

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	10 February 2011
<b>Title:</b>	Development of a three bay gully waste de-watering facility and ancillary development at Four Dell Farm, Poles Lane, Otterbourne, Winchester (Application No. 10/02625/HCS Site Ref: WR210)
<b>Reference:</b>	2623
<b>Report From:</b>	Head of Planning and Development

**Contact name:** Julia Davey

**Tel:** 01962 846732

**Email:** [julia.davey@hants.gov.uk](mailto:julia.davey@hants.gov.uk)

### 1. Executive Summary

- 1.1. Planning permission is sought for a three bay gully waste de-watering facility and ancillary development at Four Dell Farm, Poles Lane, Otterbourne, Winchester. Part of the development has been constructed.
- 1.2. The site was granted planning permission on appeal on 30 October 2008 (APP/Q1770/C/08/2065088) for the use of land for storage and transfer of waste materials associated with highway maintenance works and ancillary storage of highway maintenance materials at Four Dell Industrial Park, Poles Lane, Otterbourne. The applicant company is involved in highway maintenance projects across a large part of Southern England (Highways Agency Area 3), including emergency repairs following accidents. The applicant has developed an integrated waste management system and solution to ensure that Hampshire County Council County highways gully waste, sweeper waste and Highways Agency (Area 3 motorway) filter drain waste, is recycled into a BS3882 topsoil which can be used for highway works. In order to do this the applicant requires a gully and sweeper waste de-watering facility to ensure any liquids are removed before soil blending is undertaken.
- 1.3. The development comprises constructing a three bay concrete structure with a roof cover no higher than 4.3 metres above existing ground level and a 6 metre x 6 metre x 4.3 metre high office and store – within the confines of the existing permitted site.

1.4. Objections have been received from Compton and Shawford Parish Council and Winchester City Council on grounds of landscape impact, unjustified increase in floorspace, highway impact and intensification of industrial use at Four Dell Farm. The Parish Council have also asked the City Council and County Council to consider a development brief for the site. The local member has asked for clarification of a number of issues, has raised concerns about traffic and intensification of the site and has requested that the application be determined by the Regulatory Committee.

1.5. The main issues raised by the application relate to:

- highway/environmental impacts of traffic;
- intensification of industrial use in the countryside;
- landscape impact; and
- amenity impacts.

1.6. The recommendation is to grant approval subject to conditions.

1.7. The reason for the recommendation of approval and any subsequent decision is that, subject to mitigation by way of conditions, the proposal provides a sustainable solution to the collection and treatment of gully waste on a site that is already used for the storage and transfer of waste materials associated with highway maintenance works; would not cause any significant landscape impacts, highway safety impacts or amenity impacts and therefore is in accordance with the development plan (Hampshire Minerals and Waste Core Strategy S1, DC1, DC3, DC6, DC8 and DC13).

## **2. Site, planning history and proposal**

2.1. The site, as shown on the attached plan, comprises an area of 0.02 hectares within the applicant's existing 0.65 hectare site. The site is located to the west of industrial units at Four Dell Farm, Poles Lane, near Otterbourne within the Four Dell Industrial Park. The nearest dwelling, Four Dell Bungalow, is approximately 75 metres from the edge of the existing site and further from the application site. The majority of dwellings are 500 metres from the main site boundary. A public footpath is separated from the northern boundary of the site by an earth bund four-five metres above the existing ground level.

2.2. In 2005 and again in 2007, Winchester City Council granted planning permission for a change of use of existing agricultural buildings to industrial units adjacent to the site (Application No. 04/02560/FUL and 06/02429/FUL). The application site is within the permitted area for industrial use, although a condition prohibiting outside storage was attached to both permissions. Nevertheless, permission has since been granted, on appeal in 2008 (APP/Q1770/C/08/2065088), for the use of land for storage and transfer of waste materials associated with highway maintenance works and ancillary

storage of highway maintenance materials. In upholding the appeal the inspector considered the determining issues as:

- (i) The noise impact on the living conditions of those residing near the appeal site from operations upon it and those in Otterbourne resulting from the passage of the Heavy Goods Vehicles (HGV) associated with the use.

