

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

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	22 March 2017
<b>Title:</b>	Change of use of part of land forming Peacock's Nursery and Garden Centre to use for recycling of inert materials at Land behind Peacocks Nursery and Garden Centre, Ewshot, Farnham GU10 5BA.(Application number 16/03156/HCC) (Site Ref: HR104)
<b>Reference:</b>	8195
<b>Report From:</b>	Head of Strategic Planning

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## **1. Executive Summary**

- 1.1. The planning application is for the change of use of land to the rear of Peacock's Nursery, Ewshot, from agricultural use (horticulture with ancillary garden centre) to the waste use for the recycling of inert materials.
- 1.2. The application is retrospective as the waste recycling has been in operation at the site for approximately 4 years. The need for planning permission was identified by the Waste Planning Authority enforcement team in November 2015.
- 1.3. A previous planning application to continue the activity was refused by the Regulatory Committee in July 2016 (Ref: [16/00887/HCC](#)). In summary, the reasons for refusal were:
  - Contrary to policies 5 (Protection of the countryside) and 29 (Locations and sites for waste management) - Development in countryside outside defined urban areas or strategic road corridors with no special need justification.
  - Contrary to policies 3 (Protection of habitats and species), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) - Adverse impact upon sites, habitats and species; adverse impacts on public health and amenity and adverse visual impact on the character of the surrounding countryside.
- 1.4. The applicant has sought to address the reasons for refusal through this revised planning application and has provided additional information.
- 1.5. The key issues are as follows:
  - Location in the countryside;

- Need for the development at this location;
- Ecological and environmental impacts;
- Visual impact to countryside landscape character and local amenity;
- Impacts to public health, safety and amenity; and
- Highway safety and environmental impact of traffic.

- 1.6. A committee site visit took place on Monday 6 February 2017.
- 1.7. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2011](#).
- 1.8. It is considered that the proposal would not be in accordance with a number of the policies of the adopted [Hampshire Minerals and Waste Plan](#) (HMWP) (2013). The site is located in the open countryside, is not located on previously developed land and is without existing buildings or hard standings. The application has also not demonstrated that the nature of the development is related to countryside activities, meets a local need, or that it requires a countryside or isolated location. Therefore the principle of the proposed development is not in accordance with Policy 5 (Protection of the countryside). The principle of the proposed development does not accord to relevant parts of Policy 29 (Locations and sites for waste management). The application has not demonstrated that there is a special need for this location and the suitability of the site has not been justified in the application. The application also fails to demonstrate that the proposed development meets Policies 3 (Protection of habitats and species), and elements of 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development), in that it fails to demonstrate that the proposed development would not cause adverse impacts on ecology and the adjacent water course and protected trees.
- 1.9. Therefore it is recommended that planning permission should be refused and appropriate enforcement action taken.

## **2. The Site**

- 2.1. The proposed development site is located to the north west of the Peacock's Nursery curtilage on the north side of A287 (Farnham Road). The site is approximately 1.1 kilometres (km) northwest of the centre of Ewshot village. The site occupies 0.66 hectares (ha), 0.11 ha of which is an access track.
- 2.2. The site is part of the wider site of Peacock's Nursery. This wider site is divided up into various permitted land uses. The east end of the area is a residential dwelling, 'La Vista', and its curtilage, permitted by planning permissions [86/13983/FUL](#) and [89/19060/FUL](#). The central area, including the site (red line area) of the proposed development, is Peacock's Nursery and Garden Centre, horticultural (agricultural) use with ancillary garden centre activities, permitted under planning appeal [T/APP/N1730/A/98/1015298/P2](#). This includes the scrub areas to the south and east of the proposed waste site. To the west of the proposed development site is an area consisting of a non-metalled car park and a

rectangular, flat roofed, single story building set in scrub. A planning application for this area was refused in 1996 for a proposed change of use of approximately 0.4 hectares of land adjacent to western site boundary for parking two coaches and maximum of six transit vans (reference [96/00926/COU](#)). Therefore it is taken that this development is part of the horticultural/garden centre use for the wider site. Those developments outside of the red line site area of this proposed waste development are not related to it.

- 2.3. As the application is retrospective, the previous levels and topography of the site are not clear. Previous to the current waste use of the site, it is believed the site consisted of redundant agricultural land, most likely in the form of unused scrub. There were no pre-existing buildings or hardstandings on the site before the unpermitted waste development commenced, although the footings of an unfinished garden centre building are visible in the eastern part of the site, adjacent to the existing greenhouses. This is shown on the aerial photographs taken of the site in 2000 and 2013 (as set out in Appendices F and G respectively). The site is regarded as a greenfield site and is not previously developed.
- 2.4. The current operation consists of:
  - Mobile plant operating between and on stockpiles to sort inert material;
  - HGV movements to import and export material;
  - A scrub area to the west of the site; and
  - A manmade embankment down to mature hedgerows and a watercourse.
- 2.5. The need for planning permission was identified by the Waste Planning Authority enforcement team in November 2015.
- 2.6. The hedgerow and tree screening to the western and northern boundaries of the site is considered to be of high ecological value within the context of the site and the wider local area. The trees and hedgerow include a variety of large and mature native tree and plant species. Part of this area is subject to a Tree Preservation Order (TPO). The extent of the TPO is shown on the plan in Appendix H. The hedgerow meets the criteria for an 'important' hedgerow under the [Hedgerow Regulations 1997](#), the criteria of 'Hedgerows' under the [post-2010 Biodiversity Framework](#) and qualifies as a priority habitat type under the duties of the [NERC Act 2006](#).
- 2.7. The site is approximately 1.6km to the west of the Thames Basin Heaths Special Protection Area (SPA). A number of Sites for Importance of Nature Conservation (SINC) are located close to the site. Most are also registered ancient woodlands including Ewshot Wood (HA0191) (150m south and south-east), Combe Wood (HA0200) (350m east and south-east), Ridding Copse (HA0193) (500m northeast) and Redfield Rows (HA0180/2) (600m north-west). There is also the registered ancient woodland of Midlands, 100m south-west of the site boundary.

