

AT A MEETING of the REGULATORY COMMITTEE of HAMPSHIRE COUNTY  
COUNCIL held in the Council Chamber at The Castle, Winchester on  
Wednesday 17 September 2014

**PRESENT:**

Chairman:  
a Councillor R.C. McIntosh

Vice-Chairman:  
p Councillor G Hockley

Councillors:

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

p P Latham  
a F Pearce  
p R Price  
p T Rolt  
p D Simpson  
p S Wheale  
a R McIntosh

At the commencement of the meeting, the Chairman suspended Standing Order 10 for the purposes of this meeting to permit the press and members of the public to film and record the proceedings, with the exception of any items of business that had been excluded in accordance with Part 1 of Schedule 12A to the Local Government Act 1972. He reminded attendees that by remaining at the meeting they were consenting to being filmed and recorded, and to the possible use of those images and recordings for broadcasting purposes.

***The order of the agenda at this meeting was as follows:  
Items 1-6, 9, 8, 7 and 10-12***

**126. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Chairman, Councillor McIntosh (therefore, the Vice Chairman Councillor Hockley assumed chair), and Councillor F Pearce.

**127. 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.

## **128. MINUTES**

The minutes of the meeting held on 16 July 2014 were agreed as a correct record and signed by the Chairman.

## **129. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman confirmed that an all day Members tour had been arranged for Thursday 16 October 2014 and that details on the itinerary would be sent to Members in due course.

## **130. DEPUTATIONS**

The Committee was advised that deputations had been received for this meeting and the deputation process was explained.

## **131. ERECTION OF 1400MM HIGH FENCING AND CHANGE OF USE OF CHURCH GROUNDS TO PLAY AREA FOR SCHOOL AND PUBLIC USE AT ST LAWRENCE CHURCH, CHURCH STREET, ALTON GU34 2BW. (PLANNING APPLICATION NO 29870/009)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 6 in the minute book) regarding an application to erect fencing and change of use of grounds at St Lawrence Church in Alton.

The officer summarised the report explaining that the school had limited outdoor play space and had been using the site for outdoor play informally. This proposal is seeking to change the use and provide fencing in the interests of security and safety of the schoolchildren. He showed the submitted plans and photographs of the site, including showing the visual relationship with the church (a listed building). Reference was also made in the presentation to the East Hampshire District Local Plan Second Review (2006) policy HE4 New Development in a Conservation Area and to the East Hampshire District Local Plan: Joint Core Strategy (June 2014) policy CP17 Protection of open space, sport and recreation and built facilities which were not mentioned in the report. .

The Committee received deputations on this item from:

David Allan, Local Resident – raised objection on grounds of loss of public open space in the conservation area, adverse impact for setting of listed building, and visually intrusive unnecessary fencing.

Robin Lees, Church Warden – supported the proposals.

Rev. Andrew Micklefield, St Lawrence Vicarage – supported the proposals.

Dawn Casson, Head Teacher at St Lawrence School – supported the proposals.

Cllr Andrew Joy, Hampshire County Council – raised concern over extent of consultation. He also raised policy concerns as policy HE4 'New Development in a Conservation Area' and policy CP17 'Protection of open space, sport and recreation

and built facilities' which were not included in the report. He referred to the balance between school use for outdoor play and open space for the public. He did not consider that there was an overriding need and the site could still be used by the school without denying public access by the fencing.

In response to Member questions the officer confirmed that in relation to policy regarding public open space, the proposal would restrict public access during the school week but would still be available at weekends and school holidays. It was confirmed that the correct publicity and consultation had been undertaken for the application. It was confirmed that the officer's opinion was that the proposal would not adversely impact on the setting of the listed building and that East Hampshire's Conservation Officer had raised no objection. The officer confirmed that Members may consider policies HE4 and CP17 despite their absence from the Report as the content of these policies had been reported verbally at the meeting to Members.

