

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE COUNTY COUNCIL held in the Council Chamber at The Castle, Winchester on 28 September 2011

**PRESENT:**

Chairman:  
p Councillor R.C. McIntosh

Vice-Chairman:  
p Councillor I. Beagley

Councillors:

|                                      |                                  |
|--------------------------------------|----------------------------------|
| p Mrs C.A. Bailey                    | a Mrs A. McEvoy                  |
| p A. Broadhurst                      | p E.J. Neal                      |
| p J.V. Bryant                        | p F. Pearce                      |
| p C. Carter                          | a R. Price                       |
| p M.G. Cooper (for items 6,7 and 9)  | p D. Simpson                     |
| p B.T. Gurden (for items 6,7 and 9)  | p J.K. West                      |
| p G.M. Hockley (for items 6,7 and 9) | p Mrs S. Wheale (for items 7-11) |
| p A. Joy                             |                                  |

**224 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors McEvoy and Price. Councillors Pearce and Broadhurst attended on their behalves.

**225 DECLARATIONS OF INTEREST**

Members were mindful that, where they believed they had a personal or prejudicial interest in any matter to be considered at the meeting, they should normally at the time of the debate declare their interest and, having regard to the circumstances described in paragraphs 9, 10, 11 and 12 of the County Council's Code of Conduct, consider whether to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with paragraph 12 of the Code. The declaration should be made at the time of the relevant debate.

**226 MINUTES**

Councillor Mark Cooper confirmed that on Minute 221, he was a Member of Test Valley Borough Council and Romsey Town Council and not Braishfield and Michelmersh & Timsbury Parish Councils as stated.

The Minutes of the meeting held on 27 July 2011 were agreed and signed by the Chairman.

## **227 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed David Heck from the Independent Remuneration Panel, who was observing the meeting.

The Chairman then confirmed that legal advice had been received advising that Standing Order 12 could be varied to enable questions of deputies and that such a variation could remain in force until revoked either by the Committee or the Constitution. This was put to the vote and agreed by the Committee.

It was then confirmed that in planning items where the Committee went against Officer recommendations, the planning reasons for refusal would be summarised by the Officer after the vote, so that the Committee could then confirm its reasons for refusal. The Chairman also confirmed the deputation process to the deputies and reinstated that questions of the deputies was for clarification purposes only.

## **228 DEPUTATIONS**

Members voted on and approved a scheme which involved the amendment of Standing Order 12 to allow Members to ask questions of deputies for clarification of facts on an agenda item. Questions from Committee Members would be asked through the Chairman, who might seek the advice of the Committee's legal and other advisers as appropriate. The Chairman's decision on a question would be final. Any local Members who requested to speak at the Committee might also be asked questions. The Committee were advised that twelve deputations had been received for this meeting.

## **229 EXTENSION TO SAND AND GRAVEL WORKINGS AT MORTIMER QUARRY INTO LAND KNOWN AS BENYON'S ENCLOSURE, AT MORTIMER QUARRY, MORTIMER WEST END, BASINGSTOKE**

The Committee considered a report from the Director of Economy Transport and Environment (Item 6 in the Minute Book) regarding an application for a southern extension to the existing sand and gravel workings at Mortimer Quarry. It was stated that, for clarity, the recommendation in the report should read "...the encouragement of biodiversity".

The Committee were informed of the application and the details in the report. The extension would be into Benyons inclosure south of Welshman's Road, the processing plant at Budds Firs would continue to be used, and there were amendments to the current Eastern extension to accommodate silt lagoons. It was confirmed that to minimise noise and visual impact there would be a 90 metre margin between the extraction areas and the boundary with Pinelands Park, and 90 metre margin between the extraction area and the nearest housing on Welshmans Road, along with retained woodland and a 3 metre bund. The restoration of Benyons Inclosure would be mainly to commercial forestry with areas of wetland and heathland. Restoration of the current working area in the eastern extension would

be to heathland, and the silt lagoons to commercial forestry. Similarly at Budds Firs the plant site would be restored to heathland and the silt lagoons to commercial forestry. Sand and gravel excavated from Benyons Inclosure would be transported across Welshman's Road by conveyor via a bridge.

