

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	27 April 2011
Title:	Use of Industrial Building (Class B2) as a Sustainable Waste Materials Recycling Facility (Class B2) together with associated Vehicle, Plant and Containers Storage at Clarks Farm, Reading Road, Yateley, Hampshire GU17 0DP. (Application No: 10/00811/CMA) (Site Ref: HR100)
Reference:	2896
Report From:	Head of Planning and Development

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1. Executive Summary

- 1.1. This report considers an application for the use of an existing large main building as a sustainable waste materials recycling facility together with associated vehicle, plant and container storage in the surrounding yard area at Clarks Farm, Reading Road, Yateley, hereinafter referred to as 'the site'.
- 1.2. The site has a complex planning policy history and the proposal is a sensitive issue locally.
- 1.3. The site extends across approximately 3.6 hectares of previously developed land comprising one large main building used as a materials, machinery and plant store, together with a number of smaller buildings used as offices, vehicle workshop and stores. A small area on the eastern edge of the site is also leased to a local landscape contractor (one man business). There are concrete hardstandings to the south and east and permeable hardstandings to the west. It is accessed off the Reading Road at Yateley, to the south of which lies Potley Primary School and Frogmore Community College. Countryside in the applicants control, comprising of fishing lakes (used by a private fishing club) , borders the site to the north, whilst pastureland borders the site to the west. The nearest houses are located adjacent to the site at Sydney Loader Place and are separated from the eastern boundary by an access track to the fishing lakes, owned by the applicant and a private property to the east of the access gate, Yew Tree Cottage, which is locally listed. Clarks Farmhouse, a Grade 2 listed building to the west of the access gate, is owned by the applicant and inhabited by the site manager.

- 1.4. The site commenced use in the late 1960s and continued until around 2001 as a mushroom compost facility under a Hart District Council permission. This permission restricted the use of the large building on the site to mushroom composting only. This use created odour issues. It is understood the building and yard were used for composting but with complaints about odour, the composting stopped in the yard and moved into the building although this was understood to be open on all sides and eventually the use ceased in 2001. It is estimated at its peak the site and the building together would likely have been able to compost approximately 400 tonnes of mushroom compost a week. It is understood that mushroom compost is quick to produce over a short period of around 16 days. The site is currently used by the applicant to store skips and plant, machinery and lorries relating to the company's existing waste business. The site has also been used for the deposition and shredding of wood waste understood to be from a demolished timber site office, and soil screening (which was brought to the County Council's attention around two years ago). This instigated discussions with the applicant about this current application which is accompanied by an Environmental Statement.
- 1.5. The site which is within a strategic gap is identified as being suitable for redevelopment for class B1 office use in the current Hart District Local Plan (replacement) 1996-2006 incorporating First Alterations (Policy ALTDEV17). This is a Clarks Farm site specific policy stating that if the site is redeveloped it shall be to Class B1 or other similar employment use.
- 1.6. The following key issues are raised by the application:
- (i) policy and planning status;
 - (ii) need;
 - (iii) highway safety;
 - (iv) amenity;
 - (v) pollution/groundwater;
 - (vi) listed buildings/conservation area;
 - (vii) nature conservation/ecology; and
 - (viii) landscape.
- 1.7. A total of 351 objections have been received to the proposal from 295 individual parties including residents, Parish Councils and local societies. The pre-dominant number of objections are from local residents who are also parents of children that attend nearby schools and colleges and whom cross the road near the site access and cycle or walk past the site access on their way to and from school. There is a stepped bridge also used by those without

cycles, wheelchairs or prams that links the southern and northern sides of Reading Road near to the school opposite the site.

1.8. It is considered that the proposal does not conflict with First Alterations policy ALTDEV17 of the Hart District Local Plan (Replacement) 1996-2006 ('HDLP') as the proposal is not for redevelopment of the site and it is considered the policy does not preclude the granting of planning permission for a change of use to a use that is not Class B1 employment. It is also considered the site is on land considered suitable for waste management uses as it uses previously developed land (DC13), in particular an existing large building previously used for mushroom composting; has suitable access to the minerals and waste lorry route (DC6); provides additional sustainable waste management capacity (DC1, S1, S5) the proposals provide landscape screening (DC3), address historic heritage (DC4) and biodiversity (DC2, DC7); flood risk is acceptable (DC11) and amenity impacts are within accepted standards (DC8). It is considered therefore that on balance, taking all matters into account, the sustainable proposals comply with Hampshire Minerals and Waste Core Strategy policies and is recommended for approval subject to conditions and a section 106 agreement securing a public footpath link along the River Blackwater..

2. Site and proposal

- 2.1 The site extends across approximately 3.6 hectares of previously developed land including one large main building and a number of smaller buildings used as offices and stores and a large concrete hardstanding accessed off Reading Road at Yateley.
- 2.2 The large main building on the site is currently being used for storage of chipped wood, understood to have resulted from the demolition of an old wooden office on the site. The building also currently houses some glass, vehicles and machinery.
- 2.3 The external yard is currently being used for storage of vehicles, plant and inert materials. A small landscape firm, independent of the applicant's activities, currently operates in a low key way from the site.
- 2.4 To the west of the main building an area of the land within the site (which is also classified as an historic inert landfill site which was licensed in 1984) is used for storage of skips and containers. The western site boundary takes the line of the stream and an associated 'pond' formed by minor partial damming of the watercourse. The pond contains carp.
- 2.5 The nearest residential property, as shown on the attached plan, fronts the site on its southern boundary due west of the site access, where Clarks Farmhouse, a Grade II listed building, is located. The Farmhouse is owned by the applicant and occupied by the site manager. Due east of the site access is Yew Tree Cottage which is locally listed.

2.6 Other houses are adjacent to the south-east corner of the site just off Darby Green Lane and off Sydney Loader Place to the east. Sydney Loader Place is separated from the eastern boundary of the site by a private track way. The boundaries of these properties are within approximately 10 metres of the existing operational eastern site boundary and the houses approximately 20m from the existing operational site (and approximately 100metres from the large main building on the site.).

2.7 The key constraints for this site, as shown on the attached plan, are listed below:

- (i) part of the very southern boundary of the site lies within a Conservation Area as defined in the Hart District Local Plan (2006). The Grade II listed building Clarks Farmhouse and the locally listed Yew Tree Cottage lie within this Conservation Area;
- (ii) Darby Green Meadows Site of Importance for Nature Conservation (SINC) is located 250 metres away;
- (iii) Darby Green lakes (SINC) is located adjacent to the site;
- (iv) Blackwater Valley Site of Special Scientific Interest (SSSI) is 450 metres to the north east;
- (v) Castle Bottom to Yateley and Hawley Commons (SSSI) and Special Protection Area (SPA) are 530 metres south-east;
- (vi) Blackwater River - over 200 metres to the north;
- (vii) Blackwater River tributary is within the site (untouched by the proposal) and approximately 50 metres west of main building;
- (viii) the site is accessed from the B3272;
- (ix) residential properties are nearby to the east on Sydney Loader Place, Darby Green Lane and to the west there are the properties of Potley Hill Road and Ashfield Green;
- (x) Pothill Primary School and Frogmore Community College are located to the south and opposite the site accessed off the B3272;
- (xi) Local Gap - the strategic gap policy in the former superseded Hart District Local Plan (Replacement) (1996-2006) is 'saved' as part of the development plan;
- (xii) a public footpath traverses alongside part of Darby Green Lane and Swan Lane to the north-east linking with the River Blackwater. Other footpaths are located as shown on the attached plan; and

(xiii) a disused section of public highway that fronts the site is used as a cycleway, particularly by children at the local school and college, who cross the road to join it and then travel across the site entrance. This area is also used as an 'informal' ad-hoc parking and pick up point by parents collecting their children from the school and college.

3. The Proposals

- 3.1 The proposed MRF would recover and recycle construction, demolition, industrial and commercial waste and the waste materials would typically include concrete, brick, soils, timber, plastic, metal and glass. It is estimated that around 50,000 tonnes per annum (tpa) would be processed at the site.
- 3.2 A limited number of white goods would be imported to the site but not processed, as they would be transferred to another site for onward disposal. There would be plant within the building including a wood chipper and paper shredder. A total of 28 staff would be employed including 12 drivers. Vehicle movements associated with the waste operation would amount to approximately 58 movements per day (29 in and 29 out) associated with the waste operation, and staff vehicles would create approximately 44 movements per day (22 in and 22 out). The applicant states that the majority of vehicles would leave the site prior to the peak period and school drop off and collection times. Typically most HGVS would leave around 7am for collections particularly those to schools and other public buildings, where contract requirements stipulate collection of skips and bins outside these times. Movements would then be spread relatively evenly throughout the day, avoiding wherever possible peak periods and school pick up.
- 3.3 Minor junction amendments and verge build out at the entrance to the site, are proposed to provide improvements to forward visibility of children and cyclists using the cycleway and roadway. This would be in addition to the speed ramp and stop signage at the site entrance.
- 3.4 The site would not deal with food, catering or hazardous waste and that the nature of the wastes handled would be controlled by an Environmental Permit granted and monitored by the Environment Agency.
- 3.5 It is stated that the facility would serve a radius of 20 kilometres to 30 kilometres (15 to 19 miles).
- 3.6 Operationally it is proposed that the waste management uses would be located under cover within the large main building to allow for noise, dust and other environmental controls. Container and skip storage and HGV/Vehicle parking would be to the west of the building. Lorries importing waste would access and deposit loads from the western elevation which would be left open and not clad. The eastern elevation would be clad except for four material discharge points where soils, screened material and wood chip would be removed from the building by chutes forming stockpiles up against the eastern

building elevation. Some of the existing roof panels would be replaced but no change is proposed to the size or height of the building.

