

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held at the castle, Winchester on Wednesday 25th July, 2018

Chairman:

* Councillor Peter Latham

* Councillor Judith Grajewski	* Councillor Alexis McEvoy
* Councillor Christopher Carter	* Councillor Russell Oppenheimer
* Councillor Mark Cooper	* Councillor Stephen Philpott
* Councillor Rod Cooper	* Councillor Roger Price
* Councillor Roland Dibbs	* Councillor Lance Quantrill
* Councillor Jane Frankum	* Councillor David Simpson
Councillor Marge Harvey	
* Councillor Keith House	
* Councillor Gary Hughes	* Present

64. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Oppenheimer and Harvey.

65. DECLARATIONS OF INTEREST

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3, Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

66. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

67. DEPUTATIONS

It was confirmed that ten deputations had been received for the meeting., which were all for Item 7 on the agenda; Waterbrook Esate, Alton.

68. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that Rob Storey from Planning was leaving Hampshire County Council, and on behalf of the Committee thanked Rob for his hard work on Regulatory over the past several years.

Members were also reminded to inform Members Services of any requests for PPE equipment and the importance of bringing it along to site visits.

69. **APPLICATION TO CORRECT A MISTAKE MADE BY THE COMMONS REGISTRATION AUTHORITY AT BROXHEAD COMMON, IN THE PARISH OF HEADLEY (APPLICATION NO. 01/17)**

The Committee received a report from the Director of Culture, Communities and Business Services (Item 6 in the Minute Book) regarding an application to correct a mistake made by the commons registration authority at Broxhead Common in Headley.

The report was for information only, and it was confirmed that an application had been made and was due to be processed according to the details within the report. Following this stage, the outcome would be reported back to Committee.

Members were happy with the report.

70. **UNIT 7 WATERBROOK ESTATE, WATERBROOK ROAD, ALTON**

The Committee considered a report from the Head of Strategic Planning (Item 7 in the Minute Book) regarding an application for variation of conditions at Unit 7, Waterbrook Estate in Alton.

Committee were reminded of the location of the site in an aerial photograph, following a site visit a few weeks previously. Residential areas and industrial areas were marked, along with the preferred route for HGV's. A site plan also depicted activities and movements that took place there and it was confirmed that activity would be at a minimum at night.

The issues surrounding the application were summarised, and whilst noise had been a concern of residents, a noise evaluation had found this to be at a satisfactory level with no adverse noise impact. A location plan was shown, stating where the noise analysis had been done at four points in the surrounding area in a 'summer' setting, to account for windows being open on residential properties. Whilst there had been complaints of a 'gunshot' style noise disturbing residents, this was confirmed as being from a neighbouring concrete plant and not related to the application.

Ten deputations had been received for this item, including local residents Peter White, Helen Boyce, Martin Boyce, Doreen Dye, Nicholas Weeks, Justin Laughton and Rachel Palmer who all spoke against the application. Mr White felt that the noise assessment was misleading, and did not take into account the topography of the land, with his house being several stories higher than the industrial estate, which was nestled in a valley. Consequently, there was no screening or dampening of noise for the upstairs of the house. Mr Boyce spoke of sudden noises, like that of metal on the site, being intrusive and disruptive

compared to constant road noise. Mrs Dye expanded to say that noise at night travelled much further and would disrupt the sleep of residents and it was important that residential amenity was preserved. Mr Weeks told Committee how he felt the application went against policies including that of the Control of Pollution Act and the Hampshire Mineral and Waste Plan, by causing inappropriate noise and dust. He also stated how the World Health Organisation includes the right to privacy and the right to a good nights sleep. Mr Weeks felt the guidelines had already been broken and approving the application would make a mockery of having them in place at all. Mr Laughton confirmed he had written to the applicant five times requesting that HGV's respect the speed limit and agreed that the noise assessments were not sufficient. He also asked why the location for the deposit of road planings on site was so close to the houses rather than the opposite end of the site. Rachel Palmer had concerns over the noise of the HGV's entering and leaving the site and the fact that this was not witnessed by Members at the site visit. It was requested that the application be refused, or at least deferred pending another site visit and further investigation into the true impact of the noise.

