

HAMPSHIRE COUNTY COUNCIL
Decision Report

Decision Maker:	Regulatory Committee
Date:	19 July 2023
Title:	Development and reconfiguration of a Waste Transfer Station (part retrospective) at Westwood, Unit 1, Botley Road, West End Hampshire SO30 3HA (No. CS/23/94884) EA114
Report From:	Assistant Director of Waste & Environmental Services

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Recommendation

1. That planning permission be GRANTED subject to the conditions listed in **Appendix A.**

Executive Summary

2. The application seeks to regularise an existing Waste Transfer Station on-site. The site is a receptor for waste Unplasticized Polyvinyl Chloride (UVPC) window frames and non-ferrous metals for onward recycling.
3. The existing operation is unauthorised and the site has a planning consent for residential purposes. However, the existing use, as a Waste Transfer Station (WTS) has been operating on-site since 2018. The application seeks to rationalise the existing use to include setting the compound back from the highway, thereby reducing its visual impact. This will free up space within the site to allow for the more efficient manoeuvring of vehicles on-site and the provision of additional landscaping. In addition, the proposals provide for additional acoustic fencing/noise mitigation measures in recognition of the potential impact on neighbouring residential uses.
4. Retrospective works are required for the change of use of the land to provide a WTS with associated car parking, the provision of a modular building and a weighbridge. Planning consent is required for operational development to include the compound and means of enclosure. Consent has previously been granted for the formation of new access to the highway (application [F/14/74534](#)).

5. The proposed development is not an Environmental Impact Assessment (EIA) development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).
6. Key issues raised are:
 - Need for the development;
 - Proximity to residential areas;
 - Visual and amenity impact of the proposal;
 - Impact on the highway; and
 - Unauthorised use and retrospective nature of the planning application.
7. The proposal has been referred to the Regulatory Committee for consideration at Member request.
8. A committee site visit by Members took place on 22nd May 2023 in advance of the proposal being considered by the Regulatory Committee.
9. On balance, it is considered that proposed development is considered acceptable. It is in compliance with relevant policy advice, comprises a sustainable form of development, represents an improvement on the existing use of the site in terms of visual impact and highway safety. Whilst it is recognised that a 'special need' for the development in this location has not been fully demonstrated, the proposal and its mitigation makes the development acceptable. The proposal also provides the opportunity to place conditions on any consent in order to mitigate impact in respect of neighbouring residential properties, the neighbouring highway network and on the character of the area.
10. It is therefore recommended that planning permission be granted subject to the conditions listed in **Appendix A**.

The Site

11. The application site measures approximately 0.10 hectares (ha) and is located on the urban edge of West End at Unit 1 Westwood, Botley Road.
12. The site was formerly occupied by a bungalow and its curtilage, which has since been demolished as a consequence of fire damage. A mobile home has been provided (within blue line), whilst a second mobile home has been placed to the rear of the application site.
13. The site is located in a semi-commercial/ semi-residential area with the Ageas Bowl cricket ground and conference centre (and associated third party businesses) located to the south, a Holiday Inn hotel to the west and

residential receptors located to the north and east. The Ageas Bowl complex is accessed off Marshall Drive. There is a small parcel of woodland (Westwood Copse) immediately adjacent to the southern and western boundaries of the application site providing separation from the Boundary Lakes Golf Course and an area used for hotel car parking.

14. Access to the site is direct from Botley Road. There is a bus stop immediately adjacent to the access.
15. The existing (unauthorised) use of the site is as a Waste Transfer Station. On entering the site there is a 2m wall, to the west of the access, that comprises large concrete blocks (painted green) that forms a compound that is used for storing waste UVPC products.
16. At the entrance to the access there is a weighbridge. In the west corner of the site are located a temporary, office, building, and a large single-storey building.
17. The site comprises an irregular shaped parcel of land that formed part of the residential dwelling Westwood (now demolished) on the B3035 (Botley Road). The site links to Junction 7 of the M27 via Tollbar Way (B3342) and the A334 (Charles Watts Way) to the east and south and links to the A27 (Swaythling Road) to the west.
18. The application site is bound to the north by the B3035 with a new housing development accessed off Shaw Road on the northern side of Botley Road. Immediately to the east is the remainder of the Westwood landholding (in the control of the applicant) with the residential property Brookfield and two further properties on the southern side of Botley Road beyond (one of which, Grey Lady, is a dental surgery). The nearest neighbouring dwelling, Brookfield is 25m to the east of the proposed compound.
19. There are no Public Rights of Way (PRoW) that cross or bound the application site. With the nearest public footpath (509) located approximately 175 metres (m) to the east of the site. There are pavements on the southern and northern sides of Botley Road, crossing the site entrance, which provide a pedestrian link from Hedge End to West End.
20. The application site is not located within an ecologically designated area. The closest statutory ecological designation is Moorgreen Meadows Site of Special Scientific Interest (SSSI) which is approximately 350m to the north east at its closest point. There are no other statutory ecological designations within a 2km search radius from the application site. There are locally

designated Sites of Importance for Nature Conservation (SINC) in proximity to the application site. These include Telegraph Woods SINC at 500m to the south and Moorgreen Woodlands at 750m to the north-east.

Planning History

21. There have been two previous applications, both considered by Eastleigh Borough Council, as follows:

Application No	Proposal	Decision	Date Issued
F/14/74534	Formation of a dropped kerb to create a new vehicular access	Approved	27/06/2014
F/19/85582	Retention of UPVC window recycling facility	Refused	26/06/2019

22. Planning application [F/19/85582](#) was refused by the Borough Council for the following principle issues:
- 1) insufficient information had been submitted to demonstrate that the development would not impact upon the amenities of neighbouring properties through noise disturbance; and
 - 2) that the proposed use and associated storage would result in an unacceptable visual impact, detrimental to the street scene.
23. Planning application [F/19/85582](#) was retrospective and the activity was therefore being carried out on-site at the time of the application. The planning application was dated 26th April 2019 and the application is supported by numerous photographs, dated 1st May 2019, showing activity on-site to include the open storage of UPVC materials.
24. The relevant local plan at the time considering the application proposals was the adopted [Eastleigh Borough Local Plan Review \(2001-2011\)](#) - which has now been superseded by the [Eastleigh Borough Local Plan \(2016-2036\)](#) (EBLP (2022)). The relevance of the previous local plan is that at the time of consideration of the 2019 application, the application site was located within the countryside and therefore subject to restrictive policies in respect of proposed uses. However, the recently adopted local plan has designated the site as within the settlement boundary (though not allocated for any specific use, such as for residential purposes).
25. During the processing of planning application [F/19/85582](#), the planning officer's report noted that no objections were raised by County Highways. The report also acknowledged that the application sought the retention of the 'UPVC window recycling activity' and references activity carried on at that time consistent with such a use.

26. The County Council, as Waste Planning Authority, was made aware of this site in September 2021 when Eastleigh Borough Council's Enforcement Officer asked us to investigate an unauthorised change of use. They stated that they had refused planning permission in November 2019, but when they had sought to serve an Enforcement Notice they had been advised by their Legal Team that this was a County Matter and that Hampshire County Council should deal with it as the Waste Planning Authority.
27. Clarification was sought, by the Waste Planning Authority, as to why the Borough Council initially dealt with the planning application if it now felt it was a waste matter. Legal advice was sought as to whether the County could take enforcement action on the basis of a planning refusal issued by a District Council. Unfortunately, the Borough Council's Planning Officer who dealt with the original application has subsequently left the authority so there was no clarification as to Borough Council's consideration of the issue. However, Legal advice did confirm that this was a waste issue and should have been considered by the County Council.
28. There is then a question as to the validity of the original planning application and Eastleigh Borough Council's refusal, as the Town & Country Planning Act does prohibit a District acting as the Local Planning Authority for matters that are designated as County matters. However, the fact that the Borough Council's has considered and refused the earlier planning permission does not legally preclude the County Council from issuing a notice for breach of planning control or compel the Borough Council's to take the enforcement action.
29. The County Council therefore began its own investigation into the use of the site. A meeting was held in November 2021 and the applicant explained their understanding of the reasons for the refusal by the Borough Council and the changes that they wanted to propose to overcome those reasons. Other improvements were also suggested and they were advised to submit a planning application to the County Council as Waste Planning Authority if they wanted to continue.
30. There was then a delay as negotiations commenced for the purchase of the site by a number of housing developers, including Eastleigh Borough Council's Property Services. Nothing came of this, and the current application was subsequently submitted with the discussed changes included to address the noise and visual impact concerns and make improvements to highway access.

The Proposal

31. All documents associated with the planning application can be found on the planning application [webpage](#).
32. The application proposal seeks approval for the development and reconfiguration of a Waste Transfer Station (part retrospective). The application, in effect, seeks approval for two elements, as follows:
 - Retrospective consent for the use of the site as a Waste Transfer Station;
 - Reconfiguration of the site layout to optimise its use.
33. The proposed development principally comprises the creation of Waste Transfer Station. The site has been operating as a WTS since 2018 and this application would regularise that use as well as reconfigure the operational layout of the site. The primary purpose of the WTS is for the reception of UVPV frames which is then collected, on demand, on a weekly basis for ongoing recycling. The proposal seeks consent for the reconfiguration of an existing WTS. In addition, new boundary fencing and landscape planting would visually contain the operation and improve the street scene.
Appendix C - Proposed Layout Plan provides more information on the proposed layout alongside **Appendix D - Planting Proposals (LS2302-LP1RevA)**. **Appendix E** also provides some images of the changes to the site proposed by way of this planning application.
34. The site comprises:
 - a car parking area (for staff and customers), a weighbridge and parking area, a compound for storing UVPC, offices and storage areas; and
 - Machinery on-site comprises a JCB (JS160 Wheeled 360 Excavator - fitted with grab) and electric forklift. The JCB is used for the purpose of packing down the UVPC materials on demand and for loading of lorries collecting the materials.
35. The facility is open 8.00am to 6.00pm Monday to Friday and 8.00am to 12.00midday on Saturday. The applicant has indicated that machinery will not be used before 8.30am and after 5.00pm.
36. The operation at the WTS is undertaken subject to the requirements of an existing Waste Exemption (ref. [WEX283136](#)) as regulated by the Environment Agency. The Waste Exemption allows for the storing of waste in a secure place (S2), the undertaking of preparatory treatments (i.e. sorting) (T4) and recovering scrap metal (T9).

