

PLANNING COMMITTEE

Date and Time: Wednesday 19 April 2023 at 7.00 pm

Place: Council Chamber

Present:

Quarterman (Chairman), Oliver (Vice-Chairman), Blewett, Cockarill, Forster (arrived 7:08pm), Kennett, Makepeace-Browne, Radley, Southern, Wildsmith and Worlock

In attendance:

Councillor Butcher
Councillor Engström
Hampshire County Councillor Collett

Officers:

Mark Jaggard, Executive Director Place
Stephanie Baker, Development Management & Building Control Manager
Tola Otudeko, Shared Legal Services
Jenny Murton, Committee Services and Members Officer

81 MINUTES OF PREVIOUS MEETING

The Chairman announced that Item 8 in the agenda would now be the first application discussed.

This decision was proposed by the Chairman and seconded by Councillor Southern.

The Minutes of the meeting on 22 March 2023 were confirmed and signed as a correct record.

The Minutes were proposed by the Chairman and seconded by Councillor Makepeace-Browne.

82 APOLOGIES FOR ABSENCE

No apologies. Councillor Forster had said in advance he may be slightly delayed.

83 DECLARATIONS OF INTEREST

None.

84 CHAIRMAN'S ANNOUNCEMENTS

The Chairman read out a Planning (Action) Sub-Committee resolution regarding application (22/02764/FUL) 52 Church Road. This is attached in full to the Minutes.

The Chairman confirmed that the Council had appointed a new Senior Tree Officer.

85 DEVELOPMENT APPLICATIONS

The planning reports from the Executive Director, Place were considered and the updates via the Addendum report were accepted.

86 22/03029/AMCON - RYE LOGISTICS PARK, RYE CLOSE, FLEET, HAMPSHIRE, GU51 2UY

The Development Management & Building Control (DM & BC) Manager summarised the application as variation of Condition 7 and the associated removal of Conditions 15 and 16 attached to Planning Permission 21/02894/AMCON dated 01/06/2022.

The DM & BC Manager confirmed that Condition 16 in the Officer's recommendation report should be removed, as set out in the Addendum. This was not the same Condition 16 as the 21/02894/AMCON and related to the average number of HGV trips over a year which was included in error and is not considered to be enforceable, reasonable or necessary as it would fail the six tests from Paragraph 55 of the National Planning Policy Framework (NPPF 2021).

The DM & BC Manager also showed the Committee presentation slides including plans and photographs of the site; to note the buildings, external areas, access points and context.

Members questioned:

- The definition of ambient noise in this report, how consultants measured this and Leq (Equivalent Continuous Sound Level).
- The expected level increase in ambient noise of 1 dB (this was based on 24 HGV trips during the night).
- The reasons why the conditions were put on this application originally.
- The potential impact increased HGV traffic could have on noise levels, along residential roads.
- The transport information that was submitted as part of the application and Hampshire County Council's review of it.
- Condition 16 of the Officer's report – clarity that this was included in error in the officer's report and the reasons why this had been removed are set out in the Addendum paper.
- Whether Hampshire Highway Authority consider the land use of areas next to or adjacent to roads when they consider road safety. Particular queries surrounding playing fields and the nearby park were discussed.
- The difference in HGVs noise frequency levels when travelling and on the site when stopped/parked with the engine still running.

- Night-time movements of HGV vehicles and how this has been assessed in relation to this application.
- Zenith House, Oak House, and Innovation House and what these buildings are used for.
- The Environmental Health Officer's comments in the report and whether these related to Condition 7 only, or to Conditions 15 and 16.

The Executive Director, Place referenced paragraph 3.3 of the noise assessment submitted with the application.

The Chairman explained that he was permitting Hampshire County Councillor Adrian Collett to be the fourth speaker.

The Chairman also confirmed that a member of the public, Ms Ellie May was accepted as a substitute speaker for the objection speaking slot originally allocated to Ms Caroline Danks.