On this issue the inspector concluded that, subject to mitigation measures and controls on the lorry movements at night, there would no unacceptable impact on the living conditions of residents either from the on-site operations or due to the passage of HGVs in terms of the noise generated. In this respect the inspector considered the proposal would be in accordance with Policy DC8 of the Core Strategy.

- (ii) The effect on highway safety of the local road network from the traffic generated.

On this issue the inspector concluded that the effect of the additional traffic generated would not cause any demonstrable harm to the local road network in terms of highway safety. Furthermore, the new access onto Poles Lane from Four Dell Farm would be a positive improvement in terms of highway safety not only for those using the proposed development but the users of other units on the estate and road users in general on Poles Lane.

- (iii) The visual impact of the use itself and the associated bund that has been introduced to screen the site.

On this issue the inspector concluded that, subject to the provision of a screening bund to the north and north-west, the bund and its landscaping and the imposition of other conditions controlling the use, the development would not cause any material harm to the surrounding countryside or the enjoyment of the public footpath network, or the living conditions of residents in terms of outlook. Hence, Policies CE.5 and DP.3 of the Winchester District Local Plan Review would be met in these respects.

2.3. Since the appeal decision the development has been implemented, work has also started on the construction of the gully waste storage bays.

### **3. Proposal**

3.1. The applicant is proposing to construct a three bay gully waste de-watering facility at its existing site at Four Dell Farm, Poles Lane, Otterbourne. The development is partially complete and would allow gully waste generated from cleaning the highway network across 'Highways Area 3' in Hampshire (M3, M4, A34, M27) would be de-watered and recycled.

- 3.2. The applicant states that in order for all waste streams to be managed in the most sustainable way, i.e. not landfilled, an integrated approach to waste management is required and it has developed an integrated waste management system and solution which will ensure that highway waste e.g. gully waste and sweeper waste is recycled into a BS3882 topsoil which can be used in highway works. In order to do this the applicant requires a gully and sweeper waste de-watering facility to ensure any liquids are removed before soil blending begins.
- 3.3. The proposal comprises a three bay concrete structure with a roof cover (4.3 metres above ground level) to prevent rainwater entering the bays. Liquid from the bays would drain to the back of the bays, exiting through drainage channels and into a settlement system. Solids from the bays will also be removed from the site and incorporated into a soil blending process.
- 3.4. The applicant states the scheme concept has been approved in full by the Environment Agency who issued an Environmental Permit in July 2010 that appropriate environmental controls are in place.
- 3.5. The proposal would also comprise the construction of a 6m x 6m x 4.3m high office and store to comply with the Environmental Permit. This is for a site manager, a ticket office, pumps and other equipment. All structures proposed are located within the existing site and maximum heights are lower than the northern and north-western earth bund so that visual impacts on views from the north are mitigated.
- 3.6. The development would comply in full with the existing noise, dust and other environmental mitigation measures set-out in the existing planning permission.
- 3.7. There would be no increase in lorry movements as the development would operate within the existing lorry movement conditions. Vehicles would range between tankers, typically 10m to 14m in length and 32 tonne grab lorries.
- 3.8. The applicant states that the proposal complies in full with the Hampshire County Council sustainability agenda by diverting waste from landfill.

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

4.1. The following policies are relevant:

- (i) Hampshire Minerals and Waste Core Strategy (2007):
  - (a) DC1 - Sustainable Waste Management
  - (b) DC3 – Impact on Landscape and Townscape;
  - (c) DC6 - Highways; and
  - (d) DC13 - Waste Management and Recycling.

- (ii) Winchester City Council Local Plan Review:
  - (a) CE.5 - Landscape Character;
  - (b) CE.18 - Existing Lawful Employment Sites in the Countryside; and
  - (c) DP.3 - Development Criteria.
- (iii) South East Plan:
  - W17 - Location of Waste Management Facilities.

