

**HAMPSHIRE COUNTY COUNCIL****Decision Report**

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	23 November 2011
<b>Title:</b>	Variation of condition 7 of Planning Permission K1399/7 (Site Layout) to include changes to Waste Transfer Station, boundary treatment, car parking, external storage, widening of access gates and inclusion/repositioning of portacabin on site at. Unit 20, Quay Lane Industrial Estate, Quay Lane, Hardway, Gosport. (Application no: K13994/10) (Site Ref: GP017)
<b>Reference:</b>	3371
<b>Report From:</b>	Head of County Planning

**Contact name:** Julia Davey

**Tel:** 01962 846732      **Email:** julia.davey@hants.gov.uk

## 1. Executive Summary

- 1.1. This report considers an application to vary condition 7 of Planning Permission K1399/7 concerning the site layout and to make changes to the existing waste transfer station at Unit 20, Quay Lane Industrial Estate, Quay Lane, Hardway, Gosport.
- 1.2. The County Council granted planning permission for the waste transfer facility at Quay Lane following a Regulatory Committee Members' site visit in 2005. The site has been operational since July 2006. In the last two years, two complainants have contacted the County Council about lorries running over the kerb opposite the site entrance, vibration when skips are dropped and dust carried onto neighbouring businesses. Four letters of representation about the application have been received.
- 1.3. The main issues raised by the application are impacts on:
- the Portsmouth Harbour SSSI/SPA and Ramsar;
  - nearby businesses by way of traffic, dust noise and vibration;
  - the amenity of residents on the locality; and
  - highway safety.

- 1.4 It is considered the proposed changes would improve the management and operation of the site and it is recommended that permission be granted subject to a £1000 financial contribution towards a protective barrier being erected on the highway kerb opposite the site entrance, conditions and the existing lorry routing agreement being carried forward as part of this permission.
- 1.5 Reasons for decision - it is considered that, subject to a £1000 contribution towards the construction of a safety barrier along the edge of the highway opposite the site entrance, conditions and the existing lorry routing agreement being carried forward as part of this permission, the proposal would be in accordance with the development plan (summary attached). The development is a sustainable waste use of the land (DC13) providing additional off street parking, would not cause any significant impact on the adjacent Portsmouth Harbour SSSI (DC2), would not materially impact on the landscape or townscape of the area (DC3) nor, subject to mitigation, materially harm the amenity of local residents (DC8) and would be acceptable in terms of highway safety and convenience (DC6).

## **2. Site and proposal**

- 2.1 The site comprises approximately 0.15 hectares of land allocated for industrial use within the Gosport Borough Council Local Plan. It is bounded by Quay Lane to the west and Portsmouth Harbour Site of Special Scientific Interest (SSSI), Ramsar and Special Protection Area (SPA), to the east. Other business units are located to the west opposite the site, and to the north on the Quay Lane industrial estate. The applicant's main offices supporting his business are located in one of these units opposite the site.
- 2.2 The main part of the site used for waste transfer uses is hard surfaced and enclosed by approximately 2.5 m high galvanised fencing. There is a small triangular area to the east currently grassed in the applicant's control.
- 2.3 On 28 January 2005 the County Council granted planning permission following a Regulatory Committee Members' site visit, for the erection of two general industrial (class B1) units with associated offices and waste transfer station and refurbishment of existing building. The site has been operating as a waste transfer station since July 2006.
- 2.4 Prior to this waste development, the site was used as a coach storage yard under a series of temporary planning permissions granted by Gosport Borough Council in 1992, 1994 and 1995. Outline permission for a two storey building for industrial purposes (class B2) was then granted in 1999. Gosport Borough Council granted planning permission in September 2003 for replacement boundary fences and gates and screen planting to the eastern boundary.
- 2.5 A public Right of Way runs nearby to the east of the site.

