

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE COUNTY COUNCIL held in the Council Chamber at The Castle, Winchester on 17 July 2013

PRESENT:

Chairman:

p Councillor R.C. McIntosh

Vice-Chairman:

p Councillor G Hockley

Councillors:

p C Carter
a M Cooper
p J Frankum
p C Greenwood
p K House
p R Humby
p R Huxstep

p P Latham
p F Pearce
p R Price
p T Rolt
p D Simpson
p J West
p S Wheale

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

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Cooper.

12. DISCLOSURES OF INTEREST

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

13. MINUTES

The minutes of the meeting of the 6 June 2013 were signed as a correct record by the Chairman.

14. CHAIRMAN'S ANNOUNCEMENTS

No announcements were made.

15. DEPUTATIONS

The Committee were advised that eight deputations had been received for this meeting, (in addition to County Councillor Mather) and the deputation process was explained.

16. WASTE TRANSFER STATION AT BARFIELD CLOSE, BAR END INDUSTRIAL ESTATE, WINCHESTER

(APPLICATION NO: 13/00793/HCS) (SITE REF: WR193)

The Committee considered a report from the Director of Economy, Transport and Environment (Item 6 in the Minute Book) which set out an application to handle construction and demolition/skip waste (10,000tpa) and the continued use of the site for recycling metal, paper, cardboard and plastic (15,000tpa).

The officer introduced the item and explained that several members of the Committee had visited the site on 30 May 2013 to assess its relationship to the surrounding landscape and neighbouring properties. The application had subsequently been considered by the previous meeting of the Committee (held 6 June 2013), where Members had agreed to defer the item. This was to seek further information about potential conditions, to better protect the amenity of local residents through the increased control of noise and dust.

The Committee noted that, since its previous meeting, four new representations had been received from local residents against the application and the officer explained that these raised the same issues as already highlighted in the Committee Report.

The officer explained that revisions to the application had been received subsequent to the previous meeting, involving additional building insulation and an acoustic fence to be erected along the western boundary of the site (where the boundary drops steeply to Domum Road below) and returning for approximately ten metres along part of the southern boundary, adjacent to the footpath.

The officer explained that further noise level information had been submitted and that Winchester City Council had undertaken some background noise levels. Their Environmental Health Officer was present at committee to question Members' questions. The result of this was that the EHO was receiving a revision to the noise condition as members had before them in the papers.

The Committee received two deputations on this item. Michael Thompson (a local resident) and Councillor Mather both spoke against the application. In summary, Mr Thompson raised the following concerns:

- That the site was an inappropriate location for the proposed activity.
- Notwithstanding the new conditions, the additional noise and dust from the site would have a detrimental affect on local residents. He raised concerns about the noise from reversing lorries, machinery within the site and loud bangs as the lorries unload, which he considered would be amplified by the topography of the site.
- That a number of residents of Bar End Road had objected to the application, but were unable to attend the meeting. He highlighted their concerns regarding increased HGV traffic serving both the application site and the adjacent depot site.

In summary, Councillor Mather welcomed the new conditions as an improvement to the scheme, but, in highlighting the special character of the area, still had concerns regarding the appropriateness of the location. She suggested that noise from the site (in particular, reversing lorries) would disturb neighbours' enjoyment of their gardens and recommended that the hours of operation should exclude Saturdays completely.

In response to Members' questions, Winchester City Council's Environmental Health Officer explained that the positioning of the acoustic fence had been chosen where sound would not otherwise be deflected and absorbed by the banks or surrounding buildings. He had conducted a noise survey in the area to ascertain the level of background noise, against which the effect of the new use could be measured. As a result of this work, officers recommended a replacement to proposed Condition 7 to read:

"The noise level at the south west boundary closet to 1 New Bridge Cottages from the operations hereby permitted shall not exceed LAeq, 15 min of 45dB.

A formal assessment of compliance shall be performed and submitted to the Waste Planning Authority every 3 months where the noise level is checked on at least two occasions during the day separated by a minimum of 1 hour.

Reason: To prevent noise disturbance to the residents of the nearest houses."

During the debate on noise, the Committee raised concerns regarding the noise of reversing HGVs. The officer highlighted to Members that there was a low tonal alarm condition in the Report and it was noted that the level of the alarms could be adjusted. It was also clarified that a condition was proposed in the Report preventing the use of a concrete crusher on site.

At the conclusion of debate, the Committee agreed that, subject to Conditions set out in the Report as amended above, the application be approved.

RESOLVED:

It was agreed that:

i) Subject to a Highway Contribution of £5,520, permission for the construction and operation of a waste transfer station to handle construction and demolition/skip waste (10,000tpa) and continued use of the site for recycling metal, paper, cardboard and plastic (15,000tpa) at Barfield Close, Bar End Industrial Estate, Winchester (13/00793/HCS) be granted, subject to the conditions listed in Integral Appendix B of the Report and as amended above regarding Condition 7.

ii) Footpath No 6 is diverted to an alignment approved and displayed on the Hampshire County Council Rights of Way definitive map.

