

TOWN & COUNTRY PLANNING ACT 1990

RETROSPECTIVE PLANNING APPLICATION 08/00085/FUL

ERECTION OF LAUNDRY AND BOILER HOUSINGS

AT

WARBY HOUSE, OLDHAM ROAD, WINCHFIELD, HOOK, HAMPSHIRE RG27 8BS

APPLICANT: FAIRHOME CARE GROUP LTD

AGENT: MCCORMICK ARCHITECTURE LTD

OBJECTION

SUBMITTED BY

K HULL

FREEHOLDER OF THE IMMEDIATELY ADJACENT PROPERTY

(PREPARED BY LARGE & ASSOCIATES, LONDON)

REVISION N ^o	APPROVED	1 ST ISSUE	PRESENT ISSUE
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**RETROSPECTIVE PLANNING APPLICATION 08/0085/FUL
LAUNDRY, BOILER & GENERATOR - WARBY HOUSE, HAMPSHIRE, RG27 8BS**

1 We (Large & Associates) act for and on behalf of Mr K Hull, Freeholder of land known as
Winchfield Park,¹ in all matters with respect to his *Objection* to the Town and Country Act
Retrospective Planning Application N° 08/00085/FUL.

2 Referring to the previous Objection to Planning Application N° 07/03173/COU of 3 March 2008,
PHOTOGRAPH 1 shows the disposition of the *subject property* Warby House with respect to
Winchfield Park immediately adjacent to the subject property bordering to the west, south and east.

3 The *subject property* occupies, in total, about 2.7 hectare with the *subject site* very much smaller,
declared by the Applicant at 0.19 hectare. However, here this Objection considers the material
aspects of the impact that this Application on the larger site and both directly and indirectly on the
immediately neighbouring Winchfield Park.

4 Paragraph 4 of 07/03173/COU applies.

5 This submission is an *Objection* to the granting of retrospective planning permission for the
retention of the subject boiler and laundry buildings and diesel powered generator installation on
the following considered grounds and reasons:

6 **INSUFFICIENT DETAILS OF THE PROPOSED AND EXTANT INSTALLATIONS**

7 The Applicant provides insufficient description of the installation and operation of the diesel
powered generator, particularly:

8 **Protection from Oil and Diesel Fuel Spillages:** There are insufficient details of the generator unit
and diesel tank installation to determine whether it is appropriately bunded, if the type and capacity
of the surface drainage is adequate, and if an oil separator is fitted to the drains.

9 **The basis of this Objection is that the surface drainage of the subject buildings, generator and
diesel enclosure and the subject property generally should be properly diverted to a
drainage/culvert system which includes oil/water treatment system such as a separator.**^{2,3}

10 In this respect paragraphs 38, 39 and 40 of 07/03173/COU apply.

1 Winchfield Park, London Road, Hartley Wintney, Hampshire, RG27 8HY

2 See Pollution and Prevention Guidelines *PPGI*, 3, 18 and 19.

3 Regard should also be given to the potential effects of both diesel and laundry water spillage on the fish pond of the property to the south
of Winchfield Park, this being linked directly to the Winchfield Park drainage system by a series of holding ponds.

- 11 **Suppression of Fumes and Particulate Matter:** There is no information provided by the Applicant on the diesel engine exhaust emissions (DEEEs) of nitrous and sulphur oxides and other respirable-sized particulates, the dispersion and deposition thereof from the point of emission, together with an assessment of the environmental and health impacts of operating the diesel power unit.
- 12 In this respect the Applicant should make available the appropriate Environmental Assessment (EA),⁴ including
- account of those factors contributing to high particulate discharges of DEEEs, such as regular and approved maintenance, specification of the type of fuel to be used, workload demand placed on the power train (ie engine), cold starting at high load;
 - the dispersion and deposition of DEEEs for each of the probabilities for all Pasquale atmospheric stability classes, as these relate to the residential and grazing areas of Winchfield Park;
- 13 on the basis that DEEEs are classed as hazardous substances requiring control,⁵ the results of the EA should be expressed in terms of threat to the overall health effects of residents of Winchfield Farm.
- 14 **In this respect, the basis of this Objection is that the Application is incomplete and of insufficient detail to enable a judgement to be made on the possible health impact.**
- 15 The *Design and Access Statement* submitted by the Applicant refers to the previously withdrawn 07/00565/MAJOR Application and that recent discussions between the developer and Ms March Head of Hart District Council took place with respect to this retrospective application. Since these discussions are likely to have a material bearing on this Application records, etc., should be made available to all interested parties prior to the determination.
- 16 Accordingly, the period for public consultation (S65(7) Town and Country Planning Act should remain open until this information is made available in the public domain.
- 17 **This is a request under the *Environmental Information Regulations 2004* for further information, including copies of correspondence, meeting transcripts and recollection notes, etc., of all discussions, etc., relevant to this Application that are held by Hart DC.⁶**