**RESOLVED:**

That planning permission in respect of the erection of 1400mm high fencing and change of use of church grounds to play area for school and public use at St Lawrence Church, Church Street, GU34 2BW (planning application no 29870/009) be granted subject to conditions listed in Integral Appendix B.

Voting:

Favour: 8

Opposed: 5

Abstain: 1

**132. APPLICATION (A) FOR VARIATION TO CONDITIONS 1 & 27 OF PERMISSION 00/00679/CMA TO EXTEND LIFE OF SITE FOR EXTRACTION AND RESTORATION AND TO REVISE RESTORATION SCHEME AT BRAMSHILL PLATEAU, HARTLEY WINTNEY (APP NO. 14/00063/CMA)**

**APPLICATION (B) FOR VARIATION TO CONDITION 2 OF PLANNING PERMISSION 08/00471/CMA TO EXTEND THE TIME LIMIT FOR RETENTION OF CONVEYOR BRIDGE AT BRAMSHILL PLATEAU, HARTLEY WINTNEY (APP NO. 14/00060/CMA) (SITE REF:HR042)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 7 in the minute book) regarding two applications to vary conditions at Bramshill Quarry at Bramshill Plateau, Hartley Wintney.

The officer explained the two applications and their relationship to each other by way of a PowerPoint presentation and described the site and the surrounding area. Members were reminded they had visited the adjoining site- Warren Heath recycling facility earlier in the year - also accessed off the Welsh Drive. The officer outlined the proposals and the key issues raised by them. She highlighted that if permission was granted the applicant had agreed in principle, to enter into a legal agreement to provide new bridleways ( to be designated in the future as statutory rights of way) across/adjacent to the Bramshill Quarry plant site area on completion of site restoration (or earlier depending on the final routes to be

agreed). The new bridleway/s would link to other bridleways in the area including the Welsh Drive.

The officer advised Members that Eversley Parish Council had been consulted and requested that if permission was granted relating to application A , could the County Council add an advice note to the effect that, if - “ no new statutory bridleways can be created, despite the applicants best endeavours, then the applicant secures alternative permanent community benefits in negotiation with Eversley Parish Council and/or the local community.” It was advised that this was not considered appropriate to be attached to any planning permission that may be granted. The officer also reported that Conditions 27-34, attached to the report, should read “1597/17” and NOT 1957/17. Members were also made aware that Policy 20 under paragraph 6.1 (page 11 of the report) should also include ‘Bramshill Quarry.’

During discussion of this item, Members also agreed that steps should be taken to minimise the amount of mud on the roads around this site.

## **RESOLVED:**

### **Application A**

That, subject to a legal agreement bringing forward the relevant provisions of the existing Section 106 agreement attached to planning permission no. 00/00679/CMA including the provision and implementation of a Heathland Site Management Plan’; the provision of a Path and Public Access Area and undertaking archaeological works) and subject to new provisions for the new statutory Rights of Way/ bridleway routes, nature conservation management and hydrological and ecological monitoring, and subject to planning conditions , permission be granted for variation to conditions 1 & 27 of permission 00/00679/CMA to extend life of site for extraction and restoration and to revise restoration scheme at Bramshill Plateau, Hartley Witney. (Application No.14/00063/CMA) (Site ref: HR042)

### **Application B**

That, subject to a deed of variation to the legal agreement attached to planning permission no. 08/00471/CMA bringing forward the existing legal provisions relating to the conveyor bridge (including its subsequent method of removal and reinstatement) and the signalised crossing and subject to conditions, permission be granted for variation to condition 2 of planning permission 08/00471/CMA to extend the time limit for retention of conveyor bridge at Bramshill Plateau, Hartley Witney. (Application No.14/00060/CMA) (Site ref: HR042) Ref Rpt /6110/

### Voting:

Favour: 14 (unanimous)

Opposed: 0

Abstain: 0

**133. HIGH QUALITY RECYCLED AGGREGATE WASHING FACILITY AND A CLAD EXTENSION TO THE EXISTING RECYCLING PLANT AT MANOR FARM RECYCLING FACILITY, PENNINGON, LYMINGTON SO41 8QZ. APPLICATION NO: 13/11273) (SITE REF: NF042)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 8 in the minute book) regarding an application for a recycled aggregate washing facility and extension to the existing building at Manor Farm recycling facility, Pennington.

