

PLANNING DEVELOPMENT CONTROL COMMITTEE

15 September 2011

Attendance:

Councillors:

Jefferies (Chairman) (P)

Berry (P)

Clear (P)

Izard (P)

Johnston (P)

Laming (P)

Mitchell (P)

McLean (P)

Pearce (P)

Read (P)

Ruffell (P)

Tait (P)

Others in attendance who addressed the meeting:

Councillors Cook, Huxstep and Stallard

1. **MINUTES**

RESOLVED:

That the minutes of the previous meetings of the Committee held on 23 and 25 August 2011 be approved and adopted.

2. **DEVELOPMENT CONTROL SCHEDULE**

[\(Report PDC909 refers\)](#)

The schedule of development control decisions arising from consideration of the above Report is circulated separately and forms an appendix to the minutes.

Councillor Read declared a personal (but not prejudicial) interest in respect of Items 1 and 2 as he was a member of Denmead Parish Council, but he had taken no part in its consideration of either application. Councillor Read spoke and voted thereon.

Councillor Berry declared a personal and prejudicial interest in respect of Item 5, as the applicant was a close family member. Councillor Berry took no part in discussion and she left the room during consideration of this item.

Councillor McLean declared a personal and prejudicial interest in respect of Report PDC910 as he was the applicant. Councillor McLean took no part in discussion and he left the room during consideration of this item.

Councillor Huxstep (speaking as a Ward Member in respect of Item 3) declared a personal and prejudicial interest as he was chairman of the Governors of St John the Baptist Primary School, whose land adjoined the site and who were supporting the proposal. Councillor Huxstep therefore addressed the Committee as a Ward Member in support of the application and then left the room during the Committee's subsequent consideration of this item.

Councillor Cook (speaking as an objector) declared a personal and prejudicial interest in respect of Item 3 as he owned the neighbouring property. Councillor Cook therefore addressed the Committee as a member of the public objecting to the application and then left the room during the Committee's subsequent consideration of this item.

Applications determined outside the area of the South Downs National Park:

The following items had speakers during public participation:

Item 1: Erection of 70 bed care home (Outline) at Site 1, Parklands Business Park, Forest Road, Denmead – Case Number 11/00124/FUL

The Head of Planning Management drew attention to amended wording to reason for refusal 6 regarding European protected species, which had been proposed subsequent to the publication of the Report following receipt of representation from the Hampshire County Council Ecology Officer. This recommended change was set out in the Update Sheet and was noted by the Committee.

Mr Lander-Brinkley (representing Denmead Parish Council) and Councillor Stallard (a Ward Member) spoke in support of the application (and against the officers' recommendation to refuse planning permission). Mr Hawthorne also spoke in support of the application.

In summary, Councillor Stallard advised that the proposed new care home was in a sustainable location close to Denmead. It was well screened and would not impinge on local residents. Several of the businesses in the adjoining business park also supported the application. The development would remove the constant threat of travellers illegally using the site, which had previously been costly and disruptive. The land was not a valuable piece of countryside and was only used as an access route to nearby woodland and this footpath access would continue to be ensured. The granting of planning permission for two care homes in the nearby West of Waterlooville major development area was in recognition of the growing demand for such facilities in the locality.

In response, the Head of Planning Management drew attention to the proximity of the development to nearby homes, especially at the southern boundary, where the proposed new building would be taller than the existing bungalows. Only the south western elevation was screened by trees. The

care homes granted consent at West of Waterlooville were not located in an area of countryside.

Following discussion, the Committee agreed that the application should be determined by a meeting of the Planning Development Control (Viewing) Sub-Committee, to be held on Thursday 6 October 2011. This was because Members did not consider it possible to determine the application without first visiting the site, to assess the existing amenity land and its use by the public and its relationship with the adjacent business park (itself in a countryside location) and the likely impact of the development on houses along Forest Road.

Item 2: 2no. Advertisement Signs at Little Frenchies Field, Hambledon Road, Denmead – Case Number 11/01162/FUL

The Head of Planning Management clarified the different dimensions of the two signs which were set out in the Update Sheet.