- 2.8. The site is approximately 1.5km west of the Fleet and Aldershot/Yateley Strategic Gap and 370m south-west of the Fleet/Church Crookham to Aldershot Local Gap, allocated in the [Hart District Local Plan](#) (HDLP) (2006).
- 2.9. The site is accessed via a single hardpacked track which runs to the shared access with the Peacock Nursery and garden centre onto the A287 road. This access is also shared with one residential property (La Vista). The site is located 6km from the A31 and 8.9km from the M3. It is not located on the [Strategic Road Network](#).
- 2.10. The approximate distances from the application boundary to the nearest residential properties are as follows:
- 100m south-east to La Vista, adjacent to the Peacock's Nursery;
  - 150m west to Dares Farm (grade II listed building);
  - 300m north to numerous residencies along Dare's Lane, including Hamptons Farmhouse (grade II listed building);
  - 330m south-west to Lea Farm; and
  - 550m southeast to Combe Wood Cottage (grade II listed building).
- 2.11. A Public Right of Way (PROW) footpath (Ewshot 720) runs along the western boundary of the site. This path runs between Crondall and Church Crookham.
- 2.12. An open watercourse is located along the northern boundary of the site. This is considered to be of high ecological value within the context of the site and the wider local area.
- 2.13. The site is identified as being within an Area Susceptible to Ground Water Flooding (<25%) and adjacent to Areas Susceptible to Surface Water Flooding (less/intermediate) to the north.
- 2.14. A County Archaeology green alert site for a pillbox is located 18m from the site boundary.
- 2.15. Two permitted waste sites are within the local area. The nearest is [Beechwood Farm](#), 550m north of the application site, a facility for the storage and disposal of farm waste permitted under a certificate of lawful use. The second is [Beacon Hill Pit](#), 1100m east on the site, an open fronted waste transfer station for recycling of construction waste.

### 3. Planning History

- 3.1. A number of planning applications have been submitted previously to Hart District Council in relation to this site. The recent planning history of the site is as follows:

Application no.	Decision date	Location	Proposal	Status
16/00887/HCC	18 July	Land behind Peacock's	<a href="#">Change of use of part of land forming Peacock's Nursery and</a>	Refused

	2016	Nursery.	<a href="#">Garden Centre to use for recycling of inert materials</a>	
14/02143/PRE APP	2 March 2015	Peacocks Flower Centre	<a href="#">Outline Pre-application advice request for housing scheme</a>	Opinion Issued
01/00800/COU	13 February 2002	Peacocks Fuchsia & Geranium Centre	<a href="#">Change of use of part of Peacocks Nursery Centre to a garden centre</a>	Withdrawn
T/APP/N1730/A/98/1015298/P2	14 May 1999	Peacocks Fuchsia & Geranium Centre	<a href="#">Planning Inspectorate appeal report for application 97/00948/COU</a>	Granted on Appeal

#### 4. The Proposal

- 4.1 The proposal is for the continued use of land to the rear of Peacock's Nursery, Ewshot, for the sorting, crushing, stockpiling and exporting of inert waste materials.
- 4.2 The development would consist of:
- The importation of 15,000 tonnes per annum of inert waste from landscape and construction projects using the operators own Heavy Goods Vehicles (HGVs);
  - An outdoor operations area for the equivalent of 2 full time employees using the following plant:
    - 1 mobile 360° excavator. This alternates use between an excavating bucket and a crusher attachment and operates around and on top of stockpiles to move material or crush concrete or similar;
    - A JCB loader to load exporting HGVs and moving material around site;
    - A screener to sort soils and screen out small quantities of foreign materials which are skipped for disposal off site; and
    - HGVs for import and export of material.
  - Storage of the imported waste and sorted soil, sub base material and mixed fill material in outdoor stockpiles. The stockpiles are to be contained by concrete retaining walls backed by soil bunds to prevent spill. The application proposes a total capacity of 4,000 cubic metres (m<sup>3</sup>) of material to be stored on site;
  - Export of the sorted materials for distribution and sale using the operators own HGVs;
  - An access track which runs around the side of Peacock's Nursery, out to the shared public car park and then accesses the A287;
  - A proposed screen bank to the south of the site to provide screening to the A287 and public areas of the garden centre;
  - Planting of a vegetation buffer of native trees and shrubs on a new bund between the stockpiles and the current embankments to the west and north edges of the site. This is to mitigate spill of material into the water

course and hedgerow surrounding the site, as well as reduce visual impact in these directions; and

- A Sustainable Drainage System (SuDS) consisting of a granular filled French drain to an attenuation lagoon. This will then discharge into the natural watercourse to the north boundary of the site via a flow control chamber.

4.3 This new application contains the following additional information and changes to the previous application, [16/00887/HCC](#):

- Topographical Survey of the site (SLR drawing 001 rev 0);
- Revised plans based on the Topographical Survey (Existing Site Plan E10/WP/1/04 rev A, Existing Site Sections Drawing E10/WP/1/06 rev A, Proposed Site Layout E10/WP/1/05 rev D (appendix D) and Proposed Development Sections Drawing E10/WP/1/07 rev C (appendix E));
- Noise Assessment Report;
- Dust Management Plan, including the use of a water bowser to spray ground and stockpiles in times of dry weather;
- Confirmation that site operations will be confined to the set operating times and no fixed lighting;
- Drainage Capacity Assessment and Design Report; and
- Additional information in the Supporting Statement.