4 The Objector considers that the development could have serious environmental effects and so an EA is justified under the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988

5 Control of Substances Hazardous to Health Regulations, 2005

- 18 **Noise and Vibration of the Diesel Power Unit, Boiler and Laundry Activities:** There is no information provided by the Applicant on the hours of working, together with any restriction to be applied to the operation of the laundry and, similarly, the expected times and hours of operation of the diesel powered generator and boiler are not clearly stated.
- 19 Other than a general specification, the Applicant provides insufficient information on data and performance of the diesel generator in terms of its airborne noise propagation and ground transmitted vibration whilst operating under the range of climatic conditions, during starting and when shutting down.
- 20 The Applicant should provide a measure of the noise levels emanating from the diesel powered generator expressed in terms of the *Daily Personal Noise Exposure Levels* ($L_{EP,d}$), *Weekly Personal Noise Exposure* ($L_{EP,w}$) and the *Peak Sound Pressure Level* (L_{Cpeak}), and the *continuous noise equivalence* L_{Aeq} and *background noise* $L_{A90,T}$ ⁷ at a) the boundary point with Winchfield Park nearest to the generator site and b) at the residential building located in Winchfield Park.
- 21 Account of the close-boarded timber fencing surrounding the generator installation should be taken into account (resonance excitation and amplification potential) when assessing the generator power unit noise levels. Similarly, variations in local metrological conditions (particularly wind direction, humidity and temperature gradient) should be taken into account.
- 22 Similarly, the Applicant should provide a measure of the vibration levels deriving from the diesel powered generator expressed in terms of the *frequency weighted vibration magnitude* (m/s^2) at a) the boundary point with Winchfield Park nearest to the generator site and b) at the residential building located in Winchfield Park.
- 23 Similar information on noise and vibration should be provided for the laundry machinery and boiler plant.
- 24 Moreover, the Applicant should list those abatement measures, procedures and safeguards that are to be implemented and maintained (both incorporated into the laundry building and laundry machinery, the boiler plant and the generator and its surrounding environment and/or by controlled supervision) to ensure that any potential for nuisance is properly managed.⁸

6 S5(2) of the *Regulations* requires that the information be made available 'as soon as possible' and no later than 20 working days from receipt of this request.

7 See BS 4142 for definitions of these weight noise energy units.

8 That is statutory nuisances as defined by the *Environmental Protection Act 1990* (EPA) particularly S79 of the Act.

- 25 Furthermore, it is considered appropriate that before this Application proceeds further to determination, the Applicant arrange for a series of trials when the laundry machinery and diesel powered generator are in operation so that noise and vibration levels can be independently monitored and compared to the ambient noise levels (day and night) at the nearest boundary point of Winchfield Park and at the residential building sited in Winchfield Park.
- 26 The Applicant should also give regard and special consideration to the potential effect of noise (and fumes, etc) on the welfare on livestock grazing on Winchfield Farm, particularly the lower paddocks which are immediately adjacent to the Application site.
- 27 **The basis of the Objection in this respect is that the Application is incomplete, so much so that it is not possible for the Objector to arrive at an informed opinion on the Application and to gauge its effects on his property, business, family wellbeing and health and, more generally, assess the nuisance arising from this development.**
- 28 In determining this planning application Hart DC may, according to the Hart Local Plan,⁹ “. . . *may impose conditions and seek legal agreements to control the occupier, hours of operation and arrangements for minimising disturbance by noise, dust, smoke, fumes or other pollutants,*. . . “
- 29 Overall, the installation of the potentially noisy and noxious laundry, boiler and generator facilities so close to Winchfield Park (immediately adjacent to the boundary) and, particularly, at the nearest possible point to the Winchfield Park residential accommodation in un-neighbourly, so much so that it is at odds with the Hart DC Local Plan, specifically GEN 6, 7, and 8:¹⁰
- 30 GEN 6 *PROPOSALS FOR DEVELOPMENT WHICH COULD CREATE, INTENSIFY OR EXPAND NOISY OR NOXIOUS USES . . . i) . . . where the proposal would have a serious adverse effect on the amenities of existing housing . . . may impose conditions and seek legal agreements to control the occupier, hours of operation and arrangements for minimising disturbance by noise, dust, smoke, fumes or other pollutants, . . .*
- 31 GEN 7 *PROPOSALS FOR DEVELOPMENT FOR NOISE SENSITIVE USES, PARTICULARLY DWELLINGS, . . . LOCATED CLOSE . . . TO OTHER NOISE-GENERATING USES WILL ONLY BE PERMITTED WHERE ADEQUATE MEASURES ARE TAKEN FOR NOISE AMELIORATION . . . The Council would not wish to see uses which are relatively sensitive to noise located close to existing uses that generate a lot of noise, without appropriate measures to reduce adverse impact of noise.*
- 32 GEN 8 *PROPOSALS FOR DEVELOPMENT WHICH COULD SIGNIFICANTLY ADVERSELY AFFECT THE QUALITY OF AIR, . . . WILL NOT BE PERMITTED. . . are particularly inappropriate near residential areas, water-courses and . . .*

