

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	18 March 2020
<b>Title:</b>	Variation of conditions 5, 11 & 18 of planning permission 51471/003 to allow for restricted night-time activities including importation of road planings at Unit 5-6 Waterbrook Estate, (formerly referred to as Unit 7), Waterbrook Road, Alton GU34 2UD (Application No. 51471/007 Site Ref: EH156)
<b>Report From:</b>	Head of Strategic Planning

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### Recommendation

1. That, subject to all parties entering into a Section 106 Agreement with the County Council to secure the routing of out of hours Heavy Good Vehicle movements to and from the site, the Director of Economy, Transport and Environment be authorised to GRANT permission subject to the conditions listed in integral appendix A.

### Executive Summary

2. The proposal is for variations to Conditions 5 (Operating times), 11 (Dust and noise management) and 18 (Materials permitted) of Planning Permission [51471/003](#) to allow for the importation of road planings, and the night-time importation and exportation of waste at the existing Waste Recycling Centre at Unit 7 Waterbrook Estate, Waterbrook Road, Alton GU34 2UD. It comprises the following:
  - variation of Condition 5 (Operating times) (changed to 6) to allow for 12 HGV movements to and from the site, of the existing 612 limit stated by Condition 20 (HGV movements) (changed to 22), to occur outside the existing operating hours of the site, and therefore, allow for limited night time operations to occur at the site;
  - variation of Condition 11 (Dust and noise management plan) (changed to 12) to allow for the approval of a revised Dust and Noise Management Plan for the site; and
  - variation of Condition 18 (Materials permitted) (changed to 19) to allow for the addition of road planings to the list of waste types accepted at the site.
3. The proposed development includes:
  - 10 HGV movements to and from the site outside of the approved operating hours to enable the importation and tipping of road planings;

- 2 HGV movements to and from the site outside of the approved operating hours to enable the drop off and collection of a preloaded trailer; and
  - Limited on-site operations associated with the above HGV movements to include no additional lighting and limited to that defined in the application.
4. A variation to the above three conditions was previously sought (application 51471/006) and refused on 31 July 2018. This was subsequently the subject of an appeal by the applicant which was dismissed on 29 August 2019 (APP/Q1770/W/18/3217698). The Inspector's reason for dismissal was that without an HGV routing agreement in place the proposal would be harmful to the living conditions of neighbouring residents as a result of vehicle noise during the night time working. This decision and the Inspector's conclusions are important and significant material considerations in the determination of the application.
  5. The applicant has submitted with this planning application a draft copy of the Section 106 paperwork relating to a routing agreement.
  6. A committee site visit took place on 16 July 2018 for application 51471/006. No committee site visit took place for this application, 51471/007.
  7. The application is being considered by the Regulatory Committee, as the Minerals and Waste Planning Authority considers the case to have sufficient public interest to merit determination at Regulatory Committee.
  8. Key issues raised are:
    - the impact of the proposal on the living conditions of neighbouring residents, in terms of noise and disturbance;
    - the impact of light pollution and visual impact on amenity and landscape from night-time operations;
    - dust and noise management at the site;
    - the importation and storage of road planings at the site; and
    - provision of waste transfer and storage for highways works, located on the Strategic Road Network.
  9. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#) and an environmental statement has not been submitted.
  10. It is considered that the proposal would be in accordance with the relevant policies of the adopted [Hampshire Minerals and Waste Plan](#) (2013) [HMWP], in that it provides a suitable location to support highways works in Hampshire through the transfer of road planings to an existing Waste transfer facility located on the Strategic Road Network in a central Hampshire location. It is considered that the proposal's benefits in providing this facility for road planings outweighs the impacts to neighbourhood

amenity and the environment within the site's context on an existing industrial estate adjacent to a residential area of Alton along the Strategic Road Network.

11. It is considered that the proposed development for 12 HGV movements per night, when considered with the proposed mitigation, subject to conditions and legal agreement, has been demonstrated to not cause a significant adverse impact on public amenity, noise or light pollution, or to highway safety or amenity.

## The Site

12. The application relates to a 2.2-hectare site within the Waterbrook Industrial Estate, within the settlement boundary on the eastern edge of Alton. The site was previously part of the adjacent Alton Sewage Treatment Works and is currently used as a Waste Transfer Station [WTS]. The site is a safeguarded aggregates recycling site in the [Hampshire Minerals and Waste Plan \[HMWP\] 2013](#). The area is allocated as existing employment land (CP4 - Existing employment land) in the [East Hampshire Local Plan Part 1 \(Joint Core Strategy\) \(2014\)](#).
13. The site is surrounded by industrial and commercial land uses with the remaining operational waste water treatment works to the north-east of the site. Mill Lane Industrial Estate is 100 metres [m] to the north-west, Alton Household Waste Recycling Centre [HWRC] is 40m to the west, and Alton Business Centre and Omni Business Centre are 150m and 90m respectively to the south-west of the site. Kendall Bros, Waterbrook concrete batching site is located on the northern boundary of the site. The site is secured by way of metal palisade fencing along the boundary and gates. Both the Alton HWRC and the Kendall Bros Waterbrook concrete batching site are both safeguarded in the HMWP (2013).
14. The site is located within the Townscape Character area of Alton in the [Hampshire Integrated Character Assessment](#). It sits in the area of ALT03 Industrial Estate and Business Park. This is a large, fragmented industrial area and retail park to the south-eastern edge of the town, following the line of the valley and the railway. There are small-, medium- and large-footprint buildings set on a series of small skewed grids. Buildings are functional, generally offering large blank facades to roads. There is a mix of low-key manufacturing and storage facilities with some retail and a food store.
15. The nearest residential properties to the application site boundary are elevated, over-looking properties 230m west of the site, on Wilsom Road. Lynch Hill Cottage is 260m to the north on Waterbrook Road. This property is set back from the Waterbrook Industrial Estate and is closest to the immediate access route for HGVs travelling to and from the site. There is also a large cluster of housing 500m to the south-west located south of Ashdell Road and west of Wilsom Road.

