

Application Number: 15/11254 Minerals (County Matter)

Site: MARCHWOOD WHARF, OCEANIC WAY, MARCHWOOD SO40
4BD

Development: Installation and operation of an asphalt plant for a period of 5
years

Applicant: Tarmac Trading Limited

Target Date: 20/10/2015

15/11254

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Parish Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built-up area

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 4. Economy
- 6. Towns, villages and built environment quality

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS5: Safe and healthy communities
- CS6: Flood risk
- CS17: Employment and economic development
- CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM5: Contaminated land
- DM11: Sites for marine-related businesses and access to the water
- DM12: Maintaining access to the water
- MAR5: Marchwood Industrial Park

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

- Section 38 Development Plan
- Planning and Compulsory Purchase Act 2004
- National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

None

6 RELEVANT PLANNING HISTORY

6.1 Mixed development of business (B1), Industrial (B2) and Storage and distribution (B8), Community Centre and non-residential licensed premises & access alterations (99/65908o/l) - granted 9/4/01

6.2 Retention of Marchwood Wharf on adjacent land (02/76840) - granted 12/3/03

7 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council:- Recommend refusal - increase in traffic levels and associated noise and emissions associated with this; increased emissions would adversely affect the health of the residents of Marchwood; potential contamination problems with water runoff; lorry movements both at night and during the day will adversely affect residential amenities; concerns about lack of consultation.

8 COUNCILLOR COMMENTS

Councillor Bennison:- Would like the following issues to be considered:- increased traffic movements; has questions about access and hours of operation; queries the employment opportunities that would be generated and distance of site from residential properties; notes that residents are concerned about health issues, smells and noise pollution; notes that residents are also concerned that temporary permission could become permanent; queries whether the local road network can handle any more HGV traffic.

9 CONSULTEE COMMENTS

9.1 Environmental Health (pollution):- recommends that an acoustic assessment is undertaken to ensure there is no adverse noise impact; dust and odours could be regulated by the Local Authority with conditions attached to an Environmental Permit under the Pollution, Prevention and Control regime, but this assumes a 25 metre high stack; lighting details will need to be submitted to ensure there is no light pollution.

9.2 Environmental Health (air quality):- advise that the applicant would need to submit an air quality assessment in respect of the increased HGV movements if there would be more than 100 additional HGV movements per day.

9.3 Environmental Health (contaminated land):- No objection subject to contaminated land conditions

9.4 Land Drainage:- recommends an informative

10 REPRESENTATIONS RECEIVED

10.1 5 letters of objection from local residents:- increased health risks to local residents; increased noise disturbance to detriment of residential amenities; smells and odour nuisance; additional traffic and lorry movements resulting in increased congestion and increased risks to

highway safety; temporary permission is likely to become permanent; employment opportunities would be limited; flood risk concerns; increased light pollution.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

Local financial considerations are not material to the decision on this application

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case, the application is a Hampshire County Council application.

14 ASSESSMENT

- 14.1 The application site is situated on the Marchwood Industrial Estate and forms part of Marchwood Wharf, which is a waterfront site covering an area of 3.5 hectares. The application specifically relates to a vacant 0.8 hectare of land that is rectangular in shape and which was previously occupied by an aggregate bagging facility. The surroundings are

industrial, the site lying close to both the Marchwood Incinerator and the Marchwood Power Station.