4.4 There are no buildings proposed as part of the development. The only structures are the proposed retaining walls. The development includes stockpiles and proposed, vegetated soil bunds.

4.5 The applicant proposes that the hours of operations will be 0700 to 1800 Monday to Friday. It is also proposed that the site will open on Saturdays between 0900 to 1300 for deliveries and exports only. It is not proposed to undertake any crushing operations on a Saturday. The application does not seek for operation on Sundays, and makes no mention of not operating on bank holidays.

4.6 The application states no fixed lighting will be required.

4.7 HGVs are defined as vehicles over 3.5 tonne un-laden. They will access and leave the site via the site access onto the A287. The applicant will operate 4 vehicles, a mixture of 12 and 16 tonne HGVs, and propose the number of vehicle movements at the site will be 8 per day. All HGVs visiting the site will be the operator's own. The transport assessment states that these will import and export material to/from the site from landscape and construction sites in a local area which typically extends 20 miles from the site. These locations tend to be concentrated around Fleet, Farnham, Odiham, Aldershot, Alton and the eastern side of Basingstoke.

4.8 It is proposed that the development will operate in conjunction with the nursery and garden centre already operating on the wider Peacock Nursery

site. The nursery and garden centre currently have regular HGV movements at the site, as well as public and employee private vehicle movements.

- 4.9 The application states that no direct sales will be carried out on site.
- 4.10 The proposed development is not considered an Environmental Impact Assessment (EIA) development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2011](#). Screening under the EIA Regulations has been carried out on the proposed development as supplied. The development is classified as a Schedule 2 development as it falls within Category 11 (Installations for the disposal of waste (unless included in Schedule 1), (b) as the installation is to be sited within 100m of controlled water. However, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement, as at the time of screening, the proposed development was not considered to have a significant likelihood of environmental impact.

## **5. Development Plan**

- 5.1 The following plans and associated policies are considered to be relevant to the proposal:

### **[National Planning Policy Framework \(NPPF\) 2012](#)**

- 5.2 The following paragraphs are relevant to the proposal:

- Paragraph 5 (Waste Planning Authorities should have regard to policies in this framework so far as relevant);
- Paragraph 11 (Determination in accordance with the development plan unless material considerations indicate otherwise);
- Paragraph 12 (Determination in accordance with the development plan); and
- Paragraph 14 (Presumption in favour of sustainable development).

### **[National Planning Policy for Waste \(2014\) \(NPPW\)](#)**

- 5.3 The following paragraphs are relevant to the proposal:

- Paragraph 1 (Delivery of sustainable development and resource efficiency; and
- Paragraph 7 (Determining planning applications).

### **[National Waste Planning Practice Guidance \(NWPPG\)](#) (last updated 15/04/2015)**

- 5.4 The following paragraphs are relevant to the proposal:

- Paragraph 007 (Self sufficient and proximity principle);
- Paragraph 0046 (Need); and
- Paragraph 0050: (Planning and regulation).

## Hampshire Minerals & Waste Plan (HMWP) 2013

5.5 The following policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 3 (Protection of habitats and species);
- Policy 5 (Protection of the countryside);
- Policy 7 (Conserving the historic environment and heritage assets);
- Policy 10 (Protecting public health, safety and amenity);
- Policy 11 (Flood risk and prevention)
- Policy 12 (Managing traffic);
- Policy 13 (High-quality design of minerals and waste development);
- Policy 17 (Aggregate supply – capacity and source)
- Policy 18 (Recycled and secondary aggregates development)
- Policy 25 (Sustainable waste management);
- Policy 27 (Capacity for waste management development);
- Policy 29 (Locations and sites for waste management); and
- Policy 30 (Construction, demolition and excavation waste development)

## **6. Consultations**

6.1. **County Councillor Bennison:** Has objection for the following reasons:

- The view that this application does not overcome the reasons for refusal of the previously refused application 16/00887/HCC and so is not in accordance with the Hampshire Minerals and Waste Plan (adopted 2013); and
- In particular, it is not in accordance with Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 29 (Locations and sites for waste management).

6.2. **Hart District Council:** Has commented with recommendation to consider the following:

- The site is within the countryside as identified on the proposal map of the Hart District Plan and that the Saved Local Plan (2006) seeks to ensure that development would not be harmful to the rural locale;
- Inclusion of conditions a limit to the height of stockpiles in the interest of visual amenity from the countryside, from the A287 and the public right of way;
- Full consideration should be given to the relationship between the traffic for the garden centre and the proposed use to reduce conflict; and
- The construction of the retaining wall is done without damage to any part of the protected trees beyond.

6.3. **Hart District Council Environmental Health Officer (EHO):** Has commented with recommendation to consider the following:

- No general objection to the Noise assessment report's scope and methodology, whilst noting that reliance on time weighted averages



cannot always be said to give a true picture of a noise source's characteristics and nuisance elements;

- Understanding that such waste activities should have an Environmental Permit in place, and this would place conditions for pollution control on the site, including that for dust and noise. A permit may also be required to regulate the use of concrete crushing plant. This permit would be enforceable by the Environment Agency (EA); and
- The EHO supports any proactive noise mitigation measures and controls on a precautionary basis. This could include restriction of site working hours, use of landscaping, fencing, bunding, limitations on site plant, use of trial operation periods, and the requirement for noise management plans.

6.4. **Crondall Parish Council:** Has no objection.

