

**HAMPSHIRE COUNTY COUNCIL
Decision Report**

Decision Maker:	Regulatory Committee
Date:	17 April 2019
Title:	Variation of condition 3 of planning permission S/11/68998 to amend the operating hours for the site until 23:00 on weekdays at Veolia WTS, Portsmouth Road, Netley Southampton SO31 8GD (No. CS/19/85002) (Site Ref: EA027)
Report From:	Head of Strategic Planning

Contact name: Amy Dales

Tel: 01962 845461

Email: Amy.Dales@Hants.gov.uk

1. Recommendation

- 1.1. That planning permission be GRANTED subject to the conditions listed in integral appendix B.

2. Executive Summary

- 2.1. The planning application is for the variation of condition 3 of planning permission S/11/68998 at Netley Waste Transfer Station.
- 2.2. This application is being considered by the Regulatory Committee at the request of the Local Member, Councillor House.
- 2.3. The key issues raised are the potential noise impacts from later opening hours and impact of HGV movements in the extended period on highway safety and capacity.
- 2.4. A committee site visit by Members took place on 8 April 2019 in advance of the proposal being considered by the Regulatory Committee.
- 2.5. The proposed development is not an Environmental Impact Assessment development under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017.
- 2.6. Having regard to the submitted information and the consultee responses, it is considered that the proposal would not have an unacceptable impact on local amenity or highway safety and capacity and as such would be in accordance with the relevant policies of the Hampshire Minerals and Waste Plan (2013).
- 2.7. It is therefore recommended that planning permission be granted subject to the conditions listed in integral Appendix B.

3. The Site

- 3.1. Netley Waste Transfer Station occupies 0.6 hectares of land approximately 800 metres to the north of the village of Netley and to the west of Bursledon, on the former Netley landfill which is a Site of Importance for Nature Conservation (SINC).
- 3.2. The nearest residential properties are over 400 metres to the north east on Portsmouth Road, and 260 metres to the west on The Grove. There is established vegetation and trees to the south east and north west boundaries of the site providing screening.
- 3.3. It is bound by the A3025 (Portsmouth Road) to the north, which is also the main access in and out of the site. It is also located approximately 2km away from the M27, which is part of the [Strategic Road Network](#).

4. Planning History

- 4.1. The planning history of the site is as follows:

Application No	Location	Proposal	Date Issued
S/11/68998	Netley WTS, Portsmouth Road, Netley, Hampshire, SO31 8GD.	To allow the retention and continued operation of Netley Waste Transfer Station (and associated development) for a further period of time	21/06/2011
S/06/57252	Netley WTS, Portsmouth Road, Netley, Hampshire, SO31 8GD.	To allow the retention and continued operation of Netley Waste Transfer Station (and associated development) for a further period of time	31/07/2006

- 4.2. The waste transfer station lies within a former landfill site which has been completed and restored to woodland and grassland.
- 4.3. The site is identified as a safeguarded site for waste transfer in the adopted Hampshire Minerals and Waste Plan (2013).

5. The Proposal

- 5.1. The proposal is for the variation of condition 3 of planning permission S/11/68998 to extend the operating hours of the site to 2300 during weekdays. The current permission allows for operations up to 6:00pm.
- 5.2. The proposal would allow a maximum of 10 loads of residual waste and dry recyclables to be bulked and loaded onto waste vehicles to be transported off site during the extended time period.

- 5.3. This will mean approximately 20 vehicle movements per day accessing and egressing the site between the hours of 1800 and 2300 Monday to Fridays. It will enable vehicle movements to be spread throughout the day, outside peak hours of travel in order to save travel time and reduce congestion.
- 5.4. The applicant proposes that the throughput of the site will remain the same and as such there will be no increase in the total amount of vehicle movements currently going to and from the site.
- 5.5. Existing lighting is proposed to be used to maintain safe operation of the site for the extended hours.
- 5.6. The proposed development has been assessed under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). Screening under the EIA Regulations has been carried out on the proposed development as submitted. The development is classified as a Schedule 2 development as it falls within Category 11, (b) and exceeds the size threshold. However, whilst being identified under the Regulations, the nature of the proposal, the site and its surroundings are such that it is not deemed an EIA development requiring an Environmental Statement.

6. Development Plan and Guidance

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

[National Planning Policy Framework \(2018\)](#) (NPPF)

- 6.2 The following paragraphs are relevant to this proposal:
 - Paragraph 11: Presumption in favour of sustainable development;
 - Paragraph 80: Support of sustainable economic growth;
 - Paragraph 102-103: Sustainable transport;

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

- 6.3 The following paragraphs are relevant to the proposal:
 - Paragraph 1: Delivery of sustainable development and resource efficiency; and
 - Paragraph 7: Determining planning applications.

[National Waste Planning Practice Guidance](#) (NWPPG)

- 6.4 The following paragraphs are relevant to the proposal:
 - Paragraph 0050: (Planning and regulation).

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

- 6.5 The following policies are relevant to the proposal:
- Policy 1 (Sustainable minerals and waste development);
 - Policy 3 (Protection of habitats and species);
 - Policy 10 (Protecting public health, safety and amenity);
 - Policy 12 (Managing traffic);
 - Policy 25 (Sustainable waste management);

7. Consultations

- 7.1 **County Councillor House:** Has objection due to potential noise impacts.
- 7.2 **Eastleigh Borough Council:** Was notified.
- 7.3 **Eastleigh Borough Council Environmental Health Officer (EHO):** Has no objection.
- 7.4 **Hound Parish Council:** Has objection due to noise generated by traffic movements.
- 7.5 **Natural England:** Has no objection.
- 7.6 **Local Highway Authority:** Has no objection.
- 7.7 **Hamble-Le Rice Parish Council:** Has objection due to noise generated by traffic movements.
- 7.8 **County Ecologist:** Has no objection.