37. The application is supported by a **landscaping scheme** that sets out planting details, particularly to the highway frontage.

Highways:

38. The applicant has two vehicles that visit relevant sites to collect waste UVPC on a daily basis. They return site to unload waste UVPC - typically up to three or four times a day. Unloading is undertaken by hand and placed in the compound area. In addition, customers may deliver waste UVPC direct to site – typically three or four times a day.
39. There is an approximate weekly collection of bulked UPVC window frames. These are collected by an HGV which is loaded using the JCB. An HGV visits the site, on demand, to collect waste UVPC – typically once a week. The loading process takes approximately 1 to 1.5 hours. The application site is also a receptor for non-ferrous metals such as aluminium frames. These are also unloaded by hand and placed in the compound.
40. There is a car park to the front of the site that accommodates 9 staff parking spaces.
41. The application provides the opportunity to reconfigure the internal site layout so as to allow greater flexibility for larger vehicles, in particular to turn on-site and enter and leave the site in a forward gear thereby minimising disruption to the local road network. This is set out in the **Transport Technical Note (21 June 2023)**.

Environmental Impact Assessment

42. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) and is not an EIA development.

Development Plan and Guidance

43. Section 38(6) of the [Planning and Compulsory Purchase Act 2004](#) requires that applications are determined in accordance with the statutory 'development plan' unless material considerations indicate otherwise. Therefore, consideration of the relevant plans, guidance and policies and whether the proposal is in accordance with these is of relevance to decision making.
44. The key policies in the development plan which are material to the determination of the application, are summarised below. In addition,

reference is made to relevant national planning policy and other policies that guide the decision-making process and which are material to the determination of the application.

45. Section 171B of [Town and Country Planning Act 1990](#) sets the time limits for enforcement action as four years for building, engineering, mining and other operations. It is ten years for a change of use. In this instance there is the change of use of the site combined with operational development (to include, for example, the construction of the compound). However, where the operational development is an integral part of the change of use, as in this instance, then the four-year rule is not relevant in respect of the operational development – the ten year rule is appropriate.
46. Works that appear to have been undertaken within the last ten years include the change of use of the land, car parking area and garage building to that of a WTS, the provision of a storage compound (to be relocated as part of the application, a weighbridge and the provision of a modular building.
47. The formation of a new vehicular access onto Botley Road has been approved by the Borough Council (application [F/14/74534](#)).
48. For the purposes of this application, the statutory development plan comprises the following.

[Hampshire Minerals & Waste Plan \(2013\)](#) (HMWP)

49. The following policies are relevant to the proposal:
 - Policy 1 (Sustainable minerals and waste development);
 - Policy 2 (Climate change – mitigation and adaptation);
 - Policy 3 (Protection of habitats and species);
 - Policy 12 (Managing traffic);
 - Policy 13 (High-quality design of minerals and waste development);
 - Policy 25 (Sustainable waste management);
 - Policy 27 (Capacity for waste management development);
 - Policy 29 (Location and sites for water management).

[Update to the Hampshire Minerals and Waste Plan \(emerging\)](#)

50. Hampshire County Council and its partner Authorities (Southampton City Council, Portsmouth City Council, New Forest National Park Authority and South Downs National Park Authority) are working to produce a partial update to the Hampshire Minerals and Waste Plan (2013) which will guide minerals and waste decision making in the Plan Area up until 2040. The

partial update to the Plan will build upon the adopted Hampshire Minerals and Waste Plan (2013), eventually providing new and updated policies based on up-to-date evidence of the current levels of provision for minerals and waste facilities in the Plan Area. Plan making is currently at the [Regulation 18 draft plan consultation stage](#). The update to the Plan and its associated policies are only emerging policy. This means that the policies can only be given limited weight at this stage.

51. The following emerging policies are of the relevance to the proposal
- Policy 1: Sustainable minerals and waste development;
 - Policy 2: Climate change - mitigation and adaptation;
 - Policy 3: Protection of habitats and species;
 - Policy 13: Managing traffic; and
 - Policy 14: High-quality design of minerals and waste development.

[Eastleigh Borough Local Plan \(2016-2036\) \(EBLP \(2022\)\)](#)

52. The following policies are relevant to the proposal:

- Strategic Policy S1, Delivering sustainable development;
- Strategic Policy S2, Approach to new development;
- Strategic Policy S4, Employment provision;
- Policy DM1, General criteria for new development;
- Policy DM3, Adaptation to climate change;
- Policy DM4, Zero or low carbon energy;
- Policy DM6, Sustainable surface water management and watercourse management;
- Policy DM8, Pollution;
- Policy DM11, Nature conservation;
- Policy DM12, Heritage Assets;
- Policy DM13, General development criteria – transport; and
- Policy DM14, Parking.

53. Other policy and guidance relevant to the proposal includes the following:

[National Planning Policy Framework \(2021\) \(NPPF\)](#)

54. The following paragraphs are relevant to this proposal:

- Paragraphs 7-12: Presumption in favour of sustainable development;
- Paragraphs 38, 47: Decision making;

- Paragraphs 55 – 56: Planning conditions;
- Paragraphs 57: Planning obligations;
- Paragraph 92: Healthy, inclusive and safe places;
- Paragraphs 104, 110-113: Sustainable transport;
- Paragraph 120: Types of land;
- Paragraphs 126-136: Design;
- Paragraphs 153-158; Planning and climate change; and
- Paragraphs 180-181: Biodiversity and planning.

National Planning Policy for Waste (2014) (NPPW)

55. The following paragraphs are relevant to the proposal:

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

National Planning Practice Guidance (NPPG)

56. The following paragraphs are relevant to the proposal:

- Paragraphs 005, 006 and 008: Air quality (November 2019);
- Paragraphs 001- 006 Habitat Regulations Assessments (July 2019)
- Paragraphs 001, 002, 004, 009: Climate change (March 2019);
- Paragraphs 001, 009, 012, 016: Design (October 2019);
- Paragraphs 001-024: Determining a planning application (June 2021);
- Paragraphs 001-007: Effective use of land (July 2019);
- Paragraph 001: Hazardous substances (November 2019);
- Paragraphs 001-012: Healthy and safe communities (August 2022);
- Paragraph 009 Land affected by contamination (July 2019)
- Paragraph 003 Lawful Development Certificates (March 2014)
- Paragraphs 001-007: Light pollution (November 2019);
- Paragraphs 001-043: Natural environment (July 2019);
- Paragraphs 001-017: Noise (July 2019); and
- Paragraph 001-015: Travel plans, transport assessments and statements (March 2014).

Planning Practice Guidance for Waste (15 October 2015) (Live) (PPGW)

57. The following are paragraphs relevant to the proposal:

- Paragraph 001 - Who is the planning authority for waste development?
- Paragraph 002 - What matters come within the scope of 'waste development'?

- Paragraphs 008 and 009 - Who contributes to moving waste up the Waste Hierarchy;
- Paragraph 045 - How are counties and districts expected to work together in respect of waste development planning applications;
- Paragraph 046 - When can unallocated sites be used?
- Paragraph 047 - Should existing waste facilities be expanded/extended?; and
- Paragraph 050 - What is the relationship between planning and other regulatory regimes.

Waste Management Plan for England (2021) (WMPE)

58. The following sections are relevant to the proposal:

- The Waste Management Plan and the objectives of the Waste (England and Wales) Regulations 2011;
- Waste management in England;
- Waste Hierarchy; and
- Waste Arisings.

Waste (England and Wales) Regulations (2011)

59. The following is of relevance to the proposal:

- Part 1 General;
- Part 2 Waste prevention programmes;
- Part 3 Waste management plans;
- Part 4 Waste prevention programmes and waste management plans: general provision;
- Part 5 Duties in relation to waste management and improved use of waste as a resource;
- Part 6 Duties of planning authorities;
- Part 9 Transfer of waste;
- Part 10 Enforcement;
- Schedule 1- Waste prevention programmes and waste management plans;
- Schedule 2 - Amendments to the Hazardous Waste (England and Wales) Regulations 2005; and
- Schedule 3 - Amendments to the Environmental Permitting (England and Wales) Regulations 2010.

Consultations

60. The following responses have been received from consultees. A summary is provided below. A full record of all consultation responses is available to view on the planning application webpages under 'consultee responses' <https://planning.hants.gov.uk/Planning/Display/HCC/2023/0106>
61. **County Councillor Craig:** Was notified.
62. **Eastleigh Borough Council:** Objection raised making the following points:
- **Authorised use** - there is no approved use for commercial purposes on-site and the authorised use is for residential purposes. There has been a history of a variety of unauthorised uses on site going back to 1993, none of which have ever been granted planning permission. The current unauthorised use for uPVC window frame recycling dates to 2018, again for which no planning consent was sought or granted. A retrospective application was submitted in 2019 ([F/19/85582](#)) but refused in November of that year on the grounds of unacceptable impact upon the amenity of neighbouring properties and the visual amenity of the locality.
 - **Residential amenity** - despite the assurances with regards to limiting times here activities such as loading, unloading and shredding of materials would take place, at no point during the history of the current activities on site have these times been complied with. Indeed, given the time it can take to load or unload a van or lorry, it would be impossible and impractical to operate the business at the current scale and still adhere to the time limits suggested. The nature of the activities and disturbance caused are considered to be entirely unacceptable for what is a predominantly residential area.
 - **Highway safety** – concerns are raised over the ability of HGV vehicles to enter and leave the site without compromising pedestrian safety and traffic flow along Botley Road.
 - **Visual amenity and character of the area** – the nature of the use, even with the proposed amendments are not appropriate in what is a residential area and a gateway to a nationally recognised sporting and entertainment venue.
63. **Eastleigh Borough Council - Environmental Health Officer (EHO):** The noise impact assessment does not refer to EBC's noise limits which means the assessment is not accurate. EBC's noise limit is Rating Level ten decibels below the Background Sound Level, whereas the noise impact assessment predicts an exceedance of this by seven decibels if all plant and machinery operate all the time over say a one-hour period. If activity is restricted to ten minutes in every hour, there would be compliance with EBC's noise limit. Paragraphs 3.0.22 to 3.0.26 of the NIA explains that the activities on site for one day and a week. Therefore, it seems to us from reading the planning statement and noise impact assessment in parallel that

restricting activity to ten minutes in every hour is not practicable for the applicant. The EHO therefore asked the applicant to fully explore means of controlling noise in the pathway between the noise making activity and the sensitive receivers (dwellings, the closest of which adjoins the application site boundary).