- 14.2 The submitted application is one that is to be determined by Hampshire County Council. New Forest District Council are a consultee. The proposal seeks to use the site for the installation and operation of an asphalt plant for a period of 5 years. The annual output from the Plant would be between 100,000 and 150,000 tonnes, which would equate to between 2000 and 3000 tonnes per week. The applicants suggest this would result in 100 to 150 heavy goods vehicle loads per week. The proposed asphalt plant would consist of a number of individual elements of modular plant, that would be of variable heights. The tallest element of plant (a fan and stack) would be 17 metres in height. The application also proposes some small ancillary buildings of a modular design.
- 14.3 The supporting details accompanying the application indicates that the majority of materials used in the manufacture of asphalt (approximately 90% of the material requirement) will be brought to the site by ship and unloaded across the existing wharf. The remainder of the material comprising bitumen, sand and a small percentage of filler will be imported by road. The applicants seek to operate the asphalt plant without restrictions for 24 hours a day and 7 days a week in line with the operating hours on the existing wharf. The Plant will provide 4 additional full-time posts employed on the site, as well as employment for a further 5 HGV drivers. The asphalt produced on the site would be used to serve the applicant's highway contracts.
- 14.4 Marchwood Wharf is an established and recognised permanent aggregate wharf. The proposed asphalt plant would, in principle, be a use that would be consistent with Local Plan policies that allocate this site and adjacent land for industrial, business and storage uses. The use would also be consistent with the Hampshire Minerals and Waste Plan, particularly Policy 19, which seeks to maximise the capacity of existing Aggregate Wharves including Marchwood Wharf.
- 14.5 Use of the site as an asphalt plant raises a number of environmental concerns. The first concern relates to the impact of additional traffic movements. The application is accompanied by a Transport Statement, which assesses the highway impacts of the development. The Transport Statement suggests that the proposed development would result in between 40 and 100 HGV movements per day on the local road network. The Transport Statement suggests there is sufficient capacity on the local road network to accommodate the additional traffic that would be generated, and it concludes that the residual cumulative impact of the development on the local highway network would not be severe. It will be for Hampshire County Council to decide whether the additional traffic that would be generated by the development would be acceptable from a highway safety perspective. However, it is not just the highway safety impact of additional traffic that needs to be considered, but also the impact that the additional traffic will have on local residents, particularly through noise, and particularly if that noise occurs at night.
- 14.6 Whilst the majority of HGV road traffic movements to the site would be during the day and during the normal working week, a proportion would be at night and on Sundays. The applicants indicate that approximately 20% of materials supplied to the Hampshire Contract are at night and that between 12 and 20 Sundays are used for asphalt deliveries.

Provided that HGV movements do not exceed the levels suggested and provided that lorries travelling to and from the site use a dedicated route (avoiding residential areas), it is felt that the additional noise generated from traffic movements is likely to be within acceptable limits. However, it is not clear that the adjacent wharf area would always be available to allow the transportation of materials by ship. The application site does not have a direct water frontage, and should the number of lorry movements increase over and above anticipated levels because it is not possible to use the adjacent wharf area to transport materials by water, then road traffic movements would be likely to impact on residential amenities to a degree that would be unacceptable. Therefore, it is considered important that the access to the adjacent wharf area / waterside is secured in connection with this application to ensure that traffic movements remain at a level that would not give rise to adverse effects.

- 14.7 The applicant's supporting statement suggests that the development is likely to generate less noise than the majority of businesses surrounding the site. However, it is also indicated that plant will need to be fitted with noise suppression systems. The Council's environmental health officer is concerned that without appropriate mitigation, the development is one that could generate noise that would be harmful to residential amenities, particularly given that the plant will regularly operate during the night time period, and at weekends. Although it is noted that the existing adjacent developments are not restricted in terms of their hours of operation, and although the site is about 600 metres away from the nearest residential properties, it is felt that it would be appropriate to require a noise assessment to be submitted to ensure noise from the development is satisfactorily minimised, and to ensure possible adverse noise impacts are adequately mitigated.
- 14.8 The applicant's supporting statement indicates that odours and dust emissions would be managed through an Environmental Permit issued under the Pollution, Prevention and Control Act 1999 and its associated Regulations. The Council's Environmental Health Officer has confirmed this to be the case. However, the existing Permit that would apply has been issued on the basis of a 25 metre high stack, whereas the application that has been submitted only proposes a 17 metre high stack. Therefore, it is not clear that dust and odours from the proposed development would be adequately controlled. As such, it is not felt the applicants have adequately demonstrated that the development could take place without resulting in dust and odours that could have a harmful impact on residential amenities and the wider environment.
- 14.9 The Council's environmental health officer has drawn the Local Planning Authority's attention to Air Quality Guidance that advises that developments that contribute more than 100 heavy duty vehicles per day should provide an air quality assessment to determine the potential impact of the development on local air quality. In this case, it would appear that the development would not result in more than 100 heavy duty vehicle movements per day, and on this basis it is not felt that an air quality assessment in respect of the impact of additional traffic movements is necessary. However, to ensure that additional traffic movements do not harm local air quality, the number of HGV traffic movements would need to be restricted by condition.