6.5. **Ewshot Parish Council:** Object for the following reasons:

- Lack of details provided particularly in relation to whether the site is suitable for such use and the potential future scale of operations;
- The number of vehicle movements to and from the site particularly by large, slow moving vehicles onto a busy, fast moving road;
- HGVs use of the same entrance to the site as public vehicles visiting the nursery;
- The site was previously greenfield and should be returned to that use;
- Concern over the reliability of surveys in the application. In particular, the topographical survey, which does not take into account how the site was prior to the commencement of the current operation, and the noise assessment, which residents have advised was carried out on an usually quiet day; and
- The site management measures being proposed to mitigate dust will be difficult to monitor and enforce.

6.6. **HCC Landscape:** Has no objection subject to conditions.

6.7. **HCC Ecology:** Requires further information based on the issue of potential impacts to the watercourse and associated hedgerow/trees both during construction and operation:

- Operational considerations of drainage and discharge into the stream and to biodiversity;
- Construction considerations of effects to the stream and biodiversity;
- Confirmation that no lighting is planned to be used in the development, bearing in mind the application state operating times until 1800 on a working day;
- Detail needed on working methods to prevent damage and compaction of tree roots and the root protection area of the hedgerow. This would

require clear demonstration of the avoidance of effects on the important hedgerow (s41 habitat) and neighbouring protected trees; and

- The inclusion in any permission of an advisory note to make the applicant aware that an application for discharge into the watercourse will be required in addition to planning permission for the development.

6.8. **HCC Public Health:** Was notified.

6.9. **Environment Agency:** Has no objection.

6.10. **HCC Planning Policy:** Has given views on compliance to the policies of the Hampshire Minerals and Waste Plan (adopted 2013).

6.11. **Local Highway Authority:** Has no objection subject to conditions.

6.12. **Lead Local Flood Authority (LLFA):** Has no comment. If the development includes works to an ordinary watercourse, prior consent of the LLFA is required for this work.

## 7. Representations

7.1. Hampshire County Council's [Statement of Community Involvement \(2014\)](#) (SCI) sets out the adopted procedure and publicity requirements associated with determining planning applications.

7.2. As of 9 March 2017, a total of 12 representations had been received raising the following objections:

- Significant, detrimental noise impact on local residents, footpath users and wildlife, including reversing sounds;
- Visual amenity and landscape impact on the countryside, local residents and footpath users;
- Inappropriate proposed site screening;
- Height of spoil heaps/stockpiles;
- Dust pollution impact on public health and wildlife habitat;
- Impact of light pollution on wildlife habitats and public amenity;
- Conflict of the statement of 'no operations during times of darkness' and healthy and safe site operation;
- Danger posed by increase in HGV movement from the Peacock Nursery site onto A287, both turning onto road, increased traffic on road, conflict with public vehicles using the garden centre;
- Loss of residential and rural amenity;
- Negative impact on protected trees and hedgerow;
- Material in surface water runoff polluting and blocking the watercourse, wildlife habitat impact;
- Site surface water runoff flooding and polluting neighbouring agricultural land;
- Inappropriate development in a countryside location;
- Inappropriate development on agricultural land and/or on an undeveloped site;
- No justification for the site to be used for a inert waste site;

- That there is no local need, there are two local sites already in operation which accept waste from other commercial contractors;
- Inaccuracy to information provided in the application, in particular the topographical survey, the noise assessment and the dust management plan;
- Negative impact on the economic sustainability of neighbouring development, in particular the nursery with associated garden centre;
- Non-compliance with HMWP 2013. In particular Policies 3, 5, 10, 13 and 29; and
- Lack of public pre-consultation

#### Non material planning issues raised in representations

7.3 The above issues identified that are material planning issues will be discussed and addressed within section 8 of the report. Non material planning considerations raised in the representations by members of the public are identified below. These will not be addressed in this report:

- Retrospective nature of the application for a waste operation being carried out without permission or permit;
- Development creep following any permission being granted, local to site and to wider area;
- Inaccuracy over historic operational timescales;

## **8. Commentary**

### Principle of the development

#### Need for Waste Management Development

- 8.1. In order for the proposed development to be considered for approval, the principle of a waste recycling facility on this site needs to be established. The proposal needs to be considered against national policy and guidance and must be in accordance with the policies of the adopted [Hampshire Minerals and Waste Plan](#) (HMWP) (2013).
- 8.2. The need for effective waste management development is recognised in various policies of the HMWP. Policy 1 (Sustainable minerals and waste development) states that a waste development that accords with the policies of the Plan will be approved. Policies 17 (Aggregate supply – capacity and source), 18 (Recycled and secondary aggregates development), 25 (Sustainable waste management) and 27 (Capacity for waste management development) support development of new inert waste recycling facilities in principle, in order to provide contribution to recycled and secondary aggregate targets, divert waste from landfill and encourage waste to be managed at the highest achievable level in the waste hierarchy. This principle is in accordance with paragraph 1 of the NPPW (2014). Policy 30 (Construction, demolition and excavation waste development) supports development which will maximise the recovery of construction, demolition and excavation waste to help to meet the targets within the policy. The

proposal could contribute to providing additional infrastructure to maximise the availability of recycled material. The proposal does not conflict with the general aims of these policies.

- 8.3. In this case, in determining the principle of development in this particular location, the key policies of the HMWP 2013 are considered to be Policies 5 (Protection of the countryside) and 29 (Locations and sites for waste management). These are addressed in detail below.