The Committee received eight deputations on this item. Mr Roy Nash from Pinelands Mobile Home Park; Ms Maike Ahlgrimm, a local resident; Cllr John Robertson from Mortimer West End Parish Council; Cllr David Pilkington from Aldermaston Parish Council and Cllr John Morden from Stratfield Parish Council all spoke against the application. Mr Nash felt that the drawings supporting the report were not accurate and was concerned about the dust and noise levels at the park. Ms Ahlgrimm felt that public rights of way were affected and the extension would make horse riding in the area less popular. It would also affect property values. Councillors Robertson, Pilkington and Morden all shared their concerns over trucks operating along Welshman's Road and that the traffic would be too much on a minor road. It was also felt that restoration should be completed in the northern part of the site before work commenced in the Benyon's area so that some of the recreational areas could be restored.

Mr Dave Norminton spoke on behalf of the Applicant and confirmed that there would be no increase in lorry movements as the output would remain the same as with the existing site. Maximum noise levels would only be reached for short periods in the later stages of the application (Phases 7 and 8) and care would be taken to minimise the environmental impact, with natural boundary features and areas of retained woodland during the excavations. The Committee were also informed that a Quarry Liaison Group would be set up. In response to comments that the previous conveyor crossing of Ramptons Lane from the Eastern Extension did not work and material was transported by dump truck instead he explained that the proposed conveyor belt would have no changes of direction, whereas the Ramptons Lane one had many changes in direction creating the problem of blockages.

County Councillors Tucker and Chapman also spoke regarding the application. Mrs Tucker shared her concerns over the vehicles in Welshmans Road, but understood that excavation could only take place where material existed. Cllr Chapman echoed the concerns of the nearby residents and suggested that a condition be put in place whereby if the conveyor was to break, then work on the site would cease until it had been repaired.

During questions of the deputees, it was verified that three full time employees worked on the plant site, all living in proximity of the site. When asked why the conveyor could not be put underground, Mr Normington confirmed that this was due to the space and depth needed. The Committee were also notified that work had not ceased in the northern part of the site yet due to there still being six months worth of gravel left to extract. It was anticipated that three quarters of the northern site would be restored by the end of 2012.

***Councillor Wheale arrived at this point of the meeting, but did not take part in this item.***

The Officer confirmed to the Committee that there was an existing condition which meant that no trucks could be used if the conveyor was to break, but that not allowing any work to take place on site was unrealistic if this was to happen. Whilst a condition could be added to state that no further extraction could take place until the northern areas had been restored, this would not be beneficial as there was a need for the extraction to take place to fulfil the demand for aggregate, 80% of which was high grade concreting aggregate.

The Committee enquired as to who would be in charge of noise monitoring and the validity of the application in terms of the new Minerals and Waste Plan still going through. It was confirmed that the new plan was due to go to Full Council on the 13 October, but that the application could also be considered through the adopted Minerals and Waste Core Strategy (2007) which still applied. Noise monitoring procedures would be approved by the County Council, following liaison with the environmental health officers at West Berkshire and Basingstoke Councils.

Members questioned the gantry proposed and its safety in adverse weather conditions and it was confirmed that this would be taken very seriously by the Highways Authority, with strict controls being put in place, as part of their consent for works to be carried out. .

The Officer also confirmed that Saturday working hours were until 12:00, as recommended by the Environmental Health Officer, rather than 13:00 as mentioned earlier in the report.