- 3.7 The initial proposal for a four metre high fence along the eastern boundary of the site reducing to three metres at the northern end has been revised to increase the distance between the site and the nearest properties on Sydney Loader Place by about 13 metres and so reduce the operational footprint of the site. The nearest residential properties to the existing eastern operational site boundary are approximately 20m from the site but with the proposed landscaping would be approximately 33 metres from the operational site. The nearest properties are approximately 100 metres from the large main building on the site. A landscaped bank rising to 4m (with a 1 in 3 slope) is proposed along the eastern site boundary. This is in addition to the existing landscaped verge to the adjacent track way. The purpose is to provide acoustic, dust and landscape protection to residents and increase biodiversity. A 2m high earth bund/graded slope would extend along the northern boundary and be planted with appropriate native species. Additional planting on land within the applicant's control just north of the northern boundary could be carried out. A woodland management scheme is proposed to ensure that the native woodland edge to the eastern site boundary, outside of the application site but in the applicant's control, would be managed for biodiversity and to ensure this visual screen remains. Additional planting is also proposed within the site to the north of Yew Tree Cottage, and to the north, west and east of Clarks Farmhouse to improve the setting of the listed buildings and enhance the conservation area. A triangular area of landscaped ground is also proposed on highway land just outside the access gates to steer children and users of the disused highway away from the site gates giving lorries exiting the site and people crossing the site gates, more time to see each other.
- 3.8 The large main building would remain enclosed on the northern end, enclosed on the eastern elevation, and predominantly open on the western elevation. The southern elevation would remain open.
- 3.9 The attached 'zoning plan' demonstrates what uses would be taking place at what locations across the site. The only lorry activity that would taking place to the east would be to pick up materials stockpiled against the eastern elevation via the chutes through the side elevation. The remaining area between the eastern elevation and the eastern site boundary would be used for offices, storage of plant and machinery. It would not be used for skip or container parking.

4. Planning History

- 4.1 The site was granted outline planning permission in 1963 for the construction of a Mushroom Farm comprising insulated timber buildings with concrete paths and hard standings.

- 4.2 The site was granted planning permission in 1964 for a covered area for compost production with a condition that the large main building on the site should only be used for the production of compost and for no other purpose whatsoever.
- 4.3 The wider site was granted planning permission in 1968 (68/04688/H4) for laying of concrete hard surfacing for the manufacturing of mushroom compost with a condition that no oil, effluent or other injurious matter should be discharged into any watercourse. Beyond that there were no restrictions to the use.
- 4.4 There have been various District Council permissions for small buildings on the site.
- 4.5 The contention of the applicant is that the site has a Class B2 general industrial use but the use is restricted within the large main building to the production of compost. However, an application for a Certificate of Lawful Development or Use (01/01027/LDCEX) for existing use within Use Class B2 – (General Industrial) and for proposed use within Use Class B1 – (Business) was withdrawn in 2001.
- 4.6 An application for B1 offices (with revised access to Reading Road) was dismissed on appeal in June 2001 (99/01152/OUT). This decision was upheld in the Court of Appeal (2002) EWCA Civ 1737 in November 2002.
- 4.7 Further appeals following refusals of applications for residential development (03/01930//MAJOR (full) and 03/01974/MAJOR (outline) and offices (02/01040/FUL) were all withdrawn.
- 4.8 Following the First Alterations to the Hart District Local Plan Examination in Public, the Planning Inspector, in his report recommended Policy ALT DEV17 to be amended to read - the site is considered suitable for redevelopment for Class B1 employment of up to 2,500m² or other employment development with similar levels of employment.
- 4.9 The proposal is an EIA Development under the Environmental Impact Assessment Regulations 1999 as amended and an Environmental Statement has been submitted at the request of the County Council.
- 4.10 The wood waste use taking place on the site was brought to the attention of the County Council as Waste Planning Authority and resulted in this application and Environmental Statement being submitted, as discussions with the applicant revealed that whilst it was not doing anything which was unauthorised at that time, the company wished to explore wider waste and recycling uses for the site.

- 4.11 The Environmental Statement has assessed the following topic areas: Transport, Noise, Dust, Landscape, Ecology, Flood Risk, Cultural Heritage and Alternatives. The Environmental Statement concludes that, subject to mitigation measures outlined as necessary in the Environmental Statement and planning application, no significant impacts would be caused by the proposed development to the environment or to those that use the roads or live nearby.
- 4.12 The County Council sought external legal advice regarding matters relating to the planning status of the site. Generally this advice can be summarised as follows:
- The lawful use of the entire site is likely to be Class B2, including the large main building; however that building is additionally restricted within Class B2 to use for the production of compost. Any change of the use of the large main building would require planning permission.
 - Planning permission would not be needed for a change of use of any part of the wider site to another use falling within Class B2.
 - The planning application should be determined in accordance with the development plan (which means both the saved policies of the HDLP and the Hampshire Core Strategy) unless material considerations indicate otherwise.
- 4.13 Based on past appeal decisions members are advised to consider whether the development proposed in the application before the committee does or does not accord with the development plan (i.e. both the Hampshire Core Strategy 2007) and the Hart District Council First Alteration (2006). There may be some points in the development plans which support the proposal but there may be some considerations pointing in the opposite direction. There will be a need to assess all of these and then decide whether in light of the whole development plans the proposal does or does not accord with it.
- 4.14 Section 38(5) of the Planning and Compulsory Purchase 2004 Act provides, in respect of conflicts between different elements of a development plan:
- "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be)"*
- 4.15 The overarching requirement is to read the development plan (comprising both documents) as a whole, and only to depart from it if material considerations justify doing so. The County Council has been advised that there is no conflict between the provisions of the Core Strategy and the saved policies of the HDLP.

5. Development plan

- 5.1 Hampshire Core Strategy (adopted July 2007) – including policies DC1, S1, DC2, DC3, DC6, DC8, DC11, DC13, S5.
- 5.2 Hart District Local Plan (Replacement) 1996 – 2006 incorporating First Alterations policy ALTGEN17, (adopted 26 September 2007)(Clarks Farm site specific policy allocating site for redevelopment for class B1 office use or other employment development); CON19, RUR2, RUR3, GEN 1.
- 5.3 Ministerial Statement 23 March 2011 - The Minister of State for Decentralisation (The Rt. Hon Greg Clark) reports that the government seeks to make giving priority to development that supports economic recovery and sustainable growth a material Planning consideration. "The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy".
- 5.4 The Regional Spatial Strategy for the South-East Region' May 2009 - Policy W2 Sustainable Design Construction and Development.

6. Consultations

- 6.1 **Councillor Collett** raises strong objections to the planning application for a waste material recycling facility at Clark's Farm (application number 10/00811/CMA). Councillor Collett states:

"Whilst I strongly support the principles of the County Council's waste disposal strategy of Reduce, Reuse, Recycle, I believe that facilities such as this need to be located in the right place, and Clark's Farm is a totally inappropriate location."

(i) Planning History

The large building was given planning permission for the "Manufacture of custom compost for the mushroom trade" way back in 1964. The condition imposed on that permission which said that "the building shall only be used for the production of compost and for no other purposes whatsoever" was clearly intended to restrict activities here to those of an agricultural nature and not to allow permission for any wider range of uses. This was because the site lies in the narrow gap between Darby Green and Yateley and maintaining the agricultural nature of the site was vital to prevent coalescence or the impression of coalescence to be created. That situation maintains to this day.

(ii) Strategic Gap

To the east of this site Darby Green, Frogmore, Blackwater and Hawley have all been allowed to merge into one continuous urban conurbation over the years. This is often collectively referred to as "Blackwater". To the west Potley Hill and Cricket Hill have both become part of urban Yateley. The only strategic gap left to maintain any separation between the settlements of "Blackwater" and Yateley is this site on one side of the B3272 and the playing fields of Frogmore Community College on the other. That is why it is part of the Blackwater Valley Strategic Gap, which permeates along the Blackwater Valley keeping the towns of Yateley, Sandhurst, "Blackwater", Camberley, Farnborough, Aldershot, and others, separate, both maintaining their identities and preventing the creation of a soulless Blackwater Valley city. It is vital, therefore, that such a major urbanising development is not allowed, as this would effectively fill that gap.

(iii) Conflict with Residential

This is not an application for a temporary permission for a mineral extraction site. If given, this permission would be permanent. It is unbelievable, therefore, that an application should be made for such a development right next door to residential properties. People would have to live with this or it's successors for ever! To the east there is Sydney Loader Place, to the south there is Clark's Farmhouse itself plus no. 5 Darby Green Lane. To the west there are the properties of Potley Hill Road and Ashfield Green just a matter of yards away. Residents of all of these houses will be inflicted with a very antisocial neighbouring activity, for ever, and a number of these homes are listed buildings.

(iv) Clark's Farmhouse

While the improvements to the visual setting of Clark's Farmhouse are to be welcomed, anyone living in this house will still be surrounded by very antisocial activity from a residential perspective. There is nothing to say that this house could not be sold off by a future owner of this site, so the residential amenity of future occupants should not be judged on the basis of the current occupant being an employee of the site.

(v) The Bund

The very fact that such a substantial bund is considered necessary shows how inappropriate this development would be, nestled, as the site is, between two residential settlements. Originally, the applicant proposed a 4 metre high wooden fence to ameliorate the noise and visual impacts of the site and its operations, but while the bund is a big improvement it does not alter the fact that this is an attempt to squeeze a wholly inappropriate activity into the last remaining gap between two very close urban settlements. Also, the bund would be a strikingly alien feature among the flat lands of this part of the Blackwater Valley. While such a facility might be appropriate in a non-residential or rural setting to shield a temporary activity such as mineral extraction, to impose it on a permanent basis right next to housing is totally out of place.

(vi) Darby Green Conservation Area

There can be no doubt that if permission was given to this application the nature of the permitted use of this site will be changed forever. The production of compost, as an activity with an agricultural nature is one thing, but it is hard to see how a construction and demolition waste processing plant can be considered to be an acceptable neighbour to the Darby Green Conservation Area, or the listed buildings, with any credibility. There is no doubt that such a permission would almost certainly be the beginning of the end of this Conservation Area.

(vii) Traffic

Frogmore Community College, Potley Hill Primary School, Potley Hill Pre-School, Frogmore Day Care Centre, Frogmore Leisure Centre and the 8th Bramshill (Frogmore Green) Scouts are all located on the Frogmore Community Campus opposite this site. People of all ages are coming and going to the campus at all times of day and the clash with lorry traffic is already causing great concern. While bringing forward the sight lines for lorries leaving the site might help make accidents less likely, the very fact that lorries and other vehicles will be coming and going out of this site right across the children's main cycle route to school would leave us with a permanent danger. It's hard to see how parents and teachers will want to encourage their children to cycle to school if they have to negotiate this hazard every day, knowing that children often lark around on their bikes and may not always pay as much attention as they should to whether a lorry, maybe driven by someone who doesn't know the area, is coming out of the site. It only takes one mistake...