16. The site lies approximately 1.8 kilometres (km) to the north and west of the South Downs National Park.
17. Caker Stream borders the site from the north-west to the south and is separated from the site by a vegetated bank (in the form of a steep sloped bund of around 4m in height), metal palisade fencing and trees. Caker Stream is a chalk stream and is identified as a Biodiversity Action Plan Priority Habitat. Along the southern boundary of the site is a designated woodland improvement area and beyond this is a priority Habitat of Flood Plain Grazing Marsh. The western edge of the site falls within Flood Zone 2.
18. The site is bordered to the south-east by the A31, categorised in the HMWP (2013) as part of the [Strategic Road Network](#). This road has mature trees along each side. Access to the site is gained from Waterbrook Road, which in turn joins the B3004, Mill Lane. The B3004 runs north-east to join the A31 approximately 800m to the north-east of the site. The B3004 also runs south-west into the residential area around Mill Lane, Ashdell Road and Wilsom Road.
19. The western stretch of the Public Right of Way (PROW) footpath known as Alton, Route Number 40, is 140m to the south of the site. The eastern element which crosses the Caker stream is known as Worldham, Route number 26.
20. The approved working hours for the site are set out in Condition 5 of Planning Permission [51471/003](#). These are Monday to Saturday between 0700 and 1800 with no working on Sundays or recognised Public Holidays. The site currently operates with Condition 20 (Vehicle movements) of Planning Permission 51471/003 limiting HGV movements to and from the site to 612 per week.

## Planning History

21. The planning history of the site is as follows:

Application no.	Location	Proposal	Decision Date
<a href="#">APP/Q1770/W/3217698</a>	Unit 7 Waterbrook Estate, Waterbrook Road, ALTON GU34 2UD	Appeal of decision 51471/006 for Variation of conditions 5, 11 and 18 of planning permission 51471/003 to allow for importation of road planings and the night-time importation and exportation of waste	Dismissed 29.08.19

<a href="#">51471/006</a>	Unit 7 Waterbrook Estate, Waterbrook Road, ALTON GU34 2UD	Variation of conditions 5, 11 and 18 of planning permission 51471/003 to allow for importation of road planings and the night-time importation and exportation of waste	Refused 31.07.18
<a href="#">51471/005</a>	Unit 7 Waterbrook Estate, Waterbrook Road, Alton GU34 2UD	Variation of condition 5 of planning permission 51471/003 (to extend the operational hours to 24 hours, 7 days per week for HGV movements and associated loading shovel for the importation of road planings)	Withdrawn 19.01.2018
<a href="#">51471/003</a>	Hutchings & Carter Yard, Waterbrook Road, Alton GU34 2UF	Variation of conditions 3 (Site Layout) and 18 (to allow storage of wood) of planning permission 51471/002	Granted 29.09.16
<a href="#">33089/032</a>	Hutchings & Carter Yard, Former Sewage Works, Waterbrook Road, Alton Hampshire GU34 2UD	Change of use (with associated building modifications) from existing builders storage depot to a waste recycling facility to accept and process commercial and industrial waste (including the use of a waste picking station and trommel) on industrial land at the former sewage works off Waterbrook Road, Alton	Granted 23/01/2013
<a href="#">SCR/2011/0226</a>	Alton Recycling Centre, Waterbrook Road, Alton	Waterbrook Road, Alton Screening Opinion: Proposed change of use (with associated building modifications) to skip waste recycling facility to accept and process commercial and industrial skip waste	EIA not required 15/11/2011
<a href="#">51471/002</a>	Former Sewage Works, Waterbrook Road, Alton, Hampshire	Retention of Waste Recycling Centre for construction & demolition waste to include a lightweight structure, landscaped bund, parking and associated plant and machinery	Granted 11/04/2011

22. The site currently has planning permission for the following waste uses:
- [33089/032](#) - Commercial and industrial waste (non-hazardous waste arising from the activities of wholesalers, catering establishments, shops and offices such as metals, plastic, wood, paper, card, black bag waste) processing and transfer, granted by Hampshire County Council as Minerals and Waste Planning Authority [MWPA]; and
  - [51471/003](#) - Construction and demolition waste (non-inert rubble, concrete, soils and stone, and wood waste) processing, crushing, screening and transfer, granted by Hampshire County Council as MWPA.
23. In addition to the above, the application site has a number of existing planning permissions for business uses (B1, B2 and B8) granted by East Hampshire District Council. These are:
- [33089/28](#) – Office facilities used by the WTS; and
  - [33089/24](#) – retained permission for the site security fencing.
24. In accordance with Policy 26 (Safeguarding – waste infrastructure) of the HMWP (2013), the site is safeguarded as a Waste Transfer Station.