Mr Lander-Brinkley (representing Denmead Parish Council) and Mr Ambrose (Denmead Village Association) spoke against the application.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons (and subject to the conditions) as set out in the Report.

Item 3: Timber boardwalk and gravel path at land adjacent to Village Hall, Winchester Road, Waltham Chase – Case Number 11/01247/FUL

The Head of Planning Management explained that, subsequent to the publication of the Report, an additional 95 letters of support for the application had been received, in addition to a further representation from one of the original objectors.

Mr Terry spoke against the application and Councillor Huxstep (as a Ward Member) spoke in support.

In summary, Councillor Huxstep referred to the pathway being part of a safer route to the local primary school and that the permissive access along the path and improvements to the stewardship of the adjacent Site of Special Scientific Interest (SSSI) were supported by Natural England. The security of those homes closest to the route would not be compromised.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons (and subject to the conditions) as set out in the Report.

Item 4: Two storey rear extension and study extension to front - 26 Shepherds Down, Alresford – Case Number 11/01398/FUL

Councillor Cook (acting in his private capacity as a neighbour to the application) spoke against the application.

Following debate, the Committee agreed to refuse planning permission for the reasons set out in the Report.

Item 5: Lift extension - 12 Willis Way, Kings Worthy – Case Number 11/01523/FUL

Mr Gordon (representing Kings Worthy Parish Council) spoke against the application and Mr Smith spoke in support.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons (and subject to the conditions) as set out in the Report.

The following application had no public speakers:

Item 6: Change of use and alterations from A1 retail to residential to form two bedroom dwelling - 94a Cromwell Road, Winchester – Case Number 11/01126/FUL

The Head of Planning Management drew attention to a proposed new Informative with regard to mitigation measures for bats, should they be found at the site. This Informative had been proposed subsequent to the publication of the Report and following receipt of representation from the Hampshire County Council Ecology Officer. This recommended change was noted by the Committee.

The Head of Planning Management also advised that, since publication of the Report, the open space and highways contribution payments had now been received by the Council and the Recommendation should be revised accordingly. This was also noted by the Committee.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons (and subject to the conditions) as set out in the Report, subject to an additional Informative regarding mitigation measures for bats (as above) and deletion of the requirement to make open space and transport contributions as the payments have already been made. The exact wording of these changes was delegated to the Head of Planning Management.

Item 7: Erection of an Orangery to the south (garden) elevation - 16 Archery Lane, Winchester – Case Number 11/01536/FUL

Ms Merrifield (applicant) spoke in support of the application.

Subsequent to the publication of the Report, the Head of Planning Management clarified the comments of the Head of Historic Environment and those from the Historic Monuments Officer. The Head of Historic Environment's comments related to the impact of the proposal on the character and appearance of the Conservation Area, whilst the Historic Monuments Officer's comments concerned the impact of the proposal in terms

of archaeology. This was noted by the Committee.

Following debate, the Committee agreed to refuse planning permission for the reasons set out in the Report.

RESOLVED:

That the decisions taken on the Development Control Applications in relation to those applications outside the area of the South Downs National Park be agreed as set out in the Schedule which forms an appendix to the minutes, subject to the following:

(i) That, in respect of Item 1, Site 1, Parklands Business Park, Forest Road, Denmead this application be determined by a meeting of the Planning Development Control (Viewing) Sub-Committee, to be held on Thursday 6 October 2011.

(ii) That, in respect of Item 6, 94a Cromwell Road, Winchester planning permission be granted, subject to the conditions in the Report and that authority be delegated to the Head of Planning Management to agree final wording of an additional Informative regarding the mitigation measures for bats, should they be found at the site, and deletion of the requirement to make open space and transport contributions as they have already been made.

Applications within the South Downs National Park determined on behalf of the National Park Authority:

The following item had speakers during public participation:

Item 1 (SDNP): Alteration to and extension of existing dwelling and demolition of existing wall at driveway entrance - Point Seven, Abbots Worthy, Winchester – Case Number 11/01389/SFUL

Ms Grant and Mr Gordon (representing Kings Worthy Parish Council) spoke against the application and Mr Brill (architect and agent for the applicant) spoke in support.