#### Policy 5 (Protection of the countryside)

- 8.4 The site is considered to be within an area of countryside. The Hart District Local Plan identifies the area as countryside and the site is not within any urban area identified through Policy 29 of the HMWP 2013. Policy 5 of the HMWP is therefore relevant.
- 8.5 Policy 5 states that waste development in the open countryside will not be permitted unless:
  - b. the nature of the development is related to countryside activities, meets local needs or requires a countryside or isolated location; or*
  - c. the development provides a suitable reuse of previously developed land, including redundant farm or forestry buildings and their curtilages or hard standings.*
- 8.6 Sites in the countryside can, therefore, be appropriate for the type of use proposed if there is strong justification for that location (e.g. it meets a local need) or if it is a suitable use of previously developed land. The applicant's supporting statement does not provide quality evidence that the proposed development requires a countryside location. The use does not relate to countryside activities and the submitted information does not demonstrate that it meets a local need.
- 8.7 Part c. of Policy 5 can allow waste development in the countryside if it '*provides a suitable reuse of previously developed land*'. The applicant claims that the site can be regarded as 'previously developed' and therefore meets this part of the policy. The application site forms part of the wider curtilage of Peacock's Nursery and Garden Centre. The question is whether the use of the land remains horticulture (horticultural and agricultural uses do not constitute previously developed land) or whether the Garden Centre use allowed on appeal gives the whole site a 'previously developed' status.
- 8.8 Decisions previously made by other authorities on the site point to the site being in countryside and not previously developed (greenfield). Hart DC reports on previous planning applications on the wider Peacock's Nursery and Garden Centre site define it as not previously developed land, by virtue of it being considered agricultural land. The current permitted use of the site is established in the 1999 approval of the appeal by the Planning

Inspectorate of application [97/00948/COU](#). The Planning Inspectorate Report T/APP/N1730/A/98/1015298/P2 (appendix I), paragraph 2 states that the intention of the applicant was *'to continue to grow and sell plants as the main element of their activities on the site'*, and so *'the proposed garden centre therefore represents the introduction of an additional use rather than a change of use from the existing nursery use.'*

- 8.9 The Planning Inspectorate Report T/APP/N1730/A/98/1015298/P2 is also cited in the response from Hart District Council (dated 02 February 2015) to the submission of a Pre-application Advice Request for housing on the Peacock's Nursery site. This includes the application site for the current waste proposal. It states the Council's *'...opinion that the current authorised use of the site does not constitute 'previously developed land' as defined in the NPPF, but constitutes a horticultural (agricultural) use with ancillary garden centre activities.'*
- 8.10. Further evidence for the application site not being previously developed is based on the historic use of the site. Appendices F and G show historic aerial photographs of the site dated 2000 and 2013 respectively. These suggest that there has been no significant development within the red line site area of this application, with the exception of the unpermitted waste development for which this application seeks to gain permission. Whilst there is evidence of the base of a building (permitted by the 1999 appeal decision but never completed) which is visible in the 2013 aerial image and on the ground, there is no evidence to demonstrate that this area has formed an active part of that development and, overall, the site has remained agricultural in nature.
- 8.11. It is concluded that the application site is in an area of countryside and is not 'previously developed land'. This is based upon the land use history of the site and the precedent set by past planning determinations for the site. It is established that the site has a permitted use of horticultural (agricultural) with an ancillary garden centre. The proposal is not considered to be in accordance with Policy 5 (Protection of the countryside) of the HMWP.

#### Policy 29 (Locations and sites for waste management)

- 8.12 Policy 29 of the HMWP 2013 provides the framework for the location of new waste sites in Hampshire. The policy states:

*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.*

- 8.13 The application site is not within the urban area of north-east Hampshire or within the strategic road corridor as identified in Figure 6 – Key Diagram of the HMWP 2013. It is therefore necessary for the applicant to demonstrate that the proposed development is in accordance with part 3 of the policy. This has two requirements that must both be met. Part 3 of Policy 29 states:

*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.*

- 8.14 The applicant's demonstration of good transport connections for the site is relatively weak (para 5.1.8-9 of the Supporting Statement). The site is outside of the Strategic Road Corridor although it is located on the A287 which is a good quality A class road with direct access to the M3. The Highway Authority raises no objection to the application on the grounds of highway safety. However, no evidence has been provided to demonstrate that the highway connections are linked to the sources of waste or the markets for the recycled product.
- 8.15 The HMWP makes it clear that activity such as proposed by this application (CDE recycling), is assumed to predominantly take place in the open, and a site within the countryside can be more appropriate for this type of activity, if it is suitably evidenced that there is a special need for that location.
- 8.16 The applicant's Supporting Statement makes reference to requirement (b) of part 3, Policy 29:
- Paragraph 5.1.10 gives a brief business need for the current operator on the site. This is not considered to be a special need for that location (site).
  - Paragraphs 5.1.11 and 12 cite a lack of supply of existing sites for the current particular operator to take waste to be recycled. This is not considered to be a special need for that location (site).
  - Paragraphs 5.1.13 and 14 suggest that there is not a supply of other suitable sites in the area for the proposed development. However, paragraph 2.2 of this report identifies two permitted waste sites are within the local vicinity, Beechwood Farm, and Beacon Hill Pit, 550m and 1100m from the site. An alternative site assessment is also not included in the application. This is not considered to be a special need for that location (site).
  - No attempt is made in the application to justify the overall suitability of the site.
- 8.17 It is considered, therefore, that the proposal does not meet requirements of Policy 29, either in terms of the general locational criteria or the demonstration of special need and so is contrary to the HMWP 2013.

#### Highways impact

- 8.18 Policy 12 (Managing traffic) of the HMWP 2013 requires minerals and waste developments to 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. It also requires highway

improvements to mitigate any significant adverse effects on highway safety, pedestrian safety, highway capacity and environment and amenity.

- 8.19 There have been concerns raised in the representations regarding the impact of the HGV movements by the proposed development. This includes the additional traffic on the A287, the danger caused by these HGVs exiting the site onto the A287, and the potential danger of the access to the site being shared by public vehicles visiting the nursery and garden centre.
- 8.20 The Highway Authority raises no objection subject to a condition to limit the number of HGV movements to and from the site to 8 movements a day. This is the amount put forward in the applicant's Transport Assessment. Therefore it is considered that the proposed development does not cause a significant detrimental impact to the highway and is in accordance with Policy 12 (Managing traffic) of the HMWP 2013.

