

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE COUNTY COUNCIL held in the Council Chamber at The Castle, Winchester on 23 May 2012

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman:
p Councillor I. Beagley

Councillors:

p C. Bailey	p E. Neal
p J. Bryant (for Items 1-6)	p F. Pearce
a C. Carter	p R. Price (for Items 1-6)
p M. Cooper	p. A. Rice (d)
p B. Gurden	p D. Simpson
p G. Hockley (for items 1-9)	p J. West (for Items 1-6 and 9-11)
p A. McEvoy	p S. Wheale

***The order of the agenda at this meeting was as follows:
Items 1-11 in sequence***

292 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Carter. The Chairman confirmed that Councillor Alan Rice was attending as a deputy on Councillor Chris Carter's behalf.

293 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 8, 9, 10 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.

294 MINUTES

The minutes from the meeting of the 25 April were agreed by the Committee and were signed by the Chairman.

295 CHAIRMAN'S ANNOUNCEMENTS

The Chairman confirmed to the Committee that the 10 working day rule regarding deputies attending on behalf of full Members had been lifted, as deputy Members

received the papers at the same time as full Members and were therefore fully prepared before each meeting in the event they would need to attend. Members were encouraged to contact the BAMS officer, Katy Ford, in the event they could not attend a meeting so a substitute could be arranged as soon as possible.

296 DEPUTATIONS

Members voted on and approved a scheme which involved the amendment of Standing Order 12 to allow Members to ask questions of deputees 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 nine deputations had been received for this meeting.

297 CONSTRUCTION OF AN ANAEROBIC DIGESTER TO CONVERT FOOD WASTE INTO BIO METHANE TO SUPPLY THE GAS REQUIREMENTS OF THE EXISTING BRICKWORKS AND THE EXTENSION OF AN EXISTING HAUL ROAD IN ORDER TO PROVIDE HGV ACCESS AT SELBORNE BRICKWORKS, HONEY LANE, SELBORNE, ALTON GU34 3BS (APPLICATION NO: 20661/048) (SITE REF: EH015)

The Committee considered a report from the Director of Economy, Transport and Environment (Item 6 in the Minute Book) regarding an application for an anaerobic digester (AD) at Selborne Brickworks.

The officer introduced the item and explained that a planning application for an anaerobic digester and extension to the haul road at Selborne Brickworks (Application 20661/045) had been previously refused, with a subsequent appeal being dismissed. The applicant had amended the proposals to seek to address the reasons for refusal and Inspectors reasons for dismissing the appeal and submitted the current planning application. In addition there was a separate planning application to the South Downs National Park Authority (SDNPA) with regards to the proposed extension to the haul road within the National Park. In the amended proposal the anaerobic digester was located alongside the other buildings and plant alongside the brickworks, rather than within lagoons on restored land to the west of the brickworks, which was a reason for the application previously being refused. Despite a start time of 0800 being mentioned in the report, it was confirmed that it was indeed 0700 as stated in the proposed Conditions in Appendix B.

The Committee was taken through the new proposed layout of the site, along with the location of nearby residents and plans for landscaping. The officer confirmed that although SDNPA had raised objection to the proposed AD, they resolved that would permit the haul road if the AD was to be approved.

The Committee received eight deputations on this item. Richard Hewitt, Nick Stewart, Aiden Donegan and David Ashcroft, local residents, all spoke against the application. Concerns included the viability of the brickworks, noise and odour from

the AD, vehicle movements and the condition and use of the haul road. Anne Miller, local resident spoke in favour of the application saying that the brickworks were an important part of local heritage and needed to remain in operation. Patrick Benham-Crosswell, the applicant, informed the Committee that gas price increase had driven the project and that a local farm had agreed to take all digestate produced by the AD. Vehicle movements quoted were accurate and the AD would save 32,000 tonnes in carbon emissions. Landscaping plans would include work to the haul road, which would be made fit for purpose.

County Councillor Mark Kemp-Gee addressed the Committee as a deputation and declared a personal, non prejudicial interest due to involvement in chairing the Selborne brickworks liaison panel and also as the County Council's representative on the SDNP Authority, although not as a Member on their Planning Committee. Councillor Kemp-Gee shared his concerns about landscape impact, the issue of viability of the brickworks and Inspectors comment that condition to link AD to brickworks not reasonable, the quantity and quality of water proposed to be discharged and also the condition of the haul road being not fit for use. Concern at local amenity impact due to noise and lighting.