- 2.6 The current waste transfer station sorts bricks/concrete/rubble, timber, mixed metals, papers and plastics which are transferred mainly to smaller skips and some containers to other dedicated recycling/waste centres. The operation generates approximately 30 vehicle movements per day for the delivery and collection of 5 cubic metres skips and 30 cubic metre containers. The applicant states that there are seasonal variations to the number of vehicles operating from the site but generally there would be approximately five articulated vehicles ( 15.5m /52 feet long ) in and out ( 10 movements per week) and approximately 20 No rigid lorries ( 8m long) in and out ( 40 movements per week).
- 2.7 The applicant is proposing that the existing building be altered to enable waste to be deposited in the western half of the building as it remains largely unused and originally designed in part for offices.
- 2.8 It is also proposed that the double gates be widened by 600mm to facilitate vehicle access, that areas be dedicated for external storage and that the grassed rectangular area to the east of the site be turned into five car parking spaces with a dropped kerb created along the associated length of highway which would have to be subject to a separate highway authority approval.
- 2.9 The applicant has revised the proposal to help ensure the site is effectively managed:
- (i) Revised plans showing hatched storage areas are demarcated as follows:-
- A-** for storage of skips and containers (area to the west of the site adjacent to road)
- B-** for the loading/unloading of containers and skips, day time only (area across the opening of the Waste Transfer Station)
- C-** for the storage and loading of skips awaiting removal (timber & metal only ), to be netted at all times (area to the east adjacent to fence/harbour adjacent to Waste Transfer Station)
- D-** for the storage of skips either full (day time only) or empty (central area to east of site, adjacent to fence/harbour)
- E-** for the storage of empty skips (lower area to the east of site, adjacent to fence/harbour).
- ii) All skips and containers will be stored empty or full to a maximum height of 2.4m above ground level
- iii) The skip storage areas will have noise and vibration suppression fixed to the concrete base by way of timber bearers or similar.
- iv) A revised Environmental Site and Waste Management Plan updating that which already exists on the site.

- 2.10 The applicant has agreed to pay £1,000 towards a safety barrier to prevent any vehicle servicing the site over-running the kerb opposite the site entrance.

### **3. Development plan**

- 3.1 Hampshire Minerals and Waste Core Strategy DPD 2007 - DC1 (Sustainable waste development), DC2 (European sites), DC3 (Landscape/Townscape), DC6 (Highways), DC8 (Amenity), DC22 (Additional Plant, Buildings and Minor Development)
- 3.2 Gosport Local Plan Review – R/DP1 ,R/T11 (highway safety), R/CH1 and R/OS11.

### **4. Consultations**

- 4.1 The local Member, Councillor Chegwyn, has been informed of the proposal.
- 4.2 Environmental Health Officer – has been consulted on the application.
- 4.3 Gosport Borough Council - raises no objection subject to conditions relating to height of external storage and parking bay detail and completion times.
- 4.4 Environment Agency - raises no objection.
- 4.5 Natural England raises no objection.
- 4.6 Highway Authority raises no objection subject to conditions and a highway contribution of £1,000 towards the implementation of a safety/protective barrier opposite the site entrance.

### **5. Representations**

- 5.1 Four representations have been received to the application, two objections from nearby businesses and two letters raising comments from local residents.
- 5.2 The comments from local residents highlight that the planting proposed as screening for the car park will obscure the views across the inner harbour through the fence . Quay Lane is well used by dog walkers and runners who enjoy the views and the sunsets on their way to Monks Walk nature area. They add that they have no objection to site layout provided size of waste transfer area /the site is not increased but note there are dust problems and trucks do not always use the agreed lorry route as some go along Elson Road and sometimes stop at the corner shop.
- 5.3 The two objections received to the proposal from two of the local businesses near the site state that :

- the vehicles using the site are too big, too long and too heavy for local roads, the business units at nos 1, 2, 3 Quay Lane suffer from vibration when skips are dropped on the ground; dust is an issue and occupiers of business units if permission is granted should be offered reduced rates.
- Vehicles reverse into yard and onto weighbridge rather than turning in site which they often cannot do due to waste being stored in the yard. Vehicles mount pavement kerb opposite site.

## **6. Commentary**

6.1` The waste transfer station provides a local service and has been operating for five years.

6.2 The main issues raised by the application are impacts on :

- (i) the Portsmouth Harbour SSSI/SPA and Ramsar;
- (ii) on nearby businesses by way of traffic, dust noise and vibration;
- (iii) on the amenity of residents on the locality; and
- (iv) highway safety.