During discussion, the Committee referred to the section of existing wall at the driveway entrance that was proposed to be demolished and requested that an additional Condition be added, to stipulate that existing landscaping at this location should be retained and protected. It was also requested that an Informative be added to ensure that the adjacent listed wall should be protected from damage.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons (and subject to the conditions) as set out in the Report, with new Conditions regarding materials and landscaping and an additional Informative regarding the protection of the adjacent listed wall (exact wording delegated to the Head of Planning Management).

RESOLVED:

That the decisions taken on the Development Control Applications in relation to those applications within the area of the South Downs National Park be agreed as set out in the Schedule, subject to the following:

(i) That, in respect of Item 1 (SDNP) Point Seven, Abbots Worthy, Winchester, planning permission be granted, subject to the conditions in the Report and that authority be delegated to the Head of Planning Management to agree final wording of a new Conditions regarding the materials and to stipulate that existing landscaping at the area of the wall to be demolished should be retained and also an additional Informative regarding the protection of the listed wall.

3. **APPROVAL OF TREE WORKS APPLICATION ON TREES PROTECTED BY TPO 1172**
[\(Report PDC910 refers\)](#)

This item was considered by the Committee as it related to a tree works application submitted by Councillor McLean.

RESOLVED:

That the tree works application for trees protected by TPO 1172 be permitted.

The meeting commenced at 9.30am and concluded at 1.50pm

Chairman

WINCHESTER CITY COUNCIL

PLANNING COMMITTEE : DEVELOPMENT CONTROL MEETING

DECISIONS

15.09.2011

PART II DEVELOPMENT CONTROL APPLICATIONS
AND DECISIONS THEREON

Denmead Ward Denmead

01 Conservation

Area:

Case No: 11/00124/OUT

Ref No: W01635/51

Date Valid: 24 January 2011

Grid Ref: 465679 111090

Team: EAST **Case Officer:** Mrs Jill Lee

Applicant: Byng's Business Development

Proposal: Erection of 70-bed care home (OUTLINE)

Location: Site 1, Parklands Business Park, Forest Road, Denmead,
Hampshire

Officer REF

Recommendation

:

Committee Decision:

Deferred for consideration by Planning Viewing Sub Committee on 6th October 2011.

Denmead Ward Denmead

02 Conservation

Area:

Case No: 11/01359/AVC

Ref No: W07439/04A

Date Valid: 15 June 2011

Grid Ref: 465292 112062

Team: EAST **Case Officer:** Nick Parker

Applicant: Miss Charlie Joseph

Proposal: 2 No. free standing advertisement signs

Location: Little Frenchies Field, Hambledon Road, Denmead,
Hampshire

Officer PER

Recommendation

:

Committee Decision:

APPROVE SUBJECT TO THE FOLLOWING CONDITION(S):-

Conditions/Reasons

1 The advertisement signs hereby permitted shall be removed from the site on or before June 2014 or following the sale of the final property (whichever event occurs first) and the land shall be restored to its former condition following removal.

Reason: In the interests of visual amenity and public safety.

2 Any advertisements displayed and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992.

3 Any structure or hoarding erected or used principally for the purpose of display of advertisements shall be maintained in a safe condition.

Reason: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992.

4 Where an advertisement is required, under the Control of Advertisement Act 2007, to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: As required by the provisions of the Control of Advertisement Act 2007.

5 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992.

6 No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: As required by the provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992.