County Councillor Adam Carew also spoke on the item as Mayor of Whitehill & Bordon, [also being on their Planning Committee], and also as a Member of East Hampshire District Council, [although not voting on the item]. Councillor Carew agreed that there were concerns regarding quantity and quality of water being discharged, local amenity impact in terms of odour, and landscape impact on the SDNP and potential issues with traffic with sat navs not taking Heavy Goods Vehicles (HGV's) the correct route.

During questions of the deputees, the following points were clarified:

- Alternative fuels had been considered by the applicant instead of an AD, but this was felt the most suitable option.
- The 42p per brick subsidy received would continue once the AD was in operation, and there would only be an issue with this being lost if legislation changed before the AD and brickworks were in operation.
- Potential noise had been analysed by experts and it was confirmed as not being a problem for local residents
- Odour was not a concern as part of the application as all waste would be stored inside and/or well sealed.

During questions of the officer the Committee were informed that the potential problem with sat nav's was a management issue and something that the site operator should manage. The officer confirmed to the Committee that as the digestate would be used as a fertiliser, the last sentence of Condition 21 would be removed as an 'end product' would subsequently be exposed to the environment in this instance.

The officer went on to confirm that the financial viability of the brickworks was not an issue which should be given much weight and that the restriction of 7.5 tonnes on local roads would not apply to vehicles being used by the site being within the weight restriction area. A condition on the maintenance on the haul road could also be introduced if the Committee felt this was necessary.

During debate some of the Committee admitted concerns over the financial viability of the site and whether the brickworks justified such a development in the area. It was proposed and seconded that the item be deferred pending Counsel advice regarding financial viability, but this was lost on a vote.

RESOLVED:

- a) Subject to the approval of planning application 20661/049 , permission for construction of an anaerobic digester to convert food waste into bio methane to supply the gas requirements of the existing brickworks and the extension of an existing haul road in order to provide Heavy Good Vehicle (HGV) access at Selborne Brickworks, Honey Lane, Selborne, Alton, GU34 3BS (Application No: 20661/048) be granted subject to the conditions listed in Integral Appendix B.

Voting:

Favour: 11

Against: 4

Councillors Bryant, Price and West left the meeting, leaving a total of 12 voting Members

298 CHANGE OF USE TO ALLOW PREVIOUSLY EXTRACTED CLAY TO BE USED FOR BRICKMAKING AND LANDSCAPING AT SELBORNE BRICKWORKS, HONEY LANE, SELBORNE, ALTON GU34 3BS (APPLICATION NO: 20661/050) (SITE REF: EH015)

The Committee considered a report from the Director of Economy, Transport and Environment (Item 7 in the Minute Book) regarding an application to use previously extracted clay for brick making at Selborne brickworks in Selborne, Alton.

The officer introduced the item, showing plans of the proposed area. It was confirmed that the work would be done during normal operational hours.

The Committee received three deputations on this item. Patrick Benham Crosswell, the applicant, told the Committee how the clay was needed to get the site back up and running again. The clay would be moved slowly over several months and sorted by hand to remove impurities. The clay would also be watered down to reduce dust. Regardless of the outcome of the application, the clay would need to be moved and it seemed sensible for it to be used by the brickworks.

County Councillor Mark Kemp-Gee addressed the Committee as a deputation and declared a personal, non prejudicial interest due to involvement in chairing the Selborne brickworks liaison panel and also as the County Council's representative on the SDNP Authority, although not as a Member on their Planning Committee. Councillor Kemp-Gee felt there was a lack of detail in the report regarding the brickworks and that the clay was not suitable for bricks as it was not of a high

enough quality. Also not enough consideration given to amenity impacts for local residents.

During questions of the deputations, the following points were clarified:

- Patrick Benham Crosswell confirmed that bricks had always been made from local clay and they had been of a suitable standard. The clay had been left following an enforcement notice and there had previously been debate over the quality, but there was now time to filter the clay and clean it properly.

During debate, Members agreed that it was important to support local businesses and that it made sense for the brickworks to utilise the clay.

RESOLVED

- a) Planning permission in respect of the change of use to allow previously extracted clay to be used for brick making and landscaping at Selborne Brickworks, Honey Lane, Selborne, Alton, GU34 3BS (Application No: 20661/050) be granted, subject to the conditions listed in Integral Appendix B.