Mr Colthurst attended the meeting as a Technical Noise Consultant instructed by the local planning authority to advise it on the technical issues raised by Item 9 on the agenda.

The deputations received in relation to Item 9 were applicable to Item 8 also.

Alistair Brown, Local Resident spoke in opposition.

Lorraine Brown, Local Resident. Mrs Brown also summarised letters received from Adam Colmer, Deirdre Eaves, Jerry Abatoum and Mr & Mrs Priestly, all of whom were local residents and objected to the scheme.

Trevor Olver and Trevor Poole, on behalf of the applicant spoke in support.

Cllr Jackie England, Hampshire County Council understood the needs of the company but also the concerns of the local residents. It was recommended that further agreement should be sought between the noise consultants on the proposed condition.

Item 9 on the agenda was considered before this item. Due to Item 9 being deferred to allow further meetings to take place, it was proposed that this item also be deferred for the same reasons as shown under Minute 134.

**RESOLVED**

That planning permission in respect of the installation of a high quality recycled aggregate washing facility and a clad extension to the existing recycling plant at Manor Farm Recycling Facility, Pennington, Lymington, SO41 8QZ (Application No.13/11273 ) (Site ref: NF042) be deferred to allow further meetings to take place with the planning officers, noise consultants (SLR, WSP and MAS) and New Forest District Council's Environmental Health to ascertain where there were areas of agreement and where there were areas of disagreement. It should be established why there remain disagreements and possible solutions to the disagreements should be sought to secure agreement.

Voting:

Favour: 9

Opposed: 4

Abstain: 1

**134. VARIATION OF CONDITION 10 OF PLANNING PERMISSION 84776 (NOISE) AT MANOR FARM RECYCLING FACILITY, PENNINGTON, LYMINGTON SO41 8QZ. APPLICATION NO. 14/10255 (SITE REF: NF042)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 9 in the minute book) regarding an application for variation of condition 10 at Manor Farm Recycling Facility at Pennington.

Mr Colthurst attended the meeting as a Technical Noise Consultant instructed by the local planning authority to advise it on the technical issues raised by this Item on the agenda

The officer outlined details within the report and advised on the main issues relating to the control of noise from the operations at the site impacting on users of the locality and local residents.

The Committee received deputations on this item from:

Alistair Brown, Local Resident spoke in opposition.

Lorraine Brown, Local Resident. Mrs Brown also summarised letters received from Adam Colmer, Deirdre Eaves, Jerry Abatoum and Mr & Mrs Priestly, all of whom were local residents and objected to the scheme.

Trevor Olver and Trevor Poole, on behalf of the applicant spoke in support.

Cllr Jackie England, Hampshire County Council understood the needs of the company but also the concerns of the local residents. It was recommended that further agreement should be sought between the noise consultants on the proposed condition.

During consideration, Members proposed that the item be deferred to get agreement between the noise consultants. Members then identified that securing agreement may not be achieved and therefore it was proposed that the item be deferred to secure an understanding of the areas where there was agreement, and the areas where there was disagreement with the reasons for this. It was also requested that possible solutions to the disagreement should be sought. In light of this it was also proposed to defer Item 8 on the agenda for the same reasons.

#### **RESOLVED:**

That permission for variation of Condition 10 of planning permission 84776 (noise) at Manor Farm Recycling Facility, Pennington, Lymington SO41 8QZ (Application No. 14/10255) (Site ref: NF042) be deferred to allow further meetings to take place with the planning officers, noise consultants (SLR, WSP and MAS) and New Forest District Council's Environmental Health to ascertain where there were areas of agreement and where there were areas of disagreement. It should be established why there remain disagreements and possible solutions to the disagreements should be sought to secure agreement.