(viii) Environmental Impact

While technical experts will all have their opinions about the environmental impact of the various activities on this site, activities such as concrete crushing, sorting of metals, moving of various materials and vehicles, too little attention has been paid to these impacts. What about the noise impact of these activities on the schools over the road, for example, or on the residents of Potley Hill Road and Ashfield Green? Sydney Loader Place has, rightly, been addressed as it is so close to the site, yet even here it is now clear that the bund is not the right height to do the job.

(ix) Development Plan

The future use of this site has been a vexed issue for many years. Previous owners started making their compost out in the open, which with the effects of sun and rain created a truly awful smell which forced residents across a wide area to remain indoors, even in hot weather, with their windows shut. Then there was an outrageous application for a massive office development, which was rightly thrown out after a hard-fought appeal. That case even went to the High Court and then the Appeal Court. There was an application for massive housing development, which was also, rightly, thrown out. Following all this, Hart

District Council conducted a review of the Hart District Local Plan, which only considered three specific policies. One of these was the future of the Clark's Farm site. Out of this emerged a way forward known as policy ALTGEN17. This was considered by all - the Council, local residents and the Local Plan Inspector, to be an acceptable way forward for this controversial site. An agreed way forward at last! It would be perverse in the extreme if Hampshire County Council was now to trump this carefully-considered policy by permitting an application in such an inappropriate location, when the County Council has never before considered this site to be the right place for waste processing.

For all of the above reasons I strongly object to this application and I ask that it be thrown out.”

6.2 Hart District Council objects to all the revisions submitted with the application apart from the improvement to the setting of the listed building Clarks Farm, on the following grounds:

- (i) The proposed development is contrary to saved Hart District Local Plan (Replacement) 1996 – 2006 incorporating First Alterations policy ALTGEN17, the site specific policy of the Development Plan, which seeks to have the site developed for B1 employment uses up to 2,500 square metres or other development with similar employment levels along with various criteria. The District Council is not satisfied that there are material considerations which mean that the application should be determined other than in accordance with the Development Plan.
- (ii) The proposed development is contrary to saved Hart District Local Plan (Replacement) 1996 – 2006 incorporating First Alterations policies CON19, RUR2, RUR3 and ALTGEN17 in that it would result in a coalescence of the Blackwater Valley Strategic Gap which is designated to ensure a clear visual and physical break in the built environment. It would not bring the benefits to the Strategic Gap sought by saved policy ALTGEN17 and would be visually detrimental to the amenities of this section of countryside.
- (iii) The proposed development, with particular emphasis on the proposed amelioration measures, would be detrimental to the visual amenities of those living in the vicinity of the application site and would result in an overbearing effect. As such the proposal is contrary to saved Hart District Local Plan (Replacement) 1996 – 2006 incorporating First Alterations policies GEN1 and policies DC3, DC8 of the Hampshire, Portsmouth, Southampton, New Forest National Park Minerals and Waste Core Strategy.
- (iv) The District Council considers that it would not be possible to satisfactorily condition operations on site to avoid impacts on adjoining occupiers through unsatisfactory noise impacts, ie noise from heavy vehicles and plant operating externally, in that conditions would be unenforceable and/or would so limit the operations on site as it would effectively nullify the permission. As such it is considered that the

proposal fails the tests in Circular 11/95, paragraph 35. Without restrictions on the operations of the site the proposal is contrary to saved Hart District Local Plan (Replacement) 1996 – 2006 incorporating First Alterations policy GEN1 and policies DC3, DC8 of the Hampshire, Portsmouth, Southampton, New Forest National Park Minerals and Waste Core Strategy.

- (v) The District Council considers that the proposed amelioration measures (i.e. the bund around the western edge of the site) would be out of keeping with the landscape form of this part of the Blackwater Valley Landscape Character Area which is identified in the Hart Landscape Assessment as having gentle valley sides, often quite open in character, which form a setting for the valley floor. As such the proposal would be contrary to saved policy GEN3 of Hart District Local Plan (Replacement) 1996 – 2006 incorporating First Alterations.
- (vi) The Transport Assessment is considered to be deficient in that,
 - (a) It uses a false base, ie with the assumption that the site enjoys a beneficial use for unrestricted B2 activities. This means that the assumptions and impacts are incorrectly modelled.
 - (b) In an area acknowledged as being already so critical that vehicle movement can cease, or congestion turn into 'gridlock' at times over a significant area in that it does not model the traffic over the necessary wider area. (Hampshire County Council is referred to appeal decision reference T/APP/N1730/A/00/1052946/P6.)
- (vii) The Environmental Statement is deficient in that it does not model the effects of the development on the ecology of the area, and in particular the adjacent Darby Green Lakes Site of Importance for Nature Conservation Area, in the event of flooding run-off from the site. Using the precautionary principle this is unacceptable and contrary to saved Hart District Local Plan (Replacement) 1996 – 2006 incorporating First Alterations policies GEN1, GEN8, GEN11, CON3 and CON4 and policies DC7, DC8 and DC11 of the Hampshire, Portsmouth, Southampton, New Forest National Park Minerals and Waste Core Strategy and PPSs 9 and 25.
- (viii) The proposed development would neither preserve nor enhance the rural character and traditional form of the adjoining Darby Green Conservation Area through its scale and effects. As such the proposal is contrary to policy DC4 of the Hampshire, Portsmouth, Southampton, New Forest National Park Minerals and Waste Core Strategy, PPS5, the Planning (Listed Buildings and Conservation Areas) Act 1990 and the objectives of the 2002 Conservation Area Appraisal.

6.3 **Yateley Town Council** has considered the above planning application and objects to it for the following reasons:

- (i) There has been no prior consultation by the applicant regarding this application. The application form claims that there has but this appears to have been a discussion with two local residents as a direct result of a noise complaint they had made about the applicant to the local Environmental Health department. The 'consultation' was certainly not a formal public consultation. Reliance is made on this 'consultation' on a number of further occasions in the application including the conclusion.
- (ii) The applicant claims at 1.16 of its supporting statement that *'the application uses an existing industrial building formerly used for similar purpose'* in an attempt to argue against the need for an Environmental Impact Assessment (EIS). However, the former use of the site was the production of compost which was subsequently used for mushroom growing elsewhere and could certainly not be considered as *'similar'* to the use proposed by the applicant. The operation was basically agricultural in nature and carried out in an open ended barn and developed from the original use of the site as a farm. In the same paragraph it is explained that *'the proposed operation is likely to handle a throughput of around 50,000 tonnes per annum.'* Given the applicant's uncertainty, the differing nature of the previous and the proposed uses, and the fact that 50,000 tonnes is the threshold at which an EIS is required, the Town Council strongly believes that an EIS should have accompanied this application.
- (iii) The statement in 3.9 – *'Traffic'* that the applicant's proposed amount of 52 daily lorry movements *'is comparable (indeed is lower) than the past use of the building for commercial composting'* is strongly challenged. Previous lorry movements amounted to a much lower figure of around 5 or 6 a day and this has been confirmed by a previous employee. The impact of this significant increase in large vehicles so close to a busy three school campus is a considerable worry. The impact of the increased traffic on the adjoining conservation area and listed buildings has also not been properly dealt with. The fact that the actual area of operation is within the setting of two listed buildings has similarly not been properly addressed.
- (iv) The map accompanying the application appears to be unclear as to the extent of the applicant's control. It is understood that the ownership exists beyond the blue line shown on the plan and would allow for an alternative or additional access on to the site allowing for expansion of the proposed operation at a future date.
- (v) The Town Council is also concerned at the potential fire risk from an operation of this kind and would have expected to see this assessed in an Operating Plan for the site.
- (vi) With regard to the amended plans, the Town Council is concerned that the height of the acoustic bund is too low. The buildings in Sydney Loader Place are of an unusual design and the first floor windows are higher than anticipated by the applicant – in the original EIA and in the addendum – due to high ground floor ceilings. The applicants admits that the bund would need to be 0.5m higher than the bedroom windows - the

4m high bund proposed would therefore need to be another 1.5m high to protect the first floor bedroom windows from the noise impact of proposed operation. If kept at the same position, this would then lead to too steep an incline on the bund (1 in 3) and increased danger of wash off.

- (vii) In the addendum, the applicant confirms that the original noise assessments '*considered the very lowest noise levels recorded during our survey*'. The Town Council wishes to reiterate the admission by the applicant in the original EIA that their noise equipment failed over the planned test weekend and that the subsequent background figures (taken on a Thursday and a Friday rather than a weekend), against which their final calculations were compared, show much less difference than they would have done if the background figures had been taken at a weekend.
- (viii) It was noted that there were still three outstanding reports to come before the matter was formally considered and that there would not be time for the Town Council, or local residents, to make a professional response to these.

6.4 **Yateley Society** raises objection on the following grounds:

- (i) The Yateley Society has already written to the County Council that the Planning Application, as originally advertised in the site notice, did not include reference to the fact that the proposed site affects the settings of two Grade II Listed Buildings, and is adjacent to the Darby Green Conservation Area. They understand that proper site notices and advertising will be made, and they reserve the right to add a further objection at this later stage.
- (ii) Considering the estimated through-put of the works of 50,000 tonnes per annum, and the nature of the materials being processed, the resulting noise levels and duration will be intolerable for local residents.
- (iii) The proposed noise abatement barrier, which may or may not be adequate for purpose, would greatly curtail visibility from the closest properties, and would conflict with the character of the Conservation Area and settings of the Listed Buildings. Adequate abatement barriers, whilst being desirable to curtail noise pollution, may be completely unacceptable in terms of the requirements of the Planning (Listed Buildings & Conservation Areas) Act 1990. They propose to comment more fully at a later stage.
- (iv) The number of HGV movements estimated at 26 entering and 26 leaving the site per day represents a large increase over the numbers of movements occasioned by earlier uses of the site, and constitutes a local traffic hazard; particularly in view of the close proximity of Frogmore School.
- (v) Any EIA should include all aspects of the environment including the impact of heritage assets, and wildlife, as well as the obvious impact on

local residents and the school campus.