Further discussions took place with the EHO. It was clarified that the EHO considered the noise impact assessment showing a low impact and in respect of the NPPF concluded therefore this could be suitable use of land.

The site history of the same use also lends to this view. However, the EHO disagreed with agent on the point that conditions are not needed because we subsequently must seek to prevent amenity and harm impacts. It was noted that they are actionable of course under difference legislation to planning law. It was noted that there was an offer to install a noise barrier, and this is a 'Best Practicable Means' with a noise management plan and would like to see what the effect of these measures are and whether the height of noise barrier is optimal.

The applicant has agreed to provide a 2.5m acoustic fence on the site's eastern boundary so as to help mitigate impact on neighbouring residential amenities to include the neighbour Brookwood. It is clear that the increase in the height of the acoustic fence from 2m to 2.5m high will only have marginal benefits to local residential amenities. The EHO therefore requested information on the benefits of increasing this fence above 2.5m in height.

64. **West End Parish Council:** Was notified.
65. **Natural England:** Was notified.
66. **Environment Agency:** No objection.
67. **Local Highway Authority:** Further information has been requested from the applicant in order to demonstrate that the proposed development will not harm highway safety. In particular the following information has been requested:
 - Technical drawings showing the junction radii and visibility splays of the
 - existing access and details regarding the impact the adjacent bus stop may have on the access.
 - Swept path analysis for HGVs entering, turning and leaving the site.
 - A review of Personal Injury Collision Data for the last 5 years from Hampshire Constabulary.

A technical note has been provided to include Personal Injury Collision

data and swept path diagrams showing the HGVs turning in the area of the site currently used for visitor parking. However, further clarification is still required in respect of the following:

- Confirmation of actual speeds that use Botley Road so as to inform required sight lines, to include reference to include signage on the highway and the potential impact of the adjacent bus stop;
- Junction radii for the existing access to confirm that the existing dropped kerb is suitable for HGV traffic;
- Clarification of HGV movements to and from the site.

At the time of writing this report a revised response is awaited from the Highway Authority. Officers have discussed this with the Highway Authority and discussed the position and applied the conditions in advance of this being received. This will be reported to committee once received.

68. **Lead Local Flood Authority (LLFA):** Initially requested further information on the following matters:

- An assessment of the existing surface water drainage provisions for the site.
- Infiltration testing and winter groundwater monitoring results are required for the soakaway design.
- A drainage layout and hydraulic calculations showing no flooding for the 1 in 2 and 1 in 30 year storm events plus a climate change allowance.
- Calculations for the 1 in 100 year storm event plus a climate change allowance should also be provided, with flooded extents and flood exceedance routes shown on the layout.
- Water quality information should be provided in accordance with the simple index approach.
- Maintenance information for the proposed new drainage system should be provided.

On receipt of this information, the LLFA considered that the information provided is sufficient and as such had no objection to the application.

69. **Landscape Planning and Heritage (Landscape) (Hampshire County Council):** Initially requested further information on the landscaping proposals.

Following the submission of further information, it was indicated that the proposal to screen the site and place the recycled material at the rear of the site should improve the visual quality of the street scene. The landscape

proposals are suitable in outline, but they lack detail and requested additional information in relation to information on hard surfacing to be excavated, (the hedgerow in front of the new hedge is located in an area that is currently tarmac) depth and width of excavations to be shown on the plan. Information about topsoil, depth and quality, Tree pit sizes and backfill, fixing of trees. In other words a landscape specification of all the works including a five year maintenance which includes replacements on an annual basis if the plants die.

The requested information was provided comprising a landscape plan that shows the provision of four trees and additional planting within the front of the site in the vicinity of the car parking area. On receipt of the landscape plan and maintenance regime the Landscape Architect has confirmed that the landscaping scheme is now acceptable.

70. **Landscape Planning and Heritage (Archaeology) (Hampshire County Council):** No objection. Noted that the site has a number of existing impacts related to its current and previous uses, which has likely compromised the sites archaeological potential. Furthermore, the proposals, do not appear to involve significant new groundworks.
71. **County Ecologist (Hampshire County Council):** Made comments. The application is not supported by any ecological information. The aerial imagery shows that existing site is hard standing with some buildings and the buildings appear to be retained by the proposals. Given the existing urban nature of the site and surrounding land including Ageas Bowl and the M27, I would not consider the development to impact on ecology and would raise no concerns. To enhance the biodiversity of the site, I would advise that the applicant considers the installation of a bat and bird box onto a mature tree/building with nearby scrub/overgrown vegetation, facing south or south-west such that they do not face prevailing wind or direct sunlight for too long and should avoid artificial illumination. Achieving a net gain in biodiversity is consistent with the NPPF and the NERC Act 2006.

Representations

72. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications. In complying with the requirements of the SCI, Hampshire County Council:
- Published a notice of the application in the Public Notice Online, Hampshire Chronicle Lite and Southern Daily Echo;

- Placed notices of the application at the application site and local area;
 - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
 - Notified by letter all residential properties within 50 metres of the boundary of the site.
73. Changes have been made to the way the County Council consults on planning applications since adoption of the SCI. Previously, planning application were only publicised in the Hampshire Independent. The above changes will be reflected in a forthcoming update to the Hampshire [Statement of Community Involvement \(2017\)](#).
74. All additional information received on the planning application, during its processing have been subject to further consultation with the relevant consultees in accordance with the SCI.
75. As of 8th July 2023, a total of 1 representation to the proposal has been received from the Moorgreen Park Residents Association, comprising an objection to the proposal. The areas of concern raised in the objections related to the following areas:
- The site was previously a residential property, which was demolished and then masked by crude plastic barriers;
 - Processing of scrap metals then took place – at no time was a planning application submitted in respect of this use;
 - Despite assurances from the applicant to EBC no applications have been submitted on-site;
 - The activities on-site are wholly inappropriate in what is a substantial residential area and in close proximity to both a pavement and bus stop;
 - Periodically a 40-ton articulated vehicle will attend the site and block the busy Botley Road; and
 - The site is an eyesore – on special event days at the Ageas Bowl there is considerable pedestrian traffic goes past the application site.
76. The above issues will be addressed within the commentary section.

Habitats Regulation Assessment:

77. In accordance with [Conservation of Species and Habitats Regulations 2017](#) (the Habitats Regulations), Hampshire County Council (as a 'competent authority') must undertake a formal assessment of the implications of any new projects we may be granting planning permission for e.g. proposals that may be capable of affecting the qualifying interest features of the following European designated sites:

- Special Protection Areas [SPAs];
 - Special Areas of Conservation [SACs]; and
 - RAMSARs.
78. Collectively this assessment is described as 'Habitats Regulations Assessment' [HRA]. The HRA will need to be carried out unless the project is wholly connected with or necessary to the conservation management of such sites' qualifying features.
79. The HRA screening hereby carried out by the Minerals and Waste Planning Authority considers the proposed development to have no likely significant effect on the identified European designated sites due to:
- It is not located at a distance to be considered to have proximity to directly impact on the European designated sites;
 - The site is not considered to have any functional impact pathways connecting the proposed works with any European designated sites; and
 - The proposal does not have any significant increase on any adverse impacts the wider site may have.

Climate Change

80. Hampshire County Council declared a [Climate Emergency](#) on 17 June 2019. Two targets have been set for the County Council, and these also apply to Hampshire as a whole. These are to be carbon neutral by 2050 and preparing to be resilient to the impacts of temperature rise. A [Climate Change Strategy and Action Plan](#) has since been adopted by the Council. The [Climate Change Strategy and Action Plan](#) do not form part of the Development Plan so are not material to decision making. However, it is true to say that many of the principles of the Strategy and Action Plan may be of relevance to the proposal due to the nature of the development. Where these principles are of relevance, they are addressed in the relevant parts of the Commentary section.
81. The proposal is a retrospective application. This means that the carbon impacts of the development, by way of highway movements, are already essentially established. The level of highway movements is low, meaning that it is not considered that it would have a significant impact. The proposal did not include any specific details on climate change mitigation and adaptation due to the open storage focus of activities.
82. The proposed development has been subject to consideration of Policy 2 (Climate change – mitigation and adoption) of the [HMWP \(2013\)](#) and Paragraph 152-158 of the [NPPF \(2021\)](#)). On the basis of the scale of the

development, the proposal is considered to have a negligible impact on climate change.

Commentary

83. The commentary section provides more information on the key planning issues in relation to the proposal. These are as follows:

Principle of the development

84. The site is identified in the [EBLP \(2022\)](#) as being located within the settlement boundary. The current local plan has only been recently adopted (April 2022) and the previous planning application ([F/19/85582](#)) was subject to consideration against the policies of the previous local plan, in which the site was designated as subject to countryside policy, by Eastleigh Borough Council. Thus, the principle of development in respect of the 2019 application was not established.
85. However, under the recently adopted [EBLP \(2022\)](#), the site is now located in the settlement boundary. This means that the principle of development on-site is acceptable and that there is a presumption in favour of sustainable development. As such proposal should be approved on-site unless the benefits of the proposed development are outweighed by the harm.
86. The authorised use of the site is for residential purposes. A bungalow was previously located on site but has been demolished, as a result of fire damage. It appears that the site has been in the ownership of the applicant for a number of years.
87. It has been stated by the applicant that the garage on site was previously used by the applicants for storage and repairs of their own vehicles. There has been no suggestion that this use was for commercial purposes and is therefore regarded as an incidental use to the primary use as a dwellinghouse – and consistent with the authorised use of the whole of the application site for residential purposes.
88. It is clear that, from reference to images from Google Streetview, planning application [F/19/85582](#) and more recent representations from EBC that there have been other, unauthorised commercial activities on-site to include that of car sales.
89. However, the current use as a Waste Transfer Station has been on site since 2018/2019 – as evidenced by the planning application [F/19/85582](#) and

representations from EBC which confirm that the operation was on site in 2018. Photographic evidence that accompanied planning application [F/19/85582](#) clearly shows such activities on-site.