## 5. Consultations

### 5.1. Winchester City Council objects for the following reasons:

Development as proposed is contrary to Policies CE5, CE18 and DP3(ii) of the Winchester District Local Plan Review in that:

- (i) an overriding operational need for additional floorspace has not been demonstrated; and
- (ii) the scale and design of the proposed buildings would have an adverse impact upon the character and appearance of the countryside.

### 5.2. Compton and Shawford Parish Council objects for the following reason:

It is a further intensification of use on the site and will result in an increase in traffic, noise and disturbance which will adversely affect the local amenity. The parish council has repeatedly requested a development plan or forward plan for this site to enable a cohesive policy to be applied (Julia Davey, George Beckett). The absence of this leads to conflicting decisions and piecemeal development of the site (such as this) with no consideration of the cumulative effects of developments. Such a plan is both possible and desirable.

### 5.3. Otterbourne Parish Council continues to have concerns over the plethora of Applications deemed suitable by Hampshire County Council and the Environment Agency for this site, which greatly affects amenity for residents in Otterbourne.

### 5.4. The Environment Agency raises no objection to the application.

### 5.5. The Highway Authority raises no objection to the proposal. It states that it is satisfied that the process will not generate any significant additional HGV movements. Whilst the dewatering process will require removal of waste water and intercepted solids, these materials would have been part of the loads going to landfill, with a corresponding increase in the number of those vehicle movements. It is already noted that the proposal falls within the requirements of the extant planning permission in terms of traffic movements.

The Highway Authority adds that the Transport Statement is supported by a swept path analysis for each of the vehicle movements described. It is noted that in each case the vehicles can stop clear of the track and are able to manoeuvre into position without blocking the track to passing traffic. To ensure that the areas shown in the swept path analysis are kept clear of

plant, equipment, machinery and waste and skip containers at all times the Highway Authority suggests a planning condition to cover this aspect of the proposal. Subject to such a condition the Highway Authority is satisfied that the development proposal includes sufficient area for vehicle manoeuvring to access and egress the site to and from the track in a forward gear at all times.

5.6. **Councillor Mrs Bailey** has raised concerns about traffic and intensification of the site.

## **6. Representations**

6.1. The landowner of the site and the access track raises no objection to the development but has highlighted that any development granted needs to ensure that vehicles can manoeuvre and load and unload within the site without impeding access of other vehicles along the access track, in particular agricultural vehicles. He adds that a right of access has been granted to the applicant requiring that their vehicles do not interfere with his vehicles and that he is able to pass and repass at all times day or night across a track width of six metres.

## **7. Commentary**

7.1. The key issues raised by the proposal are:

- (i) highway/environmental impacts of traffic;
- (ii) intensification of industrial use in the countryside;
- (iii) landscape impact; and
- (iv) amenity impacts.

Nevertheless the proposed development is in accordance with the development plan as it complies with the relevant policies of the Hampshire Minerals and Waste Core Strategy. The Strategy should be relied on in determining the application more than any other part of the development plan, including the South East Plan as it specifically addresses the development in question and the relevant issues that arise from it.

7.2. The issues of highway safety impacts and the environmental impact of traffic were considered in detail by the planning inspector into the appeal for the existing site operation. As summarised in section 2 of this report, subject to mitigation requirements imposed through the appeal decision including a new access road, the Inspector raised no objection on these matters. As this proposal would be working within the current conditions imposed through the appeal it is considered there is no valid planning reason to object to the proposal on highway grounds. The views of the Highway Authority reflects this view.