Voting:

In favour: 13

Against: 0

Abstained: 2

**17. MARCHWOOD QUARRY, JACOBS GUTTER LANE, MARCHWOOD
APPLICATION NO: 12/99110 (EIA DEVELOPMENT)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 7 in the Minute Book) regarding a proposal to change condition 1 of Planning Permission 12/99110, to allow the quarrying and restoration to be continued and completed by 31 December 2025. Whilst mineral extraction from the main site had been almost completed, there were three small areas alongside the internal access road remaining, and it was anticipated that the remaining extraction, infilling and completion of restoration would take thirteen more years. The proposed phasing and timetable for the works was explained. It was confirmed that the application had been submitted prior to the previous end date expiring, however on submission, the need for an environmental assessment (as required by the Environmental Impact Assessment Regulations) was identified. Consequently there had been a delay awaiting this to be submitted.

The officer's presentation highlighted the proposed cycleway on the eastern boundary of the site, which had been negotiated with the applicant as part of the restoration. This community benefit can be secured through a Legal Agreement.

The Committee received a deputation on this item (linked to the associated Item 8 below) from Douglas Symes (applicant's agent) who spoke in support of the application. In summary, he highlighted;

- That the time extension had been sought because of delays arising from changes in the Environmental Agency's regulations, works on a major gas pipe which ran through the site, and the recession.

- That the applicant had engaged well with the local community.

In response to the Committee's questions, it was noted that the phasing of works reflected the site constraints (including the major gas pipeline) and the proposed phasing of restoration enabled the provision of the cycleway at the earliest opportunity. In response to the question about the potential use the adjacent railway line, it was explained that because the restoration material comprised soils and inert waste which was locally sourced, this meant that the importation by rail was not feasible.

At the conclusion of debate, the Committee agreed the application for the reasons set out in the report.

RESOLVED:

It was agreed that, subject to legal agreement to provide a cycleway and lorry routing, permission for variation of Condition 1 of Planning Permission 09/94538 to extend the time period of completion until 31 December 2025 at Marchwood Quarry, Jacobs Gutter Lane, Marchwood, Southampton SO40 4UD be granted, subject to the conditions listed in Integral Appendix B of the Report.

Voting:

In favour: 15 (unanimous)

Against: 0

Abstained: 0

18. MARCHWOOD QUARRY, JACOBS GUTTER LANE, MARCHWOOD APPLICATION NO 12/99113

The Committee considered a report from the Director of Economy, Transport and Environment (Item 8 in the Minute Book), which set out details regarding the proposed extension of time for the recycling operation within Marchwood Quarry. This was an ancillary activity to the sand and gravel extraction and restoration of the quarry.

The Committee agreed the application for the reasons set out in the report.

RESOLVED:

It was agreed that, subject to legal agreement to provide a cycleway and lorry routing, permission for the variation of Condition 1 of Planning Permission 09/94536 to extend the time period of completion until 31 December 2025 at Marchwood Quarry, Jacobs Gutter Lane, Marchwood, Southampton SO40 4UD (application no 12/99113) be granted, subject to the conditions listed in Integral Appendix B of the Report.

Voting:

In favour: 15 (unanimous)

Against:0

Abstained:0

**19. PORTCHESTER COMMUNITY SCHOOL, WHITE HART LANE, FAREHAM
(APPLICATION NO: P/13/0126/CC) (SITE REF: FAE014)**

Councillor Price explained that, although he requested that this item be considered by Committee, and that he had been part of Fareham Borough Council's Planning Committee which had previously considered the application, he had not pre-determined the application and came to the meeting with an open mind.

The Committee considered a report from the Director of Economy, Transport and Environment (Item 9 in the minute book), regarding a proposal to remove and replace the 1.8 metre high concrete post and chain link fence along the eastern and part of the northern boundaries of the school sports field. The need for the development was two-fold; to improve security at the school and to prevent stray balls from the playing field entering into neighbouring gardens. The proposed new powder coated steel mesh fence, extending to 2.6 metres high, was to be erected on the same footprint of the existing fence. A footpath varying in width between about 1.0 and 1.3 metres runs alongside the school's eastern boundary between the fence and the neighbouring properties.

The officer explained that Fareham Borough Council had raised no objection to applicant's proposed 2.6m fence to the south of the Sunningdale Road access gate, but had recommended that, to minimise the visual impact of the proposed fence, it should remain at the existing height north of the access gates. No objections had been received from residents south of the access gates. The Committee also noted that the school had indicated that it would raise no objection to a condition altering the colour of the fence.

The Committee received a deputation from Mr Hankin (a local resident) who, in summary, stated that the dwellings north of the access gates were very close to the boundary and therefore the proposed design, colour and 2.6m height of the fence would loom over residents and was inappropriate to the area. Whilst he agreed that the existing fence was dilapidated and required replacement, he questioned the need for the high fence, as no balls had ever been kicked from the field to his garden.