90. Policy S2, Approach to new development of the EBLP (2022) confirms that there is a presumption in favour of development subject to other Local Plan policies. This means that the principle of development on site is acceptable. Policy S1, Delivering sustainable development, sets out a presumption in favour of sustainable development, As such, a judgement is required to be made as to whether the harm created by the development outweighs the benefits. These matters are considered in detail in the other relevant sections of the commentary.
91. Whether the proposal is considered to be in accordance with paragraph 11 of the [NPPF \(2021\)](#), Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) and Policy S1, Delivering sustainable development of the [EBLP \(2022\)](#) will be considered in the remaining sections of this commentary section.

Demonstration of need and capacity for waste management

92. The WTS would operate as a small-scale bespoke facility for the collection and bulk transfer for onward recycling of UPVC window frames and non-ferrous metals, such as aluminium window frames.
93. When the metal bin is full on site, this is transported by HGV to European Metal Recycling (EMR) in Southampton for onward recycling.
94. The applicant has indicated that this is a unique facility in the local area and assists in the County meeting its ambition of zero waste to landfill.
95. Paragraph 7 and Appendix B of the [NPPW \(2014\)](#) is also of relevance to the proposal. Paragraph 7 states that when determining waste planning applications, waste planning authorities should *‘only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need’*. In this instance, the Waste Planning Authority is not aware of any other sites in the local area which provides this type of facility.
96. As already noted, the site would operate in accordance with an existing Waste Exemption and would operate with an annual throughput of approximately 1,000 tonnes of UPVC window frames and 75 tonnes of non-ferrous metal. There would be a maximum volume of ~20 tonnes of UPVC

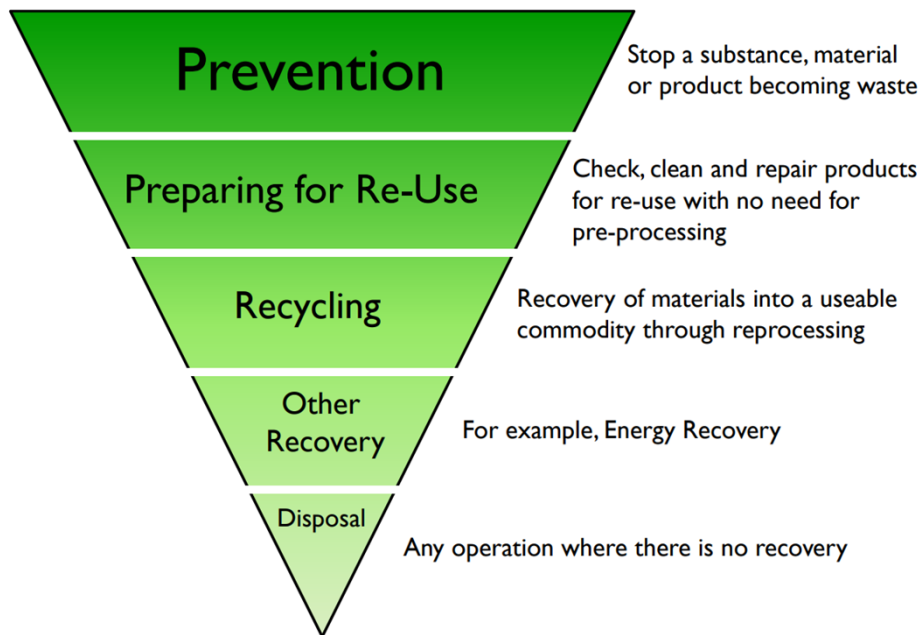
on site at any one time and a maximum volume of ~1.5 tonnes of non-ferrous metal on site at any one time.

97. On the basis of the capacity provided, the proposal is supported by Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) as the development would support recycling, which is higher up on the waste hierarchy than other types of waste management.
98. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development).

Application of the waste hierarchy

99. Article 4 of the [Waste Framework Directive](#) sets out the appropriate means of waste management. Driving waste up the waste hierarchy is an integral part of the [Waste Management Plan for England \(2021\)](#) as well as national planning policy for waste. The 'waste hierarchy' gives order and priority to waste management options, from prevention through to disposal (e.g. landfill). When waste is created, it gives priority to preparing it for re-use, followed by recycling, recovery, and lastly disposal (e.g. landfill). The waste hierarchy is a material consideration when making a decision on a planning application. The requirement to apply the waste hierarchy is set out in the Waste (England and Wales) Regulations 2011 and the amendments laid out in [The Waste \(England and Wales\) \(Amendment\) Regulations 2012](#).
100. To achieve compliance with the waste hierarchy, waste management policy has incentivised the prevention and re-use of waste as far as practical and driven a major increase in recycling and composting. The waste hierarchy is shown in Figure 1.

Figure 1: The Waste Hierarchy



101. Paragraph 016 of the [NPPG \(Waste\)](#) is clear that everyone involved in waste management is expected to use all reasonable methods to apply the waste hierarchy, except where, for specific waste streams, departing from the hierarchy is justified in life cycle on the overall effects of generations and the management of waste to assist and ensure that waste should be recycled and is not sent to landfill. This legal obligation on waste producers and transferors provides over-arching controls within the waste industry and assists in ensuring that waste that should be recycled is not sent to a recovery facility or landfill for treatment or final disposal. It also seeks to ensure that planning decisions are made in the context of the waste hierarchy.
102. The principles of the waste hierarchy are translated into Policy 25 (Sustainable waste management) of the [HMWP \(2013\)](#). The site would provide waste transfer capacity in the ‘recycling’ stage of the hierarchy which is higher up on the waste hierarchy than other types of waste management so is therefore considered to be in accordance with Policy 25.
103. Policy 27 (Capacity for waste management development) of the [HMWP \(2013\)](#) sets out the objectives for waste management capacity within the plan period. ‘In order to reach the objectives of the Plan and to deal with arisings by 2030 of 2.62mtpa of non-hazardous waste, 2.49mtpa of inert waste and 0.16mtpa of hazardous waste. It sets out minimum amounts of additional waste infrastructure capacity which are estimated to be required, which in the case of non-hazardous recovery capacity is of 0.39mtpa. The Policy sets out criteria for where support will be given if they maintain and provide additional capacity for non-hazardous recycling and recovery including new sites to provide additional capacity. Like with Policy 25, the proposal is supported by Policy 27 (Capacity for waste management

development) of the HMWP as the development would contribute to facilities required to support recycling, which is higher up on the waste hierarchy.

104. With regards to this site, the proposal would need to meet the provisions of Policy 29 - Locations and sites for waste management) of the [HMWP \(2013\)](#) to be considered to be acceptable under Policy 27. Whether the proposal meets the requirements of Policy 27 will be considered alongside Policy 29 below.
105. Whilst the emerging update to the HMWP cannot be given any policy weight in decision making (as it is emerging and only at a very early stage in the process), the proposal is considered to meet the provisions of emerging Policies 25 (Sustainable waste management) and 27 (Capacity for waste management development).

Site location

106. The [NPPW \(2014\)](#) seeks to protect the local environment and amenity by aiming to prevent waste facilities being placed in inappropriate locations. However, it also acknowledges that proposals for waste management facilities can be controversial, acknowledging that they may not reflect the vision and aspirations of local communities and can lead to justifiable frustrations.
107. Paragraph 7 of the NPPW states that it is not necessary for a for a proposed waste management facility to demonstrate a quantitative or market need if it is consistent with an up-to-date Local Plan – in the case of the proposed development, it is considered that this evidence would be required.
108. Appendix B of the [NPPW \(2014\)](#) sets out locational criterial for the location of waste sites. Many of the criteria such as protection of water quality and resources and flood risk management, landscape and visual impacts, nature conservation, conserving the historic environment, traffic and access, amenity matters (air emissions, dust, odours, noise, light and vibration) and potential land use conflict are largely covered by other parts of this commentary.
109. Policy 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#) provides a framework to guide development of waste management facilities to suitable locations within the Hampshire. Paragraph 6.196 of the

supporting text sets out that the Plan expects market led delivery and therefore it does not identify and allocate any individual sites for waste development.

110. The location of the site, within the defined urban edge meets the criteria of Part 1 of Policy 29 (namely the site is located within the urban area of South Hampshire. However, Part 2 of the Policy 29 also requires that such sites are located within suitable sites (i.e. within a suitable industrial estate, on a site consented for general industrial/storage purposes, on previously developed land (pdl) or redundant agricultural or forestry buildings or within a sewage treatment works). Given that the authorised use of the site for residential uses, it is clear that the site fails to meet the majority of these criteria. It is therefore necessary to consider whether the site can be considered to fall within the definition of previously development land. Reference in this regard is drawn to the definition of pdl as set out in Annex 2 of the [NPPF](#) (2021), which specifically excludes '*land in built-up areas such as residential gardens*'. On this basis the proposals do not met Parts 1 and 2 of Policy 29.
111. It is therefore necessary for the applicant to demonstrate that the proposed development is in accordance with Part 3 of Policy 29. Part 3 has two requirements that must both be met. It states that '*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.*'
112. Paragraph 6.199 states that '*all waste management has transport implications and transport impacts and these should be minimised by prioritising sites with good connections to the strategic road network*'. Part 3 (a) of the criteria is linked to Policy 25 (Sustainable waste development) of the HMWP (2013) which also says that waste management should be located near to the sources of waste or markets for its use. The site is located near to the sources of waste or markets for its use. The site is located on a classified road and in close proximity to the M27. The site is also located within the Strategic Road Corridor as identified on the [HMWP \(2013\)](#). The site therefore meets Part 3 (a) of Policy 29.
113. Part 3 (b) of Policy 29 has an emphasis on 'special need'. It is clear that the site is located in a suitable location in order to meet the needs of its market, namely the recycling of UVPC waste, the source of which will typically be

from local residential and commercial properties that are replacing UVPC windows. As such, it makes sense to locate the facility within the Strategic Road Corridor and within, or close proximity to the urban area so as to reduce vehicular movements. A need has been demonstrated although it cannot be determined that a 'special need' has been demonstrated for this location due to the retrospective nature of the development and in the absence of more detailed information.

