

**Hampshire County Council
Director of Economy, Transport & Environment**

Applicant: Specialist Waste Recycling Ltd

Application to vary condition 1 of planning permission F22689/002/FUL to extend the working hours at Beacon House, 13 Mill Lane, Alton, Hampshire GU34 2PH (No. 22689/004)

(Received: 2 July 2012)

General

The applicant (Specialist Waste Recycling Ltd) provides a waste service to the motor trade. The site handles cardboard, paper, polythene, bumpers, tyres, metal and rigid plastic. This application seeks to remove the working hours condition imposed on the operation from permission F22689/002/FUL, so that there are no restrictions on working hours. Condition 2 of this planning consent (F22689/002/FUL) restricts storage, baling and recycling to within the building. The applicant reports that they have had to turn away work due to the restrictive condition which reads:

“No work relating to the storage, baling and recycling activities shall take place before the 0800 or after 1800 Monday to Friday inclusive, before 0800 or after 1300 on Saturday and not at all on Sunday or recognised public holidays, unless otherwise agreed beforehand in writing with the Waste Planning Authority.”

This application follows an application (reference 22689/003) which also sought to remove the above condition of the original consent. A temporary permission was granted for a year (expiring on 30th September 2012 – condition 2) and allowed extended working hours and included other conditions to ensure the work is carried out within the building. The purpose of the temporary consent was to monitor and assess the site, how the amended working restrictions worked, with regard to the amenities of the neighbouring residential property.

There is only one residential property in the vicinity. This is approximately 60ms to the south east, across Caker Stream called Lynch Hill Cottage. There is unrestricted access to the site by foot and the building and car parking area border the stream.

Development Plan

Hampshire Minerals and Waste Core Strategy DPD, policies DC8 (Pollution, health, quality of life and amenity), DC13 (Waste management and Recycling) Policy S5 (Capacity Requirements for Recycling, Composting and Recovery and Treatment) are relevant.

The National Planning Policy Framework (NPPF), although not part of the development plan is a ‘material’ consideration. It was published by the Government in March 2012 and largely replaces former planning policy statements – except for PPS10 (see below). It includes an overarching ‘presumption in favour of sustainable development’ which means ‘approving development proposals that accord with the development plan without delay’. The presumption allows for only

refusing permission where adverse impacts clearly outweigh the benefits, or where NPPF policies indicate developments should be restricted.

Planning for Sustainable Waste Management (PPS10) - remains as national policy until a new National Waste Management Plan is adopted and is particularly relevant as it provides for:

(i) delivering sustainable development by driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option;

Consultations

Councillor Kemp-Gee has been informed but not chosen to comment.

Councillor Joy has been informed but not chosen to comment.

East Hampshire District Council objects to the application.

The **Environmental Health officer at East Hampshire** comments that “the noise assessment that has been provided is not a comprehensive enough to provide an informed decision. Given this I would not recommend removing the condition from the associated planning permission.

A BS4142 assessment needs to be undertaken on the worst 5 minute period during the night time and also the worst 1 hour period during the day. Calculations need to be provided on the noise that may be associated with that period and determine the noise rating , at the boundary of the residential dwelling.”

The **Highway Authority** has no objection.

Alton Town Council has no objection.

Binsted Parish Council “objects to the total removal of working hours restriction, but they have no objection to the extended hours being made permanent.”

Representations

A local resident wrote in and has concerns as the occupiers are working outside of the building and can generate sudden noise via these activities and having the rear fire doors open, but would have no objection to the application being granted if they did not breach these conditions.

Commentary

The main issues are the amenity impacts for the nearest resident of extending the hours, particularly with regard to noise. However the success of the recycling business is also recognised and, therefore, there should be consideration of whether the existing hours could be extended without having a significant adverse impact.

As noted above, the local resident has concerns as to the operation of the business over the last year, but these do not relate to the extended hours part of the permission granted. It is the alleged breach of other conditions i.e working outside of the building, that have caused him disturbance. It is stated in the representation letter that the resident has no objection to the hours being extended if the operations comply with the conditions that were set out to safeguard amenity.