In response to Members' questions, it was noted that the school had provided no information regarding anti-social behaviour on the site.

At the conclusion of debate, the Committee agreed the application, subject to an additional condition which reflected the recommendation of Fareham Borough Council, in that the replacement fence north of the Sunningdale Road and the access gate should be no higher than existing fence. The Committee also agreed that the fence should be coloured green and requested that officers discuss with Fareham Borough Council the possibility of relocating the existing dog bin further away from the access gate, to prevent its potential to be used as a step over the boundary.

RESOLVED:

That, for the reasons set out in the Report, it was agreed that planning permission be granted at Portchester Community School, White Hart Lane, Portchester (Application No: P/13/0126/CC), subject to the above amendment and the conditions set out in the Report.

Voting:

In favour: 14

Against: 0

Abstained: 1

**20. BURNHAM COPSE PRIMARY SCHOOL, NEWCHURCH ROAD, TADLEY
(APPLICATION NO: 13/00762/CC3)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 10 in the minute book) regarding a proposal to erect a temporary, modular pre-school nursery with an additional school room at Burnham Copse Primary School. The reason for the proposal was to enable the pre-school to relocate from its current position within the main school building, and so release space needed for the increase in pupils starting school in September 2013.

The officer's presentation highlighted the issues which had been raised regarding the application as the visual impact of the proposed building on neighbouring properties, noise, traffic during construction, and how long neighbours could expect the building to be on site, notwithstanding the application was for a temporary period for 4 years.

The Committee received a deputation from Mr Pearce (a local resident) who spoke against the application and, in summary, he stated:

- His objection to the location of the proposed buildings, close to residential properties. This would worsen the problems of parents' parking on Bishopswood Road cul-de-sac, and there were better locations elsewhere within the school's site.
- Concerns that the temporary building would be on site for longer than the proposed four years and that a letter from the Parent Governors had indicated that it was a permanent move.

- That the proposed building was for the benefit of a private business on a school site.
- That other neighbours were against the application, but were unable to attend this meeting.

Members discussed the consultation between the applicant and local residents and how long the building was likely to be on site. Members also raised concerns regarding the suitability of alternative locations for the application within the site; the number of trees that would have to be removed; and whether the proposal met the Council's parking standards.

At the conclusion of debate, in light of the Committee concerns outlined above, Members agreed that determination of the application be deferred to enable the Committee to first visit the site. Given the applicant's wish to install the accommodation by September 2013, the Committee agreed to hold an additional meeting (later set as 26 July 2013 at Burnham Copse School).

RESOLVED:

It was agreed that a site visit be held before determining the application at Burnham Copse Primary School, Newchurch Road, Tadley RG26 4HN (application no 13/00762/CCS) to supply, deliver and erect one temporary modular pre-school nursery with an additional school room.

Voting:

In favour: 11
 Against: 1
 Abstained: 3

**21. APSLEY FARM LANDFILL, HURSTBOURNE PRIORS
 (APPLICATION NO: 13/00606/CMA)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 11 in the minute book), regarding a proposal to vary condition 8 of planning permission BDB/76436 to allow an increase in lorry movements to 120, between 1 June 2013 to 31 October 2013. This proposal would allow the importation of high volumes of restoration material available in short term contracts. The application was not an Environmental Impact Assessment development.

The Committee received deputations against the application from John Spurgeon and Christine Thompson (local residents) who in summary stated:

- That there had been little or no consultation with residents of Andover Down on works at the site.
- That the additional traffic which would be generated if the application were granted would bring more HGVs onto the already dangerous London Road.

- That this traffic would bring with it noise and dust to the detriment of Andover Down Residents. In response to a question, it was noted that Mr Spurgeon commented that he would prefer a less intensive use of the site, even if it meant that the site was operational for a longer period.

The Committee also received a deputation from Eleanor Crick (on behalf of the applicant) who spoke in support of the application. In summary, she highlighted:

- That the application reflected the need for operational flexibility, to meet the summer demand from the construction industry.
- That, if the necessary contracts were agreed with third party suppliers, the increased use would help the applicant restore the site by 2015. However, she advised that the increased use sought in the application set out a worse case scenario and the reality was likely to be fewer HGV movements accessing the site.
- That the applicant raised no objection to a condition to sheet the lorries and measures were in place to minimise and clean mud on the road from the site.

In response to a Member's question, it was explained that the only material imported would be for restoration and that the infilling with household waste had ceased.

At the conclusion of debate, the Committee agreed the application for the reasons set out in the Report.

RESOLVED:

It was agreed that permission for variation of Condition 8 of Planning Permission BDB/76436 to temporarily permit an increase in vehicle movements at Apsley Farm Landfill, Hurstbourne Priors SP11 6NA be granted, subject to the conditions as listed in Integral Appendix B of the Report.

Voting:

In favour: 10
Against: 4
Abstained: 1

Councillor R McIntosh
Chairman
26 July 2013