### **The Proposal**

25. The proposal is for variations to conditions 5 (Operating times), 11 (Dust and noise management) and 18 (Materials permitted) of Planning Permission [51471/003](#) to allow for the importation of road planings, and the night-time importation and exportation of waste at the site:
- variation of Condition 5 (Operating times) to allow for 12 HGV movements to and from the site, of the existing 612 limit stated by Condition 20 (Vehicle movements), to occur outside the existing operating hours of the site, and therefore, allow for limited night time operations to occur at the site;
  - variation of Condition 11 (Dust and noise management plan) to allow for the approval of a revised Dust and Noise Management Plan for the site reflecting the proposed night-time activities; and
  - variation of Condition 18 (Materials permitted) to allow for the addition of road planings to the list of waste types accepted at the site.
26. These variations are to enable restricted night-time activities at the site comprising two activities:
- Activity 1 - Importation of Road Planings; and
  - Activity 2 - Exportation of construction and demolition waste and importation of hard-core/crushed concrete.
27. These activities are described in detail further below:
- Activity 1 - Importation of Road Planings:
- the delivery of a maximum of five loads of road planings per night, equal to 10 HGV movements;

- each truck would deliver and unload the planings in the bays shown on the Proposed Site Layout drawing, reference 002 rev 3;
- the imported material would then be processed the following day during the permitted site operating hours; and
- no plant other than the HGVs would be used on site outside of the current permitted operating hours (0700-1800, Monday to Saturday).

Activity 2 - Exportation of construction and demolition waste and importation of hard-core/crushed concrete:

- one pre-loaded (during the permitted operating hours) outbound trailer of construction and demolition waste will be parked as shown on the Proposed Site Layout drawing, reference 002 rev 3 (Trailer location 2) ready to be collected;
  - one HGV with a trailer loaded with hard-core/crushed concrete to access the site outside of the permitted operating hours. It would then drop off its trailer in the vacant Trailer location 1 space (on Proposed Site Layout drawing, reference 002 rev 3 see dwg 002 Rev3) and would then disconnect from this trailer and connect with the pre-loaded outbound trailer and depart the site outside of the permitted operating hours; and
  - the imported trailer would then be emptied the following day during the permitted site operating hours (0700-1800, Monday to Saturday).
28. The proposed activities result in a total of 12 HGV movements per night outside of the permitted site operating hours of 0700-1800, Monday to Saturday. These movements are stated as being included in the site's current limit of 612 movements in any one week as conditioned by Condition 20 (Vehicle movements). The following mitigation measures and operational restrictions are proposed to address residential amenity:
- no fixed plant will be operating during the evening. There will be no loading shovel operations between 1800 and 0700;
  - all vehicles entering and egressing the site will be in "night mode", as described in the revised Dust and Noise Management Plan submitted as part of this application;
  - the amount of vehicle trips to and from the site will continue to be in accordance with Condition 20 (Vehicle movements) of planning permission 51471-002; and
  - agreement to enter into a legal agreement (S106) with the MWPA to define the routing of the out of hours HGV movements to and from the site associated with the development hereby considered. This is to obligate the HGVs to travel from the site north up Waterbrook Road, north up the B3004 Mill Lane, and then to turn right directly onto the A31 during the out of hours period. This is to ensure no out of hours HGV movements through the residential area to the south of the Waterbrook Road/Mill Lane junction.
29. This application includes the following supporting documents:
- Planning Supporting Statement (Appendix 1 of the application);

- Proposed Site Layout drawing, reference 002 rev 3 see dwg 002 Rev3 (Appendix 2 of the application);
  - Noise Assessment, dated January 2018, (Appendix 3 of the application). This assesses the proposed night-time site activities;
  - an Additional noise assessment was submitted by the applicant on 27 January 2020, assessing the potential impact of the HGV movements travelling to and from the site as part of the proposed night-time activities;
  - a copy of the Noise Assessment Scope sent by the agent to East Hampshire District Council in 2017 (Appendix 4 of the application);
  - a revised Noise and Dust Management Plan dated 12 February 2020 was submitted by the applicant on 13 February 2020. This updates the Updated Noise and Dust Management Plan dated January 2018 (Appendix 6 of the application), submitted as part of the original application, by adding noise management details for the proposed night time operations; and
  - Heads of Terms and Guidance for a Section 106 agreement for HGV routing including HM Land Registry Deed for the site (Appendix 8 of the application).
30. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). The development is classified as a Schedule 2 development as it falls within Category 13 (Changes and extensions), section (b) as it is a change to a installation falling within Category 11(b) (ii) and (iii) (Installations for the disposal of waste (unless included in Schedule 1)). However, whilst being identified under the Regulations, it is not deemed an EIA development requiring an Environmental Statement.

### **Development Plan and Guidance**

31. The following plans and associated policies are considered to be relevant to the proposal:

#### **National Planning Policy Framework (2019) (NPPF)**

- Paragraph 11: Presumption in favour of sustainable development;
- Paragraph 47: Determination in accordance with the development plan unless material considerations indicate otherwise;
- Paragraph 54: making unacceptable development acceptable through conditions or planning obligations;
- Paragraph 80: Support of sustainable economic growth;
- Paragraph 82: Recognise the specific locational requirements of different sectors;
- Section 8: Promoting healthy and safe communities;
- Paragraph 107: recognise the **importance** of providing adequate overnight lorry parking facilities;

- Paragraph 108: promoting sustainable transport, safe access and mitigating impacts;
- Paragraphs 109 and 110: Only refuse development or significant highway impacts;
- Paragraph 111: provision of a travel plan and transport statement;
- Paragraph 117: promoting effective land use whilst safeguarding and improving the environment and ensuring safe and healthy living conditions;
- Paragraph 127: Good design;
- Paragraph 130: refuse poor quality design;
- Paragraph 150: Planning for climate change;
- Paragraph 175: Conserving and enhancing the natural environment; and
- Paragraph 180: Appropriate development taking into account pollution on health, living conditions and the natural environment.