114. Policy DM1 - General criteria for new development of the [EBLP \(2022\)](#) sets out criteria for all new development. Many of the criteria identified relate to other matters to the proposals acceptability, such as biodiversity (a), part ii), heritage (a, part iii), visual impact (c), arboriculture (d), landscaping (e), rights of way (f), landscape, green infrastructure and biodiversity enhancement (g), design (i). Compliance on all these matters are also addressed in the relevant section of the commentary.
115. Taking all matters into account, the proposal is considered to meet Part 3 (a) of Policy 29. Whilst a need has been demonstrated, a 'special need' for this location has not been demonstrated fully. Therefore, the proposal is not considered to fully meet Part 3 (b) and the proposal cannot be considered to be fully accordance with the provisions of Policy 29 (Locations and sites for waste management) of the [HMWP \(2013\)](#). The impact this has on the wider balance will be covered in the remaining sections of this commentary.

Ecology

116. Paragraph 174 of the [NPPF \(2021\)](#) states that planning decisions '*should contribute to and enhance the natural environment*'. In addition, paragraph 175 of the [NPPF \(2021\)](#) states that when determining planning applications, local planning authorities should apply the a number of principles which relate to biodiversity, the loss or deterioration of irreplaceable habitats and net gain.
117. Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) sets out a requirement for minerals and waste development to not have a significant adverse effect on, and where possible, should enhance, restore or create designated or important habitats and species. The policy sets out a list of sites, habitats and species which will be protected in accordance with the level of their relative importance. The policy states that development which is likely to have a significant adverse impact upon the identified sites, habitats and species will only be permitted where it is judged that the merits of the development outweigh any likely environmental damage. The policy

also sets out a requirement for appropriate mitigation and compensation measures where development would cause harm to biodiversity interests.

118. Policy DM1 - General criteria for new development of the [EBLP \(2022\)](#) sets out criteria for all new development which includes biodiversity. Furthermore, Policy DM11 - Nature conservation of the [EBLP \(2022\)](#) highlights a number of factors that need to be considered such as impacts on international, national and local nature conservation designations, habitats and seeking a net gain of biodiversity on all development sites.
119. The application site is not located within or adjacent to any sites with ecological designations at a national or local level. The application site comprises previously developed land that is in operational use which is considered to have low ecological value.
120. No detailed ecological information was submitted to support the application. The County Ecologist noted in their response that 'aerial imagery shows that existing site is hard standing with some buildings and the buildings appear to be retained by the proposal'. Given the existing urban nature of the site and surrounding land including Ageas Bowl and the M27, it was considered that the development to impact on ecology and raised no concerns.
121. It was noted that to enhance the biodiversity of the site, that the applicant considers the installation of a bat and bird box onto a mature tree/building with nearby scrub/overgrown vegetation, facing south or south-west such that they do not face prevailing wind or direct sunlight for too long and should avoid artificial illumination. A condition is included in **Appendix A** to this effect.
122. Achieving a net gain in biodiversity is consistent with the [NPPF \(2021\)](#) and the [Natural Environment and Rural Communities Act \(2006\)](#). No other specific BNG requirements were requested by consultees and given the retrospective nature of this development, the scale of the development and the fact BNG is not currently mandatory, this is considered to be acceptable.
123. On the basis of the proposed condition, the proposal is considered to be in accordance with Policy 3 (Protection of habitats and species) of the [HMWP \(2013\)](#) and Policy DM11 - Nature conservation of the [EBLP \(2022\)](#).

Visual impact and landscape

124. Landscape and visual effects are separate, although closely related and interlinked issues. Landscape effects are caused by physical changes to the landscape, which may result in changes to the distinctive character of that landscape and how it is perceived. Linked and interrelated to the potential landscape impacts, is that of visual impact. The landscape and visual impacts of a proposal will vary on a case-by-case basis, according to the type of development, its location and its landscape setting.
125. Paragraph 130 of the [NPPF \(2021\)](#) requires that planning decisions should ensure that developments function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
126. Part d of Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) states that waste development '*should not have an unacceptable visual impact*'. Policy 13 (High quality design of minerals and waste developments) is also of relevance to this proposal.
127. Policy DM1 - General criteria for new development of the [EBLP \(2022\)](#) sets out criteria for all new development. Part a of the policy states that '*all new development should not have an unacceptable impact on, and where possible should enhance residential amenities of both new and existing residents; the character and appearance of urban areas and the countryside*'. Part c of the policy states that '*development should take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses and be well integrated with these in terms of mass, scale. Part e also includes a requirement for landscaping schemes*'.
128. The previous planning refusal ([F/19/85582](#)) included a reason that the proposed use and associated storage would result in an unacceptable visual impact, detrimental to the street scene.
129. The existing use is relatively open and has a frontage to Botley Road. The compound comprises a 2m high structure comprising large concrete blocks – which are painted green and offer a stark image of the site when viewed from Botley Road.

130. The proposals seek to relocate the compound to the rear of the site – the same concrete blocks are to be used and the compound will therefore be 2m high. However, in addition a 2.5m high acoustic fence is proposed on the eastern site boundary.
131. The current visual impact of the existing use, particularly the compound, which is immediately adjacent to the highway, is poor. To relocate the compound to the rear, provide the additional landscaping and provide doors to the site entrance that can be closed outside operating hours will improve the impact on the character of the area.
132. It has been noted that the storage of UVPC waste products, on occasion is prominent above the height of the compound. There is therefore the opportunity to place a condition on the consent that controls storage heights and therefore mitigate impact on the wider area. This is included in **Appendix A**.
133. The application is supported by a **Landscape Planting Plan** which details a new mixed species native hedgerow and the planting of 4 no. specimen trees. The new planting would be undertaken along the site frontage with Botley Road and in front of the new close board fencing. A visual has also been submitted that shows the proposed development once completed. Subsequent to receipt of the revised landscape scheme, the Landscape Architect raises no objections to the application.
134. The provision of a 2.5m high acoustic fence is considered to be acceptable in a visual context. The Waste Planning Authority has concerns that anything higher than this height would have a visual impact.
135. The application proposals are considered to meet the requirements of Policy DM1 - General criteria for new development of the [EBLP \(2022\)](#). Whilst it is acknowledged that the site is located on the edge of a residential area and in a visually prominent location, on Botley Road, it is considered that the proposals do not harm local residential amenities nor the character of the area. The site is located within the urban edge and thus the principle of development for employment uses is consistent with Policy S2 which states that the principle of development for such uses is acceptable subject to other policies in the local plan.

136. In accordance with Policy DM1 the proposals make efficient use of land and comprises a sustainable form of development.
137. On the basis of the proposed mitigation and conditions, the proposal is considered to meet Part d of Policy 10 (Protecting public health, safety and amenity) and Policy 13 (High quality design of minerals and waste developments) of the [HMWP \(2013\)](#). On balance, the mitigation proposed at the site area also considered to meet the requirements of Policy DM1 - General criteria for new development of the [EBLP \(2022\)](#).

Design and sustainability

138. The [Planning Act 2008](#) places great importance on good design and sustainability. Paragraph 126 of the [NPPF \(2021\)](#) confirms that good design is a key aspect of sustainable development and helps create better places in which to live and work to make development acceptable to communities. Paragraph 130 of the [NPPF \(2021\)](#) requires that planning decisions ensure that developments 'will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting'. Paragraph 134 of the [NPPF \(2021\)](#) also advises that permission should be refused for development that is not well designed.
139. Policy 10 (Protecting public health, safety and amenity) protects residents from significant adverse visual impact. Policy 13 (High-quality design of minerals and waste development) of the [HMWP \(2013\)](#) requires that waste development should not cause an unacceptable adverse visual impact and should maintain and enhance the distinctive character of the landscape.
140. Paragraph 5.45 of the [HMWP \(2013\)](#) states that in order to demonstrate that the key design and operation principles are met, all minerals and waste developments should include consideration of factors such as:
- be appropriate in scale and character in relation to its location, the surrounding area and any stated objectives for the future of the area. This should include any planned new development or regeneration;
 - provide adequate space to facilitate storage, re-use, recycling... as appropriate for waste developments;
 - seek to minimise the disposal of waste and maximise recovery and recycling of waste where appropriate as well as reducing the need for transport;

- seek to ensure a good standard of amenity and proposals should consider potential impacts on the local community; and
 - avoid and minimise the risk of flooding as far as possible if the development is located in areas of flood risk, through an appropriate location, layout and design.
141. Policies DM1, General criteria for new development and DM2, Environmentally sustainable development of the [EBLP \(2022\)](#) are of relevance to the proposal. In particular, Policy DM1 seeks to ensure that new development takes full and proper account of the site context to include its character and appearance so as to ensure compatibility in terms of mass scale and materials.
142. As a retrospective development, much of the design of the proposal is set out. There is some reconfiguration of the existing site as noted. Key design aspects are set out in the **Proposal** section of this report.
143. The only fixed lighting proposed would be low-level lighting affixed to the workshop / office facility for the health and safety of staff opening or closing-up during the hours of darkness. It is proposed to install an aco channel along the entrance to the yard – in line with the new boundary fencing and gates to intercept any surface water run-off and direct it to a new soakaway.
144. As already noted, landscaping is proposed as part of the development.
145. On the basis of the amendments to the existing site and the planning conditions proposed, the proposal is considered to be in accordance with Policies 13 (High-quality design of minerals and waste development) and 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and Policy DM1, General criteria for new development of the [EBLP \(2022\)](#).