Informatives

1. This permission is granted for the following reasons:
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section

38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Review 2006: Policies DP3 and T2

Shedfield Ward Shedfield

03 Conservation

Area:

Case No: 11/01247/FUL

Ref No: W22271

Date Valid: 6 June 2011

Grid Ref: 456311 114979

Team: WEST **Case Officer:** Mr Simon Avery

Applicant: Elliot Brothers Ltd

Proposal: Timber boardwalk and gravel path to provide a permissive access route to St John the baptist primary school as part of a natural england environmental stewardship scheme

Location: Land Adjacent To Village Hall, Winchester Road, Waltham Chase, Hampshire

Officer PER

Recommendation

:

Committee Decision:

APPROVE SUBJECT TO THE FOLLOWING CONDITION(S):-

Conditions/Reasons

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2 Before the boardwalk and footpath hereby approved are brought into use the following measures shall be implemented, and thereafter retained (unless otherwise agreed in writing by the Local Planning Authority) in accordance with details first approved in writing by the Local Planning Authority:

- details and drawings of the proposed gates including details of how they are to be locked and how this will be maintained;

- details of visibility splays to be provided either side of the access junction of the gravel path with Winchester Road;
- details of a barrier at the end of the gravel path where it joins Winchester Road.

Reason: In the interests of local amenity and highway safety.

- 3 No lighting shall be installed on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality.

- 4 An Arboricultural Impact Appraisal and Method Statement, in accordance with BS5837:2005 shall be submitted to and approved by the Local Planning Authority, prior to any demolition, construction or groundwork commencing on the site.

Reason: to ensure protection and long term viability of retained trees and to minimise impact of construction activity.

Informatives

1. This permission is granted for the following reasons:
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Review 2006: DP3, DP4, CE5, CE10
South East Plan 2009: BE6, CC6

3. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or Bank Holidays. Where allegations of noise from such works are substantiated by the Environmental Health and Housing Department, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

New Alresford

Ward

The Alresfords

04 Conservation

Area:

Case No: 11/01398/FUL

Ref No: W22281

Date Valid: 21 June 2011

Grid Ref: 458457 131609

Team: EAST

Case Officer: Mrs Anna Hebard

Applicant: Mr & Mrs Ian Hogg

Proposal: (HOUSEHOLDER) Two storey rear extension and study extension to front

Location: 26 Shepherds Down, Alresford, Hampshire, SO24 9PP

Officer REF

Recommendation

:

Committee Decision:

REFUSED SUBJECT TO THE FOLLOWING REFUSAL REASON(S):-

Conditions/Reasons

1 The proposal would have, by reason of its size, design and siting relative to the house immediately to the south, a materially harmful impact on the residential amenities of no.24 Shepherds Down, by reason of loss of light and outlook from windows on the north side of this property and because the development would result in an oppressive effect upon this neighbour. The extension would therefore be contrary to Policy DP3 of the Winchester District Local Plan Review 2006.

Informatives

1. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Review 2006: DP3

Kings Worthy

Ward

Kings Worthy

05 Conservation

Area:

Case No: 11/01523/FUL

Ref No: W22296

Date Valid: 1 July 2011

Grid Ref: 449043 132494

Team: EAST

Case Officer: Mr Rob Riding

Applicant: Winchester City Council

Proposal: Lift extension to existing steel framed dwelling to provide wheelchair access to first floor and associated internal alterations

Location: 12 Willis Way, Kings Worthy, Hampshire, SO23 7QT

Officer PER

Recommendation

:

Committee Decision:

APPROVE SUBJECT TO THE FOLLOWING CONDITION(S):-

Conditions/Reasons

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2 The materials to be used in the construction of the external surfaces of the lift extension hereby permitted shall match those used in the existing building unless otherwise shown on the approved plans (drawing no. 10).

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

Informatives

1. This permission is granted for the following reasons:
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

South East Plan 2009: CC6
Winchester District Local Plan Review 2006: DP.3
National Planning Policy Guidance/Statements: PPS1

Winchester Town **Ward** **St Luke**

06 Conservation

Area:

Case No: 11/01126/FUL

Ref No: W14641/01

Date Valid: 20 June 2011

Grid Ref: 447203 128679

Team: EAST **Case Officer:** Mrs Anna Hebard

Applicant: Winchester City Council

Proposal: Change of use and alterations from A1 retail to residential to form two bedroom dwelling

Location: 94a Cromwell Road, Winchester, Hampshire, SO22 4AD

Officer PER

Recommendation

:

Committee Decision:

APPROVE SUBJECT TO THE FOLLOWING CONDITION(S):-

Conditions/Reasons

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2 The materials to be used in the construction of the external surfaces of the new roof, dormers and elevational changes hereby permitted shall match those used in the existing building.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

3 The car park shall be constructed, surfaced and marked out in accordance with the approved plan before the development hereby permitted is brought into

operation. That area shall not thereafter be used for any purpose other than the parking, loading, unloading and turning of vehicles for this dwelling (no.94a) hereby approved, and no.94.