- 6.5 **Sandhurst Town Council** states that ‘the above application could have a significant impact on our community as the boundary of Sandhurst is very close to this site and, for this reason, we feel justified in writing to you in connection with the planning application submitted by M. Collard Waste Management. We wish to register our opposition to this Planning Application and our reasons are:
- (i) This site is designated for B1 use which represents office provision etc. In the case of waste recycling, this requires, we understand, a change to B2 designation.
 - (ii) The strategic gap between Yateley, Darby Green, Hart and Sandhurst must be maintained. It is in your hands to ensure this gap is preserved.
 - (iii) We have grave concerns at the traffic implications if this application is granted. By the very nature of the proposed business, large commercial vehicles (up to 40 tonnes) will enter and exit (usually loaded). The GVW of such trucks will mean a slow exit where road safety on the B3272 will be compromised. Although your Highways Officer could propose a ‘turn left’ exit, this will only move the problem to the roundabout where a 360 degree manoeuvre will be required to allow onward travel West.
 - (iv) You will be aware that there are several well patronised fishing lakes and the Blackwater River in proximity with this site. Whilst you can propose containment measures, you cannot be certain that pollution from this site will not migrate to the adjacent lakes on Yateley Road.
- 6.6 **Highway Authority** raises no objection to the proposal – it states it has visited the site to observe the site conditions at the school closing time. During a 10 minute period from 15.05 to 15.15 approximately 36 cyclists were recorded crossing in the vicinity of the site entrance, together with approximately 13 pedestrians. Up to 6 vehicles were observed to park in this area waiting to collect children. School pupils and parents continued to cross the site entrance until approximately 15.30 albeit in reduced numbers. No observations have been made for the start of the school day, but it is expected that this would show similar numbers albeit spread more evenly over a slightly longer time period.
- 6.7 The Highways Authority states that it has received a copy of drawing no. 90709-01 which shows a proposed kerbed build-out at the site entrance designed to increase the intervisibility between vehicles leaving the site and pedestrians and cyclists, and also to divert pedestrians and cyclists further away from the site access. Visibility splays at the site access in excess of 25m can be achieved, which corresponds to a vehicle travelling at 20mph (based on Manual for Streets guidance). Pedestrians and cyclists will be travelling at significantly slower speeds than this and the level of visibility provided is considered adequate.
- 6.8 Whilst the improvements would achieve improved visibility, and reduce the risk of pedestrian/vehicle conflict, it is considered that these changes could

be achieved through a landscape enhancement measure, for example low level planting. The proposed alterations should be amended to include landscaping measures. In addition, further site signage should be erected to encourage vehicles exiting the site to travel at slow speeds. The works constitute works to the public highway and as such will need to be constructed under a Section 278 Agreement with the County Council.

- 6.9 During the site visit there were no material safety concerns observed with regard to the current arrangements, and no accidents to pedestrians and cyclists have been recorded in this location. The works described above will seek to further improve pedestrian and cycle arrangements in this location and should be conditioned to any permission.
- 6.10 *Accident Data* - Details of the Personal Injury Accidents have been provided from Reading Road junction with A30 to Reading Road junction with Cricket Hill Lane between 01/01/05 to 31/08/10. The data shows a total of 26 accidents of which 6 were serious and 20 were slight.
- 6.11 The number and location of recorded accidents does not demonstrate a significant pattern that would raise concern. Recent safety measures, including the instalment of high-friction surfacing, have been undertaken by the County Council and this corresponds with the data which shows that the majority of accidents in this period occurred prior to 2008.
- 6.12 The recent safety measures have been successful in reducing accidents in this location. It is not considered likely that the level of traffic proposed by the development, described below, will create a material risk to road safety.
- 6.13 *Traffic Impact* - The original traffic counts have been updated as requested to demonstrate the baseline flow of traffic within the proximity of the site, which is necessary in order to determine the impact of the development of the site. In the vicinity of the site access, some 17,000 vehicles use the B3272 Reading Road each day, with around 2,000 vehicles using Reading Road in each peak period. Reading Road is a classified 'B' road, and is generally suitable to carry HGV traffic.
- 6.14 *'Existing' Site Traffic Generation* - The application (including the Transport Assessment) is based upon an assumed lawful use for unrestricted B2 permitted use on-site. However, as previously stated, as the application is to remove a condition on the building which currently *limits* its use to that of mushroom composting, it is not accepted that the building currently benefits from unrestricted B2 consent and that this is an appropriate comparison, and no compelling evidence to alter this position has been provided.
- 6.15 The applicant's assessment of the existing use is based on an interrogation of the TRICS database of B2 uses to generate a trip rate. This estimates that 182 vehicular movements would be generated each day for the existing site (specifically the building), including 23 HGV movements. This assessment does not take account of the condition restricting the use of this building and

it is unlikely that the permitted use of the building would generate this amount of trips.

6.16 In consideration that the application of a general B2 use is not accepted, in order to provide an assessment of the impact of the development on the local highway network, an assumption about the previous use of this building and the number of trips generated is required. Assuming a building of this size could compost 400 tonnes of material per week, this would result in approximately 22 twenty-tonne lorry movements per day (11 loads in and 11 loads out). These estimates have been based on observations of similar site operations elsewhere in the Country. The projected HGV traffic generation is similar to the HGV movements the applicant identified from the B2 TRICS assessment.

6.17 However, the restricted operation of the building is likely to have generated far less vehicular trips associated with employee trips and a reasonable robust estimate would be in the region of 20 two-way car trips per day for employees. This totals approximately 44 trips per day, compared to the applicant's calculation of 182 trips per day.

6.18 The Highway Authority states it would have welcomed further evidence from the applicant concerning their calculations of the existing trip rates based on similar operations elsewhere but this has not been provided. The Highway Authority has therefore presented the above scenario as it considers it to be a more robust calculation of the level of traffic that the building could lawfully generate.

6.19 *Proposed Site Traffic Generation* - On the basis of a lower estimated lawful traffic generation associated with the previous use of the building, the Highway Authority considers that this application to remove the existing condition and allow unrestricted B2 uses within the building will increase the vehicular trips from this site.

6.20 The applicant's assessment of future traffic flows is accepted as a reasonable estimate, which has been based on a 'First Principle' approach, which suggests that the proposed sustainable waste materials recovery facility would generate 102 daily vehicle movements per day, including 58 HGV movements. This would be an increase of approximately 58 vehicular movements on the existing use of the site, based on considerations above, and constitutes an increase of some 36 HGVs across the day.

6.21 Details of the traffic profile throughout the working day have also been provided based on other site operations by the Applicant, which estimates the number of vehicles, including HGVs, which will be entering and leaving the site each hour between 0700-1900. The figures demonstrate that the greatest impact will be between 0700-0800 with 21 vehicles entering or exiting the site. Throughout the rest of the day this varies from 4 to 11 vehicles.

6.22 *Traffic Impact* - The projected traffic generation of the site has been compared to existing two-way flows on Reading Road, to demonstrate the percentage impact upon the highway network. At the peak of traffic flows from the site between 0700-0800 this results in a 2% increase on existing traffic flows (one vehicle every 3 minutes) which is not considered significant and would be indeterminable from daily traffic flow fluctuations. It is not considered that the proposed use of the site would have a material impact on the capacity or operation of the local highway network.

6.23 During the morning school peak period, the number of vehicles accessing the site would be 11 (or one vehicle every 5 minutes), and 7 during the hour of the end of the school day (one vehicle every 8 minutes).

6.24 Whilst there will undoubtedly be times where a vehicle is accessing the site and pedestrians and cyclists are passing the site entrance, in consideration of the measures proposed to improve pedestrian and cycle safety at the site access, and considering the relatively small level of site traffic at these times, it is not considered that the development proposal will increase the risk to road safety.

6.25 It is the Highway Authority's view that the proposed use (as a result of the removal of the condition) will result in an increase in vehicle trips to and from the site. However, it is satisfied that the traffic generated from the proposed site could be accommodated within the capacity of the existing highway network. I am also satisfied that, with the enhancements now proposed, there is no significant risk to road safety as a result of the proposal.

6.26 To conclude, the Highway Authority raises no objections to the application from a highways and transport perspective, subject to the following condition being attached to the planning permission:

- No development hereby permitted shall be commenced until full details of the kerb-line modification at the site access (including proposals for landscaping and improved signage) have been submitted to and approved in writing by the Waste Planning Authority. The approved details shall be constructed to the written satisfaction of the Waste Planning Authority before any development hereby permitted is occupied.

Reason: To ensure highway safety.

6.27 **Environment Agency Southern** raises no objection in principle but highlights that the development lies partially within several flood zones, and is over 1 hectare, and is thus subject to a surface water drainage strategy.

6.28 **Environmental Health Hart** has concerns about noise impacts to nearby residents and would not support a deterioration of the existing noise climate or excessive/ uncontrolled LMax noise events. Should Members be minded to approve the application it is advised that the following conditions be imposed:

- (i). No development shall commence until details have been submitted to the Waste Planning Authority for improvements to the acoustic capacity of the eastern elevation of the main waste building either through acoustic/additional cladding, solid wall or similar. The additional acoustic measures, should extend for the entire length of the eastern elevation and from the ground to the eaves. Details should be submitted together with accompanying calculations demonstrating how this barrier together with control of operations on the site would keep noise level below that of the existing noise background levels around the perimeter of the site. A technical assessment of the sound reduction and its effect on overall noise breakout will be required as part of this.

Reason: In the interests of amenities of nearby residents.

- (ii). Prior to the commencement of the development a further background noise survey shall be taken at points and at times to be agreed in advance with the Waste Planning Authority and used as a basis for controlling site noise levels as outlined in condition 1 above and condition 3 below.

Reason: In the interests of amenities of nearby residents.

- (iii). Background noise levels as identified and approved by way of Condition 2 above shall not be exceeded at anytime during approved operational hours. Accurate monitoring points and time frames will need to be agreed in advance with the Waste Planning Authority and a noise monitoring scheme submitted as part of the pre-commencement details to be submitted to control noise.

Reason: Establishing an accurate background noise levels is essential if the development is to be conditioned not to exceed specified parameters. The background levels should be representative of current proposed working hours.