- 14.10 As the plant would operate regularly during the night, there will be a need for lighting. No lighting details have been submitted with the application. It is felt that a lighting scheme would need to be submitted and agreed to ensure there is no adverse impact on local amenities arising from additional light pollution.
- 14.11 With respect to contamination, the Council's environmental health officer advises that the site would be expected to have some land contamination due to the nature of previous uses. The Council's environmental health officer has indicated that there would be a need to impose standard contaminated land conditions to ensure the site is suitable for the proposed use.
- 14.12 Given the site's heavily industrialised context, which includes a range of tall structures, the development is one that would have an acceptable impact on the visual amenities of the area.
- 14.13 The development site is set some distance away from sites designated for their nature conservation interest. There is no evidence that the development would harm nature conservation interests.
- 14.14 The site is within a Military Explosives Consultation Zone and within a Health and Safety Executive Hazard Consultation Zone. It would be for Hampshire County Council to consult the Ministry of Defence and the Health and Safety Executive to ensure the development has no adverse implications for public safety.
- 14.15 The site is within an Area at Risk of Flooding. It would be for Hampshire County Council to consult with the Environment Agency to ensure the flood risk associated with the development is acceptable.
- 14.16 Concerns have been raised that if a temporary 5 year permission is granted, then a permanent planning permission could well follow in 5 years time. The Local Planning Authority can only consider an application on the basis of what has been submitted. Therefore, whilst it is entirely conceivable that the applicants would in future seek to make a temporary permission permanent, at present one can only assess this proposal on the basis that the permission would be for 5 years. A temporary permission would at least have the benefit of enabling the full impact of the proposal to be monitored before any permanent permission were to be given.
- 14.17 Overall, the proposed development, is one that gives rise to a number of environmental concerns. It is felt imperative that Hampshire County Council seek additional information and assurances on a number of points, otherwise the development has the potential to result in unacceptable environmental impacts. Specifically, there is considered a need to ensure that the adjacent wharf areas are permanently available to meet the transportation needs of the proposed development, otherwise the proposal could result in adverse noise and traffic impacts arising from additional HGV movements. Further information on dust and odours is needed as the proposed 17 metre high stack may not be sufficiently high to adequately mitigate dust and odour nuisance, and if not, there would then be a need for a taller stack. A noise assessment also needs to be agreed to ensure operational noise levels do not adversely affect residential amenities, and there also needs to be controls

on HGV movements if air quality levels are to remain acceptable. In addition, there is a need for lighting details to be agreed and for standard contaminated land conditions to be applied.

15. RECOMMENDATION

Raise the concerns set out in the following note:

Notes for inclusion on certificate:

1. The Local Planning Authority would wish the County Council to consider carefully the following concerns before they come to a decision on this application. Specifically, we have the following concerns:-
 - a) We are concerned that there should be no impediment to use of the adjacent wharf / waterside to enable materials to be transported to the site by ship, as we would not want to see a situation where all, or the majority of materials are transported to and from the site by HGV's using the local road network, as we feel this would have adverse implications for residential amenities and potentially highway safety;
 - b) We are concerned that the applicants have not provided adequate assurances to demonstrate that the proposed development will not adversely residential amenities as a result of dust and odour nuisance, given that the proposed stack height of 17 metres is materially lower than the 25 metre stack that is anticipated under the existing Environmental Permit that applies in this case;
 - c) In the absence of an appropriate noise assessment in respect of the operation of the proposed development, we are concerned that is has not been adequately demonstrated that noise from the development will be adequately mitigated so as to avoid adverse impacts on residential amenities;
 - d) In the absence of an appropriate air quality assessment, we are concerned that daily HGV movements should be restricted to more than 100 movements per day, failing which the proposal could generate levels of traffic that would be harmful to air quality.
 - e) We are concerned that lighting details should be agreed to ensure the development does not cause unacceptable light pollution
 - f) We are concerned that contaminated land conditions should be applied in line with the advice of our Environmental Health Officer.

Further Information:

Major Team
Telephone: 023 8028 5345 (Option 1)