6.2 With regard to any impacts on nature conservation and the adjacent Portsmouth Harbour SSSI/SPA and Ramsar no objections have been received on the basis of nature conservation impacts and Natural England has no concerns regarding the proposal.

6.3 With regard to impacts on local businesses, it is noted that two objectors to the application are local business units located on the western side of Quay Lane near the site. They state that skips are dropped on the ground causing vibration in their business premises and that dust and dirt traverse across to their business units. It has been verified to Council officers that HGVs including articulated vehicles have had to mount the kerb opposite the site and parking and manoeuvring using the footway and private land outside the applicant's ownership. The owner of the business unit in question has placed a mobile steel fence/barrier on the footway close to his land and states this has assisted in the vehicles avoiding the use of his land. The business has requested that the Highway Authority consider a permanent barrier being erected opposite the site entrance. HGVs have in the past damaged service covers located in the footway and a barrier could protect these from future damage.

6.4 The Highway Authority has assessed the situation and advised that it would be beneficial if a barrier could be erected and recommended that if

permission is granted the applicant contributes £1,000 towards the provision and construction of such a barrier. The applicant has agreed to this.

- 6.5 Having evaluated the application and vehicle manoeuvrability issues on site, it is considered that the key problem is the effectiveness of on-site management. In particular waste , containers and skips located so as to restrict the manoeuvrability of vehicles on the site. Accordingly it is recommended that a condition be added to any permission that may be granted for a revised Environmental Management Scheme and for separate areas to be demarcated.
- 6.6 With regard to any impacts on residential amenity and users of the nearby footpath, two comments have been received from two local residents. The first is that some lorries do not use the approved lorry route and this is unacceptable. The issue has been brought to the attention of the operator who states it will be enforced amongst all drivers to ensure this does not happen again. The second point made is that some people do not want the planting by the car parking spaces and prefer the view of the harbour through the steel palisade fence.
- 6.7 The comments of Gosport Borough Council are noted and their recommended conditions are included in Appendix B.
- 6.8 On balance it is considered that the proposals will improve the environmental impact of site operations subject to conditions.

## **7 Recommendation**

- 7.1 That, subject to a £1,000 financial contribution for the provision and construction of a safety barrier and subject to the existing lorry routing agreement being attached to this permission, planning permission for variation of condition 7 of planning permission K1399/7 to include changes to the waste transfer station, boundary treatment, car parking, external storage, widening of access gates and inclusion/repositioning of portacabin on site at Unit 20, Quay Lane Industrial Estate, Quay Lane, Hardway, Gosport, (K13994/10) be granted, subject to the conditions listed in Integral Appendix B.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	no
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	no
Corporate Improvement plan link number (if appropriate):	

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u> Erection of two general industrial (class B1) units with associated offices and waste transfer station and refurbishment of existing building , Quay lane, Gosport <a href="http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=11931">http://www3.hants.gov.uk/mineralsandwaste/application-details.htm?id=11931</a>	<u>Reference</u>  K13994/7	<u>Date</u>  28.1.05
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>	<u>Date</u>	

**Section 100 D - Local Government Act 1972 - background documents**

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

Document

Variation of condition 7 of Planning Permission K1399/7 (Site Layout) to include changes to Waste Transfer Station, boundary treatment, car parking, external storage, widening of access gates and inclusion/repositioning of portacabin on site. Application no.: K13994/10. Site Reference: GP017 Location: Unit 20, Quay Lane Industrial Estate, Quay Lane, Hardway, Gosport.

Location

County Planning  
Economy Transport and Environment  
QE II (West)  
The Castle  
Winchester

## CONDITIONS

### Time Limits

1. The development hereby permitted shall be fully implemented within one year from the date of this permission.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

### Hours of Working

2. No operations authorised by way of this permission shall take place other than between the hours of 0630-1800 Monday to Friday and between 0700 and 1600 hours on Saturdays. There shall be no working on Sundays or recognised public holidays.  
Reason: In the interests of local amenities.

