. Kingsley Parish Council still objects to this application due to the noise, dust and traffic nuisance in the rural area.

5. Representations

5.1. 13 letters of objection have been received on the following grounds:

- closeness to Kingsley Allotments and potential for airborne pollution and dust blowing towards allotments causing harm to plants and people working, (closest plots are organic);
- unacceptable noise and dust from both operations at the site and associated lorry traffic;
- increased traffic and concern at safety of access onto Main Road, also access crossing a village green;
- farm is becoming more of a commercial/industrial based business which does not protect or enhance its open countryside location;
- proposal inappropriate and not in accordance with planning policy; and
- concern at escalation of activity, long term impact would be detrimental to the village with little or no local benefit.

6. Commentary

6.1. The proposal does not fully accord with policy as it does not meet the requirements of Policy DC13 as the site is in the countryside and is not redundant agricultural land, but currently in use primarily for agricultural storage. However there are benefits from the proposal in facilitating recycling and reuse of skip waste. The main issue is therefore whether there are sufficient grounds that on balance warrant a departure from countryside

policy. These grounds are the scale of the proposals, the highways impact, the visual impact, and the amenity impact.

- 6.2. Comments have been made that there is an unauthorised site nearby which would be replaced by this proposal. There is a recognised problem in this part of the county of unauthorised waste tipping, primarily of skip waste. Unauthorised sites create environmental problems locally and are clearly not subject to necessary controls, either by the Waste Planning Authority or Environment Agency. There are benefits in encouraging operators to have a local small scale skip waste transfer facility which has the necessary environmental controls and conditions to reduce the attraction of using unauthorised sites. In addition the facility would support recycling/reuse of skip waste reducing the demand for landfill.
- 6.3. The proposal is small scale, taking skip waste from the local area. As a consequence there is a low level of traffic generation. The Highways Authority is satisfied in terms of highway safety and the site has good access to the primary road network without passing through the main part of Kingsley village. There are already commercial activities within the business park and commercial use of redundant farm buildings at Old Park Farm which are acceptable in highways terms. The access track to the site is in a poor state of repair, particularly the narrow stretch where it passes the houses. It is proposed to resurface this stretch to reduce noise, this can be required by condition prior to the site becoming operational. There will be additional disturbance from the use by the additional lorries, but the adjoining areas are already in commercial use and the small numbers are such that there would not be an unacceptable impact and proposals meet the requirements of Policy DC6.
- 6.4. Old Park Farm is in quite a prominent location when viewed from the north, in which direction lies the South Downs National Park. However, the site is proposed to be enclosed by a 2.4 metre high close boarded fence which will screen the site. Additional hedgerow planting on the northern boundary of the site would also add further screening from this direction and could be secured through condition. Consequently proposals would comply with the requirements of policy DC3.
- 6.5. There is concern at the amenity impact of the proposed activity at the site and associated lorry traffic in terms of noise and dust. A particular issue has been raised concerning the potential impact on the nearby allotments, about 60 metres from the site. It is not considered that the proposals would adversely affect the allotments as the level of activity is small scale. The proposed fencing would also provide a level of protection and with the proposed dust mitigation measures, including the sheeting of lorries and use of mist spray, so there would not be a deterioration in the current position. The Environmental Health Officer at East Hampshire District Council considers the proposals acceptable in principle and recommends conditions, including restricting working hours to weekdays only, such a restriction would limit the disturbance for local residents. Regarding noise, there will be an increase due to the increased activity, although this will be small scale and is unlikely

to be at unacceptable levels. Reference is made to a screener but there is no information and it is not included on plans. Therefore it is not considered this should form part of the proposals. There will be a noise impact for the residents of the houses adjoining the access track from the lorry traffic, however this would be reduced by the resurfacing as required by the condition referred to in paragraph 6.3. Consequently, subject to conditions, it is not considered there would be an unacceptable amenity impact and proposals would accord with Policy DC8.