- (iv). This Department would recommend that hours of operation for the above development be limited to the following times:

Mon – Fri 07:30 – 18:00 hrs

Saturday 08:00 – 13:00 hrs

Sun / B. Hol Not at all

This recommendation is made with regard to the protection of neighbouring residential properties from nuisance in accordance with the provisions of PPS 23 and PPG 24.

6.29 **Natural England** states that the site is approximately 550m from the Thames Basin Heaths SPA and Castle Bottom to Yateley and Hawley Commons SSSI and approximately 600m from the Blackwater Valley SSSI. Its main concerns lie with the impacts of increased HGV traffic using roads that run directly

adjacent to the Thames Basin Heaths SPA (such as the Reading Road B3272). Whilst initially concerned from looking at the Transport Plan Natural England that the development could result in an increase of over 10% in HGV use of this road, Natural England has since reviewed additional Transport information submitted, and welcomes the Dust Strategy and accordingly raises no objections to the proposal.

6.30 Blackwater Valley Countryside Partnership objects to the proposal as it believed it would be detrimental to the current and future landscapes and recreation uses of the Blackwater Valley. In particular it considered that the stored plant, vehicles and equipment, and stockpiled recycled material, together with the 4m high acoustic fence would damage the landscape of the Valley due to visual impact. The noise and dust arising from operation would also diminish the value of adjacent recreational areas. The Valley is identified as a strategic gap with the Hart District Local Plan and the proposal is contrary to the local plan policy CON20 which aims to preserve the size and value of the gap. The proposal is also contrary to local plan policy ALTGEN17 in that it fails to meet the following criteria for positive improvements to the Valley as part of any redevelopment of the site:

- (i) New development should be sensitively designed to preserve and enhance the character and appearance of the Strategic Gap and the Darby Green Conservation Area.
- (ii) Development must include a comprehensive management plan for the informal publicly accessible open space and the protection of wildlife habitats on the land and lakes between the site and the River Blackwater and the land between the site and residential properties to the east.
- (iii) Footpaths and cycleway will be provided to link the site with the publicly accessible open space, the River Blackwater, Darby Green Lane and the Frogmore School and Community Campus.

7. Representations

7.1 351 objections have been received from 295 individual objectors have been received to the application from a number of sources including local people, Conservation Area consultants, solicitors acting on behalf of local residents and Blackwater Valley Friends of the Earth. The majority of objectors are from parents concerned about traffic and the potential safety of their children attending the local school and college – and local residents. Objections are put forward on the key grounds summarised below:

- (i) Contrary to development plan – the site is Class B1 not B2 and is strategic gap.
- (ii) Highway safety – increased traffic on busy road near a primary school and college; blind spot coming out of access onto disused highway where parents pick up children and across which children cycle and walk

on a cycleway; pedestrian bridge has steps forcing those with bikes and pushchairs to use the route way in front of the site.

- (iii) Noise – current operations start at 6am and very noisy; noise from traffic if proposals go ahead; noise from crushing and screening and been if inside building lorries would still need to load and unload outside.
- (iv) Dust – dust impact arising asthma suggests living near the site and impacting on health, property and environment.
- (v) Pollution - to air and groundwater (nearby lakes, stream and river) exacerbated and risk increased by fact that the land floods.
- (vi) Landscape - existing plant, machinery, skips and coloured materials on site are unsightly and can be seen from surroundings including houses on Sydney Loader Place; the proposed 4m high acoustic fence will impact further on the rural character of the area; inappropriate location.
- (vii) Conservation area – impact on conservation area and setting of listed buildings adjacent to the site.
- (viii) Nature conservation.
- (ix) No need.
- (x) Fire risk.

7.2 The Conservation Studio, on behalf of the Yateley Society and Yateley Town Council, is currently preparing a Conservation Character Assessment on behalf of Hart District Council and states that:

In summary, this proposal will neither 'preserve nor enhance' the special character of the Conservation Area, as required by the relevant legislation. It will also adversely affect the setting of designated heritage assets (Clarks Farm and Pond Farm) and will have a similarly adverse effect on the setting of Yew Tree Cottage. Overall, the proposed intensification of an industrial use in such a sensitive location must be totally unacceptable and they therefore urge the Council to refuse this application.

8. Regulatory Committee Site Visit

- 8.1 Fifteen Members of the Committee, Councillors Allgood, Bailey, Beagley, Broadhurst, Bryant, Carter, Cooper, Gurden, Hockley, Joy, Pearce, Porter, Simpson and West with Councillor McIntosh in the Chair, undertook a site visit on Monday 24 January to view the site.
- 8.2 Members viewed the site and its surroundings and witnessed the materials, plant and equipment stored inside the large main site building as well as the stockpiles of inert waste material within the yard outside. It was drawn to

members attention that the southern edge of the site was within the boundary of a building Conservation Area as defined in the Hart District Local Plan and a Site of Importance for Nature Conservation bordered the site to the north beyond which is located the River Blackwater and its associated countryside and footpaths. Houses on Sydney Loader Place were highlighted to members which overlook the site from the first floor rear elevation windows and were in close proximity to the site. Also pointed out to members was Clarks Farmhouse, a Grade 2 listed building adjoining the site on its southern boundary, owned by the applicant and occupied by his site staff and a locally listed building to the east of the site access. Potley Hill Primary School and Frogmore Community College are located opposite the site entrance on the southern side of the Reading Road. A section of disused public highway was shown to border the site to the south from where Clarks Farmhouse , the site, an agricultural field and one other residential property, a locally listed building to the east is accessed. This section of closed highway is used as a walkway and by children cycling to and from school.

- 8.3 The complex planning history for the site was outlined and it was clarified that the applicant considers that the whole of the site has a B2 use. The County Council was seeking clarification of the lawful use of the site. It was explained that Hart District Council had a detailed site specific policy for the site in its Local Plan for B1 office use. It was confirmed that the large main building on the site had existing B2 use, but was restricted to composting/agriculture related to a 1960's mushroom composting business that operated from the site. It was also clarified to members that the existing small scale landscaping business would remain on the site and be shown on revised drawings to be submitted to the County Council.
- 8.4 Members queried whether mains electricity would be used on the site if the application was to be successful, rather than a generator, and it was confirmed that it would. A 4m high fence to help mitigate against noise was currently proposed along the eastern boundary separating the site from a private track way (owned by the applicant) and the residential housing. It was explained to members that revised plans were to be submitted to the County Council for it's consideration including increased landscaping to the north and eastern site boundaries and also within the site to try and enhance the letting of the listed buildings and enhance the Conservation Area.
- 8.5 Members requested clarification that the roof line would not change and were advised this was the case. Members were also informed that revised plans would show waste recycled materials being stored on the eastern elevation of the building only where openings were to be created in the side wall.
- 8.6 Members were shown the access into the site on the old/disused section of public highway and how the area was used as a drop off and pick up point by parents for their children attending the local school and college. Revisions were to be submitted to the County Council enhancing the site entrance in front of the listed buildings whilst improving safety of those using the disused highway as a cycleway and walkway. Revisions were to include lining,

signage and a grassed area adjacent to the entrance channelling walkers and cyclists away from the site gates. A 'ramp/speed bump' had already been installed at the site gates to make sure large HGV lorries stopped before leaving the site.

- 8.7 After seeing the inside of the site, and the entrance area, members were shown the private fishing lake access track (owned by the applicant) that ran adjacent to the eastern boundary of the site, separating it from the nearby residents in Sydney Loader Place. Revisions to be submitted to the County Council would involve regrading, planting and increase in depth of the landscaped area forming the eastern site boundary together with verge along the western side of the access track. This was proposed to enhance the site boundary and provide additional screening. The exact positioning of the fencing and planting would be finalised before presentation to the Committee. Levels would be clarified and sections showing the relationship of houses to the site submitted.
- 8.8 Members requested that full details of landscaping and plans showing the old/new and proposed buildings be included in the final papers.

9. Commentary

9.1 The following key issues are raised by the application:

- (i) policy, strategic gap, and planning status of the site;
- (ii) need;
- (iii) highway safety;
- (iv) amenity;
- (v) pollution/groundwater;
- (vi) listed buildings/conservation area;
- (vii) nature conservation/ecology; and
- (viii) landscape.

10. Policy and planning status of the site

- 10.1 The key policy issues raised by the proposal relate to the fact that the County Council has a duty as required by legislation to consider this application against two local development Plans: The Hampshire Core Strategy (HCS) (July 2007) and the Hart District Local Plan Replacement (HDLP) (1996-2006) (September 2007). It also needs to take into account the South East Plan which is still currently a material consideration in the determination of planning applications. The County Council has to consider initially whether either of the development plans conflict in policy terms.

- 10.2 Two of the overarching key policies are Policy DC13 of the HCS and Policy ALTDEV17 in the HDLP. ALTDEV17 acknowledges that the site is previously developed land and accordingly this means that the location of the site in principle complies with Policy Dc13(b) of the HCS. The County Council considers it is important to note that HDLP policy ALTDEV17 provides that the site is to be considered suitable for redevelopment for Class B1 employment use. The policy relates to redevelopment which does not preclude the granting of planning permission for a change of use to a use that is not Class B1 employment. The County Council therefore considers that the Hampshire Core Strategy and the HDLP are not in conflict because the current proposal is redevelopment only for the lifting of a restrictive condition, and also proposes B2 ancillary storage uses on the site. The lawful use of the site is a B2 use, with a restricted B2 use (compost only) in the large main building. This Class B2 use on the site was acknowledged and recognised in the Inspectors report into the First Alterations to the HDLP..
- 10.3 However, even though the inspector concluded this site has a Class B2 use the County Council has clarified this and related matters by taking its own external legal advice which has concluded that:
- The lawful use of the entire site is likely to be B2, including the large building; however that building is additionally restricted within Class B2 to use for the production of compost. Any change of the use of the large building would require planning permission. Planning permission would not be needed for a change of use of any part of the wider site to another use falling within Class B2.
- 10.4 As the site can lawfully be used for a Class B2 use (apart from the need for any use which is not composting in the building which would require planning permission as per this application) then the County Council considers the current proposal is not 'redeveloping' the site. Any proposed B1 use for the majority or whole of the site would however be classed as redevelopment, were such a proposal to come forward, as B1 is not the current lawful planning use class for the site. The County Council therefore concludes that there is no conflict between the HCS and the HDLP. The site is the strategic gap as referred to in the Hart District Plan First Alteration 2007. The County Council has taken this into account in its assessment of this application and its potential impacts positive and negative on the strategic gap. The County Council considers it is relevant to note the proposal reduces the size of the site due to the increased landscaping on the eastern boundary particularly and as a result the gap itself interim of 'greening' is actually enlarged from the current situation.

