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AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY COUNCIL held at the Castle, Winchester on Wednesday, 16th November, 2022

Chairman:

* Councillor Peter Latham

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| * Councillor Lance Quantrill | * Councillor Alexis McEvoy |
| Councillor Lulu Bowerman | * Councillor Stephen Parker |
| * Councillor Steven Broomfield | * Councillor Louise Parker-Jones |
| * Councillor Mark Cooper | * Councillor Stephen Philpott |
| * Councillor Rod Cooper | * Councillor Roger Price |
| * Councillor Michael Ford | * Councillor Kim Taylor |
| Councillor Keith House | * Councillor Sarah Pankhurst |
| * Councillor Gary Hughes | * Councillor Wayne Irish |
| * Councillor Adam Jackman | |

*Present

30. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Lulu Bowerman and Keith House. Cllrs Sarah Pankhurst and Wayne Irish were deputising.

31. 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.

Cllr Parker declared that one of the people making a deputation at the meeting was known to him via Hart District Council and Crondall Parish Council. He did not believe that there was a conflict of interest.

32. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting were reviewed and agreed.

33. **DEPUTATIONS**

The Chairman confirmed that there were deputations for item number 6, which would be called at the relevant point in the agenda.

34. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reminded Members that officers would be presenting two information items after the formal meeting closed on:

- the update to the Hampshire Minerals and Waste Plan, and
- the update to the Hampshire Statement of Community Involvement.

35. **LAND AT FARNHAM ROAD, BOWLING ALLEY CRONDALL**

Change of use of part of land forming Redfields Plant Centre to use for recycling of inert materials at Land at Farnham Road, Bowling Alley, Crondall GU10 5RW (No. 21/02058/HCCHR109).

The Chairman reminded Members that there had been a site visit in July 2022 and that this was a retrospective application.

The officer introduced the report explaining that it included a lot of information about the site. The application was being considered by the Committee as requested by Councillor Glen.

She explained that the focus was on whether the site was an acceptable location and referred the Committee to paragraphs 89 – 113 in the report setting out more information about the location and needs.

The Planning officer clarified that paragraph 111 in the report should state 'Taking into account the woodland, agricultural fields, and Bowling Alley highway immediately surrounding the *wider* site...'.

He went on to explain that the Update Report, which had been published on 14 November 2022, contained clarification on the Minerals and Waste Planning Authority position on previously Developed Land (PDL) deferring to Hart District Council (HDC) in this respect. He stated that the applicant intended to pursue an application for a Lawful Development Certificate to HDC and that this was not intended to prejudice future applications to HDC. The conditions had been updated to reflect that restoration would not be required if the site is found to be PDL.

The officer drew the Committee's attention to the further response from Crondall Parish Council, which had been noted in the Update Report and published on the County Council's website.

The officer then showed the Committee location maps and photos which illustrated:

- The subject site highlighted and its proximity to the two strategic corridors of the M3 and A31, both of which were 7 kilometres away.
- The area of ancient woodland to the south, designated as a Site of Interest for Nature Conservation.
- The location of Mill Lane and Crondall, 1.5 kilometres away, and the area identified in the Crondall Neighbourhood Plan.
- The A287, the main access to the highway network.
- The location of the nearest properties and restored landfill area.
- The site entrance, the concrete perimeter and views from the public footway looking south west.

Elevation views with east/ west and north/south profiles showing the dust netting and the height of the plan against the property were displayed.

An aerial view was shown to the Committee and a further site plan which showed the layout. The officer explained that there was a 5m stockpile limited to 4m.

The officer reported that the County Architect had recommended conditions related to the reinforcement of hedgerows with views to the site. He explained that the inside perimeter wall and netting would stop encroachment of dust and material into the woodland.

The officer went on to explain the consultation carried out and responses received and listed the policies that the application had met.

He then summarised the report and stated that it could be demonstrated that a local need would be met, and that, although the application had not met Policy 29 due to its location, on balance approval of the application was being recommended for permission.

The Committee received deputations against the application from Mr Greg Smith and Cllr Chris Dorn.

Their main reasons for objecting were as follows:

- HGV traffic not being suitable for the country lanes and the question whether egress would only be out to the A287.
- The local roads already breaking up due to lorry traffic.
- It is an intentional unauthorised development.

- The nature of an industrial site not in keeping with the landscape.
- Impact of noise and the fact that the noise, during tests, had not been measured but calculated and appropriately scrutinised. There were unexplained anomalies, and that the report that the plant noise was lower than the background noise was not the 'lived experience'.
- The contention that five planning policies had been breached. A diagram had been distributed to the Committee Members by one of the deputees before the meeting started listing the following planning policies which he did not agree had been met: 29,13,5b,10c and the Crondall Neighbourhood Plan 4.
- The site is not Previously Developed Land
- The length and height of the boundary wall and that it is incongruous
- The distance of clients for the waste that were 20 -30 miles away.
- That the special and local need was not proven.
- Impact of the local gap.
- Alternative sites had not been assessed.
- Operation on a previous site owned by the applicant had not been sought before operations had started.
- A lack of biodiversity net gain.
- Impact on local amenities.
- Impact of dust on adjacent woodland.
- No employment benefits.
- A liaison panel should be legally required, not conditioned.
- Lack of planning benefits.