### **National Planning Policy for Waste (2014) (NPPW)**

The following paragraphs are relevant to the proposal:

- Paragraph 1: Delivery of sustainable development and resource efficiency;
- Paragraph 5: Suitability criteria for new or enhanced waste management facilities; and
- Paragraph 7: Determining planning applications.

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

The following paragraphs are relevant to the proposal:

- Paragraph 007 (Self-sufficient and proximity principle);
- Paragraph 0046 (Need);
- Paragraph 047 (Expanding existing waste facilities); and
- Paragraph 0050: (Planning and regulation).

### **Hampshire Minerals & Waste Plan (2013) (HMWP)**

The following policies are relevant to the proposal:

- Policy 1 (Sustainable minerals and waste development);
- Policy 3 (Protection of habitats and species);
- Policy 8 (Protection of soils);
- Policy 10 (Protecting public health, safety and amenity);
- Policy 12 (Managing traffic);
- Policy 13 (High-quality design of minerals and waste development);
- Policy 17 (Aggregate supply – capacity and source);
- Policy 18 (Recycled and secondary aggregates development);
- Policy 25 (Sustainable waste management); and
- Policy 27 (Capacity for waste management development).

## [East Hampshire and South Downs Joint Core Strategy \(2014\) \(EHCS \(2014\)\)](#)

The following policies are relevant to the proposal:

- Policy CP20 – Landscape.

### **Consultations**

32. **County Councillor Joy:** Was notified.
33. **County Councillor Kemp-Gee:** Was notified.
34. **East Hampshire District Council:** Raises no objection to the proposed variation of conditions, subject to the Local Planning Authority (Hampshire County Council) considering the development acceptable in all other regards.
35. **East Hampshire District Council Environmental Health Officer (EHO):** Has no objection subject to the proposed varied conditions.
36. **Alton Town Council:** Has an objection due to inaccuracies in the Noise assessment, the unacceptable adverse noise impacts of night-time operations on local residents and the precedent of permitting 24 hour, 7 day a week operations in the area. The council also highlights concerns that the operator fails to comply with existing site planning conditions with regards to stockpile heights, light pollution and air quality.
37. **Worldham Parish Council:** Was notified.
38. **Binsted Parish Council:** Was notified.
39. **Kingsley Parish Council:** Has no objection subject to a condition that bans access via the B3004 (Sleaford traffic lights to Alton) for HGVs between 1800-0700 daily.
40. **Environment Agency:** Was notified.
41. **Local Highway Authority:** Has no objection subject to a legal agreement being in place to control the access route for HGVs and conditions to limit the number of HGV movements and ensure vehicles are cleaned to prevent mud and spoil from being deposited on the public highway.
42. **County Ecologist (HCC):** Was notified.
43. **Planning Policy (HCC):** Provided information on the planning context for the proposed development.
44. **Public Health (HCC):** Was notified.

## Representations

45. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
46. In complying with the requirements of the SCI, Hampshire County Council:
  - published a notice of the application in the [Hampshire Independent](#);
  - placed a total of 5 notices of the application at the application site and at key locations in the local area, and extended 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 all properties within 100 metres of the boundary of the site, as well as key residential properties in a wider area.
47. As of 14 February 2020, a total of 23 representations to the proposal have been received, including from the local district ward councillor, the Alton Ashdell Ward Residents Association and The Alton Society. There were 22 objections and one representation raising concerns. The main areas of concern raised in the objections are listed below. This list also includes concerns raised about the existing operations at the site:
  - concern over the address of the site being correct in the application. (This was checked with the agent and a copy of the Land Registry document for the site was submitted with the application – the application was re-advertised to clarify the change of address);
  - impact of noise and light pollution from night time operations on local residents;
  - inappropriate development in a mixed use area with residential and commercial/industrial uses;
  - a view that the original permission for the waste site at this location was a mistake - a view that current operation causes unacceptable noise, dust, lighting and vibration, and that the proposal would add further impacts;
  - concern over the method of the night time operations, including significant noises from banging tail plates, mechanical wheel cleaners, the noise of materials sliding down the back of HGVs;
  - concern of disturbed sleep at night from the proposed development resulting from being woken up by loud, sudden noises a number of times every night leading to sleep deprivation - citing the control of pollution act 1974 legal obligation on a local authority to protect persons in the locality from the effects of noise, and the World Health Organisation's right to a good night's sleep;
  - detrimental impact on the health of children;
  - the concern of the operation of mobile plant during the evening, in reference to the application 'No fixed plant will be operated during the evening';