- 10.5 **Need** - Appendix 1 attached indicates there are already a number of waste sites in the North-east Hampshire area some of which have the capacity to process/transfer a not insignificant amount of waste. However, it is acknowledged that not all the sites listed in the Appendix 1 will be working to their full capacity. It is also noted that South Hampshire and North-east Hampshire are likely economic future growth areas and based on the understanding that economic growth frequently leads to increased waste arisings from demolition and construction of new development, then Clarks Farm would be well placed to meet any future growth waste recycling need.
- 10.6 It is also important to note what the Minister of State for Decentralisation (The Rt. Hon Greg Clark) reported in his statement of 23 March 2011 where he clarified that the government seeks to make giving priority to development that supports economic recovery and sustainable growth a material Planning consideration. It is clear that the development proposed is of a type that supports economic recovery and creates new jobs. Accordingly on balance taking all matters into account it is considered that there is a need for this type of proposal that is market driven and moreover such development is supported by the government.
- 10.7 **Highway Safety-** it is noted that the Highway Authority raises no objections to the proposal subject to conditions. Objections raised by the local member and through representation by the Yateley Society, the Parish Councils and Yateley Town Council, the Frogmore Community College and Potley Primary School, and local residents amongst others, are all noted. These concerns include the potential threat to safety perceived through children cycling and running across the site entrance when lorries are leaving the site. As noted in this report the Highway Authority and the Planning Authority have observed the children leaving school. The applicant has proposed an improvement to the site entrance channelling children away from the gates which would also give drivers more time and visibility to see passers by when exiting the site. The existing road hump at the gate helps to stop drivers also when they leave the site. Concerns raised about children having to cycle over the road, and also parents with buggies having to cross the road because the pedestrian bridge is stepped are noted. It is noted that the Highway Authority concludes that the level of traffic anticipated will not have a material impact on the highway network, and that, subject to the pedestrian improvements, there is not considered to be a material risk to road safety as a result of the development.
- 10.8 **Amenity** – the key issue raised by the proposal in terms of amenity impacts relate to noise to nearby residents and this is clearly emphasised through the response of the Environmental Health Officer. The County Council notes that the Environmental Health Officer considers that if members are minded to grant permission, that as an additional protective measure against noise, conditions should be attached requiring the applicant to submit details for cladding /improving the acoustic ability of the eastern elevation of the large main building on the site together with re-assessment of noise at the nearest

properties with this acoustic measure in place. The applicant is willing to support such a request. The Environmental Health Officer also advises that a condition be attached ensuring that noise at the boundary does not go above background level and that the onus is on the applicant to undertake monitoring of the site and submit those noise monitoring details to the County Council as requested.

- 10.9 Whilst fully acknowledging all the concerns and objections raised by local residents about noise, the County Council notes that the proposal is designed so that all waste recycling operations take place inside the building and that the eastern elevation of the building that faces the residents on Sydney Loader Place is proposed to be enclosed apart from four 'holes' in the cladding that would allow the deposition of materials through the wall of the building into stockpiles. It is also noted and considered relevant to noise impacts to nearby housing that the applicant has submitted a zoning plan that allocates particular areas across the site for certain uses. It is clear from the proposal that the only lorries that would access the eastern part of the site would do so up against the eastern building for the purposes of collecting recycled materials stored up against the building via chutes through the eastern elevation wall. No skip or container storage would take place on land to the east of the building. It is considered that the increased distance now proposed between the site and the residents of Sydney Loader Place through the creation of a landscaped bund would also provide additional protection against noise and that the mass of the bund would be much more than the originally proposed fence and thus would have a greater ability to absorb any noise from lorries picking up materials to the east of the buildings in the allocated zone. The applicant has submitted a dust management scheme and it is noted the Environmental Health Officer raises no concerns about dust. However it is recommended that if permission is granted that conditions requiring a lighting scheme to be submitted should be attached as well as those relating to noise and the submitted dust mitigation scheme.
- 10.10 **Pollution/groundwater** – it is noted that the Environment Agency raises no objection, commenting that the proposal is low risk, but adds that because it lies near/within areas at risk of flooding any such permission would be subject to a surface drainage strategy. It is understood that this strategy would form part of any waste permit for the site. However it is recommended that a planning condition be attached asking such a drainage scheme to be submitted to the Waste Planning authority for approval.
- 10.11 **Listed buildings/conservation area** –the County Council notes the concerns raised through representations that the proposal would have an adverse impact on the setting of adjacent listed buildings and the Conservation area. The County Council considers on balance that the proposal does enhance the setting of the listed buildings adjacent to the site and the character of the Darby Green Conservation Area when comparing what is there now with what is proposed. In making this statement it is acknowledged that design is a judgmental issue about which individuals can have different views and perspectives.

10.12 Currently materials storage exists to the north of Yew Tree Cottage. It is now proposed that this is planted as woodland. Likewise it is proposed that the eastern boundary is planted with a significant amount of native species and landscaped to improve the setting of the Conservation Area. Similarly, there are currently offices and parking directly adjacent to the eastern boundary of Clarks Farmhouse. This is now proposed to be planted along with an area to the north and north west of Clarks farmhouse and the area to the south – east of Clarks Farmhouse. The County Council considers that the proposal would improve the character and appearance of the strategic gap and conservation area as currently there is no real screening at all. .

10.13 **Nature conservation/ecology-** it is noted that Natural England raises no objection. The County Council considers that the additional planting around the site and the proposal to manage the woodland to the west of the site adjacent to the stream but outside the operational area, would significantly enhance biodiversity in the locality and on the site and its immediate surroundings. It is noted that the Blackwater Valley Countryside service requests that the applicant enter into a management plan for the lakes between the site and the River Blackwater but it is not considered that this would be reasonable. It is considered that the biodiversity of the area is enhanced through the proposals. It is noted that Hart District Council states that it believes the Environmental Statement is deficient as it does not model the effects of the development on the ecology of the area in the event of flooding but Natural England raises no such concern and the Environment agency consider the site to be low-risk.

10.14 **Landscape-** the County Council notes representations made about the impact on the landscape character of the area and it also appreciates that design of landscape schemes is a personal judgmental issue about which many individuals will have differing views.

10.15 Currently the site boundary to the east is very close to the properties in Sydney Loader Place and there is only a chain link fence and some self seeded vegetation separating the site from these properties. The open site could be used now, The Council is advised, for any B2 use, for example, vehicles, plant and machinery which would therefore be exposed to public view from upper floor windows to the east and long distant views from the north-north east as there is no open public access from land close by to the north.

10.16 The applicant has proposed a 4m high sloping landscaped screen as part of the landscape mitigation by proposing a 1 in 3 planted slope along the eastern boundary which. The only other way the site could have been screened adequately to protect local amenities would have been to have the same width of planting at ground level and secure a 4m high acoustic fence behind it. This could be done but the applicant has chosen the sloping bund method to create an instant softer screen as the planting would take some time to mature in front of the fence and because the massing of the earth

slope may achieve greater acoustic absorption. The impacts for the Listed Buildings and Conservation Area have been referred to earlier. Although in the strategic gap the site has been reduced in size and additional landscaping proposed.

11. Conclusions

- 11.1 It is considered, after due consideration, that the proposal does not conflict with First Alterations policy ALTDEV17 of the Hart District Local Plan (Replacement) 1996-2006 ('HDLP') as the proposal is not for redevelopment of the site and it is considered the policy does not preclude the granting of planning permission for a change of use to a use that is not Class B1 employment. It is also considered the site is on land considered suitable for waste management uses as it uses previously developed land (DC13), in particular an existing large building previously used for mushroom composting; has suitable access to the minerals and waste lorry route (DC6); provides additional sustainable waste management capacity (DC1, S1, S5) the proposals provide landscape screening (DC3), address historic heritage (DC4)and biodiversity (DC2, DC7); flood risk is acceptable (DC11) and amenity impacts are within accepted standards (DC8). It considered therefore that on balance, taking all matters into account, the sustainable proposals comply with Hampshire Minerals and Waste Core Strategy policies and is recommended for approval subject to conditions and a section 106 agreement securing a public footpath link along the River Blackwater.
- 11.2 The County Council concludes, taking into account the strong objections from the local Member and all representations received: the increase in biodiversity, the decrease in site area and additional planting within the strategic gap, improvement to the setting of the listed buildings and conservation area, the location of housing, local schools and colleges, acknowledging the increased traffic, and the additional waste recycling capacity and jobs created that, on balance, the proposals comply with the Hampshire Minerals and Waste Core Strategy policies and the Government current stance on supporting economic development. Accordingly the proposed development is recommended for approval subject to conditions mitigating against significant environmental impacts and subject to a section 106 agreement securing the footpath link along the River Blackwater as offered by the applicant.

12. Recommendation

- 12.1 That, subject to a legal agreement securing a new footpath link along the River Blackwater, planning permission for the use of an existing building as a sustainable waste materials recycling facility together with associated vehicle, plant and container storage at Clarks Farm, Reading Road, Yateley (Application No: 10/00811/CMA) be granted, subject to the conditions listed in Integral Appendix B.

Links to the Corporate Strategy

Hampshire safer and more secure for all:	No
Corporate Improvement plan link number (if appropriate):	
Maximising well-being:	Yes
Corporate Improvement plan link number (if appropriate):	
Enhancing our quality of place:	Yes
Corporate Improvement plan link number (if appropriate):	

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

Use of Industrial Building (Class B2) as a Sustainable Waste Materials Recycling Facility (Class B2) together with associated Vehicle, Plant and Containers Storage at Clarks Farm, Reading Road, Yateley, Hampshire GU17 0DP.
(Application No: 10/00811/CMA) (Site Ref: HR100)

County Planning
Economy, Transport and Environment
Department
QEII West
The Castle
Winchester

CONDITIONS

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within seven days of such commencement .