#### Amenity

- 8.21 The amenity impact of the proposed development on this site is a key issue for consideration. Concerns about the potential impacts on public amenity and health impacts of the proposed development due to noise, light pollution, emissions and dust from the proposed operations are acknowledged, as well as the concerns about potential adverse impacts on local businesses, such as the garden centre and nursery adjacent to the site. The relevant policies to address are Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development). These issues are considered below under separate headings.

#### Landscape and visual amenity

- 8.22 The proposed development will differ in appearance to the current, unauthorised waste development on the site. It is clear that the current development does cause adverse visual impact. The proposed plan (E10/WP/1/05 rev D) and elevations (E10/WP/1/07 rev C) show the inclusion of additional bunding to aid in screening the operation, in particular from the southern boundary with the A287. They also show the additional planting proposed to add to the screening to the west of the site bordering the public footpath, as well as to the re-graded slope to the north of the site.
- 8.23 Part of the additional information provided in this application is a topographical survey of the existing site. This shows the site after the current unauthorised development had occurred, and so it not a true depiction of the state of the undeveloped site. It does, however, allow for better consideration of the levels of the site relative to view points outside the site.
- 8.24 The County Landscape Officer has no objection to the proposal, subject to conditions to ensure that the implementation and maintenance of planting is carried out in accordance to the application documents and the area identified as 'young plantation' on the proposed plan (E10/WP/1/05 rev D) is managed to establish to reinforce screening of the site.

8.25 It is clear that the heights of the stockpiles on the site currently are unacceptably high. This visual impact is further emphasised by plant operating on top of the stockpiles. The proposed height of stockpiles is not defined in the application and would need to be conditioned in any permission in order to ensure successful screening of the operation and aid mitigation of visual impact. With this condition and compliance with the implementation and maintenance of planting in accordance to the application documents the proposed development is considered to be in accordance with HMWP Policies 13 (High-quality design of minerals and waste development) and 10 (Protecting public health, safety and amenity) with respect to visual amenity.

#### Amenity – Noise

8.26 Policy 10 (Protecting public health, safety and amenity) of the HMWP requires that waste development should not have an unacceptable impact on human health and should not cause unacceptable noise. A number of consultation responses make reference to the issue of noise from the operation of the site.

8.27 In reference to the proximity of residential properties, Paragraph 5.15 of the HMWP 2013 states that it is standard practice in Hampshire for operational inert waste recycling site to have a minimum buffer zone of 100 metres, where appropriate, from the nearest sensitive human receptors, such as homes. In the case of this site, there is a single residential property within 100m on the wider Peacock's Nursery site.

8.28 Following the previous refusal, a noise assessment and report have been provided with this application. The Noise Assessment is based on BS5228-1 2009 and uses A1:2014 for its calculations. It makes reference to paragraphs 19-22 of the minerals chapter of the PPG (2014). It uses three values to consider the level of impact of noise from the operation of the site. These are:

- Background noise levels at identified sensitive receptors (the closest dwellings);
- Readings of the defined combinations of the waste operations of the site at these sensitive receptors; and
- Calculated values of the predicted noise of the defined combinations of the waste operations as would be the case for the proposed development hereby considered.

8.29 The background and operational noise measurements were taken on two days at all the receptors, and at the site, on Monday 15 and Tuesday 16 August 2016.

8.30 The Noise Assessment is based on the assumption that only one operator would be carrying out work at the site at one time and so only certain combinations of plant proposed to be operated at the site could be in use at one time.



- 8.31 Section 6 of the Noise Assessment Report concludes that all levels are below the suggested noise limits without the need for additional mitigation. This is in accordance with BS5228-1 which uses a value of 10 dB(A) above background as the acceptable level of noise. Therefore, the predicted noise levels at sensitive receptors all fall under the 10dB(a) level, but all are above the 5dB(a) value for 'marginal significance'. The values do not go over the significant level where 'complaints are likely'.
- 8.32 Taking the above into account and based on the information submitted with the application, it is considered that with appropriate conditions limiting the hours and times of use, the development would not have an unacceptable noise impact on amenity and would not conflict with policy 10 (Protecting public health, safety and amenity).

#### Amenity -Dust

- 8.33 A number of consultation responses make reference to the issue of dust from the operation of the site.
- 8.34 The application includes a Dust Management Plan to provide proposed mitigation measures to address dust which suggests the following methods of mitigation:
- An option to metal the haulage road;
  - Haulage road maintenance;
  - The limit of two HGVs per hour, this is a total of 4 HGV vehicle movements (2 in and 2 out); and
  - The use of an onsite water bowser to spray down dust on work areas and stockpiles during times of dry weather.
- 8.35 While the submitted Plan would need to be developed in more detail, it is concluded that any impact from dust could be suitably controlled by conditions. Therefore dust emission is not considered to be a reason on which to refuse planning permission for this proposal. This view is in line with the Hart District Council Environmental Health Officer (EHO) consultation response, which states that a dust management plan would be necessary if an environmental permit is in place for the intended operation.

#### Amenity – Lighting

- 8.36 The application confirms that site operations will be confined to set operating times and there will be no operation at times of darkness, and no fixed lighting. It is recognised that not to restrict a development to operating in daylight hours only would be difficult to enforce. Any permission granted would therefore require conditions on the operating times and external lighting in order for the application to comply with Policies 3 (Protection of habitats and species) and 10 (Protecting public health, safety and amenity) of the HMWP with respect to lighting impact.