In addition to this concern, the Environmental Health officer (EHO) has requested further information before they would be satisfied and there would be no adverse amenity impacts if the site was allowed to operate 24 hours a day. This approach has been echoed by the District Council planning officer. The Parish Council has also responded with an objection to the complete removal of hours condition, but have no issue with the extended hours remaining.

In view of the location of the nearest house and the concern from the EHO, it is not considered acceptable to delete the condition and have unrestricted working hours. The Waste Planning Authority (WPA) would not be able to recommend approval for the removal of the hours condition in its entirety, unless a further noise study was submitted that satisfied the EHO and the WPA felt that it was appropriate.

It is noted that although not necessarily restricted by condition, the neighbouring businesses do not normally operate at weekends and that operations at night could lead to sleep disturbance. Whilst recognising the noise report concludes the noise would not exceed background levels there is clearly a potential for loud bangs and crashes which would be very disturbing at night.

Taking all these issues into account, keeping the hours restricted to an extended working day is felt reasonable. The amenity of the neighbour is safeguarded as the working hours are extended, but provisions to keep the noisy activities within the building are retained. The conditions from the temporary permission (22689/003) have been applied and strengthened. The addition of a new condition will improve the noise control of the site and protect the local environment as all the conditions can also be monitored and enforced more effectively.

It is considered that, whilst the removal of any restriction on working hours would be unacceptable, on balance amended conditions can provide an acceptable compromise. This extension of working hours with restrictions will preclude the noisiest activities outside reasonable working hours.

Recommendation

That permission be granted for a variation of Condition 1 (Hours of Working) on planning permission F22689/002/FUL subject to the following reasons for approval and conditions.

Reasons for Approval

It is considered that the site is appropriate for waste transfer and recycling (DC13) and that, subject to further conditions restricting hours and use, would not have an unacceptable impact on the amenity of local residents (DC 8).

The proposal also accords with the ambitions of Policy S5 (Capacity Requirements for Recycling, Composting and Recovery and Treatment).

Conditions

Commencement

1. The development hereby permitted shall be begun before the expiration of six months from the date of this permission.

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

Plans and particulars

2. The development hereby permitted shall be carried out and completed strictly in accordance with the approved plans, specifications and written particulars identified within the decision notice.

Reason: To ensure that the development is carried out in accordance with the approved details.

Hours of Working

3. No heavy goods vehicles shall enter or leave the site except between the following hours: 0500-1800 Monday to Friday and 0500-1400 Saturday. There shall be no working on Sundays or recognised public holidays.

Reason: In the interests of local amenity.

4. No work relating to storage, baling and recycling activities shall take place before 0700 or after 2200 Monday to Friday inclusive, before 0700 or after 1300 on Saturday and not at all on Sunday or recognised public holidays.

Reason: In the interests of local amenity.

5. Prior to 0800 and after 2000, in line with the restrictions of condition 4 above, the main doors to the property on the north east facing elevation (marked x on planML1) shall remain closed and shall not be used for any reason.

Reason: In the interests of local amenity.

6. Prior to 0800 and after 2000, in line with the restrictions of condition 4 above, there shall be no sorting or movement of metallic waste and no metal on metal noise shall be audible outside the building.

Reason: In the interests of local amenity.

Environmental control

7. No work relating to the storage, baling and recycling activities shall take place outside the approved building.

Reason: To ensure the protection of the local environment and the amenities of occupiers of nearby properties.

Case Officer
Katherine Snell

Date...17/09/2012.....

Authorised on behalf of the Director of the Economy, Transport & Environment

.....P Chadwick.....

Date...17/09/2012.....

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

Hampshire Minerals and Waste Core Strategy DPD 2007

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.

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.

Policy S5 - Capacity Requirements for Recycling, Composting and Recovery and Treatment

Waste management capacity (including specialist facilities as detailed in Policy S7) will be provided in the period to 2020, as follows:

Recycling and Composting – facilities for the reception, storage, segregation and processing of 1.86 million tonnes a year of municipal, commercial and industrial waste (and associated bulking-up, transfer and contingency storage facilities);

Recovery and Treatment - facilities for the reception, storage and treatment of 0.93 million tonnes a year of municipal, commercial and industrial waste (and associated bulking-up and transfer facilities).