

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held at the castle, Winchester on Wednesday, 24th January, 2018

Chairman:

* Councillor Peter Latham

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

*Present

37. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Price and Councillor Quantrill.

38. 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.

39. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

40. DEPUTATIONS

The procedure was explained to deputations and it was confirmed that each deputation would have 10 minutes to speak. There were three deputations in attendance at the meeting.

41. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman confirmed that there would be an update after the meeting regarding a recent Supreme Court decision related to going against officer recommendations.

42. **RINGWOOD & FORDINGBRIDGE SKIP HIRE COURWOOD FARM COURT HILL SANDLEHEATH**

The Committee considered a report from the Head of Strategic Planning (Item 6 in the Minute Book) regarding variations to conditions and retention of existing welfare units at Ringwood & Fordingbridge Skip Hire in Sandleheath.

The officer introduced the item, confirming that a Site Visit had taken place by Committee towards the end of 2017. Proposals were for an increase in HGV movements from 50 vehicle movements per week to 234 per week, resulting in an increase in throughput of material from 3,225 to 16,000 tonnes per annum. Committee was shown a location plan, which highlighted the local road network and the relationship of the site to nearby settlements, dwellings and environmental designations..

The Committee received three deputations on the item. Councillor Philip Stockton spoke as Chairman of Sandleheath Parish Council in support of the officer recommendation to refuse the application. The Parish had concerns regarding safety with the number of proposed vehicle movements as well as the risk of contamination to the nearby SINC and ancient woodland. There was also a lot of noise on site. Jerry Davies and Ben Wyatt spoke on behalf of the applicant. Mr Davies spoke of how the initial permission allowed for as little as four skip lorries to enter and leave the site per day, but this was not a realistic and not feasible for the business. The increase in traffic movements was not raised as an issue by the Council until 2016 despite regular monitoring. The proposal was to now use larger vehicles which would help minimise the number of vehicle movements required. Site improvements have been looked at and the northern site access is now used as the primary access. Mr Wyatt told committee how the original conditions regarding vehicle movements had been breached between 2010 and 2016 without realising and he had always supported the local community, with 20 people being employed on the site.

Hampshire County Councillor Edward Heron addressed Committee as the local member. Whilst Councillor Heron acknowledged that traffic in the area was an issue, he had never received a complaint about the company itself. The site was an important recycling facility and Councillor Heron proposed granting a temporary consent whilst the business looked to move to a more suitable location.

During questions of the deputations, the following was clarified:

- The applicant accepted that the breach regarding vehicle movements was not picked up on and queried.
- The original planning consent given was not appealed.

- 'Throughput' had been confused with vehicle movements, which had been a genuine misunderstanding.
- The site was currently operating at 300 vehicle movements per week, which was proposed to reduce to 234 using larger vehicles that could carry more.
- Many alternative sites had been looked at by the applicant but most so far were not suitable

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

- Planning policy requires a special need to be demonstrated for a company to operate from a countryside site such as this. However, the operator has permission to operate a small scale facility at the site and could not be forced to move.
- The larger vehicles referred to by the applicant were the same width as the standard skip lorries but longer, so could take greater loads.
- 4.7 in the report detailed the only complaints received regarding the site.
- The site had been on the list for monitoring but issues regarding the increase in vehicle movements hadn't been detected until 2016.
- The applicant was also responsible for monitoring his own vehicle movements in accordance with his permission

In debate, Members agreed that there was a clear and significant breach of conditions applied to the original permission and a risk in setting a precedent should the application be approved. Whilst there was some sympathy towards the applicant and a temporary permission was considered, it was agreed overall that the personal circumstances of the applicant were not a planning consideration and that planning permission should be refused for the reasons set out in the recommendations.

RESOLVED:

1. Planning permission was REFUSED for the following reasons:

- a. The development is not in accordance with Policies: 4 (Protection of the designated landscape) and 13 (High-quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (HMWP) (2013) as it would adversely impact on the tranquillity and noise environment of the area undermining the objectives of the AONB designation;
- b. The development is not in accordance with Policy 10 (Protecting public health, safety and amenity) of the HMWP (2013) as it would have a significant adverse impact on residential amenity by reason of noise.
- c. The development is not in accordance with Policy 12 (Managing traffic) of the HMWP (2013) and Policy DM22 (Employment development in the countryside) of the New Forest Sites and Development Management (part 2) (2014) as the scale of increase in HGV movements sought will have an adverse impact on the amenity and character of settlements through which these vehicles pass and it has not been demonstrated that the traffic generated by the proposal and

the increase in vehicle movements will not cause severe highway safety and capacity impacts on the existing transport network;

- d. The development is not in accordance with Policy 29 (Locations and sites for waste management) of the HMWP (2013) as it is not located in the locations identified for the development to provide recycling, recovery and/ or treatment of waste (pursuant to Policy 29(1)); the applicant has not demonstrated that the site has good transport connections to sources of and/or markets for the type of waste being managed (pursuant to Policy 29 (3)); and a special need for that location and the suitability of the site has not been demonstrated (pursuant to Policy 29 (3)).

Voting:

Favour: 14 (unanimous)

2. That authority be given to take appropriate enforcement action to bring the site into compliance with condition four, seven and nine of planning permission 16/11117.

Voting:

Favour: 13

Abstentions: 1

43. **REVISIONS TO PLANNING APPLICATION VALIDATION GUIDANCE**

The Committee considered a report from the Head of Strategic Planning (Item 7 in the Minute Book) regarding revisions to the Planning Application Validation Guidance, following a consultation. The last updates were done in 2012.

It was agreed that on the second page of the guidance under 'How to use this Guidance', the word '**MUST**' would also be added before 'applicable local validation requirements' to emphasise the importance of compliance with the requirements. Members voted on the recommendation with this minor amendment to the document.

RESOLVED:

1. The committee noted the outcomes of the public consultation.
2. The updated guidance was approved for implementation with immediate effect

Voting:

Favour: 12 (unanimous)

Chairman,