Voting:

Favour: 12 (unanimous)

- 299 DEMOLISH AN AREA OF EXISTING GLASSHOUSE WITHIN THE NURSERY COMPLEX, MAKE GOOD REMAINING GLASSHOUSES, CONSTRUCT A WOODCHIP BIOMASS CHP PLAN WITHIN AN ENCLOSURE BUILDING WITH FREE STANDING CHIMNEY, HOT WATER STORAGE TANK, HARDSTANDINGS AND ANCILLARY ASSOCIATED WORKS, ENHANCEMENTS TO SITE SCREENING AND IMPLEMENTING BIODIVERSITY SITE MEASURES AT DOUBLE H NURSERIES, GORE ROAD, NEW MILTON BH25 5NQ (APPLICATION NO. 12/98264) (SITE REF: NF260)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 8 in the Minute Book) regarding an application for a new woodchip biomass plant at Double H Nurseries in New Milton.

The officer showed the Committee a plan of the area with the application area clearly marked. The officer explained that the site was located in the South- West Hampshire Greenbelt although it would be surrounded by glasshouses and buildings within the long established commercial pot nursery complex. The relationship of the site to nearest residential properties, the Chewton Glen Hotel and other surrounding land uses were pointed out to members on the plans. Members were also shown existing and proposed building elevations and computerised visual images showing how the new building would look when viewed from surrounding areas..

It was explained that the proposal has arisen because of the applicant's desire to reduce carbon emissions, protect the environment and reduce running costs. It was explained that to provide stable growing conditions the applicant considers it is essential to heat the glasshouses at higher temperatures raising the costs as the burning of gas and oil is becoming ever more expensive and scarce.

The officer explained that the site is located within the centre of the built nursery complex where the existing glasshouses are approximately 7 to 8 metres above ground level and four existing chimneys reach to approximately 13 m high. The maximum height of the new domed biomass building would be 14 metres high, with the new proposed chimney being 18 metres high. Two of the existing four chimneys would remain as an emergency backup system. Because of the location of the site surrounded by buildings it was considered that the development would not impact too much on local amenity as demonstrated by the visual images presented to the Committee. It was explained that for two weeks each year the biomass plant would close down whilst it underwent maintenance but the gas backup system would provide the power for the necessary heating, lighting and cooling of the nursery during this period.

The Committee received one deputation on this item. David Stevenson, the applicant informed the Committee that the company employed 120 people from the local area and beyond and had been a family business for over 50 years. The orchids and other plants grown required a lot of heat and light and this meant managing energy costs as best as possible. The new biomass plant would be sustainable and a huge long-term investment and emissions would be monitored by the Environment Agency. The height of the building had been consulted with the Chewton Glen hotel.

The officer confirmed that the height of the building had already been reduced and that it was not feasible to take it any lower. Other locations within the site had been looked at, but it was felt that the proposed location was the most suitable in terms of positioning to the glasshouses and receiving deliveries.

The officer agreed that the condition giving hours of working for demolition works of the corner of an existing glasshouse (to make way for the new development) could be altered so that demolition would not commence until 0800 hours.

The officer highlighted that Policy DC5 of the HMWCS does allow for exceptions to policy to permit green belt development in special circumstances. It was considered this application was one such circumstance.

RESOLVED:

- a. Permission to demolish an area of existing glasshouses within the Nursery complex, make good remaining glasshouses, construct a wood waste chip biomass CHP plant within an enclosure building with free standing chimney, hot water storage tank, hardstandings and ancillary associated works, enhancements to site screening and implementing biodiversity site measures at Double H Nurseries, Gore Road, New Milton BH25 5NQ (Application No. 12/98264) (Site Ref: NF260), be granted subject to the conditions listed in Integral Appendix B.

Voting:

Favour: 11

Against: 0

Abstentions: 1

Councillor West returned to the meeting after leaving to attend to other Council business

300 VARIATION OF CONDITION OF PLANNING PERMISSION 07/02026/CMA TO EXTEND THE TIME FOR THE INFILLING AND RESTORATION AT RIVER VALLEY LAKE, EAST OF SANDHURST ROAD, YATELEY, HAMPSHIRE

The Committee considered a report from the Director of Economy, Transport and Environment (Item 9 in the Minute Book) regarding an application for a variation to conditions regarding River Valley Lake in Yately.