Reason: To ensure that adequate on-site parking and turning facilities are made available.

4 The dwelling hereby approved shall not be brought into use before cycle parking has been provided in accordance with details to be submitted to and approved by the local planning authority. The cycle parking shall thereafter be retained and kept available for use.

Reason: To encourage sustainable development.

Informatives

1. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Review 2006: DP3 SF7

3. A formal application for connection to the public sewerage system is required in order to service this development please contact Atkins Ltd Anglo St James House 39A Southgate Street, Winchester S023 9EH Tel 01962 858688 or www.southernwater.co.uk

4. Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

Winchester Town

Ward

St Michael

- 07 Conservation Area:** Winchester - Designated as 3 separate areas Dec 1967 and May 1969
Extended February 1981, June 1986 and January 1990 Now combined into one area.
Published 2003
- Case No:** 11/01536/FUL
Ref No: W11880/65
Date Valid: 1 July 2011
Grid Ref: 447797 129320
Team: WEST **Case Officer:** Mr Andrew Rushmer
Applicant: Mrs S Merrifield
Proposal: (HOUSEHOLDER) To erect a painted, hardwood, flat roofed Orangery with glazed lantern to the south (garden) elevation of the dwelling.
- Location:** 16 Archery Lane, Winchester, Hampshire, SO23 8GG
Officer REF
Recommendation
:

Committee Decision:

REFUSED SUBJECT TO THE FOLLOWING REFUSAL REASON(S):-

Conditions/Reasons

1 It is considered that the proposal is contrary to the requirements of policy HE5 of the Winchester District local Plan Review 2006, Planning Policy Statement 5, and s. 72 of the Planning (Listed Building and Conservation Areas) Act 1990, as the proposal would not, by virtue of its form and design, respect the character of the original building, or employ appropriate detailing. In addition, it would be damaging to the character and appearance of the existing building and, as a result would have a detrimental impact on this part of the conservation area.

Informatives

1. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Review 2006: DP3, HE5
South East Plan 2009: BE6
Planning Policy Statement 1
Planning Policy Statement 5
s.72 of the Planning (Listed Building and Conservation Areas) Act 1990

SDNP APPLICATION

Kings Worthy

Ward

Kings Worthy

01 Conservation Area: Abbots Worthy Conservation Area
Case No: 11/01389/SFUL
Ref No: W02123/08
Date Valid: 17 June 2011
Grid Ref: 449689 132727
Team: EAST **Case Officer:** Mrs Anna Hebard
Applicant: Mr Craig Watson
Proposal: (HOUSEHOLDER) Alteration to and extension of existing dwelling and demolition of existing wall at driveway entrance
Location: Point Seven, Abbots Worthy, Winchester, Hampshire, SO21 1DR
Officer Recommendation: PER
:

Committee Decision:

APPROVE SUBJECT TO THE FOLLOWING CONDITION(S):-

Conditions/Reasons

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on planning application number 11/01389/FUL, unless otherwise approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

3 Prior to the commencement of development details of the existing and proposed landscaping adjacent to the section of non listed wall which is to be demolished, shall be submitted to and approved in writing. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the completion of the development. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or

defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure an appropriate boundary soft treatment following the removal of the section of non listed wall and in the interests of the visual amenity of the area.

Informatives

1. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Review 2006: DP3 CE23
South East Plan 2009: C2

3. All works, including demolition and construction, should only be carried out between the hours of 0800 and 1800hrs Monday to Friday and 0800 and 1300hrs Saturday and at no time on Sunday or Bank Holidays. Where allegations of noise from such works are substantiated by the Health and Housing Service, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.
