

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held at the castle, Winchester on Wednesday, 19th July, 2023

Chairman:

* Councillor Peter Latham

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| * Councillor Lance Quantrill | * Councillor Lesley Meenaghan |
| * Councillor Lulu Bowerman | Councillor Sarah Pankhurst |
| * Councillor Steven Broomfield | * Councillor Stephen Parker |
| * Councillor Mark Cooper | * Councillor Roger Price |
| * Councillor Rod Cooper | Councillor Kim Taylor |
| Councillor Christopher Donnelly | * Councillor Tim Groves |
| Councillor Michael Ford | * Councillor Alex Crawford |
| * Councillor Pal Hayre | * Councillor Stephen Philpott |
| Councillor Keith House | |
| * Councillor Adam Jackman | |
| * Councillor Lesley Meenaghan | |
| Councillor Sarah Pankhurst | |

*Present

64. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mike Ford, Keith House, Sarah Pankhurst and Kim Taylor. Councillors Stephen Philpott, Tim Groves and Alex Crawford attended as deputies for the meeting.

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, as well as a local County Councillor for item 7.

68. **CHAIRMAN'S ANNOUNCEMENTS**

During Chairman's announcements, officers provided an update on staffing and confirmed that new were joining the Planning team in September.

69. **NURSLING RECYCLING CENTRE LEE LANE NURSLING**

Proposed extension to Nursling Recycling Centre, variations to existing site layout, erection of a new workshop building and the upgrade of parking arrangements at the adjacent paintball centre at Nursling Recycling Centre, Lee Lane, Nursling Southampton SO16 0AD (Application No. 22/00174/CMAS Ref: TV055)

The Committee considered a report from the Director of Universal Services (item 6 in the minute book) on an application at Nursling Recycling Centre. This followed a deferral of the consideration of the planning application from the January 2023 Committee meeting to address the following matters:

- I. Clarifying Test Valley Borough Council's objection with reference to development in the countryside and Policy COM2 [of the Test Valley Revised Local Plan (2016);
- II. Clarify the impact on the tree vegetation around the site if an extension is permitted; and
- III. Request the Test Valley Borough Council EHO to review their comments on the impact on the residents in Station Road of the increased frequency of Heavy Goods Vehicle (HGV) movements, especially with reference to the proximity of those dwellings next to the highway.

The Planning officers summarised the report, providing aerial photographs and elevations of the site and highlighting the update report that had been published.

Deputations were received from local residents Debbie Clayton, Ken Wilson, Penelope Gage, Anthony Ironmonger and Phil Lomax and Test Valley Borough and Nursling and Rownhams Parish Councillor Phil Bundy who all spoke against the application and shared their experiences of living close to the site. The applicant also attended and spoke in support of the proposals put forward. During questions of clarification, the following was confirmed:

- It was unknown whether a 20mph zone had been discussed at a past liaison panel meeting;
- Speedwatch in the area had been discontinued due to lack of funding;
- It was felt that a lot of dust was lost from lorries due to the speed they were travelling at and the lack of sheeting on vehicles;
- Residents hadn't received replies to emails and messages left with the operator of the site;
- The additional HGV movements following the installation of the picking station were not happening yet;
- The applicant was not aware that planning permission was required before installing the picking station in 2021;
- The last site liaison panel had taken place at the end of 2022;
- The applicant was not aware of any complaints received in 2023 and there is an existing complaints procedure in place;

- The applicant has agreed to the widening of the road following the liaison panel and discussions with the County Councillor;
- The traffic data of vehicles going in and out of the site had been included as part of the planning application and could be provided to the site liaison panel using the software if necessary.

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

- The 2011 planning permission resulted in the surrounding of a certificate of lawful use at the site. The tonnage and HGV movements limits included were requested by the applicant at that time and was carried forward into the 2014 planning permission.
- The working hours requested in the new application matched what was in the existing planning permission;
- The site location plan was updated in the Update Report to include the housing on Station Road. This was an omission on the original plan and did not reflect these properties not being important in the determination of the application;
- The recommended speed signage and improvements to entrances on Station Road were to improve visibility of speed limit as this was noted as a concern by residents and not in response to specific highway safety concerns;
- The Environmental Health Officer confirmed that the noise impacts associated with the increase in HGV movements are significant but as the area is already noisy, and as there was no daytime noise limit, but there was no significant impact due to the nature of the area and existing background noise. The impacts were therefore not considered significant or adverse;
- The Environmental Health Officer confirmed that residents were likely to notice the increase noise subjectively but objective measurement was not showing that it resulted in a significant impact.
- The consideration of noise matters at North Winchester was a very different scenario to the Nursling planning application where the refusal of the planning application was based on Noise Impact Assessment readings.
- There is another site along Station Road that generates vehicle traffic as well as this site that is subject to the planning application. This site is subject to a certificate of lawful use (CLU) which means there are no limits to HGV on the site currently. A planning application was currently being determined by Test Valley Borough Council at the site, for additional manufacturing activities and it is understood the applied for vehicle movements would be in the order of tens of vehicles
- The Highways Officer confirmed that there had been five accidents in the past five years in Lee Lane and Church Lane, but none of these involved HGV's.