- concern that this would set a precedent for 24 hour working at the Waterbrook Industrial Estate;
- the proposed location for the unloading of the road planings is at the closest point to residents on Wilsom Road, with no screening, sound or visual (single line of trees with no leaves October-May);
- suggesting conditions to have no tipping between 1800-0700, only the deposition of loaded trailers, and out of hours operations conditioned to individual campaigns with notification to local residents and EHO with noise monitoring taking place in each case;
- no benefit for the town of Alton;
- the view that this application is no different to that refused with respect to noise;
- suggestion of a trial period – temporary permission to test the proposal;
- request for a condition that the weighbridge is not used at night;
- concerns of HGV routing;
- detrimental impact to climate change;
- adverse impact of mud and spoil on the public highways from the site and this increasing with HGV traffic;
- concern that the site is a public health problem due to dust, noise and vehicle pollution, as well as amenity and mental health impacts;
- stockpile heights;
- daytime noise of concrete crushing;
- daytime noise of the weighbridge;
- that the noise assessment is misleading, as it does not consider the proposed night time operations, but only the existing operations, that it does not take into account a number of local factors, such as elevated sensitive receptors on Wilsom Road, with inappropriately located sound monitoring devices, the amphitheatre of the location, the form of the potential noises, such as banging tailgate, speed bumps, weigh bridges, wheel cleaners, etc;
- impact of pollution from increased HGV movements;
- concerns with respect to the ongoing operation of the site and that the approved noise and dust management plans are not followed. That the current site is not acceptable and so further development is also. No improvement from historic complaints about the operation of the site which continues to fail to comply with existing site planning conditions with regards to stockpile heights, light pollution and air quality;
- concern of the impact of noise and air pollution in Kingsley from night time HGV movements; and
- HGVs not being sheeted when transporting waste to and from the site.

The above issues will be addressed within the following commentary.

### **Habitats Regulation Assessment [HRA]**

48. The [Conservation of Species and Habitats Regulations 2017](#) (otherwise known as the 'Habitats Regulations') transpose European Directives into UK law.

49. In accordance with 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.
50. 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.
51. It is acknowledged that the proposed development includes environmental mitigation essential for the delivery of the proposed development regardless of any effect they may have on impacts on European designated sites.
52. The HRA screening hereby carried out by the MWPA 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**

53. Hampshire County Council declared a climate change emergency on 17 June 2019. This proposal has been considered against Policy 2 (Climate change – mitigation and adaption) of the HMWP (2013) and Paragraph 148 (supporting the transition to a low carbon future) of the NPPF (2019).
54. The application does not contain a climate change assessment and makes no specific proposals to demonstrate how its impact on the causes of climate change are minimised or how it supports the transition to a low carbon future or considers minimising energy consumption. However, considering the existing lawful activity and the minimal nature of the proposed changes the proposed scheme is considered to not have a significant contributing impact on climate change and is considered to have acceptable resilience to climate change.

## **Commentary**

### Current Site Operations

55. Public representations and Alton Town Council cite past complaints about the adverse impacts of the site's existing operations. In particular adverse

health and amenity impacts from noise and dust. Particular mention is made to the contributions by excessive stockpile heights, concrete crushing, the weigh bridge, mud and spoil on the road, sheeting on HGVs, as well as light pollution when operating during hours of darkness during the approved operating times. The current planning permission for the site, 51471/003, includes limits to stockpile heights, Conditions 4 (Site levels), 16 (Stockpile heights), 17 (Measuring poles); prevention of mud and spoil on the public highway, Condition 21 (Mud and spoil); a requirement to sheet HGVs carrying material to or from the site, Condition 13 (Sheeting of HGVs); and Condition 11 (Noise and dust management plan) states the activities shall follow the approved Noise and Dust Management Plan, dated 20 October 2016.

56. Typically, the current operation of the site is not material to the consideration for planning applications and site monitoring and enforcement action has been taken where necessary. However, in this case, firstly, cumulative impact needs to be considered and, secondly, Paragraph 6.161 of the HMWP (2013) states that *'Proposals to extend existing waste sites will only be supported where there is a good past performance of the existing operations'*.

Planning appeal decision for previous application 51471/006

57. In 2018, planning application 51471/006 for similar development was refused by Hampshire County Council Regulatory Committee for the reason that the Minerals and Waste Planning Authority considered that, on the basis of the information submitted, the proposed night time operations will result in unacceptable noise impacts to occupiers of residential property in the surrounding area, contrary to Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan 2013 and paragraph 180 of the National Planning Policy Framework 2018.
58. The applicant appealed this decision and the appeal was dismissed by the Planning Inspectorate on 31 August 2019 in appeal decision [APP/Q1770/W/18/3217698](#). The Inspector's decision can be found at Appendix D.
59. The Inspector found the main issue to be the impact of the proposal on the living conditions of neighbouring residents, in terms of noise and disturbance. The Inspector dismissed the appeal on the grounds that that they considered *'that there would be an adverse effect from night-time HGV movements without a routing agreement in place'* and that this would be harmful to the living conditions of neighbouring occupiers, contrary to Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013).
60. The Inspector considered that *'the noise assessments are conservative in their assessment of the impacts of the proposal.'* and *'On the basis of the modelling and noise assessment carried out, which I consider to be satisfactory, ...there would not be an adverse effect in terms of noise from the proposed night time use of the site.'* The inspector took the view that the

proposal would comply with Paragraph 180 (appropriate development taking into account pollution on health, living conditions and the natural environment) of the NPPF (2019).

61. Therefore, the Inspector found the principle of the development acceptable, subject to conditions and the establishment of a legal agreement to restrict the routing of Heavy Goods Vehicles travelling to and from the site, in order to avoid the most noise sensitive locations.