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

Site Layout and Surfacing Details

2. The site shall be set out in accordance with layout plan no. ALI-YAT-010 and zoning plan no. ALI-YAT-009c . The Waste Planning Authority shall be given 7 days minimum prior warning of the setting out of the alignment of the eastern acoustic wall as detailed on the approved plans and cross section plan no. ALI- YAT-002Fso it can ascertain that it accurately reflects the location and measurements shown on the approved plans with regards distances from the properties on Sydney Loader Place.

Reason: To enable the Waste Planning Authority to exercise planning control over the development and to ensure the efficient and safe operation of the site and in the interests of local amenities.

3. Within two months of the date of this permission details of surfacing materials to be used on areas external to the proposed buildings shall be submitted to and approved by the Waste Planning Authority and thereafter implemented in accordance with that approval. Where the existing concrete yard to the east of the buildings is to be retained details shall be submitted showing how existing breaks in the joins in the concrete , including those created through the construction of the eastern acoustic bund wall are to be made good to ensure the protection of ground water. The site shall be surfaced in accordance with the approved details and the surfacing maintained in a good state of repair and there shall be no change to the surfacing materials unless they have been agreed in writing in advance with the Waste Planning Authority.

Reason: To retain planning control over the development and in the interests of safeguarding the environment and local amenity.

Buildings, Fencing, earth bunding

4. The main existing waste building shall be clad and roofed in accordance with approved plan no. MC3097/03B and the details for the acoustic detail of the eastern elevation be agreed by the Waste Planning Authority. All other existing workshops and offices on the site shall remain as shown on approved site plan no. MC3097/01D.

Reason: To ensure the permission is implemented in accordance with the terms of the application and to enable the Waste Planning Authority to exercise planning control over the development and in the interests of the local environment and local amenities.

5. The acoustic and landscape barrier shall be constructed along the north and eastern boundaries of the site in accordance with plan no. Ali-YAT-001G, -002F, -003c, 005B, -006A, -007A - 008, and MC3097/01D and shall be erected prior to the commencement for use of the waste transfer building and the development shall be carried out strictly in accordance with the approved details and there shall be no replacement, or changes to the fencing or gates unless they have been agreed in writing in advance with the Waste Planning Authority. The western boundary shall be implanted I accordance with approved plan no: ALI-YAT-004B.

Reason: To retain planning control over the development and in the interests of safeguarding the environment and local amenity.

Hours of Working

6. Works relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 0800 and 1800 hours Monday to Friday and 0800 and 1300 hours on Saturday. There shall be no piling on Saturdays, and no construction works undertaken on Sundays or bank, public or national holidays, unless otherwise agreed beforehand in writing by the Waste Planning Authority.

Reason: To protect the amenities of nearby properties during the construction period.

7. Unless otherwise agreed in writing beforehand by the Waste Planning Authority no heavy goods vehicles shall enter or leave the site, no external lights shall be illuminated and no plant (with the exception of the biomass plant) or machinery shall be operated, except between the following hours: 0700-1800 Monday to Friday and 0800-1300 Saturday. There shall be no working on Sundays or recognised public holidays.

Reason: In the interests of local amenity.

Landscape

8. Within three months of the date of this permission a biodiversity woodland management scheme, for the western area of the site of the site marked as Area D on zoning plan no. ALI-YAT-009C shall be submitted to and approved in writing by the Waste Planning Authority before the development commences and thereafter implemented in accordance with such approval.

The scheme shall include inter alia details of:

- (i) woodland planting;
- (ii) management responsibilities; and
- (iii) maintenance /management schedules.

Reason: In the interests of local amenity to ensure the site is permanently screened for the west and to increase biodiversity.

9. The boundaries of the site , the landscaped bunds to the east and north, and land within the site shall be planted with local native species as shown on the approved plans and to a density , specification, timescale and a maintenance programme to be agreed with the Waste Planning Authority in writing beforehand. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The scheme shall be implemented as approved.

Reason: In the interests of local amenities and to enhance the setting of the Clarks Farm Listed building and the Conservation Area.

Protection of Water Environment

10. No solid matter shall be deposited so that it passes or is likely to pass into any watercourse. All areas where waste is stored, handled or transferred shall be underlain by impervious hard-standing with dedicated drainage to foul sewer or sealed tank.

Reason: To prevent pollution of the water environment.

11. 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.

12. No sewage or trade effluent (including vehicle wash or vehicle steam cleaning effluent) shall be discharged to any surface water drainage system. Appropriate measures should be taken during construction to protect groundwater.

Reason: To prevent pollution of the water environment.

13. Prior to waste operations commencing a surface water drainage scheme to ensure the protection of groundwater shall be submitted to the Waste Planning Authority for approval and thereafter the site and associated operations shall be implemented in accordance with this scheme.

Reason: To protect the water environment and biodiversity of adjacent land.

Noise, Dust and Odour

14. Prior to waste operations commencing details shall be submitted to the Waste Planning Authority for improvements to the acoustic capacity of the eastern elevation of the main waste building either through additional cladding, solid wall or similar. The additional acoustic measures, should extend for the entire length of the eastern elevation and from the ground to the eaves. Details should be submitted together with accompanying calculations demonstrating how this barrier together with control of operations on the site would keep noise levels below that of the existing noise background levels when measured at the perimeter of the site.

Reason: In the interests of amenities of nearby residents.

15. Noise from the operations within the site shall not exceed existing background noise levels at site.s perimeter. Prior to waste operations commencing a noise monitoring scheme shall be submitted to the Waste Planning Authority for approval in writing. The shceme shall beimplemented as approved.

Reason: In the interests of the amenities of nearby residents.

16. All lorries entering and exiting the site carrying waste or recovered/recyclable material shall be fully sheeted.

Reason: In the interests of local amenities by preventing spillage of material onto the public highway.

17. All practical measures shall be taken, including implementation of the automated internal dust suppression system within the waste building, and across all outside areas within the site , to ensure no dust nuisance is caused to nearby businesses, their on site-employees and nearby residential properties and their occupiers. These measures shall be implemented for the duration of the development. measures shall also be undertaken during construction of the development to ensure no dust nuisance is caused to the same nearby businesses and residents. Additional measures as outlined in the applicants letter of relating to dust suppression shall also be implemented as part of the dust control strategy for the site.

Reason: In the interests of local amenities.

18. Measures to control odour at the site shall be submitted to and approved by the Waste Planning Authority and thereafter implemented in accordance with that approval prior to the commissioning of waste operations at the site.

Reason: In the interests of local amenities.

19. Other than vehicles involved in delivering waste and exporting waste/recovered/recyclable materials, all vehicles and mobile plant involved in the handling of waste or product operating at the site external to the waste transfer building must be fitted with, and use, a low tonal white noise type vehicle reversing alarm or switchable system and all vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times, and shall be fitted with and use effective silencers.

Reason: In the interests of local amenities.

Lighting

20. Prior to waste operations being commenced the site a lighting scheme shall be submitted to and approved by the Waste Planning Authority in writing and thereafter implemented in accordance with such approval prior to the commencement of waste operations. The scheme shall include details of: all external lighting, including floodlighting, safety and security lighting; illumination from within the biomass plant and waste building; and measures to prevent light pollution. No floodlighting or any form of external lighting, including security lighting other than that explicitly approved under this condition, shall be installed on the site without the prior written approval of the Waste Planning Authority. Shields and appropriate fittings are to be used to prevent light from the site affecting neighbouring residents and businesses and the nearby railway line

Reason: In the interests of local amenities and to avoid strong light being directed at oncoming trains.

Highways

21. No development hereby permitted shall be commenced until full details of the kerb-line modification at the site access (including proposals for landscaping and improved signage) have been submitted to and approved in writing by the Waste Planning Authority. The approved details shall be constructed to the written satisfaction of the Waste Planning Authority before any development hereby permitted is occupied.

Reason: In the interests of local amenities.

22. A log of HGVs entering and exiting the site shall be kept up to date at all times and shall be provided to the Waste Planning Authority upon request.

Reason: To assist in the monitoring of the site.

23. Prior to waste operations being commenced at the site, measures shall be provided and used to wash the wheels of lorries entering the site to ensure no mud is deposited on surfaces within the site or carried around the site, nor carried from the site onto Reading Road.

Reason: In the interests of highway safety.

Restriction of Permitted Development Rights

24. Notwithstanding the provisions of Parts 4, 8 and 25 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order):
- (i) fixed plant or machinery, buildings, structures and erections or private ways shall not be erected, extended, installed or replaced at the site without the prior agreement of the Waste Planning Authority in writing; and
 - (ii) no telecommunications antenna shall be installed or erected without the prior agreement of the Waste Planning Authority in writing.

Reason: to protect the amenities of the area.

Storage limitations

25. There shall be no unloading, processing or storage of imported waste materials outside of the main building marked as No. 1 on Zoning plan ALI-YAT-009c - with the exception of recycled aggregates, soils and chipped wood ejected through the eastern building shown as Area 3 on this same zoning plan ALI-YAT-009c. The stockpiles against the eastern elevation shall be stored no higher than 3.5m above ground level unless otherwise agreed beforehand with the Waste Planning Authority in writing.

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

26. Skips and containers shall only be stacked to a maximum height of 3.5 m above ground levels in the location marked as Area 2 the approved zoning plan ALI-YAT-009c. and Area No. 4 as shown on approved plan no. ALI-YAT-009c. shall only be used for the storage of plant and equipment .

Reason: In the interests of local amenities.

Tonnage limit

27. No more than 50,000 tonnes of waste per annum shall be imported to the site.

Reason: In the interests of local amenities and an Environmental Impact Assessment was undertaken on the basis that the development would import a maximum of 50,000 tones per year.

Notes to Applicant

1. 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.
2. There is a legal agreement attached to this permission concerning the creation of a new public footpath along the River Blackwater linking the existing paths along the river to the west and east as offered by the applicant.

*Annexe to Reasons for Conditions
(as required by Article 22 of the Town and Country Planning
(General Procedure) Order 1995 – as amended)*

**Hampshire, Portsmouth, Southampton and New Forest National Park
Minerals and Waste Core Strategy (July 2007)**

DC1 - Sustainable Minerals and Waste Development

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

DC3 - Impact on Landscape and Townscape

Minerals and waste development will only be permitted if due regard is given to the likely visual impact of the proposed development and its impact on, and the need to maintain and enhance, the distinctive character of the landscape or townscape. If necessary, additional design, landscaping, planting and screening, including planting in advance of the commencement of the development, should be proposed.