6.6. In conclusion it is considered that the proposal would not be in accordance with the development plan as it is not on redundant agricultural land (DC13), however the proposal is small scale and has benefits in encouraging recycling/reuse of waste material. It would not have an adverse visual impact (DC3) and would not have an unacceptable impact on the amenity of local residents (DC8) and would be acceptable in terms of highway safety and convenience with good access to the primary road network (DC6). Therefore on balance it is considered that the proposal is an acceptable departure from countryside policy and is recommended for approval.

7. Recommendation

7.1. That planning permission for Proposed bulking station for skip waste, Old Park Farm, Main Road, Kingsley, Bordon GU35 9LU. (27396/036) be granted, subject to the conditions listed in Integral Appendix B.

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

Hampshire safer and more secure for all:	yes
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.)

<u>Document</u>	<u>Location</u>
Proposed bulking station for skip waste, Old Park Farm, Main Road, Kingsley, Bordon GU35 9LU. (Application no. 27396/036) (Site ref. EH167)	County Planning Economy Transport Environment Dept 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 heavy goods vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0830-1730 Monday to Friday. There shall be no working on weekends or recognised public holidays.

Reason: In the interests of local amenity.

Storage

3. All waste shall only be stored within the bins as shown on drawing JF282.01b.

Reason: In the interest of local amenity

Landscape

4. Within 3 months of the date of this consent details of hedgerow planting for the northern boundary of the site shall be submitted to the Waste Planning Authority for approval in writing. The details shall specify the types, size and species of all trees and shrubs to be planted and timescales for carrying out the works, and provision for future maintenance. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The details shall be implemented as approved.

Reason: In the interests of visual amenity.

Protection of Water Environment

5. 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.

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.

Noise, Dust and Odour

7. Prior to development commencing an Environmental Management Scheme for the control of noise, dust and odour at the site, including the measures set out in the letter dated 4 October 2011, shall be submitted to the Waste Planning Authority for approval in writing. The Scheme shall be implemented as approved for the duration of the site's operation.

Reason: In the interests of local amenity.

Highways

8. There shall be no more than 10 HCV vehicle movements (5 in and 5 out) per day entering or leaving the site. Records of vehicle movements to and from the site shall be kept and made available for inspection at the request of the Waste Planning Authority.

Reason: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site.

9. Prior to development commencing the access track shall be resurfaced with tarmacadam to a specification agreed in writing with the Waste Planning Authority, and the access track shall thereafter be maintained in good condition to prevent creation of potholes.

Reason: To minimise impact of noise from vehicles for the residents of houses adjoining the access track.

10. Prior to development commencing details of the measures to be taken to prevent mud from vehicles leaving the site being deposited on the public highway shall be submitted to the Waste Planning Authority for approval in writing. The details shall be implemented as approved.

Reason: To limit the volumes of traffic in the interests of the amenity of residents on and near the approaches to the site.

11. All vehicles carrying waste shall be sheeted to prevent escape of material from the vehicle.

Reason: In the interest of highway safety and local amenity.

Restriction of Permitted Development Rights

12. Notwithstanding the provisions of Parts 4, 8 and 25 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order):
fixed plant or machinery, buildings, structures and erections or private ways shall not be erected, extended, installed or replaced at the site without the prior agreement of the Waste Planning Authority in writing.

Reason: To protect the amenities of the area.

13. Notwithstanding the provisions of the Town and Country Planning (Use classes) Order 1987 (as amended) the site shall be used only for the sorting and transfer of waste .

Reason: To protect the amenities of the area

*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 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 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 policy GS3 (Protecting the countryside).

The countryside, defined as the area outside settlement policy boundaries, will be protected for its intrinsic character and beauty. Planning permission will not be granted for development within it unless all the following criteria are met:

- a) It is necessary for farming, forestry, countryside recreation, small scale tourism or any other genuine and proven need for which a countryside location is essential;
- b) It would not harm the overall character, quality, tranquillity and appearance of the countryside;
- c) It would not harm the intrinsic local character of the landscape, sense of place or local distinctiveness; and
- d) The type and volume of traffic generated would not result in danger or inconvenience on the public highway, or harm the rural character of local roads.

Provided that:

- i) The development would not harm the overall character, quality, and appearance of the countryside, which shall be protected for its own sake; and
- ii) The type and volume of traffic generated would not harm the countryside.