The officer introduced the item, showing the Committee satellite images of the location and the areas of work being undertaken. The banks of the lake were to be improved to create a safer environment for fishermen and extra time was needed to import materials and make good the application area. There had previously been complaints and problems with dust and mud on the roads due to vehicle movements to and from the site, but this had been improved through the installation of wheel washing and road cleaning. The applicant states it would take about 10 weeks to import sufficient material, followed by restoration but no further importation, consequently the officer confirmed that Condition 1 would be changed to read *"...shall cease ten weeks on commencement of the planning consent and the site shall be restored..."* as opposed to *"on or before 11 June 2012"*

The Committee received two deputations on this item. David Weller, on behalf of the applicant, told the Committee that no objections had been received from local authorities regarding the site and the haul road would be removed with the ground eventually reinstated once the work was completed. Will Fleming also added that many of the issues previously brought up involving the roads had been resolved and a noise bund had been put in. The roads were washed twice a day and Hampshire Constabulary agreed that the roads had not been a problem when they had visited. The applicant was happy to start at a revised time of 0800 during the week to appease local residents.

County Councillor Adrian Collett also addressed the Committee and agreed that the applicant had been very effective in resolving problems that had arisen. He emphasised that dust and mud had been a serious problem for residents in the past and the importance of the wheel and road washing being maintained. Councillor Collett was pleased that all works on the site would cease if there was ever a problem with machinery, but had concerns that ten weeks would not be long enough to import the materials needed.

During questions of the deputations, the following points were clarified:

- The 50,000cm³ was an error in the report and it was anticipated that it was closer 30,000cm³
- There would be a cleanup operation at the end of the ten week importation period, which would include the roundabout and traffic lines nearby. Lorries were covered but the wheel wash cleaned the sides of the lorries as well as the wheels. The cleaning process also helped dampen down the road.
- The road sweeper would not clean the haul road as this was a rough surface.

The officer confirmed that the ten week period would be from the recommencement of importation, rather than from the time approval was given to enable the site to get up and running again first. There were no plans to extend the ten week period, and the site would be monitored with continued liaison with the operator the check were on time to complete within the timescales.

The Saturday morning working times were felt to be suitable as it was only for a temporary period.

RESOLVED:

- a) Planning permission be granted for the variation of condition of planning permission 07/02026/CMA to extend the time for the infilling and restoration at River Valley Lake, East of Sandhurst Road, Yateley, Hampshire, subject to the conditions detailed in Integral Appendix B.

Voting:

Favour: 12

Against: 0

Abstentions: 1

Councillor Hockley left the meeting

301 INFORMATION ON VILLAGE GREEN APPLICATIONS FOR THE HAMPSHIRE COUNTY COUNCIL WEB-SITE AND REQUEST FOR DELEGATED POWERS FOR OFFICERS TO REJECT APPLICATIONS NOT 'DULY MADE' UNDER SECTION 15 OF THE COMMONS ACT 2006

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 10 in the Minute Book) which sought approval for officers to offer applicants impartial advice and reject applications not duly made without the need to bring them to Committee. Officers would, however, still be able to refer applications to the Committee if circumstances required it.

RESOLVED:

- a) It was noted that guidance information on making village green applications is to be posted on the County Council's website, and that officers responsible for processing applications made under section 15 of the Commons Act 2006 be given delegated powers to decide whether or not applications are 'duly made', and to reject those that are not so made.

Voting:

Favour: 12 (unanimous)

302 RENEWAL OF AN AGREEMENT FOR A LICENSED BRIDLEWAY IN THE PARISH OF LITCHFIELD AND WOODCOTT

The Committee considered a report of the Director of Culture, Communities and

Business Services (Item 11 in the Minute Book) on an application for a bridleway agreement in Litchfield and Woodcot.

The officer explained that the bridleway offered a safe route for walkers and riders away from the dangerous A34 and would be renewed for a further five years until the end of 2016. There were no financial issues and no reported incidents relating to this path.

RESOLVED:

a) It was agreed that the County Council would enter into an Agreement with C.A.H Wills to continue the licensed bridleway alongside the A34 and through the subway until 2016.

Voting:

Favour: 12 (unanimous)