Cultural and Archaeological Heritage

146. Paragraph 130 of the [NPPF \(2021\)](#) relates to developments which are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'. In addition, paragraph 194 of the [NPPF \(2021\)](#) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 194 states that '*any harm to or loss of the significance of a designated heritage asset (from its alteration or destruction,*

or from development within its setting), should require clear and convincing justification'. Paragraph 195 states that 'where a proposed development will lead to substantial harm to a designated heritage asset planning permission should be refused unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm'. Paragraph 196 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

147. Policy 7 (Conserving the historic environment and heritage assets) of the [HMWP \(2013\)](#) requires minerals and waste development to protect and, wherever possible, enhance Hampshire's historic environment and heritage assets (designated and non-designated), including their settings unless it is demonstrated that the need for and benefits of the development decisively outweigh these interests.
148. Policy DM1 - General criteria for new development of the [EBLP \(2022\)](#) sets out criteria for all new development including that all development shall not have an unacceptable impact on, and where possible should enhance the significance of heritage assets (iii.). In addition, Policy DM12, Heritage Assets, seeks to protect a heritage asset or its setting from inappropriate development.
149. No archaeological issues have been raised by the County Archaeologist, On this basis, the proposal is considered to be in accordance with Policy 7 (Conserving the historic environment and heritage assets) of the [HMWP \(2013\)](#) and Policies DM1 - General criteria for new development and DM12, Heritage Assets of the [EBLP \(2022\)](#).

Impact on public health, safety and amenity

150. The potential impact of the proposal on health, safety and amenity is an important consideration. The potential effects of waste management developments can be the subject of public concern with regard to environmental and amenity nuisance.
151. Paragraph 174 of the [NPPF \(2021\)](#) states that planning decisions should '*contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as*

air and water quality, taking into account relevant information such as river basin management plans; and f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate’.

152. In relation to pollution control and associated health issues, Government policy concerning pollution control is most clearly set out within the [NPPF \(2021\)](#) and the [NPPW \(2014\)](#) including its supporting planning practice guidance. Paragraph 185 of the [NPPF \(2021\)](#) states that *‘planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation’.*
153. Paragraph 7 and Appendix B of the [NPPW \(2014\)](#) is also of relevance to the proposal. Paragraph 7 states that *‘when determining waste planning applications, waste planning authorities should:*
- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. In such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;*
 - consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the locational implications of any advice on health from the relevant health bodies. Waste planning authorities should avoid carrying out their own detailed assessment of epidemiological and other health studies;*
 - ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located;*
 - concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced’.*
154. Paragraph 005 of the [PPGW](#) states that *‘planning authorities can ensure that waste is handled in a manner which protects human health and the*

environment through testing the suitability of proposed sites... against the policies in paragraphs 4 to 7 and the factors in Appendix B of the [NPPW \(2014\)](#). Other ways in which they can deal with this include:

- putting in place suitable planning conditions, and adequate enforcement and monitoring;*
- working closely with Environmental Health colleagues; and*
- consultation with Public Health England and the Environment) for advice on public health matters and pollution control'.*

155. Appendix B of the NPPW (2014) sets out locational criteria for the location of waste sites. Many of the criteria such as protection of water quality and resources and flood risk management (a), landscape and visual impacts (c), nature conservation (d), conserving the historic environment (e), traffic and access (f), air emissions, including dust (g), odours (h), vermin and birds (i), noise, light and vibration (j), litter (k) and potential land use conflict (l).

156. Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) requires that any development should not cause adverse public health and safety impacts, and unacceptable adverse amenity impacts. It sets out a number of criteria. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.

157. Policy DM8 – Pollution of the [EBLP \(2022\)](#) is also relevant as it states that development will not be permitted if it is likely to cause loss of amenity or impact on public health or other unacceptable environmental impacts through:

- a) air pollution (including odours or particulate emissions);*
- b) pollution of surface, underground, coastal waters or other watercourses*
- c) noise or vibration;*
- d) light intrusion, both generally and with respect to the South Downs National Park's status as an International Dark Night Skies reserve; or*
- e) land contamination.*

Part 2 of the policy also states that development susceptible to particular forms of pollution will not be permitted:

- a) where it will be adversely affected by such pollution, unless measures can be taken that adequately mitigate the polluting effects; or*
- b) where it would inhibit existing economic or other activities giving rise to acceptable polluting effects.*

158. Planning and permitting decisions are separate but closely linked. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution. The Environment Agency was consulted on the application and raised no objection to the proposal. It is not appropriate for the planning process to condition operational issues which relate to the jurisdiction of the environmental permit. Paragraph 050 of the [NPPG](#) states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes. The site already has an existing Waste Exemption (ref. [WEX283136](#)) as regulated by the Environment Agency. The Waste Exemption allows for the storing of waste in a secure place (S2), the undertaking of preparatory treatments (i.e. sorting) (T4), and recovering scrap metal (T9).

159. National Planning Practice Guidance states that Planning Authorities should assume that other regulatory regimes will operate effectively rather than seek to control any processes, health and safety issues or emissions themselves where these are subject to approval under other regimes ([Paragraph 050 Reference ID: 28-050-20141016](#)).

160. Planning and permitting decisions are separate but closely linked. The Environment Agency has a role to play in both. Planning permission determines if a development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution. The operations have an existing waste exemption at the site.

161. The Environment Agency carry out unannounced inspection visits to ensure sites are operating in accordance with permit conditions and scrutinise data associated with the development. The Environment Agency has the powers to suspend any permits it considers are not being fully complied with and are creating an unacceptable risk.

a) *Emissions to the atmosphere (air quality), dust and odour:*

162. The application site is not located within an Air Quality Management Area (AQMA) and the anticipated HGV movements (4 in and 4 out per week) would not increase the daily flow of HGV traffic on Botley Road by more than 100 annual average daily traffic (AADT). As such, and in accordance with published guidance, an air quality assessment of the impact of vehicular exhaust emissions was not required.

163. The materials handled on site, UPVC window frames and non-ferrous metals, are non-odorous and non-dust generating wastes. In addition, the site is fully tarmacked which ensures vehicles entering and exiting the site do not travel over unmade surfaces that might generate dust. The applicant has indicated that they would also employ best practice operational measures that would further minimise the risk of uncontrolled emissions or dust generation. Other mitigation measures include:

- Minimising drop heights from all plant and machinery;
- Maintaining all plant and machinery in accordance with manufacturers guidance;
- Control of material storage heights in the bulking bay; and
- Damping down of the bulking bay and yard in dry conditions.

164. No comments in respect of air quality, dust or odour issues were raised by the Environmental Health Officer. Conditions are included relating to mitigation measures noted above and are set out in **Appendix A**.

b) Human health:

165. Paragraph 005 of the PPGW states that *'planning authorities can ensure that waste is handled in a manner which protects human health and the environment through testing the suitability of proposed sites'*.

166. The Moorgreen Park Residents Association raised concerns that the development is inappropriate in a substantial residential area. These concerns are acknowledged. However, no concerns were raised in relation to human health by consultees.

c) Noise and vibration:

167. The application is supported by Noise Impact Assessment (NIA). The NIA established the baseline or background noise environment and then modelled the predicted impact of the proposed development on two potential residential receptors – Brookfield to the east and 1 Oram Way to the north. The NIA assessed the impact from the proposed facility when undertaking the noisiest activity: the use of the JCB 360 for stacking and loading UPVC window frames. The NIA concluded that *"the level of noise impact is better than 'low' as defined in BS 4142:2014+A1:2019. This is, therefore, acceptable in planning terms and there are considered to be no reasons, on noise grounds, why consent for the proposals should not be allowed."* The applicant noted that the planning refusal (ref. [F/19/85582](#)) included a reason that *"insufficient information has been submitted to demonstrate that the*

development would not impact upon the amenities of neighbouring properties through noise disturbance.” The provision of a full NIA, and its conclusions, fully address this previous reason for refusal.

168. The potential for noise is particularly relevant with respect to the operation of the JCB – which is on-site at all times. The JCB is used on a daily basis in respect of the following:

- Whilst UVPC waste materials are placed in the compound by hand the JCB is used to move and compact the waste materials- typically up to 30 minutes per day (in up to 3 x 10 minute periods).
- The JCB is used to transfer the waste materials to the HGV for onward recycling. This process is undertaken typically once a week and takes 60 minutes.

169. Whilst no objections have been raised in respect of noise issues by local residents, the opportunity has been undertaken to discuss the impact of the existing activities with neighbouring residents. With respect to noise the comment was made that noise created by the JCB moving and compacting waste materials could be heard – however, not every day but on occasions. The point was also made that Botley Road is a busy, noisy, road and that within that context impact is mitigated.

170. The proposals incorporate the provision of a 2.5m high acoustic fence on the sites eastern boundary that will help mitigate impact to the neighbouring property. This measure has been proposed in part following discussions between the application and the neighbour.

171. The EHO initially raised concerns about the NIA and asked the applicant to explore means of controlling noise in the pathway between the noise making activity and the sensitive receivers (dwellings, the closest of which adjoins the application site boundary). Further discussions took place with the EHO. It was clarified that the EHO considered the NIA showing a low impact and in respect of the NPPF concluded therefore this could be suitable use of land. The site history of the same use also lends to this view. However, the EHO disagreed with agent on the point that conditions are not needed because we subsequently must seek to prevent amenity and harm impacts. The offer to install a noise barrier, and this is a ‘Best Practicable Means’ with a noise management plan was noted but the EHO requested that the effect of these measures are and whether the height of noise barrier is optimal needed to be demonstrated. Whilst the request of the EHO is recognised, the NIA has clearly concluded that the impact is “better than low” at both receptors for each of the 10-minute on-time scenario for plant (which reflects the existing site operations) and the 100% on-time scenario (which would cover the

1 hour period once per week when the bulking HGV is loaded). This conclusion assumed a 2m high acoustic fence on the boundary on the site which has since been increased to 2.5m, providing further mitigation of a noise impact. The applicant has indicated that they are not prepared to provide any additional height over and above the 2.5m. The Waste Planning Authority does not consider it to be reasonable to request any further increase height when the concluded impact is already 'better than low'. Furthermore, the Waste Planning Authority also has concerns that any increase in height could have an impact on the character of the area and this therefore also needs to be considered.

172. Conditions are included on the use of reversing alarms, the height of the acoustic fence and hours of working and these are included in **Appendix A**.

d) Lighting:

173. There would be no fixed floodlighting of the main operational area. It is noted that fixed lighting would be limited to security / safety lighting on the site workshop and office for the benefit of staff opening or closing the site during hours of darkness. The applicant has indicated that the low level lighting would be in keeping with the site's setting on the urban fringe which has street lighting on Botley Road and floodlighting associated with commercial activities at the Ageas Bowl complex.