- 7.3. With regards to the issue of intensification of the countryside the applicant is not proposing to extend the site into the countryside. The site is within the confines of the Four Dell Industrial Estate and the current use of the land by the applicant was granted through the appeal decision. It is acknowledged that the proposal includes the construction of the small store/ticket office building and the covered storage bays. It is noted that Winchester City Council have objected to the proposal on the grounds that the development is contrary to its development plan in that an overriding need for additional floor space has not been demonstrated and the scale and design of the proposed buildings would have an adverse impact upon the character and appearance of the countryside. However, the applicant has explained that to comply effectively with the Environment Agency permit requirements relating to pollution control and effective site management, there is a need for the development proposed.
- 7.4. With regards to the objection relating to adverse impact upon the character of the countryside it is considered that the office building will not be seen from any public viewpoint. The height is below the height of the earth screening bunds to the north of the site. The appeal Inspector also considered that the current use of the land would not cause any significant environmental impacts that would have warranted refusal of permission.
- 7.5. Whilst the covered bays are below the height of the surrounding bunds, it is possible to catch a glance of a long distance view of the bays when accessing the site off the public highway. There is a view from the road through a small gap of some 10-20 metres in the hedgerow on the ridgeline. However it is not considered significant enough as to warrant refusal of the application. Nevertheless, the applicant is undertaking, with the permission of the landowner, to plant the gap with native species which in time would screen the development completely from any public view.
- 7.6. The request for a development brief for all the Four Dell Farm Industrial Park is noted but is not a material consideration. Moreover, the Parish Council has been advised a brief would be inappropriate. A meeting is being arranged with the local Member and the Parish Council to explain this.
- 7.7. The issue of noise has already been dealt with by the Inspector in his appeal decision for the existing use. The proposed use would not alter the basis on which his previous decision was formed.
- 7.8. To conclude, the development accords with the development plan and there are no other material considerations to justify refusal of permission.

## **8. Recommendation**

- 8.1. That permission for the development of a three bay gully waste de-watering facility and ancillary development at Four Dell Farm, Poles Lane, Otterbourne, Winchester (Application No. 10/02625/HCS Site Ref: WR210) be granted, subject to the conditions listed in Integral Appendix B and for the Reasons outlined in Section 1 of this report.

### Links to the Corporate Strategy

<b>Hampshire safer and more secure for all:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	yes
Corporate Improvement plan link number (if appropriate):	

### Other Significant Links

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Use of land for storage and transfer of waste materials associated with highway maintenance works and ancillary storage of highway maintenance materials at Four Dell Industrial Park, Poles Lane, Otterbourne .( refused 19.10.07 <b>07/01815/HCS</b> )		<u>Refused</u> <u>19.10.07</u>
Use of land for storage and transfer of waste materials associated with highway maintenance works and ancillary storage of highway maintenance materials at Four Dell Industrial Park, Poles Lane, Otterbourne . (APP/Q1770/C/08/2065088)		<u>Appeal allowed</u> <u>30.10.08</u>
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>	<u>Date</u>	

**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

Planning application for a small three bay gully waste de-watering facility, gully waste generated from cleaning the highway network is de-watered and liquid and solid waste is forwarded on to facilities which are permitted with the Environment Agency for recycling at Four Dells Farm, Poles Lane, Otterbourne, Winchester SO21 2DY. (Application No. 10/02625/HCS Site Ref: WR210)

Planning and Development, Environment Department, Hampshire County Council, The Castle, Winchester SO23 8UD

## CONDITIONS

### Timescale

1. The development hereby permitted shall be fully implemented in accordance with the approved plans and particulars within 12 months of the date of this permission.

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

### Highways

2. Lorry movements associated with the permitted use shall not exceed 10 movements between the hours of 1800 and 0700 the next day other than on 10 occasions per calendar year when the maximum number of movements during this time period shall not exceed 40 movements. Onsite records shall be maintained recording the time, date and registration number of all vehicles carrying material to and from the site between 18.00 and 07.00 the next day and these records shall be made available for inspection by the Waste Planning Authority on request.

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

3. Loaded lorries entering and leaving the site shall be sheeted for dust suppression.

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

4. Other than lorries bringing tipped material to the site or taking material associated with highway maintenance works from the site, no lorries shall enter or leave the site and no plant or machinery, other than that required to be used in connection with these operations, shall be operated except between the hours of 07.00 to 18.00 on Mondays to Fridays. There shall be no working at all on Sunday or recognised public holidays.