### Environmental Management Scheme

3. Within two months of the date of this permission an environmental management scheme for the site shall be submitted to and approved by the Waste Planning Authority in writing and thereafter implemented within one month of such approval. The scheme shall include measures to minimise noise, vibration and dust produced by the development, including the loading and unloading of lorries and skips; and ensuring visibility and vehicle manoeuvring areas are kept clear within the site. It shall also include the erection of a suitably vandal proof transparent screen on the western site boundary and its associated maintenance. The Scheme shall also address matters such as site supervision, on site litter and rubbish control, gates, lorry route signing and maintenance of boundary fencing. Consideration should be given to spray watering systems within the building to reduce dust emanating from it when waste is deposited and sorted.  
Reason: In the interests of local amenities.
4. Reversing alarms to be used on lorries and equipment within the site shall be low tonal 'white noise type alarms only'.  
Reason: In the interests of local amenity.

### Pollution Protection

5. Foul drainage works shall be maintained on site in accordance with the approved scheme.  
Reason: To prevent pollution of the water environment.
6. Any facilities for the storage of fuels shall be sited in impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks associated pipework shall be located above ground where possible and protected from accidental damage.  
Reason: To prevent pollution of the water environment.



## Layout

7. The development shall be set out on site and constructed in accordance with the revised layout drawings 680/30C, 999/03A and 999/04 ( as amended 11 November 2011)

Reason: To ensure the satisfactory operation of the site in the interests of local amenities.

8. Within two months of the date of this permission a plan at 1:50 scale shall be submitted to the Waste Planning Authority for approval in writing detailing the location of the parking spaces on the site, their relationship to the existing fence and offices and specification for the surfacing, lining and details of a safety barrier to be constructed between the parking bays and the fence separating the bays from the Portsmouth Harbour SSSI, Ramsar and SPA beyond. Once approved the parking bays shall be constructed within a period of three months from the date of approval and thereafter maintained and kept available at all times for these purposes in accordance with the approved scheme.

Reason: In the interests of highway safety and to ensure adequate car parking is provided and retained and to comply with Policy R/T11 of the Gosport Borough Local Plan Review.

9. Within three months of the date of this permission the vehicle manoeuvring and turning spaces and visibility splay within the site and shown on the approved plans shall have been marked out in accordance with a scheme to be submitted to and approved in writing by the Waste Planning Authority, to enable vehicles to enter and leave the site in a forward gear and this shall be retained and be kept available for that purpose at all times.

Reason: In the interests of highway safety and to comply with policies R/DP1 and R/T11 of the Gosport Borough Local Plan Review.

10. No loose waste materials shall be stored externally on site no higher than 2.4m above ground level and all skip and container storage shall take place as shown hatched as Areas A to D on approved plan no. 690/30c and as outlined below:-

**A-** for storage of skips and containers (area to the west of the site adjacent to road)

**B-** for the loading/unloading of containers and skips, day time only (area across the opening of the Waste Transfer Station)

**C-** for the storage and loading of skips awaiting removal (timber & metal only), to be netted at all times (area to the east adjacent to fence/harbour adjacent to Waste Transfer Station)

**D-** for the storage of skips either full (day time only) or empty (central area to east of site, adjacent to fence/harbour)

**E-** for the storage of empty skips (lower area to the east of site, adjacent to fence/harbour).

Reason: In order to protect the amenities of the area and to comply with Policies R/DP1, R/CH1 and R/OS11 of the Gosport Borough Local Plan Review and policy DC3 of the Hampshire Minerals and Waste Core strategy.

### **Nature Conservation**

11. Works involving hammer piling will not take place during the winter period (1 October - 31 March inclusive); however, alternative quieter methods of piling such as screw driving may be used during this period.  
Reason: To protect the nature conservation interests of Portsmouth Harbour SPA and SSSI.

### **Landscape**

12. The landscape boundary treatment adjacent to the Portsmouth Harbour SSSI shall be maintained in accordance with the approved scheme and any plants, shrubs or trees that die or become diseased shall be replaced within a period of three years from the date of planting and maintained thereafter for a further period of five years.  
Reason: In the interests of local amenities, the visual enhancement and nature conservation value of the adjacent Portsmouth Harbour SSSI, Ramsar and SPA.