174. No comments / concerns regarding lighting have been made by the EHO or other consultees.

175. A condition is included restricting any further installation of lighting associated with the development. This is included in **Appendix A**.

176. Taking all matters into account, the proposal, with the mitigation and conditions proposed, is in accordance with Policy 10 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#) and policy DM8 (Pollution) of the [EBLP \(2022\)](#)

Impact on coastal, surface or groundwaters and flooding

a) Surface and groundwaters:

177. Policy 10 (Protecting public health, safety and amenity) states that minerals and waste development should not cause adverse public health and safety

impacts, and unacceptable adverse amenity impacts. This includes not releasing emissions to water (above appropriate standards).

178. Policy S1, Delivering sustainable development of the [EBLP \(2022\)](#) states that in order for development to be regarded as sustainable it should avoid impacts on the Hamble and Itchen catchments and associated flora and fauna species by preserving water quality and flows from development.
 179. There are no watercourses within or adjacent to the application site and any surface water that leaves the site currently drains into a storm drain on the Botley Road. As part of the yard reconfiguration, it is proposed to create a betterment by installing an aco -channel across the yard entrance to intercept any surface water run-off - this would then drain to a new soakaway.
 180. Initially the LLFA requested further information on existing surface water drainage provisions, infiltration testing and winter groundwater monitoring results, drainage layout and hydraulic calculations, water quality information and maintenance information for the proposed new drainage system. On receipt of this information, the LLFA raised no objection to the proposal.
 181. A condition is included on ensuring the new drainage scheme is kept free of blockages. This is included in **Appendix A**.
- b) Flooding:*
182. Policy 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) relates to minerals and waste development in flood risk areas and sets criteria which developments should be consistent with relating to flood risk offsite, flood protection, flood resilience and resistance measures, design of drainage, net surface water run-off and Sustainable Drainage Systems.
 183. Policies DM3 (Adaptation to climate change) and DM6 (Sustainable surface water management and watercourse management) of the [EBLP \(2022\)](#) requires the provision of sustainable drainage systems so as protect the local environment.
 184. The application site is located within Flood Zone 1 and so Flood Risk Sequential Test Evidence has not been prepared and is not required. In addition, as the application site measures less than 1 hectare a flood risk assessment is not required.

185. Initially the LLFA requested further information on calculations for the 1 in 100 year storm event plus a climate change allowance should also be provided, with flooded extents and flood exceedance routes shown on the layout. On receipt of this information, the LLFA considered that the information provided is sufficient and as such had no objection to the application.

186. On the basis of the scheme proposed and conditions, the proposal is considered to be in accordance with Policies 10 (Protection of public health, safety and amenity) and 11 (Flood risk and prevention) of the [HMWP \(2013\)](#) and Policies S1, Delivering sustainable development, DM3 (Adaptation to climate change) and DM6 (Sustainable surface water management and watercourse management) of the [EBLP \(2022\)](#) in relation to surface water and flooding.

Highways impact

187. Paragraph 110 of the [NPPF \(2021\)](#) advises that *'when assessing planning applications opportunities should be taken to promote sustainable transport modes, ensure development sites have safe and suitable access for all users and where there are any significant impacts on the transport network in terms of capacity, congestion or highway safety these should be cost effectively mitigated to an acceptable degree'*. In addition, paragraph 111 of the [NPPF \(2021\)](#) states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'* Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

188. Policy 12 (Managing traffic) of the [HMWP \(2013\)](#) requires minerals and waste development 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.
189. Policies DM13, General Development Criteria – transport and DM14, Parking of the [EBLP \(2022\)](#) seeks to ensure that new development does not harm highway safety and provides adequate on-site parking.
190. The site links to Junction 7 of the M27 via Tollbar Way (B3342) and the A334 (Charles Watts Way) to the east and south and links to the A27 (Swaythling Road) to the west.
191. As noted, the planning permission [F/14/74534](#) was granted by the Borough Council for the formation of a dropped kerb to create a new vehicular access in 2014.
192. It is acknowledged that the existing use of the site does not create high levels of vehicular movements. There is also adequate car parking on-site to meet the needs of staff and visitors.
193. Initially the Highway Authority requested further information relating to technical drawings showing the junction radii and visibility splays, impacts on the bus stop, a swept path analysis and Personal Injury Collision Data.
194. A **Highway Technical Note** was submitted and confirmed that the proposed development would generate approximately 1 HGV movement per week with an additional approximate 16 movements per day (8 in and 8 out) by smaller transit van/panel van type vehicles. Additional information was also provided in respect collision data, swept path analysis of HGVs accessing the site and the confirmation of the junction radii and visibility splays.
195. The current vehicle parking area located to the front of the site is proposed to be relocated from the site frontage to an area inside the yard. This would be used for overnight parking of the three AJM vehicles (2 x Sprinter Vans and 1 x HGV) and for staff and visitor parking during operational hours. Within the context of the wider area and the close proximity of the site to the Botley Road and based on the stated vehicular movements, the vehicular traffic associated with the site is not considered to be heavy.

196. The Moorgreen Park Residents Association raised concerns that HGV movements associated with the existing layout block the main road (already a high-volume road) while backing into the site, blocking the pavement & bus stop. These concerns are acknowledged.
197. The application proposals seek to relocate the existing compound from the front to the rear of the site. This will allow greater flexibility to allow HGVs to enter and leave the site in a forward gear. The application has been supported by some tracking diagrams that show how an HGV can enter and leave the site in a forward gear. This will mean that current scenario of HGVs blocking the Botley Road should be eliminated.
198. Whilst concerns have been raised in respect of the highway implications of the proposals to include concerns over sight lines, the frequency of HGV movements and the suitability of the existing dropped kerb, the applicant was given the opportunity of providing further clarification in this respect. However, the applicant has indicated that they thought the provision of additional information was excessive due to the nature and the scale of the development. The applicant has recently confirmed that once a week an HGV will deliver to the site which has reduced concerns from the Highway Authority perspective. A revised response from the Highway Authority is awaited but following discussions, it is clear that conditions could be applied to address issues raised by the Highway Authority. Taking this into account alongside the scale of the movements proposed, is viewed that any safety concerns are not considered to be unacceptable and that the proposal does not result in any cumulative impacts which are considered to be severe. Therefore, it cannot be considered to be grounds for refusal as set out in paragraph 111 of the NPPF (2021).
199. Conditions relating to the level of highway movements and other associated highway matters and are included in **Appendix A** and have been agreed with the Highway Authority.
200. The low level nature of the highway movements associated with the development development and on the basis of the amendments to the scheme and appropriate conditions, the proposal is considered to be acceptable in accordance with Policy 12 (Managing traffic) of the [HMWP \(2013\)](#).

Restoration

201. Policy 9 (Restoration of minerals and waste developments) of the [HMWP \(2013\)](#) requires temporary minerals and waste development to be restored to beneficial after-uses consistent with the development plan. Restoration of minerals and waste developments should be in keeping with the character and setting of the local area, and should contribute to the delivery of local objectives for habitats, biodiversity or community use where these are consistent with the development plan. It also indicates that restoration of mineral extraction and landfill sites should be phased throughout the life of the development.
202. No detail is included in the application on the restoration of the site as essentially the applicant is applying for a permanent consent. A condition is included for the restoration of the site should cease to be used. This is included in **Appendix A**.
203. On the basis of the proposed condition, the proposal is considered to be in accordance with Policy 9 (Protecting public health, safety and amenity) of the [HMWP \(2013\)](#).

Monitoring and enforcement

204. The history of how this site came to the attention of the Waste Planning Authority and enforcement activities is set out in the Planning History section of this report.
205. In the event that permission is granted, as an operational minerals / waste site, the site will be subject to regular monitoring by the Councils Monitoring and Enforcement team to ensure compliance with previous permissions granted.
206. One complaint has been received about the site, prior to the submission of the planning application to the Waste Planning Authority. This related to the unauthorised development and why the County Council was allowing the applicant time to submit another application when they had already submitted one to Eastleigh Borough Council.
207. As previously noted, the Environment Agency would also inspect the Site as part of monitoring the Environmental Permit. The Environment Agency has the powers to suspend any permits it considers are not being fully complied with and are creating an unacceptable risk.

Non-material planning issues raised in representations

208. The representation received raised concerns as part of the planning process which although acknowledged, are not material to the planning process. The previous operator performance and enforcement matters was one such issue. The Moorgreen Residents Association raised the unauthorised nature of the proposal and the lack of action previously taken by Eastleigh Borough Council to regularise the development. They note that EBC failed to take the appropriate action to end the operation. However, whilst the previous application was considered by EBC it became clear that as a waste application it is a County Matter which has precluded EBC from taking enforcement action.

Community benefits

209. Paragraph 5.59 of the [HMWP \(2013\)](#) states that there is an expectation that all 'major' minerals and waste development will be accompanied by a site Liaison Panel. Panels should be setup between the site operator, Minerals and Waste Planning Authority, other interested parties and community representatives to facilitate effective engagement with stakeholders in the interests of promoting communication between the site operator and local community. Whilst it is recognised that this site is a very small development compared to sites where a recommendation is put in place for the establishment of a panel, an informative is included on establishing lines of communication between the local member, Parish Council and the Residents Association in the event permission is granted. This is included in **Appendix A**.

Conclusions

210. The existing use is currently unauthorised and the application seeks retrospective consent for the change of use of the land from residential land to that of a Waste Transfer Station and associated car park. In addition, the application seeks approval for new development within the site in addition to the regularisation of the unauthorised operational development.

211. The site is identified in the Local Plan as being located within the settlement boundary. There are no other site-specific policies that restrict development on site. Policy S2 accepts the principle of employment uses within the urban edge. This means that the principle of development on site to provide a Waste Transfer Station is acceptable.