DC6 – Highways

Major mineral extractions, landfills and ‘strategic’ recycling, aggregate processing and recovery and treatment facilities, will be permitted provided they have a suitable access to and/or route to the minerals and waste lorry route as illustrated on the Key Diagram.

In all cases, minerals and waste development will only be permitted if it pays due regard to the likely volume and nature of traffic that would be generated by the proposal and the suitability of the proposed access to the site and of the road network that would be affected. Consideration should be given to highway capacity, road and pedestrian safety, congestion and environmental impact, and whether any highway improvements are required and whether these could be carried out satisfactorily without causing unacceptable environmental impact.

DC7 - Biodiversity

Minerals and waste developments will only be permitted if due regard is given to the likely effects of the proposed development on biodiversity and, where possible, proposals should conserve and enhance biodiversity.

Development likely to adversely impact upon ‘regionally or locally designated sites or protected species’ – designated in adopted Local Plans or Local Development Frameworks – (including Sites of Importance for Nature Conservation (SINCs), Species of Principal Importance for Biodiversity, Regionally Important Geological Sites and Local Nature Reserves) shall only be permitted if the merits of development outweigh the likely impact.

DC8 - Pollution, health, quality of life and amenity

Minerals and waste development will only be permitted if due regard is given to the pollution and amenity impacts on the residents and users of the locality and there is unlikely to be an unacceptable impact on health and/or the quality of life of occupants of nearby dwellings and other sensitive properties. Where necessary minerals and waste developments should include mitigation measures, such as buffer zones between the site and such properties.

DC9 - Public Safety

Minerals and waste developments affected by 'safeguarding zones' will only be permitted with due regard to public safety issues, in consultation with the appropriate bodies responsible for managing and/or regulating the relevant site(s).

DC10 - Water Resources

Non-hazardous landfill developments in areas that overlie major aquifers, and Groundwater Source Protection Zones I, II & III, and mineral extraction or inert landfill in areas that overlie major aquifers and Groundwater Source Protection Zone I will not be permitted.

All minerals and waste developments will only be permitted if they are unlikely to have an unacceptable impact on coastal, surface or ground waters and due regard is given to water conservation and efficiency.

DC11 - Flooding

Minerals and waste development will only be permitted in accordance with the conclusions of a Flood Risk Assessment. Moreover, landfill and hazardous waste facilities, in flood risk zones 3a and 3b, or development that is likely to create an unacceptable risk of off-site flooding, will not be permitted.

DC13 - Waste Management and Recycling (including Aggregate Recycling Facilities)

Waste management developments (excluding landfill) will be permitted provided that the site:

- a. Is identified as a site, or within an area suitable for waste management uses, in the Hampshire Waste Management Plan or Minerals Plans, or
- b. Re-uses/redevelops previously developed land and/or redundant agricultural and forestry buildings (including their curtilages), or
- c. Is within a planned area of large-scale development, or
- d. Is on employment land, preferably co-located with complementary activities, and
- e. Has good access to, the minerals and waste lorry route as shown on the Key Diagram, and where possible, the site enables the use of water-borne and rail freight, and
- f. In the case of recovery and treatment sites, incoming waste shall be subject to pre-treatment, either on or off site to maximise the potential for recycling, and where technically possible, energy will be generated and used and the by-products, including heat, will be reused or recycled, and

- g. In the case of sites providing public access, the site shall be accessible for use by disabled people.

Hart Local Plan- First Alteration (adopted June 2006)

Policy ALT DEV17 Clarks Farm, Darby Green

The site known as Clarks Farm, Darby Green, as shown as area A) on the proposals map is considered suitable for redevelopment for Class B1 employment use up to 2,500 sq. m. or other employment development with similar levels of employment. Development should take place in a landscaped setting, subject to the removal of the existing uses together with the following criteria:

- i) The scale of redevelopment shall accord with the objectives of sustainable development, taking into consideration the site's accessibility as a location, its status as a previously developed site outside any identified settlement, and its existing and potential lawful uses;
- ii) The redevelopment of the site (including car parking, the curtilages of buildings, roads and other infrastructure requirements) should aim to reduce the footprint of the existing developed area. In respect of any new buildings, they should not exceed the bulk and height of the existing main barn building granted planning permission in 1964;
- iii) New development should be located in a way which appears to widen the narrow gap between the south-eastern tip of Yateley and the western edge of Darby Green and which generally enhances the perception of this area as a Strategic Gap between settlements;
- iv) New development should be sensitively designed to preserve and enhance the character and appearance of the Strategic Gap and the Darby Green Conservation Area;
- v) Development must not have an overbearing impact on nearby residential properties and must avoid adverse visual impact on the listed buildings of Clarks Farmhouse and Pond Farmhouse;
- vi) Development must include a comprehensive management plan for the informal publicly accessible open space and the protection of wildlife habitats on the land and lakes between the site and the River Blackwater and the land between the site and residential properties to the east;
- vii) All cables on the site and on the publicly accessible open space must be placed underground;
- viii) The capacity of the highway network must not be exceeded as a result of development on this site;
- ix) Footpaths and cycleways will be provided to link the site with the publicly accessible open space, the River Blackwater, Darby Green Lane and the Frogmore School and Community Campus;
- x) A commuter plan and a transport strategy, including the provision of car and cycle parking will be prepared to encourage journeys to work by means other than the private car.

This policy replaces Policy DEV17 of the Hart District Local Plan (Replacement) 1996 to 2006.

The site is in a very narrow part of the "Blackwater Valley Towns (Aldershot to Yateley) to County Boundary (the Blackwater Gap)" Strategic Gap under Policy G1 of the adopted Hampshire County Structure Plan (Review). The local planning authority is particularly concerned to maintain a sense of separation between Yateley and Blackwater and to maintain a sense of separation between the urban areas on either side of the River Blackwater in this location.

If a sense of separation between Yateley and Blackwater is to be maintained, then the bulk, height, character and appearance of new buildings and the area they cover including the curtilages of any new buildings must be strictly controlled. Visual impact on the strategic gap, the Darby Green conservation area and impact on listed buildings will be assessed having regard to the impact of what is currently on site and the opportunities for improvements to the environment. It is anticipated that the employment use will therefore take the form of small scale units for small or starter firms to meet these objectives.

The local planning authority wishes to promote and support initiatives that seek to conserve, restore or enhance the natural elements of river valleys and the water environment. The River Blackwater is on the opposite side of the lake from the composting plant. An improvement to the environment of the Mushroom Farm would be beneficial in this context, especially where provision could be made for a cycleway linking the footpath along the River Blackwater with the site and with the nearby school and community campus.

English Nature are of the view that this site (in part) may contain habitats of ecological value and therefore recommend that up to date ecological information is obtained before a decision is made on any application for development. In the opinion of the local planning authority this reinforces the need to manage the lakes for wildlife and informal public open space.

The local planning authority is particularly concerned about the highway capacity of roads in the area and will require a transport plan.

The local planning authority would also draw developers' attention to the following sensitivities which are themselves generally covered by policies elsewhere in the plan:

- a) Means of access to the site and the road layout within the site should not result in rat running through the site or inappropriate use of Darby Green Lane.
- b) Government guidance in PPG13: Transport, seeks a reduction in car parking standards. The LPA will have regard to this policy when considering applications for planning permission.
- c) This site is in open countryside and impacts on a strategic gap, listed buildings and the conservation area. As a result, the LPA is concerned that lighting should be strictly controlled to prevent light pollution unduly affecting these interests of acknowledged importance.
- d) Development (including car parking) should not encroach within 10 metres of the boundary of Clarks Farm because the LPA does not wish to see the farm visually dominated by new development.

e) The site contains a site of importance for nature conservation (SINC).

* On the Proposals Map, this Proposal is depicted to indicate the two distinct areas a) the area for redevelopment, and b) the area for recreational use and structural planting.

**South-East Plan ‘ The Regional Spatial Strategy for the South-East Region’
May 2009 (W2 Sustainable Design Construction and Development)**

Local Development Documents will require development design, construction and demolition which minimises waste production and associated impacts through:

- The re-use of construction and demolition materials
- The promotion of layouts and designs that provide adequate space to facilitate storage, re-use, recycling and composting.

In particular, development in the region’s strategic Growth Areas should demonstrate and employ best practice in design and construction for waste minimisation and recycling

Appendix 1

Site Code	Operator	Address	EA Facility Type Description	Status	Capacity (tonnes per annum)
Hart					
HR005	Cranstone Bros	Beacon Hill Pit, Beacon Hill Road, Farnham, Surrey, GU10 5FT	Physical Treatment	Operational	25,000
HR034	Biffa Waste Services Ltd	Starhill Sawmills, Hartley Wintney, RG27	Material Recycling Treatment	Operational	75,000
HR042	R Collard	Eversley Recycling Ltd, Land at Warren Heath, Bramshill, Hampshire	Physical Treatment	Operational	75,000
HR078	C G Comley & Sons Ltd	Calf Lane, Rye Common, Odiham, Hampshire, RG29 IHU	Special Waste Transfer	Operational	100,000
HR085	R Collard	4 Eversley Haulage Park, Fleet	Special Waste Transfer	Operational	200,000 ? (EA permit, 120,000 tpa)
Rushmoor					
RM015	Taurus Waste Recycling Ltd	Unit 3 & 4 Stubbs Industrial Estate, Aldershot	Transfer Station taking Non-Biodegradable Wastes	Operational	109,500
RM025	Chambers Waste Management Plc	Hollybush Lane, Aldershot, GU11	Physical Treatment	Operational	75,000
RM031	Courtstyle Ltd	Unit 1A Stubbs Industrial Estate, Hollybush Lane, Aldershot, Hampshire, GU11 2PX		Non-operational	65,000 (estimates from limits on lorry movements)
RM033	Econometric Ltd	Lynchford Lane Waste Transfer Station (and Recycling) Facility	Household, Commercial & Industrial Waste Transfer St	Non-operational	300,000