### Amenity – Historic environment and assets

- 8.37 Policy 7 (Conserving the historic environment and heritage assets) of the HMWP states that waste developments should protect and wherever possible, enhance Hampshire's historic environment and heritage assets.
- 8.38 There are a number of historic assets in the vicinity of the site including listed buildings. The County Archaeologist has also advised of an asset, identified as a pillbox, located 18m from the site boundary.
- 8.39 It is considered that the type and scale of the proposed development would not have a significant impact on these historic assets. Therefore, the proposal is in accordance with Policy 7 (Conserving the historic environment and heritage assets).

### Ecology

- 8.40 Policy 3 (Protection of habitats and species) of the HMWP (2013) is in place to ensure minerals and waste developments should not have a significant adverse effect on, and where possible, should enhance, restore or create, designated or important habitats and species. It states that appropriate mitigation and compensation measures will be required where development would cause harm to biodiversity interests.
- 8.41 Policy 11 (Flood risk and prevention) of the HMWP requires that waste development in areas at risk of flooding should not result in an increase risk of flooding elsewhere and, where possible, will reduce flood risk overall, should not increase net surface water run-off and should incorporate SuDS to manage surface water drainage, with whole life management and maintenance arrangements.
- 8.42 The County Ecology consultation response raised concern and asked for further information to demonstrate the satisfactory consideration of operational and construction impacts of drainage and discharge into the stream and to biodiversity. The response also raised concern about material in any surface water runoff from the development polluting and blocking the watercourse, and the subsequent wildlife habitat impact.
- 8.43 An open watercourse is located along the northern boundary of the site and is considered to be of high ecological value. The site is identified as being within an Area Susceptible to Ground Water Flooding (<25%) and adjacent to Areas Susceptible to Surface Water Flooding (less/intermediate) to the north.
- 8.44 The application includes a Drainage Report which provides analysis and design of a SuDS system to address the proposed development's surface drainage needs inline with CIRIA C753 (2015) and the SuDS Manual (industry best practice).
- 8.45 The Drainage Report states that an onsite soakaway into the ground is only able to provide partial capacity to deal with surface drainage on the site, due to quite low infiltration rate of the ground. The report therefore concludes that some discharge to the north watercourse is required. The final proposed drainage scheme is to discharge to the stream to the north of the site. This would be done via a granular filled French drain, which would allow for some

infiltration, and then the remainder would run into an attenuation lagoon. This lagoon would have a flow control chamber to limit discharge flow into the watercourse to 5 litres per second (l/s). The design is shown on the Proposed Site Drainage and Attenuation Drawing 001. The design accommodates flooding and storm events. The Drainage Report does not include any information on the level of particulate content of the water reaching the watercourse, nor analysis of the impacts those pollutants, if any, would have on the watercourse.

- 8.46 Paragraph 5.2 of the Ecological Assessment Report included in the application recommends EA's Pollution Prevention Guidelines are consulted and adhered to when undertaking works that may affect the watercourse.
- 8.47 It is considered that further information is required in order to demonstrate that the proposed development addresses the concerns of County Ecology and the recommendations of the application's Ecological Assessment Report in respect of drainage strategy and the potential impact on the water course. This further information is necessary to demonstrate the proposal does not have a significant impact on the habitat and is in accordance with HMWP Policies 3 and 11.
- 8.48 The site is located adjacent to hedgerow and tree screening to the western and northern boundaries of the site which is considered to be of high ecological value. The trees and hedgerow include a variety of large and mature native tree and plant species of which the majority are subject to a Tree Preservation Order (TPO).
- 8.49 As shown on the Proposed Site Plan E10/WP/1/05 rev D (appendix D) and Proposed Site Sections Drawing E10/WP/1/07 rev C (appendix E), the proposal includes a buffer zone between the waste operation and the boundary. This is intended to act to reduce impact of the waste operation on the trees, hedgerows and associated habitat. This is to be further improved by the proposed concrete retaining walls between the buffer zone and the stockpiles. This is to aid in preventing stockpile spill into the buffer zone and to allow for the level of the buffer zone to improve screening by the planting within the buffer zone. This planting is proposed to be native tree and shrub species.
- 8.50 The Ecological Assessment Report included in the application and makes the following recommendations:
- Paragraph 5.1 states no further studies are necessary;
  - It considers that the proposed retaining wall and buffer zone give no predicted adverse impacts;
  - The establishment of appropriate root protection zone to protect hedgerow in accordance with BS 5837:2012 and that the zone will be clearly marked;
  - There will be no removal of hedgerow trees or shrubs;
  - New planting is of native species and provide a list of suitable species; and

- No specific measures for protected species are considered necessary providing measures are adopted for the protection of the habitats which should include:
  - retention of the hedgerow and stream;
  - creation of a retaining wall to prevent encroachment of stockpiled materials;
  - adoption of the Pollution Prevention Guidelines;
  - adoption of BS5837:2012, including a root protection zone;
  - native tree and shrub planting within the buffer zone along the hedgerow; and
  - no lighting or light spillage along the hedgerow.

8.51 Notwithstanding the measure suggested above, it is considered that further information is required in order to demonstrate that the proposed development addresses the concerns of the County Ecologist and the recommendations of the applicant's Ecological Assessment Report and in doing so does not have a significant impact on the trees, hedgerows and ecological habitats. This is necessary to ensure compliance with HMWP Policies 3 (Protection of habitats and species) and 10 (Protecting public health, safety and amenity).

#### Economic impact

8.52 Policy 10 (Protecting public health, safety and amenity) of the HMWP requires that waste development should not cause an unacceptable cumulative impact arising from the interactions between waste developments, and between other forms of development.

