

**Application Number:** 18/11586 Application by Hampshire County Council

**Site:** FOREST LODGE HOME FARM, FAWLEY ROAD, HYTHE  
SO45 3NJ

**Development:** Variation of conditions 19 and 20 of planning permission 16/10450  
to allow screening operations

**Applicant:** TJ Transport Ltd

**Target Date:** 24/01/2019

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| <b>RECOMMENDATION:</b> Raise No Objection |
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| <b>Case Officer:</b> Stephen Belli |
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**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Member view

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Countryside  
Allocated site in Hampshire Minerals and Waste Plan

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

Policy 20 of the Hampshire Minerals and Waste Plan

**4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

Section 38 Development Plan  
Planning and Compulsory Purchase Act 2004  
National Planning Policy Framework

**5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS**

None relevant

**6 RELEVANT PLANNING HISTORY**

6.1 **16/10450** - Extraction of soft sand and sharp sand and gravel, the construction of an improved access onto Fawley Road, the importation of inert materials and restoration of the site to agriculture – approved (by County Council) 23 March 2017

**7 PARISH / TOWN COUNCIL COMMENTS**

Comments to be submitted direct to Hampshire County Council

## **8 COUNCILLOR COMMENTS**

Councillor James Binns:

I would like to state my objections to HCC Application number 16/10450 from TJ Haulage. Variation of condition 19 & 20 to allow Screening operations to take place at Forest Lodge Farm, Fawley Road.

My reasons; I believe that this application would give rise to significant adverse effects on the quality of life of local residents and increase noise to nearby properties that are already affected by current operations.  
Noise monitoring has not been done on properties that are most badly affected.

The machine proposed is the R1555 - A machine with 130hp and designed to cope with the heaviest of applications. This is certainly not what residents were promised when this application was submitted and approved.

I would therefore be grateful if this application could be brought forward to a meeting of the planning committee as soon as possible.

## **9 CONSULTEE COMMENTS**

9.1 Environmental Health (Pollution): no objection subject to conditions as it is understood that the proposed change would have a negligible impact on noise levels at the nearest residential properties.

## **10 REPRESENTATIONS RECEIVED**

Comments sent direct to Hampshire County Council

## **11 CRIME & DISORDER IMPLICATIONS**

None relevant on this occasion

## **12 LOCAL FINANCE CONSIDERATIONS**

Local financial considerations are not material to the decision on this application

## **13 WORKING WITH THE APPLICANT/AGENT**

Not relevant on this occasion

## **14 ASSESSMENT**

### **14.1 Site description and proposal**

14.1.1 The application site lies on the south eastern edge of Hythe to the east of Buttsash and comprises a large area of former agricultural land which now benefits from a sand and gravel extraction planning permission granted on 23 March 2017. The site is accessed from the Fawley Road which connects with the A326 Hythe By-Pass 600 metres to the south.

### **14.2 Background to the application**

14.2.1 Planning permission (DC ref no. 16/10450) was granted on 23/3/17. An extract of the original officers report presented to the Hampshire County Council Regulatory Committee is reproduced below for information.

*The submitted application seeks to extract 468,000 tonnes of soft sand, sharp sand and gravel on a 5.6 hectare site at Forest Lodge Home Farm, which lies to the east side of Fawley Road in Hythe. Following extraction, it is intended that the site be progressively infilled with 540,000 tonnes of inert material that would need to be imported onto the site, before the land is restored to agriculture.*

***New Forest District Council:*** *Has no objection subject to the imposition of conditions recommended by the Environmental Health Officer. NFDC would also request that the comments of the Parish Council are taken into account.*

***New Forest District Council Environmental Health Officer (EHO):*** *Has no objection subject to conditions relating to hours of working, noise limits and records of the duration of short-term operations, the use of white noise-type reversing alarms, the submission of a dust management plan and a restriction on the screening or crushing of material on site.*

The site is currently in operation. The end date for the operations as set out in the conditions of approval is 10 years from the date of implementation.

#### 14.3 Procedural advice

- 14.3.1 Where an applicant wishes to develop land not in accordance with the conditions, either by varying or removing the conditions, it is open to them to apply to the Local Planning Authority (in this case Hampshire County Council as mineral and waste authority) to vary or remove conditions under Section 73 of the Town and Country Planning Act 1990 (as amended).
- 14.3.2 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.
- 14.3.3 A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
- 14.3.4 Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission. There is a right of appeal against any refusal.
- 14.3.5 From a procedural point of view in this case the District Council are a consultee and have been asked to provide its views to the County Council who will determine the application. An extension of time to forward those views has been agreed until 10 January 2019.

#### 14.4 Current application

##### 14.4.1 The following is an extract from the applicant's planning support statement:

*This section 73 planning application has been prepared by SLR Consulting Ltd (SLR) on behalf of the applicant TJ Transport Ltd (TJ) following TJ's urgent need to screen material arising at the site. Following the commencement of operations at the site as the dig has progressed and moved through the deposit the clay content in the sand has significantly increased making it difficult to extract the reserves and offer a product to the market place.*

*The solution therefore put forward is to enable a screening plant to remove the small/medium clay particles in the sand to enable the sand to continue to be viable as a building/mortar sand. Without screening the clay content this is effectively precluding the sand from many markets which in turn will hinder the site progress to a point where an extension in time is required.*

*The existing screener TJ have available to them is detailed in **Appendix 04** of this submission. However, the applicant has advised that it may be necessary to get another screener that is smaller in size and deals specifically with sand. Notwithstanding this and for the purposes of modelling the noise associated with this screener the R155 McCloskey has been used.*