#### Principle of the development

62. NPPW paragraph 7 states that WPAs should 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.
63. Paragraph 47 of the [National Waste Planning Practice Guidance](#) [NWPPG] states that a WPA should not assume that because a waste disposal facility is present in a particular area, that is appropriate to add to these facilities. It is important to consider the cumulative effect of waste facilities on a community's wellbeing.
64. The Waste Recycling operations on this site have planning permissions that condition limitations to their operating times. Consultation with East Hampshire District Council confirms that the other commercial, industrial and retail activities (except for a limited number of 'live-work' units) on the Waterbrook estate do not have limitations placed on operating times by the planning system. It is established that there are no sites in the industrial estate with specific permission to carry out night time operations, however, there are no restrictions to other land uses on the industrial estate to prevent night time operations either. There are other industrial and commercial operations within the estate that carry out activities during the night-time.
65. The concept of precedent (i.e. how the grant of any individual planning permission will impact upon the grant or refusal of any future planning permissions) is not a material consideration in the determination of a planning application. Rather, each application for a proposed development should be considered on its own merits and not in view of previous permissions, nor its anticipated impact or otherwise on any future application. In this case, the applicant is required to provide sufficient information to demonstrate that their proposal for night time operations would not have unacceptable adverse impacts in accordance with the HMWP (2013). Any future planning applications on this site or in the area for night time operations would need to be determined on their own merits in accordance with the policy and material considerations relevant to those applications, for which cumulative impact and existing night time operations could be relevant.

66. It is considered that the applicant has provided sufficient information to demonstrate that the proposal is sustainable in accordance with Policy 1 (Sustainable minerals and waste development) of the HMWP (2013).

Demonstration of need and capacity for waste management

67. Policies 17 (Aggregate supply – capacity and source) and 18 (Recycled and secondary aggregates development) of the HMWP (2013) support development of infrastructure to provide supply of recycled and secondary aggregates.
68. Policy 25 (Sustainable waste management) of the HMWP (2013) supports the co-location of activities with existing operations where considered appropriate and commensurate with the operational life of the site. It states provision will be made for the management of non-hazardous waste arising that achieve at least 60% recycling and 95% diversion from landfill by 2020.
69. Policy 27 (Capacity for waste management development) of the HMWP (2013) states the need for additional waste infrastructure capacity was for non-hazardous recycling and recovery capacity in Hampshire. The policy supports proposals where they provide additional capacity for non-hazardous recycling and recovery through the use of existing waste management sites.
70. The [National Planning Policy for Waste \(2014\)](#) (NPPW) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Policy 7 of the NPPW 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 this case, the proposed development is considered consistent with the HMWP (2013) and so the applicant is not required to demonstrate market need. The site is located close to a junction of the A31, part of the Strategic Road Network as identified in the HMWP and is therefore considered to be in proximity to the waste sources and markets of Hampshire.
71. The applicant has provided information upon the benefit of the storage and transfer of road planings at the site and proposed timings of such. The applicant states that highway work typically occurs at night and on a campaign basis (a campaign refers to intense, but usually short lived, projects). A proportion of the road planings generated need to be deposited at a suitably licensed waste facility. Allowing for the night time storage of road planings at the Waterbrook Road site would enable safe, secure and licenced storage providing operational flexibility to benefit highways projects in Hampshire.
72. It is therefore considered that the proposed development is in accordance with Policies 17, 18, 25 and 27 of the HMWP (2013).

#### Potential pollution associated with the development

73. 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](#)).
74. The Environment Agency has confirmed that the site's environmental permit includes bituminous mixtures such as road planings as acceptable waste, with the exception of certain road planings, such as those containing coal tar, as these are hazardous waste. Therefore, the operator holds a permit for the importation and processing of non-hazardous road planings. The area set out for the storage of road planings, as shown on the Proposed Site Layout plan, drawing 002 rev 3, includes concrete hardstanding, physical wall containment and drainage as per the requirements for the entire site in accordance with Conditions 7 (Solids to watercourses) and 8 (Hardstanding) of the existing site planning permission [51471/003](#).
75. The site's environmental permit will control the suitability of the waste material imported to the site. Therefore, the proposal is considered in accordance with Policies 8 (Protection of soils) and 10 (Protecting public health, safety and amenity) of the HMWP (2013) with respect to ground and water pollution.

#### Highways impacts

76. 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.
77. The proposal is for 12 HGV daily movements to and from the site outside of the operating hours of the site as set in Condition 5 (Operating times) of Planning Permission 51471/003 (0700-1800 Monday to Saturday). These would travel to the A31 via Waterbrook Road and the B3004, Mill Lane. It is proposed that these HGV movements would be included in the existing HGV movement limit, 612 weekly, therefore it is proposed to retain Condition 20 (Vehicle movements) of planning permission 51471/003 with no change.
78. The Highway Authority raise no objection subject to retaining Conditions 20 (total HGV movements) and 21 (Road cleaning) of PP 51471/003 and the proposed legal agreement for routing to ensure all night-time HGV movements to and from the site travel directly to the A31 via Waterbrook Road and the B3004, Mill Lane. The applicant has submitted Heads of Terms with the application for this Section 106 legal agreement and confirms their willingness to enter into the agreement prior to the issuing of any decision. The completion of the agreement would address the Inspector's

reason for dismissing the appeal against the refusal of application 51471/006.

79. Therefore, subject to the legal agreement, it is considered that the proposal is in accordance with Policy 12 (Managing traffic) of the HMWP (2013).