8.53 There have been concerns raised by responses to consultation regarding the impact of the proposed development on the local economy. No analysis has been carried out as to the impact of the proposed waste development on the economic sustainability of the neighbouring nursery and garden centre business. The amenity impact of the proposed development, with respect to visual, noise and dust, are the likely risks to the sustainability of the nursery and garden centre business. These impacts may reduce the quality of customer and employee experience; however, there is no evidence to suggest that the use has an unacceptable impact on the business to the extent that it would conflict with policy.

#### Provision of on site workforce facilities

8.54 There are no facilities or associated buildings proposed for the site's workforce of 2 full-time equivalent employees. The applicant states that there is an agreement with the adjacent Peacock's Nursery Garden Centre for the staff to use the garden centre's toilets. There is no need for other facilities on site as the workforce are on and off the site at intervals during the day. The provision of site facilities is covered by The Workplace (Health, Safety and Welfare) Regulations 1992 and is regulated by the Health and Safety Executive (HSE) and so in itself is not a material consideration.

## **Summary**

- 8.55 It is considered that the development proposal would not be in accordance with the adopted [Hampshire Minerals & Waste Plan \(HMWP\) 2013](#).
- 8.56 The site is located in the open countryside, is not on previously developed land and is without existing buildings or hard standings. The application has also not demonstrated that the nature of the development is related to countryside activities, meets a local need, or that it requires a countryside or isolated location. Therefore the principle of the proposed development is not in accordance with Policy 5 (Protection of the countryside). The application has not demonstrated that there is a special need for this location and the suitability of the site has not been justified in the application. Furthermore, the principle of the proposed development does not accord with the relevant parts of Policy 29 (Locations and sites for waste management).
- 8.57 It is considered that the information submitted is not sufficient to conclude the development accords with Policies 3 (Protection of habitats and species), 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) having regard to the potential for adverse impacts from the site activity, including surface water discharge, material spillage and construction works on the immediately adjacent habitats, including the protected trees, hedgerows and water course.
- 8.58 The proposal is considered acceptable in terms of Policies 7 (Conserving the historic environment and heritage assets) and 12 (Managing traffic) in that there are not considered to be any significant adverse impacts in terms of highways and heritage. It is also considered that issues relating to noise and dust impacts could be adequately addressed through planning conditions and any Environment Agency licensing regime and that the wider landscape impacts would be adequately mitigated through the proposed bunding and landscaping scheme.

## **9 Recommendations**

### **Recommendation 1**

9.1 That planning permission be REFUSED for the following reasons:

- (i) The development is not in accordance with Policy 5 (Protection of the countryside) of the Hampshire Minerals and Waste Plan (HMWP) (2013) as:
- the site is located within the open countryside;
  - The development is not a time limited mineral extraction or related development;
  - the nature of the development does not relate to countryside activities, meet local needs or require a countryside or isolated location; and
  - The site is not previously developed land.

As such the proposal constitutes inappropriate development in an area of countryside harmful to the character of the area.

- (ii) The development is not in accordance with Policy 29 (Locations and sites for waste management) of the Hampshire Minerals and Waste Plan (HMWP) (2013) as:
- it is not located in the locations identified for the development to provide recycling, recovery and/ or treatment of waste (pursuant to Policy 29(1));
  - the applicant has not demonstrated that the site has good transport connections to sources of and/or markets for the type of waste being managed (pursuant to Policy 29 (3)); and
  - a special need for that location and the suitability of the site has not been demonstrated (pursuant to Policy 29 (3)).
- (iii) The application fails to demonstrate that the proposed development meets Policy 3 (Protection of habitats and species) and elements of Policies 10 (Protecting public health, safety and amenity) and 13 (High-quality design of minerals and waste development) as the development is likely to have a significant adverse impact upon on the immediately adjacent habitats, including the protected trees, hedgerows and water course and the development fails to demonstrate that the mitigation and compensation measures proposed are adequate to protect the biodiversity interests.

## Recommendation 2

9.2 That authority be given to take appropriate enforcement action to secure the cessation of the use, removal of waste material from the site and restoration of the site to its former condition.

### Appendices:

Integral Appendix A – Corporate or Legal Information

Integral Appendix B – Notes to Applicant

Appendix C – Site Plan E10/WP/1/03 Rev D

Appendix D – Proposed Site Layout E10/WP/1/05 Rev D

Appendix E – Proposed Development Sections E10/WP/1/07 Rev C

Appendix F – Aerial Photograph of site taken in 2000

Appendix G – Aerial Photograph of site taken in 2013

Appendix H – Tree Preservation Orders (TPOs) Plan

Appendix I – The Planning Inspectorate Report T/APP/N1730/A/98/1015298/P2

Appendix J - The Planning Inspectorate Report T/APP/N1730/A/98/1015298/P2  
Site Plan

Other documents relating to this application:

The response from Hart District Council (dated 02 February 2015) (reference [14/02143/PREAPP](#)) to the submission of the Outline Pre-application advice request for housing scheme for the Peacock Nursery site

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

<b>Hampshire safer and more secure for all:</b>	No
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	No
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	No
Corporate Improvement plan link number (if appropriate):	
<b>OR</b>	
<p><b>This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because:</b></p> <p>The proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste planning authority.</p>	

**Other Significant Links****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

16/03156/HCC

Hampshire County Council

HR104

Peacocks Nursery and Garden Centre,

Ewshot, Farnham GU10 5BA

Change of use of part of land forming

Peacock's Nursery and Garden Centre to

use for recycling of inert materials



### **Note to Applicants**

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 consultees, respondents and the applicant. However, in this case the proposal is contrary to policy and the impacts were regarded as unacceptable and would not be overcome. 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) Order 2015.