8. Representations

- 8.1 Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
- 8.2 In complying with the requirements of the SCI, Hampshire County Council:
- Published a notice of the application in the [Hampshire Independent](#);
 - Placed notices of the application at the application site and local area, extending the period of neighbour consultation;
 - 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 nearby residential properties.
- 8.3 As of 1 April 2019, one representation objecting to the proposal has been received. The main areas of concern raised in the objections related to the following areas:

- Noise impacts; and
- Highway safety.

8.4 The above issues will be discussed and addressed primarily within the following commentary, except where identified as not being relevant to the decision or included as a factual record for clarification.

9. Commentary

Principle of the development

9.1 The principle of the use as a Waste Transfer Station is established by permission S/11/68998 which permits the use up to June 2023. The change to working hours would support continued contribution to the recycling of waste at the highest achievable level within the waste hierarchy and a reduction in the volume of waste sent to landfill. The development is therefore in accordance with Policy 25 (Sustainable Waste Management) of the HMWP 2013.

Impact on amenity and health/noise

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

9.3 The objections to the proposal are on the basis of noise impacts from the operation of the site and, in particular, the introduction of evening HGV movements. The evening Noise Assessment that has been submitted with the application has been conducted in accordance with the British Standard 4142:2014 and concludes that the proposed extension of hours at the site would have a low impact at the nearest noise sensitive receptors. It states that noise should therefore not be considered as a material constraint.

9.4 The Eastleigh Borough Council Environmental Health Officer has no objections to the proposal as long as no activities other than those contained within this proposal are carried out after 1800. Subject to this condition, the proposal will be in compliance with Policy 10 (Protecting public health, safety and amenity) of the HMWP 2013.

Highways impact

9.5 Policy 12 (Managing traffic) 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.

- 9.6 The proposed change in hours will improve traffic congestion for local residents and reduce the amount of HGV's on the roads at peak hours. There will be no increase to the throughput of the site and therefore there will not be an increase in the total amount of vehicle movements. The Highway Authority raise no objection and the proposal is therefore considered to be in compliance with Policy 10 (Protecting public health, safety and amenity) and Policy 12 (Managing Traffic) of the HMWP 2013.

Conclusions

- 9.7 The change to working hours will have no significant adverse environmental or amenity impacts. It is therefore considered that the proposal would be in accordance with the Hampshire Minerals and Waste Plan (2013) as it seeks to reduce congestion and would not materially harm the character of the area or amenity of local residents and would be acceptable in terms of highway safety and convenience.

Appendices:

Integral Appendix A – Corporate or Legal Information

Integral Appendix B – Conditions

Appendix C - Location Plan

Other documents relating to this application:

<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=20019>

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 does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste planning authority.	

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

CS/19/85002

Hampshire County Council

EA027

Veolia WTS, Portsmouth Road, Netley
Southampton SO31 8GD
(Variation of condition 3 of planning permission S/11/68998 to amend the operating hours for the site until 23:00 on weekdays)

CONDITIONS

Time Limits

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

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

2. The permission hereby permitted shall be for a temporary period expiring on 30 June 2023, or when the transfer station is no longer required whichever is the sooner. Within 6 months of cessation of use for waste transfer all waste, buildings, structures, plant, machinery and hardstandings shall be removed and the land reinstated to grassland.

Reason: In the interests of local amenity.

Hours of Working

3. No heavy goods vehicles shall enter or leave the site and no plant and machinery shall be operated except between the hours of 0730 to 2300 Monday to Friday (except on bank and public holidays when the hours are restricted to between 0800 and 1600) and between 0730 and 1700 on Saturday, unless otherwise agreed in writing by the Waste Planning Authority.

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

4. There shall be no operations other than the bulking and loading of up to 10 waste vehicles between the hours of 1800 and 2300 Monday to Friday.

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

Highways

5. The access road shall be maintained and kept clean, and facilities provided to prevent mud being carried onto the public highway by lorries leaving the site.

Reason: In the interest of highway safety in accordance with Policy 12 (Managing traffic) of the Hampshire Minerals and Waste Plan (2012).

Protection of the Water Environment

6. No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent) shall be discharged to any surface water drainage system.

Reason: To prevent pollution of the water environment.

7. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment.

8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the separator. Soakaways shall not be located on areas identified as contaminated land. All surface water from roofs shall be piped to an approved surface water system using sealed downpipes. Open gullies shall not be used.

Reason: To prevent pollution of the water environment.

9. Drainage from the areas of waste storage shall be in accordance with the details approved 28/1/04 and drawing P100C. Drainage from waste storage areas shall not be discharged to any watercourse, surface water sewer or soakaway.

Reason: To prevent pollution of the water environment.

Noise, Dust and Odour

10. The Environmental Management Scheme for the control of noise and odour, approved 10/6/05, shall be implemented as approved for the duration of the sites operation.

Reason: In the interests of local amenity.

Landscape

11. The areas of hardstanding shall be in accordance with details approved 28/1/04 and shown on Drawing P100C.

Reason: To protect trees to be retained.

12. Those trees within Burrows Copse proposed to be retained shall not be felled, topped, lopped, uprooted or destroyed without the prior written consent of the Waste Planning Authority. Any trees removed without such consent or becoming seriously diseased shall be replaced by the end of the first planting season following their removal with trees of such size and species as may be agreed by the Waste Planning Authority in writing.

Reason: In the interests of local amenity.

Plans

13. The development hereby permitted shall be carried out in accordance with the following approved plans: **VES/P/NET/001, VES/P/NET/002, C788/1**

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

Note to Applicants

1. In determining this planning application, the 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 (2018), 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