#### Ecology

80. 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.
81. The County Ecologist raises no objection to this application on the basis that the development does not include any lighting. The applicant confirms the proposal includes no lighting on site, other than that on the vehicles. Condition 21 (Lighting) has been added to the proposed conditions in Appendix A of this report to secure this.
82. Therefore, it is considered that the proposed development is in accordance with Policy 3 (Protection of habitats and species) of the HMWP (2013).

#### Visual impact, light pollution and landscape

83. 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 and Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) protects residents from significant adverse visual impact.
84. Paragraph 7 of the NPPW states that Waste Planning Authority should 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.
85. The consultation response from the Environmental Health Officer [EHO] at East Hampshire Borough Council is for no objection and does not raise concern about light pollution and amenity impacts from lighting. County Ecology have no objection based on the site not being lit at night.
86. A significant number of public representations object on the grounds of the impact from lighting and visual amenity and landscape impact.

87. The site is in an elevated position that overlooks an area to the south east of Alton. It has been established in existing planning permissions that the existing waste use is acceptable in planning terms and has sufficient mitigation to its visual impact. Condition 6 (Landscape) of the existing planning permission 51471/003 requires perimeter planning in accordance with the approved Planting Plan (drawing 286-02 Rev E).
88. It is noted that the site, particularly the area proposed for the storage of road plantings to the rear of the site, is clearly visible from the elevated dwellings on Wilsom Road, implying that the existing trees and vegetation on this boundary do not supply sufficient screening to mitigate visual impact and any amenity impact from lighting during night-time activities, particularly when the trees have no leaves.
89. The night-time activities proposed does not include fixed lighting. Only vehicle lighting is to be used for the operations proposed. It is considered that improvements to the existing screening, such as improvements to the planting shown on the Planting Plan (drawing 286-02 Rev E) or fencing, on the boundary of the site facing Wilsom Road would mitigate any night-time impact of lighting on amenity and provide some general improvement to site screening.
90. Therefore, an additional condition (Condition 2 - Additional screening) is recommended to require the submission of a screening scheme to the southern end of the western boundary. Therefore, the proposal is in accordance with Policies 10 (Protecting public health, safety and amenity) of the HMWP (2013) with respect to light impact and 13 (High-quality design of minerals and waste development).

#### Impact on public amenity and health – noise

91. 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. Also, any proposal should not cause an unacceptable cumulative impact arising from the interactions between waste developments and other forms of development.
92. The [National Planning Policy for Waste \(2014\)](#) (NPPW) sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. Policy 5 sets out criteria by which Waste Planning Authorities should assess the suitability of sites for new or enhanced waste management facilities. This includes the criteria that the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential.
93. The application includes two Noise Assessments; one for the proposed night time activities on the site, and one for the sound generated by night-time

HGV movements to and from the site. Both noise assessments are based upon British Standard BS4142:2014, which is recognised by the MWPA and the EHO as an acceptable standard to consider the impacts of noise for minerals or waste developments.

94. The consultation response of the East Hampshire District Council Environmental Health Officer (EHO) raises no objection. The EHO is satisfied that the noise assessments demonstrate that the proposed development will not have a significant detrimental impact on night-time health and amenity of local residents.
95. Alton Town Council and a number of public representations also raise concern about the robustness of the noise information provided in the application in their objections. The majority of public representations object on the grounds of unacceptable adverse impacts to health and amenity due to noise as a result of the proposed night-time activities.
96. The same noise assessments have been submitted for this application as for the previous application 51471/0006. The Planning Inspector's comments about the noise issue in the appeal decision [APP/Q1770/W/3217698](#) (Appendix D) are:
  - that both noise assessments, for HGV movements to and from the site and the onsite activities are conservative;
  - that the locations of the sensitive receptor locations for the on-site assessment were approved by the Local District Council EHO;
  - the model used is a recognised industry standard one for uses such as that proposed;
  - the assessments take account of the local topography and weather conditions, including wind direction;
  - as required by BS4142:2014, penalties (weightings) were included in the assessments to take into account the specific character of some of the noises which would be expected as part of the proposal and (the Inspector) considers these allowances to be appropriate;
  - the results of the noise survey show that for evening activities the rating level at the receptors is predicted to be below the measured daytime background sound levels;
  - when examined under British Standard BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, the daytime assessment shows that the predicted noise level would be less than 10dB and would not contribute to the overall daytime noise environment at the nearest sensitive receptors;
  - the results of the survey for the night-time activities is -1 dB (A). BS4142:2014 says that this equates to having a low impact, where there would be no observed effect on health or quality of life as a result of the proposal.;
  - the night time assessment for BS8233:2014 uses the World Health Organisation limit for sleeping in a bedroom, of 30dB, with the window open, using the standard 15dB attenuation. The noise levels recorded

were all below 30dB. The Noise Policy Statement for England as referenced in the footnote to paragraph 180 of the NPPF (2019), states that noise is a subjective matter and sets out a framework for assessment based on the perception of noise. Based on the changes shown on BS4142:2014 this would result in there being No Observed Effect Level (NOEL) at the nearest sensitive receptors. Therefore, the proposal would comply with paragraph 180 of the NPPF; and

- on the basis of the modelling and noise assessment carried out, which (the Inspector) considers to be satisfactory, as does the Environmental Health Department of the local District Council, there would not be an adverse effect in terms of noise from the proposed night-time use of the site.