##### 14.4.2 Condition 19 of the original decision states:

*"On site plant and machinery shall comprise only 1x Excavator, 1 x Loading shovel, 1 x Tractor and bowser, 1 x Wheel wash (and 1 x road sweeper when required for haul road and highway cleaning), unless otherwise agreed in writing by the Mineral & Waste Planning Authority."*

Reason: To ensure that the development is implemented in accordance with the details assessed as part of the application and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

It is proposed to revise Condition 19 to read as follows:

*"On site plant and machinery shall comprise only 1x Screener, 1x Excavator, 1 x Loading shovel, 1 x Tractor and bowser, 1 x Wheel wash (and 1 x road sweeper when required for haul road and highway cleaning), unless otherwise agreed in writing by the Mineral & Waste Planning Authority."*

Reason: To ensure that the development is implemented in accordance with the details assessed as part of the application and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

##### Condition 20 of the original decision states:

*"No screening, crushing or washing of mineral, waste or materials shall take place on site."*

Reason: To ensure that the development is implemented in accordance with the details assessed as part of the application and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

It is proposed to revise Condition 20 to read as follows:

:

*"No crushing or washing of mineral, waste or materials shall take place on site."*

Reason: To ensure that the development is implemented in accordance with the details assessed as part of the application and to ensure the development is in accordance with Policy 10 (Protecting public health, safety and amenity) of the Hampshire Minerals & Waste Plan (2013).

#### 14.3 Key considerations

##### 14.3.1 a) Noise impact and local amenity

The following is an extract taken from the applicant's supporting planning statement

*The former planning application was accompanied by a Noise assessment which assessed the impact of a screener operating within the site.*

*It has not been considered necessary to reproduce an updated noise assessment as the previous assessment assessed the impact of a screener operating within the site boundary which has not changed. It was concluded that noise should not pose a material constraint for the proposed development.*

*The data (supplied under earlier noise assessment) suggests the same noise levels for two different power ratings/equipment sizes and given the R155 is effectively the same size (15t) as the previous screener modelled the difference is considered to be **negligible**.*

*It is also worth noting that the screener would be positioned within the quarry void below ground level and the site now benefits from noise attenuation bunds as detailed on the approved drawings.*

*The revised changes to the aforementioned planning conditions will enable a better quality of product to be won from the site and increase the speed of extraction to keep in alignment with the timescales specified within the original planning application.*

*The existing approved surface water management system will be unaffected by the proposal and the amenity of nearby sensitive receptors will be unaffected.*

*It is considered that the predicted noise from the screener (which would be sited below ground level within the newly created void) will not pose a material constraint and would be an acceptable modification to the operation which would not have an adverse impact on the noise environment.*

- 14.3.2 In this case this Council's response should be informed by the views of our own Environmental Health team who have advised that this proposal is unlikely to have a significant impact on noise levels at the nearest residential properties, subject to conditions.
- 14.3.3 While there may clearly be local concerns regarding any additional noise impact this can be controlled through noise limitation conditions which in themselves are based on best practice and government advice. In the event of any breach of those conditions complaints can be raised and the conditions enforced in this case by the County Council in consultation with the District Council.
- 14.3.4 All other conditions (where they have not already been discharged) such as hours of operation should also be repeated from the earlier approval. Condition 2 for example limited the lifespan of the works to 10 years from original implementation date, whilst condition 15 restricted all operations on site (including vehicle movements in and out) to 0730-1800 (Monday to Friday) and 0800-1300 (Saturdays) with no work on Sundays or Bank Holidays. Conditions 32-34 dealt with noise issues covering noise levels measured at the boundary of the nearest noise sensitive property, phasing works to be agreed for any temporary noisy works such as construction of baffle mounds, and all vehicles operating within the site to be properly maintained and fitted with silencers and use white noise type reversing alarms.

## 15. RECOMMENDATION

**Raise No Objection:** subject to conditions previously imposed where appropriate and to the revised wording of conditions 19 and 20 as set out above, and the following additional conditions:

### **Proposed Conditions:**

1. The total noise from operations at the hereby approved site (except those under condition 33 below) shall not exceed 55dB LAeq 1 hour (free field) at the boundary of the nearest noise sensitive properties (as identified within chapter 8 of the Environmental Statement).  
  
Reason: To ensure the impact of the development is acceptable in the interests of the amenity of local residents.
2. The noise level from work to facilitate essential site preparation, restoration and construction of baffle mounds shall not exceed 70 dB LAeq 1 hour (free field) at the boundary of noise sensitive premises for a period of up to eight weeks in one calendar year. Written records of the duration of such works shall be kept on site and made available for inspection by the Mineral & Waste Planning Authority upon request.  
  
Reason: To ensure the impact of the development is acceptable in the interests of the amenity of local residents.

3. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times, shall be fitted with and use effective silencers and dust control

Reason: To ensure the impact of the development is acceptable in the interests of the amenity of local residents.

4. No Heavy Goods Vehicles (HGV) shall enter or leave the site and no plant or machinery shall be operated except between the following hours:  
07:30-18:00 Monday to Friday and 08:00-13:00hrs Saturday. There shall be no working on Sundays or recognised Public Holidays.

Reason: To ensure the impact of the development is acceptable in the interests of the amenity of local residents.

**Further Information:**

Stephen Belli

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# New Forest DISTRICT COUNCIL

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**Planning Development  
Control Committee**  
January 2019

Item No: 3g  
Forest Lodge Home Farm  
Fawley Road  
Hythe  
18/11586

Scale 1:3000

N.B. If printing this plan from  
the internet, it will not be to  
scale.