Before taking the vote, the Committee agreed that the following criteria be added if the recommendation was to be agreed:

- 1) That an advice note be added stating that a Liaison panel is to be set up with local residents
- 2) That Condition 13 (page 22 of the report) is re-enforced
- 3) That Condition 20 would include researching other trees, other than Pine Whips, which may be more suitable for screening
- 4) That Condition 22 is corrected to reflect the 7:00 - 12:00 Saturday hours of working
- 5) That 'the encouragement of' [biodiversity] is added to the recommendation

**RESOLVED:**

a) Subject to a legal agreement for nature conservation management, maintenance of the Welshman's Road and securing two new footpaths across the site and a bridleway across the edge of the eastern extension area, planning permission for Extension to sand and gravel workings at Mortimer Quarry into land known as Benyon's Enclosure, with restoration to commercial forestry & the encouragement of biodiversity, a temporary conveyor gantry crossing of Welshman's Road, retention of existing quarry plant site and associated development including construction of additional site lagoons with restoration to commercial forestry & biodiversity at Mortimer Quarry, Mortimer West End, Basingstoke (Application No: BDB/73759) was

granted subject to the conditions listed in Integral Appendix B and the criteria established at Committee, listed above.

**Voting:**

Favour: 12

Against: 2

Abstentions: 0

**230 VARIATION OF CONDITIONS ATTACHED TO PLANNING PERMISSION BDB53439 TO ALLOW FOR THE CONSTRUCTION OF ADDITIONAL SILT DISPOSAL FACILITIES (PART RETROSPECTIVE) AT MORTIMER QUARRY, WELSHMAN'S ROAD, MORTIMER WEST END**

The Committee considered a report from the Director of Economy Transport and Environment (Item 7 in the Minute Book) which detailed an application for amendments to the Burnt Common restoration, and an extension of time as restoration had been delayed due to length of time needed to dry out the silt ponds. The Committee received a deputation from local resident Mrs Adeliza Cooper, who told the Committee how residents were fed up with the noise and that they didn't feel an extension to the time was acceptable considering 2007 was originally promised. Mr David Norminton spoke on behalf of the Applicant and accepted that the deadline had passed, and this was due to the deposits containing more silt than envisaged before excavations started.

During questions of the deputees, Mr Normington accepted that a liaison group should have been set up sooner. Also although Hanson were not the land owners, they were funding the long term management of the site for nature conservation.

The Committee asked whether a quicker process could be found for drying the silt, but it was confirmed that silt had to be solid to transport and that there was not an alternative at the site.

Before taking the vote, the Committee agreed that ...."or such longer period as the Mineral Planning Authority may agree in writing" would be deleted from Condition 1 on page 9 of the report.

**RESOLVED:**

- a) Permission was granted for Variation of conditions attached to Planning Permission BDB53439 to allow for the construction of additional silt disposal facilities (part retrospective) at Mortimer Quarry, Welshman's Road, Mortimer West End, RG7 4QD subject to the conditions listed in Integral Appendix B and "or such longer period as the Mineral Planning Authority may agree in writing" being deleted from Condition 1 on page 9 of the report.

**Voting:**

Favour: 13

Absentions: 2

**231 PROVISION OF A NEW WATERLOOVILLE HOUSEHOLD WASTE RECYCLING CENTRE (HWRC) IN THE WEST OF WATERLOOVILLE NORTHERN MAJOR DEVELOPMENT AREA, OLD PARK FARM**

***This item and Items 10 and 11 were taken after lunch, following Item 9***

The Committee considered a report from the Director of Economy Transport and Environment (Item 8 in the Minute Book) detailing an application for a new HWRC in Waterloooville to replace the old facility. An update was provided of additional objections received from local residents, issues were the same as those included in the report.

The new facility would have split levels, with public parking at the top and servicing at the lower levels. There would also be landscaping around the outskirts with security fencing on the inside. The design would also minimise traffic queuing beyond the site. Access would be via the main development area spine road. In the longer term there would be access from the south with the development of the Southern major development area.

**RESOLVED:**

a) Planning permission for the provision of a new Waterloooville Household Waste Recycling Centre in the West of Waterloooville Major Development Area, Old Park Farm off Hambledon Road, Waterloooville (11/01601/HCS) was granted, subject to the conditions listed in Integral Appendix B.