97. The Inspector's conclusions on the merits of the proposal are an important material consideration that should be given significant weight in the determination of this application.
98. The application makes reference to all vehicles operating as part of the proposed night-time activities will be in 'night mode'. A revised Dust and Noise Management Plan, dated 12 February 2020, was submitted by the applicant on the 13 February 2020. This revision from the original submitted as part of this application was to provide the definition of 'night mode' in section 2.1. Night Mode is:
  - all HGV drivers will be briefed on night-time working activities which will ensure the following:
    - operators will not slam doors;
    - no trailers are to be 'banged out' to clear remaining material;
    - all tailgates shall be fitted as to not 'bang' upon closing;
    - engines will not be left idling; and
    - drivers will be courteous and diligent in their activities;
  - weighbridge and wheel cleaning equipment will not be used at night (any unexpected mud or debris on the highway will be cleared immediately the following working day); and
  - vehicles are to be switched to night mode – i.e. no audible reversing alarms will be used.
99. Many of the public representations refer to behaviours that are addressed by this definition of night mode. Conditions 12 (Dust and Noise Management Plan) and 13 (Vehicle reversing alarms) proposed in Appendix A of this report condition the proposed development to be carried out in accordance to the Dust and Noise Management Plan and therefore 'night mode'.
100. It is the view of the East Hampshire District Council EHO and the Planning Inspector that the noise information provided to support the application is suitably robust and sufficient to demonstrate the potential impacts of the proposed development. It is therefore considered that the application sufficiently demonstrates that no significant adverse noise impact will occur. It is therefore considered that the proposed development is in accordance

with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013).

### Dust and Noise Management

101. The application seeks variation of Condition 11 (Dust and noise management plan) of Planning Permission [51471/003](#) in order to have the submitted Revised Dust and Noise Management Plan, dated 25 January 2018, replace the original Dust and Noise Management Plan by Hutchings and Carter Ltd., dated 20 October 2016. The original Plan was approved by the WPA on 29 September 2016 following submission by the operator for discharge of Condition 11. Through the determination process, it was identified that a definition for 'night mode' was required to be included in the Dust and Noise Management Plan. Therefore, a revised Dust and Noise Management Plan, dated 12 February 2020, was submitted by the applicant on the 13 February 2020 to include this.
102. The proposed revisions to the Dust and Noise Management Plan are therefore solely to include in the Plan the proposed night time activities hereby considered. The proposed operation to pour, store and load road planings is not considered to cause any significant dust issue and would be satisfactorily covered by the proposed Dust and Noise Management Plan. The document clearly highlights the revisions proposed and these raise no issues for the EHO.
103. With respect to odour, the proposed addition of road planings to the waste types imported to the site does not have any odour impacts associated with it.
104. Therefore, it is considered that the Revised Dust and Noise Management Plan is in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) and is recommended for approval.

### Conclusions

105. It is considered that the proposal would be in accordance with the relevant policies of the adopted Hampshire Minerals and Waste Plan (2013), in that it provides a suitable location to support highways works in Hampshire through the transfer of road planings to an existing Waste Transfer Facility located on the Strategic Road Network in a central Hampshire location. It is considered that the benefits of providing this facility for road planings outweighs any limited impacts to neighbourhood amenity.
106. It is considered that the proposed development for 12 HGV movements per night, when considered with the proposed mitigation, subject to conditions and the completion of the Section 106 agreement, would not cause an unacceptable adverse impact on public amenity, noise or light pollution, or to highway safety or amenity:
  - the applicant has provided sufficient demonstration to be considered in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) with respect to noise, lighting, dust and odour;

- the proposal is considered in accordance with Policy 12 (Managing traffic), subject to the completion of the Section 106 agreement to control the route of HGV to and from the site out of the conditioned working hours to prevent night time HGV movements through residential areas;
- the application is considered in accordance with Policies 3 (Protection of habitats and species) and 10 (Protecting public health, safety and amenity) of the HMWP (2013) with no inclusion of any site lighting as part of the proposed development; and
- the site is on the Strategic Road network, and so in principle, is considered suitable for additional development, such as this, in order to sustainably support Hampshire's provision of waste facilities in accordance with Policies 17 (Aggregate supply – capacity and source), 18 (Recycled and secondary aggregates development), 25 (Sustainable waste management) and 27 (Capacity for waste management development) of the HMWP (2013).

### **Recommendation**

107. That, subject to all parties entering into a Section 106 Agreement with the County Council to secure the routing of out of hours Heavy Good Vehicle movements to and from the site, the Director of Economy, Transport and Environment be authorised to GRANT permission subject to the conditions listed in integral appendix A.

### **Appendices:**

- Appendix A – Conditions
- Appendix B1 and B2 – Site Location Plans
- Appendix C – Proposed Site Layout Plan, drawing 002 rev 3
- Appendix D – Appeal decision report APP/Q1770/W/3217698.

Other documents relating to this application:

<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=20852>

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	No
<b>People in Hampshire live safe, healthy and independent lives:</b>	No
<b>People in Hampshire enjoy a rich and diverse environment:</b>	No
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	No
<b>OR</b>	
<b>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</b>	
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.	

**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

51471/007

Hampshire County Council

EH156

Unit 5-6 Waterbrook Estate, Waterbrook Road,  
Alton GU34 2UD

(Variation of conditions 5, 11 & 18 of  
planning permission 51471/003

## **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.