Members asked the deputees:

- Whether the landscape impacts have been assessed by season.
- Whether the local Environmental Health Officers had done any work on the receptor site in relation to noise, as it was noted they had no objections.
- Their opinion on the restoration conditions
- Whether the relevant parts of Policy 29 have been met.

Mr Mike Cole made a deputation in support of the application on behalf of the applicant.

He explained that the application had been submitted in May 2021 and had the view that the site was PDL as there was evidence in Hart District Council reports and that there had been a contractor's yard, workshop and storage area with staff and parking on the site. He said that the principle must have been established in 2015 and that a certificate was not essential to establish lawfulness. Mr Cole indicated that it is the applicant's intention to prepare a lawful development certificate to Hart District Council.

Mr Cole reported that the site would serve a local need, would not impact on the biodiversity of, or visually on the landscape and that the screening bund had already been agreed by Hart District Council.

He explained that:

- There was already an environmental permit and there is no objection regarding ground water quality.
- Noise impacts were not found to be an issue.
- The site is not located in open countryside.
- The proposal moves waste up the waste hierarchy.
- The boundaries enclose the whole site.
- The Highways Agency had confirmed that the highway network can accommodate the traffic.
- The screening bund had already been agreed by HDC.
- The ability to maximise the availability of recycled materials.

In response to questions from Members of the deputies, it was confirmed that:

- No consultation had been carried out with neighbours due to it being a retrospective application.
- Whether further noise receptor assessment had been undertaken.
- The former Peacock site had demonstrated a local need and whether there was still a local need.

A deputation against the application was then made by Cllr Jonathan Glen, the local County Councillor.

He reported to the Committee that he had visited Willow House, the nearest neighbour and had experienced the noise from that location.

He supported the other deputees and noted that officers had acknowledged that the site was not PDL and does not meet Policy 29.

His main points were that:

- He did not agree that there is a local need (Policy 5) and does not agree that the application meets Policy 4.
- The boundary wall would harm the distinctive character of the landscape and the integrity of the local gap.
- The fact that the Peacock Site had been started without authorisation should be taken into consideration, whilst the report placed no weight on this.
- A local need could not be demonstrated.
- He was concerned about noise and dust and impacts in particular on the residents of Willow Cottage.
- The site is an intentional unauthorised development.
- Impact on the adjacent Site of Importance for Nature Conservation.
- Impact on the location of the boundary wall.
- Need for a Liaison Panel.

In response to questions of the deputees, Members heard:

- There had not been an attempt to bring the parties together.
- Restoration plans would be of interest.

In response to questions of officers, Members heard that:

- The site is not PDL, but the report is based on balance against the other considerations – taking everything into account.
- The previous Inspectorate decision on an appeal, Peacocks Nursery, 1.8km from the site showed that it served a local purpose and would be a benefit to the local economy and has been shown not to cause an adverse impact as a result of its design.
- Unauthorised developments and retrospective applications do not carry weight when making decisions.
- There had been three iterations of noise assessments and the testing conformed to BS4142, and that it was not unusual to use calculated

values. This was found to be acceptable to the Environmental Health Officer.

- Officers requested delegated authority to add new conditions on a left turn exit from the site and highway signage as well as a new informative on a highway safety audit informative.
- There is a local need demonstrated. The key diagram from the Hampshire Minerals and Waste Plan (2013) was shown illustrating the strategic road corridors in between which the site is located and how the material would be moved to market areas.
- Whilst not on the issues list in the presentation, Policy 25, sustainable waste management is covered in the report – CDE waste material should be recycled where possible and there is considered to be a local market.

The Local Highway Authority Officer confirmed that they have looked at the junction and there had been no accidents at the junction of Bowling Alley and the A287. She also commented that lorries are higher than cars so cars can see they are approaching. She reported that the surfacing of the road could be looked at but there are no safety issues. This would be covered by routine Highway Maintenance, rather than a specific piece of work.

The Planning Officer reported that when officers look at an application, they need to consider all issues and elements of the Plan, and the Hampshire Mineral and waste Plan has been considered.

The Planning Officer confirmed that there is not a special need, there is a demonstrated local need. She reported that the special need has a higher threshold to be met.

Members debated the report and considered the following:

- The landscape/countryside impacts
- The record of applicant
- The fact that Policy 29 had not been met and its implication
- The relatively small scale of the site
- The proposed conditions
- The fact that all applications have an impact
- The balance between the impact and the need
- Policy 1 being an overriding decision maker.
- The need for recycling in the Plan

The officer summarised and reminded Members that the key issue in planning is balance and that it is not uncommon for one policy not to be met. She reported that:

- A lot of assessment work has been undertaken for noise assessment, which is accepted by the Environmental Health Officer.
- Landscape and Ecology had been consulted and did not object, subject to conditions.
- The application provides an opportunity to move the waste up the hierarchy, with a local location for it not to go to landfill.
- Highways have scrutinised the application and considered the impacts on the road network, and concluded that this was acceptable.
- The Liaison Panel will be included as an Informative and will be established as soon as the application is granted.

Resolved

Planning permission was GRANTED subject to the conditions listed in Appendix A, the Update Report and additional informatives.

Voting:

Favour: 11

Against: 5

Chairman, Regulatory Committee