### **Other**

13. Only non-hazardous construction and demolition wastes shall be imported to the site.  
Reason: In the interests of the local amenities of the area.
14. The alterations to the buildings and the gate widening hereby approved shall be implemented in accordance with approved plan nos. 680/30 and 680/31. Materials to be used in the alterations to the waste transfer building and the site, and the construction of the gates and any additional fences shall match those approved under planning permission no. K13994/7.  
Reason: In the interests of the visual amenities of the area.
15. No external lighting shall be erected on the site without the prior written approval of the Waste Planning Authority.  
Reason: In the interests of local amenities.
16. There shall be no external storage or deposition of waste other than that just tipped into the waste building and over spilling into the hatched Area B on plan no. 690/30c or being prepared for loading into skips and containers ready for transfer. At the end of each delivery, or preparation for export and the end of each working day Area B shall be kept clear of waste material. At no time shall loose material be externally stored on the site. Sorting and deposition of waste shall take place within the waste transfer building.  
Reason: In the interests of local amenities and to comply with policy DC8 of the Hampshire Minerals and Waste Core Strategy.

Advice Notes

1. There is a legal agreement attached to this permission concerning the routing of lorries via the new Heritage Way link Road.
2. A licence will need to be obtained under Section 184 of the Highways Act 1980 to carry out the minor access /parking alterations approved by way of this permission.
3. A unilateral is attached to this permission securing £1,000 towards a safety barrier.

*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**

**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.

**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.

## GOSPORT BOROUGH COUNCIL LOCAL PLAN REVIEW

## Policy R/T11

Development proposals will be permitted provided that:

- i. provision is made for parking for cars, motorcycles and bicycles;
- ii. access and parking for people with disabilities in accordance with the relevant standards is included; and
- iii. sufficient visibility, access and manoeuvring space is provided for the safe and convenient use of parking spaces.

## Policy R/DP1

Development proposals will be permitted within the urban area, as defined on the Proposals Map, provided that:

- i. the scheme does not cause significant harm to the character of the surrounding area in terms of scale, setting, design, layout, materials, landscaping and the retention of important views;
- ii. significant harm is not caused to the historic environment and buildings of national and local importance, nature conservation interests and important landscape features;
- iii. where proposals are submitted either on or near to a site that is either known to be, or may be contaminated, the nature and extent of any such contamination has been determined and if appropriate the necessary remediation measures have been identified and agreed;
- iv. there is no significant loss of amenity, which could include issues such as traffic generation, noise, vibration, smell or pollution;
- v. any new scheme does not prevent the ability in appropriate circumstances to obtaining the proper comprehensive development of adjoining land;
- vi. appropriate infrastructure, safe access and parking arrangements can be provided or are available to the site;
- vii. any layout is designed to reduce the potential for criminal activity and anti-social behaviour; and
- viii. it has been demonstrated that the risk of flooding both to the proposed development and arising from the development has been appropriately considered and that the proposal incorporates relevant on-site and off-site flood prevention measures as appropriate.

## Policy R/CH1

Development proposals within the coastal zone, as defined on the Proposals Map, will be permitted provided that:

- i. they are in keeping with the character of the coast and preserve or enhance the environment of the surrounding area;
- ii. they will not significantly prejudice landscape interests and will have regard to the importance of seaward and landward views;
- iii. they do not cause harm to nature conservation and geological interests and will retain natural and other features of heritage importance;
- iv. they identify opportunities for environmental enhancements where practicable; and
- v. it is demonstrated that the risk of flooding both to the proposed development and arising from the development has been appropriately considered in the site layout, landscaping and design, and that the proposal incorporates relevant on-site and off-site flood prevention measures where appropriate.

## Policy R/OS11

Development proposals will not be permitted if they may directly or indirectly harm a Site of Special Scientific Interest unless the reasons for the development clearly outweigh:

- i. the nature conservation importance of the site itself; and
- ii. the national policy to safeguard such sites.

Where development is exceptionally permitted the Authority will consider the use of conditions or planning obligations to ensure the protection of the site's nature conservation interest.