Members questioned Councillor Schofield and County Councillor Collett on:

- Their opinion on HGV vibration and the impact this could have on nearby residential properties.
- Recent vibration disturbance from underground drilling.
- The additional traffic impact on Ancells Road when Cove Road was recently closed, despite not being the official diversion route.

Councillor Forster declared a personal interest as he knows the speaker Ms May.

Members questioned Ms May on:

- the Officer's report, referencing the site's proximity to the M3 motorway.
- how many local residential roads HGVs would need to go through to get to their end destination on Ancells Business Park.

Shared Legal Services confirmed that additional documentation was not allowed to be accepted from Ms May at this meeting, including a petition.

Members questioned another speaker, Mr Russell Meadows speaking For the application on:

- Whether the site owner had conducted market research to understand what restrictions future occupiers would accept.
- The reasons why he wanted the conditions removed and if any process had been carried out previously to remove or challenge them.
- Smart broadband and noise cancelling alarms and how he would ensure that all drivers have these devices fitted when many delivery vehicles are privately owned.
- How an HGV or (articulated vehicle) could be unloaded without a forklift truck and whether loading and unloading would take place inside or outside the premises by use of dock-loaders.

- How restrictions could be enforced by the site owners e.g., as part of the terms of lease.
- Night-time loading and unloading processes and how this operation would be undertaken.
- Traffic data and the latest transport surveys.
- If market fluctuations meant that rent could be reduced to attract occupiers with the existing conditions.

Members debated:

- The potential increase in noise and vibration levels.
- Policy GEN1 and the potential for material detriment to amenities.
- The impact on quality of life that increased HGVs travelling in the Ancells Farm area could have on residents and the local community.
- Potential loss of amenity to residents if the application was granted.
- The balance that needs to be maintained between the residents of Ancells Farm and commercial element for Ancells Business Park.
- That conditions are imposed to make something acceptable or to mitigate impacts.
- That the current conditions were imposed to provide 'relief' for residents overnight.

The Chairman proposed the Officer's recommendation as updated in the Addendum report and Councillor Worlock seconded.

The Committee undertook a recorded vote and unanimously voted against the Officer's recommendation to Grant, subject to completion of legal agreement.

Officer's recommendation to Grant, subject to completion of legal agreement was not carried.

The DM & BC Manager highlighted to the Committee that deferring the application was a proposal that could be considered to gather further evidence for a potential appeal.

Members discussed:

- The options of deferring and not deferring the application and the implication of these actions.
- The correct and legitimate way to assess the proposal to obtain further information and evidence in the areas of concern.
- How to obtain evidence of 'peak' noise levels that increased HGVs in the Ancells Farm area may cause.
- The evidence that would be required for a possible appeal if the application reached that stage and the timeframes required to gather this evidence.
- Exploring and gathering more evidence regarding overnight noise from the largest HGVs visiting this site, including wet conditions, vibration effects, 'volumetrics' on the number of vehicles which could be travelling

overnight to the site, historical incidents, and data on highway issues in the locality.

- Whether it would be possible to model the impact that increased HGVs travelling in the local area could have on the safety of users to the play area and at bus stops and bus pick up points.

Members thanked Officers for their work on this application.

The DM & BC Manager referenced the NPPF, paragraph 185 on new developments.

It was proposed that a small working group of the Committee would clarify to the applicant, within a 2-week period, the expectations and evidence that was to be sought and provided as part of a deferral. This group was confirmed to include the Chairman, Ward Councillor, Portfolio Holder, and Councillor Radley.

Councillor Radley proposed the motion to defer the application, and it was seconded by Councillor Forster.

Members undertook a recorded vote, and the option to defer was carried:

For: Blewett, Forster, Kennett, Makepeace-Browne, Oliver, Quarterman Southern, Radley

Against: Cockarill, Wildsmith, Worlock

Abstention: None

DECISION – the application to be deferred to allow additional evidence to be sought from the applicant, including:

- **Overnight noise from HGVs accessing the site.**
- **Noise generated by HGVs accessing the site in wet conditions.**
- **Vibration generated by HGVs accessing the site.**
- **Volumetrics for different vehicle types**
- **Historical safety instances in the local area**

The meeting adjourned at 9:03pm and resumed at 9:13pm.