Reason: In the interests of local amenity and highway safety

5. The areas shown as being necessary for the manoeuvring, loading and unloading within the curtilage of the site, as part of the swept path analysis evidence shown on plan nos. RWP/SC/01, RWP/BC/01/ RWP/TB/01 and RWP/TW01 ( January 2011) shall be kept clear of items, parked plant or machinery or ancillary storage uses at all times when vehicles are permitted to access and egress the site .

Reason: In the interests of the safety and amenity of users of the adjoining access track and to ensure that all vehicles entering and leaving the site can do so in a forward gear.

6. Measures shall be taken on site to prevent mud from the tyres of vehicles leaving the site being carried onto the public highway and the adjacent access track and, measures shall be taken to ensure that the site is kept free of dust and mud at all times.

Reason: In the interests of highway safety.

### **Layout**

7. The site shall be set out and constructed in accordance with approved plan nos. RWP/FSV/01 ( rev. January 2011), DW/DRL/1, DW/PV/1 and DW/PV/2.

Reason: In the interests of local amenities and the landscape character of the area.

8. Within one month of the date of this permission details of the colour and texture of the steel roof for the gulley waste storage area and the office/store shall be submitted to the Waste Planning Authority for approval and thereafter implemented within three months of and in accordance with this approval unless otherwise agreed beforehand in writing with the Waste Planning Authority.

Reason: In the interests of local amenities and the landscape character 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)*

**South East Plan**

**Policy W17: Location of Waste Management Facilities**

Waste development documents will, in identifying locations for waste management facilities, give priority to safeguarding and expanding suitable sites with an existing waste management use and good transport connections. The suitability of existing sites and potential new sites should be assessed on the basis of the following characteristics:

- (i) good accessibility from existing urban areas or major new or planned development;
- (ii) good transport connections including, where possible, rail or water;
- (iii) compatible land uses, namely:
  - (a) active mineral working sites;
  - (b) previous or existing industrial land use;
  - (c) contaminated or derelict land;
  - (d) land adjoining sewage treatment works;
  - (e) redundant farm buildings and their curtilages;
- (iv) be capable of meeting a range of locally based environmental and amenity criteria.

Waste management facilities should not be precluded from the Green Belt. Small scale waste management facilities for local needs should not be precluded from Areas of Outstanding Natural Beauty and National Parks where the development would not compromise the objectives of the designation.

**Hampshire Minerals and Waste Core Strategy DPD (2007)**

**Policy DC1 - Sustainable and Waste Development**

Minerals and waste developments will only be permitted if they meet the standards outlined in Policy S1 and, in appropriate circumstances, are designed and constructed to use water and energy efficiently.

**Policy 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.

### **Policy 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.

### **Policy DC13 - Waste Management and Recycling**

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
- 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 waterborne 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.

### **Winchester City Council Local Plan (2006)**

#### **Policy CE.5**

Development which fails to respect the character of the landscape, or harms the key characteristics of the Landscape Character Area concerned (as set out in Appendix 2) will not be permitted.

**Policy CE.18**

Within existing lawful employment sites in the countryside (Use classes B1, B2, and B8), the extension or replacement of existing buildings will be permitted where:

- (i) the site is close to an existing settlement and main transport networks (including public transport), and not in a location where continued employment use would be harmful to the local environmental or neighbouring uses;
- (ii) there will be no material increase in employment or traffic levels as a result of any increase in floorspace or built development; and
- (iii) the scale and design of the proposed buildings and the site achieves substantial environmental benefits that reflect local distinctiveness and the character of the surrounding countryside.

Applicants should submit a comprehensive plan justifying their requirements, demonstrating how the proposed development meets the above criteria, and how the natural features of the site are to be managed.

**Policy DP.3**

Development which accords with other relevant policies of this Plan will be permitted, provided it:

- (i) in terms of design, scale and layout, responds positively to the character, appearance and variety of the local environment.