During debate, some Members shared concerns over the size of site should the proposals go ahead and were sympathetic to the local residents who had attended to speak at the meeting, but also acknowledged the strong chance of the application winning at an appeal if it was to be refused. Members discussed initiating a 20mph limit along Station Road, but it was confirmed that this could

not form part of the conditions and would difficult to justify with the lack of highways concerns around the proposal. It could, however, be noted as an informative for the applicant, along with further investment in the road surface and infrastructure. Members also discussed the potential cumulative impacts of the proposal as well as the need for the liaison panel to sit again. Clarification was provided that the retrospective picking station would not result in further vehicles above those requested in this application.

RESOLVED

Planning permission was GRANTED subject to the recommended conditions set out in **Appendix A**, the update report and the completion of legal agreements for a financial contribution for highway safety improvements and road widening scheme to a section of Lee Lane between Church Lane and the site entrance.

Voting

Favour: 9

Against: 5

70. **AVERY B SHEDFIELD EQUESTRIAN CENTRE BOTLEY ROAD SHEDFIELD**

Councillor Jackman left the meeting, taking the voting total down to 13

Retrospective planning application for a Waste Transfer Station (Sui Generis) at Avery B, Shedfield Equestrian Centre, Botley Road SO32 2HN (No. 22/01797/HCS) (Site ref: WR228)

The Committee considered a report from the Director of Universal Services (item 7 in the minute book) on an application at Avery B in Shedfield.

The Planning officer summarised the report, providing aerial photographs and elevations of the site and highlighting the update report that had been published.

The Committee received a deputation from Councillor David Ogden and Councillor Sudhakar Achwal on behalf of Shedfield Parish Council, speaking in support of the recommendation to refuse the application. It was confirmed that complaints had been received for more than two years, dating before Avery B was operating there. Concerns were also raised in relation to development in the countryside and visual impact, inadequate site access, insufficient assessment of noise, dust and cumulative impacts and the development not being in accordance with planning policy and guidance.

During questions of officers, it was confirmed that concerns had been raised regarding the site and its operations following the Regulatory Committee visit to the Environment Agency, who had issued the existing Environmental Permit. Should the recommendations be supported, the Planning Authority would take steps to cease current operations on site and require the site to be reinstated to previous condition. An update would follow as part of the quarterly Monitoring and Enforcement update to Committee on this matter.

RESOLVED

Planning permission was REFUSED for the reasons set out below, in the update report and as outlined in **Appendix A**:

- a) On the basis of the information submitted and notwithstanding the proposed mitigation, it is considered that the proposal is likely to result in landscape impact contrary to the requirements of Policies 10 (Protecting public health, safety and amenity) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013), Policy CP13 (High Quality Design) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013) and Policy DM23 (Rural Character) of the Winchester City Council Local Plan Part 2 (2017);
- b) The location of the proposal has not been adequately justified in terms of its need for being located in the countryside, contrary to the requirements of Policies 5 (Protection of the countryside) and 29 (Location of waste management development) of the Hampshire Minerals & Waste Plan (2013), Policy MTRA4 (Development in the Countryside) of the Winchester City Council Local Plan Part 1 – Joint Core Strategy (2013)) and Policy DM10 (Essential Facilities and Services in the Countryside) of Winchester City Council Local Plan Part 2 (2017); and
- c) On the basis of the information submitted, the development is contrary to the requirements of Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013) and Policy DM18 (Access and Parking) of the Winchester City Council Local Plan Part 2 (2017) as it does not have a safe and suitable access to the highway network and does not include suitable mitigation measures to mitigate any significant adverse effects on highway safety.
- d) On the basis of the above reasons, the proposal is considered to be contrary Policy 1 (Sustainable minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) as the proposal does not constitute a sustainable minerals and waste management development.

Voting

Favour: 13 (unanimous)

71. **WESTWOOD, UNIT 1, BOTLEY ROAD, WEST END**

Development and reconfiguration of a Waste Transfer Station (part retrospective) at Westwood, Unit 1, Botley Road, West End Hampshire SO30 3HA (No. CS/23/94884) EA114

The Committee considered a report from the Director of Universal Services (item 8 in the minute book) on an application at Westwood in West End.

The Planning Officer summarised the report, providing aerial photographs and elevations of the site and highlighting the update report that had been published.

The Committee received three deputations on this item. Local resident Terry Butler and local County Councillor Tonia Craig both spoke against the application and a representative of the applicant also attended to speak in support of the proposals.

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

- Vehicles had been witnessed reversing out onto the road;
- The blue line indicated on the plans was the wider area owned by the applicant;
- West End Parish Council had been aware of the proposals since April 2023;

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

- HGV's were able to enter, turn and exit in a forward gear and conditions are proposed relating to this matter and the vehicle turning area;
- No accidents had been reported in the immediate area;
- The application allowed more planning control as there currently wasn't any for the site due to the retrospective nature of the proposal;
- The original planning application was made to Eastleigh Borough Council and they could have taken enforcement action to secure planning control following their decision to refuse the application. They chose not to and passed the matter to the County Council. The County Council did not tell EBC that they could not take action to remedy the situation. West End Parish Council were consulted on the proposal following its submission.

In debate, some Members shared concerns over the traffic in the area and it was agreed that a condition could be included to enforce that vehicles only turned right out of the site, and that consideration should be given to deliveries on match days at the Ageas Bowl through an informative. The proposed fence line was also raised as an area of concern.

RESOLVED

Planning permission was GRANTED subject to the update report and conditions listed in **Appendix A**

Voting

Favour: 7

Against: 6

Chairman, 13 September 2023