Notes:

Councillor Bob Schofield OBO Fleet Town spoke Against the application.

Hampshire County Councillor Adrian Collett was allowed at the Chairman's discretion to speak Against the application.

Ms Ellie May, spoke Against the application.

Mr Russell Meadows of Caudwell Properties (102) Ltd spoke For the application.

87 ORD/22/00002 - PARK AND RIDE, ELVETHAM HEATH WAY, FLEET

The DM & BC Manager summarised the application as confirmation of Tree Preservation Order (TPO) for area of Woodland (W1).

The DM & BC Manager highlighted that there are minor modifications to the TPO suggested, the TPO to now read: Description: All Trees of All Species including Saplings of Those Species.

Members questioned the speaker:

- Whether Elvetham Heath had its own Neighbourhood Plan, and the speaker confirmed it did not.
- On the types of development, the Parish Council may or may not support for the site in the future considering the constraint of a TPO being confirmed.

Members were pleased the TPO will include saplings and were generally supportive of the application.

The Chairman proposed the motion to confirm the TPO in line with the Officer's recommendation, which included *All Trees of All Species including Saplings of Those Species* and it was seconded by Councillor Makepeace-Browne.

The Committee undertook a recorded vote on the updated Recommendation that having taken into consideration the representation received, that Tree Preservation Order ORD/22/00002 be CONFIRMED is APPROVED.

This vote was unanimous APPROVED was carried.

DECISION – APPROVED, the confirmation of Tree Preservation Order ORD/22/00002 subject to the amendments in the Addendum which are: All Trees of All Species including Saplings of Those Species.

Notes:

Marilyn Robson OBO Elvetham Heath Parish Council spoke For the application.

88 22/02917/FUL - LAND AT BLUE BELL LODGE, RYE COMMON LANE, CRONDALL, FARNHAM

The DM & BC Manager summarised the application as proposed energy storage facility encompassed by 2.4m high palisade fencing and 3.7m high acoustic fencing to provide energy balancing services to the National Grid and access to the public highway.

The DM & BC Manager explained the reason the application has been referred to Planning Committee as the application is a Departure from the Local Plan, as the application is recommended for approval, this is in line with Appendix A, 1c, of the Council's Constitution. If the Officer's recommendation was supported by the Committee, it would need to be referred to Full Council for the decision to be made.

Members questioned:

- Sites of Importance for Nature Conservation (SINCs), what they were, how much of this proposed site is a SINC and what development on a SINC could mean for the site.
- Previous comments from the Forestry Commission and the opinion of the Council's Ecology Officer on the proposal.
- The possibility of flood risk on the site.
- The effect on the SINC and surrounding land if a large volume of water was needed to put out a battery storage fire. Where would this water go and could surrounding land be contaminated.
- How far would the sound of the transformers carry.

The DM & BC Manager briefly explained conditions 6 and 9 in the Officer report on hard and soft landscaping and Biodiversity Net Gain.

Regarding the question on fire safety, the DM & BC Manager referenced condition 8 in the report and confirmed that until further evidence is gathered from an industry-wide perspective, condition 8 legally stands and is the extent of fire safety protection the planning system could impose.

Members questioned the speaker on:

- The duty cycle expected to recharge and discharge the batteries.
- What could trigger a discharge event into the National Grid.
- The type of screening, fencing, and landscaping that would be used around the site.
- The type of batteries (these were confirmed as brand new) and their longevity for future use.

Members debated the proposal. The Chairman proposed the Recommendation to Grant and this was seconded by Councillor Kennett.

Members unanimously voted For the Recommendation, and to Refer the application to Full Council with a recommendation to GRANT subject to conditions was carried.

DECISION - Refer to Full Council with a recommendation to GRANT subject to conditions.

Notes:

There was no site visit.

Frances Nicholson OBO Harmony Energy spoke For the Application (virtual).

The meeting closed at 9.46 pm