9 Hart District Council Local Plan.

10 These guidelines adhere to and are adopted from PPG 24.

33 **The Application is so at odds with the principles and policies set out in the Hart DC Local Plan that it should not be granted.**

34 **IN SUMMARY**

35 **Retrospective and Incremental Planning Advance:** Previously the Objector has raised his concern about the ‘incremental’ development of the subject property and, in his opinion, the disproportionate number of retrospective planning applications¹¹ raised during the ongoing development of the site that is now significantly expanded beyond the represented scope and intent of the original development proposal.

36 In this respect paragraphs 44 and 45 of 07/03173/COU apply.

37 **Outstanding Matters:** For the Warby House subject property, it is noted here that the following matters remain outstanding:

- **Activities Log Cabin:** Retrospective application the subject of this objection but which is significantly incomplete in specification and detail.
- **Reception Log Cabins:** There is no record of a Planning Application for these buildings.
- **Bin Storage Compound:** Originally constructed in or about 2007 but no Planning Application has been made and the operation of which generates considerable noise nuisance in the early morning hours.
- **Parking Hardstanding:** Significantly larger than shown on the development plan, surface water runoff and no contained surface water drainage, gullies, etc.. – see PHOTOGRAPH 4 of 07/03173/COU .
- **Boiler House:** Originally constructed in or about November 2006 but now subject to a Retrospective Application (08/00085/FUL).
- **Laundry Room:** Originally constructed in or about November 2006 but now subject to a Retrospective Application (08/00085/FUL).
- **Permanent Generator Installation:** Originally constructed in or about December 2006 and then limited to power for the construction works but now permanently installed and subject to a Retrospective Application (08/00085/FUL).

11 For example, see *Laundry and Boiler Buildings for Watson and Prandle House*, K Hull to Planning Committee, November 2006.

- **Creation of Standing Water Pond for Soakaway & Klargester Run-off:** No planning or building control notification, includes removal of trees for access track through woodland to pond – see PHOTOGRAPH 7 of 07/03173/COU.
- **Klargester Output Arrangement:** No planning, building control, or environmental agency notification – Klargester outfall comprises piping openly discharging onto unprepared woodland ground – see PHOTOGRAPH 8 of 07/03173/COU.
- **Artificial Lighting Levels:** Excessive night time lighting in contradiction to grant conditions of 2006 approved application - see PHOTOGRAPH 3 of 07/03173/COU.

38 **Subject Application 08/00085/FUL:** Relating to the present Retrospective Application (08/00085/FUL) the Objector considers it to be entirely valid to include matters relating to local and overall site drainage, particularly in that a diesel fuel spillage into the inadequate site drainage arrangements could result in serious pollution to the land and watercourses of Winchfield Farm.

39 In this respect paragraphs 47, 48 (as adapted), 49, 50, 51, 52, 53, 54 and 55 (as adapted) of 07/03173/COU apply.

40 **IN CONCLUSION:** The Retrospective Application 08/00085/FUL should not be permitted because:

- a) The Application in itself does not provide sufficient detail of the proposed development. the performance characteristics and hours of operation of the laundry machinery, boiler plant and generator installation for the Objector to arrive at an informed opinion of the potential nuisance to the established business and residential uses of Winchfield Park;
- b) there should be full public disclosure of all of the meetings, discussions, etc., that Hart DC has held with the Applicant with regard to this retrospective and previous applications;
- c) the Objector considers that whatever conditions of grant that Hart DC could reasonably impose, and even if these are adhered to by the Applicant/Developer (which has not been so in the past), such could not entirely abate the nuisance that continued operation of these facilities creates;
- d) the Applicant should be dissuaded from proceeding further with this retrospective application until trials and tests have been independently monitored to establish the

noise and vibration levels of the laundry and generator facilities and, until these are undertaken, no further operation of the facilities should be permitted; and

- e) the Applicant should be persuaded to reconsider the siting of these un-neighbourly facilities away from the boundary of Winchfield Park.

- 41 The continuing presence and use of the subject buildings and generator should be deemed to be unauthorised and, accordingly, Hart District Council should implement the appropriate enforcement action for their removal.

LARGE & ASSOCIATES
CONSULTING ENGINEERS, LONDON
(for and on behalf of K Hull, Freeholder of
Winchfield Park)