Voting

Favour: 12 (unanimous)

**232 REMOVE OF CONDITION 1 (HOURS OF WORKING) ON PP:F22689/002/FUL AT BEACON HOUSE, 13 MILL LANE, ALTON**

***This item was taken following Item 7, before lunch***

The Committee considered a report from the Director of Economy Transport and Environment (Item 9 in the Minute Book) detailing an application for change of working hours at Beacon House in Alton. The applicant at the site provides a waste service to the motor trade, handling cardboard, paper, polythene, bumpers tyres, metal and rigid plastic. Material is bailed for transfer for recycling.

The permitted hours of working were 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturday. The new application was for 0700 – 2200 Monday – Friday, with 0800 – 1800 being unrestricted. No metal working or working in the yard would be allowed between 0700 – 0800 and 1800 – 2200 and all waste activity would be within the building and the doors would remain closed.

Mr Nick Cobbold spoke on behalf of the applicant and explained to the Committee that the extended hours were being requested due to an increase in demand. Whilst the compromised hours were not ideal, any additional hours permitted helps with the demand.

On questioning the depute, it was confirmed that no vehicles went in or out of the site at night and that the first movement was not normally before 11:00 in the morning. During the restricted hours there would be no metal handling and the plastics and cardboard would be processed, which generated little noise.

A proposal was made to limit the hours to 080:00 – 1800 unrestricted with 0700 – 0800 and 1800 – 1900 being restricted, but this was lost on a vote.

A second proposal was made to grant a temporary permission for one year, so ensure that there would be no problems with the site operating in the in restricted hours, balancing the demands of the business against those of the local resident. This was put to the vote with the recommendation.

**RESOLVED:**

a) Planning permission for the removal of condition 1 (Hours of working) on PP:F22689/002/FUL at Beacon House, 13 Mill Lane, Alton GU34 2PH (Application No: 22689/003) (Site Ref: EH157) was granted a temporary permission for one year expiring 30 September 2012, subject to the conditions listed in Integral Appendix B.

Voting:

Favour: 8

Against: 7

Abstain: 0

**233 PROPOSAL TO MAKE A DEFINITIVE MAP MODIFICATION ORDER TO UPGRADE CHILWORTH FOOTPATH 4 (ROMAN ROAD) TO A RESTRICTED BYWAY**

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 10 in the Minute Book), detailing a proposal to upgrade a Footpath to a restricted byway in Chilworth.

The Committee were informed of the history of the path and local area from 1755 to the present day. The conclusion to be drawn from the evidence was that Roman Road was an ancient public highway and that public rights had not been legally extinguished other than by the Natural Environment and Rural Communities Act 2006 which has extinguished rights for use by the public with motorised vehicles. This still leaves public rights for walkers, cyclists, horse riders and horse-drawn vehicles. This type of right of way is known as a restricted byway. The path had great potential for cyclists commuting between Southampton and Chilworth Science Park.

Members complemented the well structured and comprehensive report and thanked the officer for his hard work.

It was confirmed that an addition was added to the end of the recommendation, which was incorporated as part of the vote.

RESOLVED:

a) That a Definitive Map Modification Order be made to upgrade Chilworth Footpath 4, as shown on the attached map between points A-B-C-D-E and E-F, to a restricted byway with a width of 12.2 metres, narrowing to 5.5 metres where it passes under the M27 between points C-D

Voting:

Favour: 12 (unanimous)

**234 DEDICATION OF A PUBLIC FOOTPATH BETWEEN FOOTPATH 9 (THE LAKES) AND MEDLICOTT WAY BY SWANMORE PARISH COUNCIL**

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 11 in the Minute Book) which detailed a proposal for the dedication of a public footpath in Swanmore.

The Committee were informed that officers were seeking retrospective approval to enter into the agreement. A dedication agreement had already been signed by both parties without previous authority by members. This was due to a draft agreement being signed and returned by Swanmore Parish Council, then countersigned by the County Council, before coming to Committee for formal approval.

RESOLVED:

a) That retrospective approval be given for the County Council to enter into an agreement with Swanmore Parish Council for the dedication of a public footpath as shown on the plan attached to the report.

Voting:

Favour: 12 (unanimous)