212. The application has been submitted, in part, in order to rationalise the layout of the scheme in order to provide environmental improvements for the immediate area, to include the following:

- The relocation of the storage compound to the rear of the site. This compound comprises a 2m high concrete block wall and has a strong visual impact to Botley Road. The relocation to the rear of the site will improve the visual impact of the site to the street scene and the character of the area;
- The relocation of the compound to the rear of the site allows for additional manoeuvring space for vehicles so that the HGV vehicle, for example can enter and leave the site in a forward gear thereby minimising impact on other road users. – highways to confirm;
- The provision of a 2.5m high acoustic fence on the eastern boundary of the site so as to improve the residential amenities of immediate neighbours;
- The provision of a door to the site (set back behind the access) so as to provide screening to Botley Road, outside of normal working hours;
- Additional landscaping to the site frontage to include 4 trees, which will result in improvements to the character of the immediate area.

213. On balance, it is considered that proposed development is considered acceptable. The proposal provides for a Waste Transfer Station which provides a sustainable form of waste development that recycles materials in accordance with Policies 25 and 27 of the [HMWP 2013](#). It is in compliance with relevant policy advice, comprises a sustainable form of development, represents an improvement on the existing use of the site in terms of visual impact (Policy 10). The low scale nature of the site and its operation means that there are relatively low traffic movements to and from the site and thus impact on the local highway network is limited and is acceptable from a highway safety perspective (Policy 12). Whilst it is recognised that a ‘special need’ for the development in this location has not been fully demonstrated in accordance with Policy 29, the proposal and its mitigation makes the development acceptable. The proposal also provides the opportunity to place conditions on any consent in order to mitigate impact in respect of neighbouring residential properties, the neighbouring highway network and on the character of the area.

214. Taking all matters into account, including the low scale nature of the development, on balance, the proposal is therefore considered to be in accordance with paragraph 11 of the [NPPF \(2021\)](#), Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) and Policy S1. Delivering sustainable development of [EBLP \(2022\)](#).

Recommendation

215. That planning permission be GRANTED subject to the conditions listed in **Appendix A.**

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Proposed Layout Plan

Appendix D – Planting proposals

Appendix E – Before and after images

Other documents relating to this application:

<https://planning.hants.gov.uk/Planning/Display/HCC/2023/0106>

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	No
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No

OR

This proposal does not link to the Strategic Plan 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 or local planning authority.

Other Significant Links

Links to previous Member decisions:

<u>Title</u>	<u>Date</u>

Direct links to specific legislation or Government Directives

<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.)

Document

Location

CS/23/94884
EA114

Hampshire County Council

Development and reconfiguration of a
Waste Transfer Station (part retrospective)
at Westwood, Unit 1, Botley Road, West
End Hampshire SO30 3HA

EQUALITIES IMPACT ASSESSMENTS:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Officers considered the information provided by the applicant, together with the response from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

2. Equalities Impact Assessment:

See guidance at <https://hants.sharepoint.com/sites/ID/SitePages/Equality-Impact-Assessments.aspx?web=1>

*Inset in full your **Equality Statement** which will either state*

- why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or*
- will give details of the identified impacts and potential mitigating actions*

CONDITIONS

Reasons for Approval

It is considered that proposed development is acceptable. The proposal provides for a sustainable form of waste development that recycles materials (Policies 25 and 27) of the [HMWP 2013](#). It comprises a sustainable form of development, represents an improvement on the existing use of the site in terms of visual impact (Policy 10) and is acceptable from a highway safety perspective (Policy 12). The low scale nature of the site and its operation means that there are relatively low traffic movements to and from the site and thus impact on the local highway network is limited. Whilst it is recognised that a 'special need' for the development in this location has not been fully demonstrated (in accordance with Policy 29), the proposal and its mitigation makes the development acceptable. The proposal also provides the opportunity to place conditions on any consent in order to mitigate impact in respect of neighbouring residential properties, the neighbouring highway network and on the character of the area. Taking all matters into account, on balance, the proposal is therefore considered to be sustainable in accordance with paragraph 11 of the [NPPF \(2021\)](#), Policy 1 (Sustainable minerals and waste development) of the [HMWP \(2013\)](#) and Policy S1, Delivering sustainable development of [EBLP \(2022\)](#).

Conditions

Operations

1. No vehicles associated with the use hereby permitted shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 08.00 - 18.00 Monday to Friday and 08.00 - 12.00 Saturday. There shall be no working on Sundays or recognised Public Holidays.

Reason: In the interests of local amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

2. The onsite machinery hereby approved shall only be used between the hours of 8.30 and 17.00 Monday to Friday and 08.30 - 12.00 Saturday. There shall be no working on Sundays or recognised Public Holidays.

Reason: In the interests of local amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

Waste

3. There should be no more than 20 tonnes of UPVC on site and a maximum volume of ~1.5 tonnes of non-ferrous metal on site at any one time.

A written record of tonnage entering/leaving the site associated with the permission hereby granted shall be kept onsite and shall be made available to the Mineral and Waste Planning Authority for inspection upon request.

Reason: In the interests of local amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

4. There shall be no burning of waste on site.

Reason: In the interests of local amenity in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Highways

5. There shall be no more than 8 deliveries (a maximum of 4 deliveries via applicants collection vans and 4 customer deliveries only) to the site per day.

There shall be no more than 1 HGV movement per week as part of the above movements.

Reason: In the interests of highway safety in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

6. No vehicle shall leave the site unless it has been cleaned sufficiently to prevent debris being carried on to the public highway. In the event that debris from vehicles leaving the site are deposited on the public highway, measures shall be taken to clean the highway.

Reason: In the interests of highway safety in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

7. The designated turning area, as set out on Plan 196.0011/002, should be kept free of any obstacles.

Reason: In the interests of highway safety in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

8. All vehicles entering and exiting the site should be in a forward gear.

Reason: In the interests of highway safety in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013).

Screening and landscaping

9. Within two months of the date of the planning permission hereby approved, a 2m high close boarded fence and gate shall be provided at the entrance to the site in accordance with the details set out in the 'proposed layout as at January 2023' plan (drawing no. LAY-01). This fence and gate will thereafter be retained on-site for the duration of the development.

The entrance gate will be closed outside the operating hours of the site.

Reason: In the interests of local amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

Lighting

10. No external lighting shall be erected on site.

Reason: In the interests of local amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

Storage of waste

11. There shall be no outside storage of waste outside the defined UVPC bay and the allocated metal bin as set out set out in the 'proposed layout as at January 2023' plan (drawing no. LAY-01).

Reason: In the interests of local amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

12. No waste shall be stored on site in excess of height of the storage bay hereby approved.

Reason: In the interests of local amenity in accordance with Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013).

Ecology

13. Within two months of the date of this permission hereby approved, a scheme for the installation of a bat and bird box onto a mature tree/building with nearby scrub/overgrown vegetation, facing south or south-west such that they do not face prevailing wind or direct sunlight should be submitted to and approved by the Minerals and Waste Planning Authority. The positioning of the boxes should avoid artificial illumination.

The scheme shall be implemented as agreed and maintained for the duration of the development.

Reason: In the interests of nature conservation and achieving a net gain in biodiversity consistent with paragraph 174 of the National Planning Policy Framework (2021), the Natural Environment and Rural Communities Act (2006), Policy 3 (Protection of habitats and species) of the Hampshire Minerals & Waste Plan (2013) and Policy DM11 (Nature conservation) of the Eastleigh Borough Local Plan (2022).

Site management

14. Within one month of the date of this permission hereby approved, a Dust Management Plan shall be submitted to and agreed in writing by the Minerals and Waste Planning Authority. This should provide information on how the damping down of the bulking bay and yard in dry conditions can be achieved.

Ongoing compliance with the approved details shall take place for the duration of the development.

Reason: To minimise amenity impacts from operations at the site and to ensure that the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Noise

15. Within one month of the date of this permission hereby approved, details shall be submitted to and agreed in writing with the Minerals and Waste Planning Authority demonstrating how drop heights from all plant and machinery can be minimised.

Ongoing compliance with the approved details shall take place for the duration of the development.

Reason: To minimise noise disturbance from operations at the site and to ensure that the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

16. Within one month of the date of the permission hereby approved, a scheme to show the installation of a 2.5 metre high acoustic fence on the eastern boundary, adjacent to the UVPC storage area and weighbridge as identified on 'proposed layout as at January 2023' plan (drawing no. LAY-01) shall be submitted to and agreed by the Minerals and Waste Planning Authority.

The approved acoustic fence shall be erected within 2 months of the approval of the details and shall be implemented as approved.

The acoustic fence shall be maintained for the life of the development.

Reason: To minimise noise disturbance from operations at the site and to ensure that the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

17. All vehicles, plant and machinery operated within the site (with exception of customer deliveries) shall be fitted with and use white noise type reversing alarms.

Reason: To minimise noise disturbance from operations at the site and to ensure that the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Water environment

18. The aco (drainage) channel which will be installed as part of the development should be kept clear of any accumulated silt or detritus at all times.

Reason: To ensure the drainage of the site in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Restoration

19. In the event that the development hereby permitted ceases use, the infrastructure hereby approved shall be removed from the site and the land shall be reinstated to its original condition within 6 months of the cessation of the use.

Reason: To ensure the satisfactory restoration of the site in accordance with Policy 9 (Restoration of minerals and waste developments) of the Hampshire Minerals & Waste Plan (2013).

Restriction of permitted development rights

20. Notwithstanding the provisions of Parts 4, 7 and 16 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order):

- i) fixed plant or machinery, buildings, structures and erections or private ways associated with the waste use shall not be erected, extended, installed or replaced at the site without the prior agreement of the Minerals and Waste Planning Authority in writing.

Reason: To protect the amenities of the area in accordance Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

Plans

21. The development hereby permitted shall be carried out in accordance with the following approved plans: **(LOC-01, APP-01, LAY-01, SUR-01, LS2302-LP1 (RevA))**.

Reason: For the avoidance of doubt and in the interests of proper planning.

Note to Applicant

1. In determining this planning application, the Minerals and Waste Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy

Framework (2021), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.
3. It is recommended that lines of communication between the local member, Parish Council and the Residents Association are established in the event permission is granted.
4. For the purposes of matters relating to this decision Heavy Goods Vehicles (HGVs) are defined as vehicles over 7.5 tonne un-laden).
5. The operation at the WTS is undertaken subject to the requirements of a Waste Exemption (ref. WEX283136) as regulated by the Environment Agency. The Waste Exemption allows for the storing of waste in a secure place (S2), the undertaking of preparatory treatments (i.e. sorting) (T4), and recovering scrap metal (T9).