Councillor Peter Hicks from Alton Town Council told Committee how he thought the distribution of the notices had been very limited and the revision of the conditions would set a dangerous precedent for the industrial estate. Ian Lofthouse spoke on behalf of the applicant in support of the application and the importance for the business, and confirmed that the noise assessment had been done according to Ordnance Survey data and did account for the relative heights of the residential areas and the site and was therefore accurate. Councillor Andrew Joy addressed Committee as the local member and supported the residents in their concerns over the noise at night. Cllr Joy didn't think that the site was in a good location and the proposal was not essential to the site operations. He thanked local residents for attending the meeting to speak as well as the County Planning officers for their work.

During questions of deputations, the following points were clarified:

- Residents felt that the noise assessment was flawed because the receptor was set at street level and a quiet part of the road, whereas the Wilson Road houses were significantly higher than street level and the noise was not dampened by the intervening industrial buildings.
- No complaints had been received from residents regarding noise during the day, but this was and would be very different to noise at night.
- There were residential dwellings (live/work units) within the industrial estate
- It was not known whether the HGV's had trackers fitted on them.
- Any intermittent noise risks had been discussed with the Environment Health Officers and determined to be manageable.
- Residents did not feel the noise assessment was biased, but they did feel that it was missing some of the big noise contributors like the weigh-bridge.

During questions of the officer, the following points were clarified:

- Whilst it was natural that noise would be concern of the residents, the noise assessment had concluded that there would be no unacceptable noise impact as a result of the proposed changes.
- The site was permitted for 612 vehicle movements per week, with a proportion of that to occur outside of the operating hours as detailed on page 65 of the report.
- Setting a precedent for night time operations within the industrial estate was not a material planning consideration unless it could be evidenced that there were similar activities in similar circumstances in the area.

During debate Members shared concerns over the noise impact on residents and felt that just because the site was already established, didn't mean that changes to conditions should be agreed without careful consideration. From the site visit and driving around the immediate area, many Members agreed that the location was not ideal for the use and felt that additional noise at night could be very intrusive for residents. On balance it was agreed that the application was contrary to Policy 10 in the Hampshire Minerals and Waste Plan. Committee did discuss the option of granting permission for one year to monitor the noise, but this amendment was lost on a vote.

RESOLVED:

Planning permission was REFUSED for the following reason:
On the basis of the information submitted, the Waste Planning Authority considers that the proposed night time operations will result in unacceptable noise impacts to occupiers of residential property in the surrounding area, contrary to Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals and Waste Plan 2013 and paragraph 180 of the National Planning Policy Framework 2018.

Voting:

Favour: 4

Against: 10

71. REGULATION 3 DEVELOPMENT PROTOCOL

The Committee received a report from the Head of Strategic Planning (Item 8 in the Minute Book), which detailed Hampshire County Council's approach to planning enforcement for the County Council's own (Regulation 3) developments.

It was confirmed that enforcement was usually done by the District or Borough and that it was good practice to have something in place.

Members were happy with the Protocol.

RESOLVED:

Members noted the contents of the Protocol for dealing with breaches in planning control relating to development undertaken by the County Council under Regulation 3 and approved the Protocol for publication on the County

Council's website.

72. **MONITORING AND ENFORCEMENT UPDATE**

The Committee received a report from the Head of Strategic Planning (Item 9 in the Minute Book) which updated Members on Monitoring and Enforcement work undertaken between January and June 2018.

The officer reassured Members that enforcement officers were very responsive to issues, but that it was important that the County were made aware of them so issues could be investigated.

It was confirmed Newlands Farm in Fareham were currently working to process some of the existing stockpiles, but that a notice was still in place and no further material was being imported.

RESOLVED:

The Committee noted the contents of the report.

Chairman,