#### Voting:

Favour: 9

Opposed: 4

Abstain: 1

***\*Councillor Humby left the meeting at this point and before consideration of Item 10.\****

**135. VARIATION OF CONDITION 16 OF PLANNING PERMISSION 11/02569/CMAN TO ALLOW CONCRETE CRUSHING ON THE SITE OUTSIDE THE BUILDING AT DANNAB TRANSPORT, WEYHILL ROAD, PENTON CORNER, ANDOVER, SP11 0QX. (APPLICATION NO. 14/01108/CMAN) (SITE REF: TV249)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 10 in the minute book) regarding an application for variation of Condition 16 for the site at Penton Corner in Andover.

The officer outlined the main points within the report and showed photographs of the site in question. Members were advised the location of the site and the size of the plant would change the character of the landscape as it would be visible from the public Right of Way across the fields to the adjacent Portway Industrial Estate. It was reported that Environmental Health raised no objection to the variation of condition.

The Committee received deputations on this item from:

Cllr David Bateman, Monxton Parish Council – declined to speak on this item as his points related to Items 11 and 12 on the agenda.

Cllr Paul Fraser, Penton Mewsey Parish Council – spoke in opposition to the application

Chris Hall and Simon Nelson, On Behalf of the Applicant – spoke in favour of the application

Cllr Pat West, Hampshire County Council – spoke against the application

Members were concerned the siting of the concrete crusher would have a visual impact in this location and that the development could cause unacceptable noise and dust impacts for users of the Rights of Way and agreed it would be contrary to Policy 10 of the Hampshire Minerals and Waste Plan (2013).

In relation to the recommendation that permission in respect of the siting of a crusher outside the buildings at Homestead Farm, Weyhill Road, Penton Corner, Andover, SP11 0QX (Application number: 14/01108/CMAN) (Site Ref: TV249) be approved, members voted as follows -

**Voting:**

Favour: 5

Opposed: 7

Abstain: 1

Consequently planning permission was refused. The Members then considered the reasons for refusal and the following resolution was agreed.

**RESOLVED:**

That planning permission in respect of the siting of a crusher outside the buildings at Homestead Farm, Weyhill Road, Penton Corner, Andover, SP11 0QX (Application number: 14/01108/CMAN) (Site Ref: TV249) be refused for the following reasons:

- (i) The development is contrary to Policy 10 (c) of the Hampshire Minerals and Waste Plan (2013) as it has not been appropriately demonstrated that he development would not cause unacceptable noise and dust for users of the public Right of Way and nearby residents, and
- (ii) The development is contrary to Policy 10 (d) of the Hampshire Minerals and Waste Plan (2013) and Policy SET 05 of the Test Valley Borough Local Plan (2006) as the development would have an unacceptable visual impact within the countryside and local gap as the siting of the crusher outside of the building would be visible from public rights of way.

***\*Councillor Wheale left the meeting at this point and before consideration of Item 11\****

**136. APPLICATION FOR VARIATION OF CONDITION 3 (OPERATING HOURS) OF PLANNING PERMISSION 11/22569/CMAN AT NELSON RECYCLING HOMESTEAD FARM, WEYHILL ROAD, PENTON CORNER, ANDOVER SP11 0QX (APPLICATION NO. 14/01108/CMAN) (SITE REF: TV249)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 11 in the minute book) regarding an application for variation of condition 3 (operating hours) for the site at Penton Corner in Andover.

The officer presented the main points of the report and highlighted the need to accommodate recent growth in the operations of the business. This resulted in vehicles being required to leave the site earlier in order to meet the requirements of the customers. Also that extended hours for crushing material was requested.

The Committee received deputations on this item from:

Cllr David Bateman, Monxton Parish Council – spoke in opposition to the application

Cllr Paul Fraser, Penton Mewsey Parish Council – spoke in opposition to the application

Chris Hall and Simon Nelson, on behalf of the Applicant – spoke in favour of the application

Cllr Pat West, Hampshire County Council – spoke against the application

**RESOLVED:**

That permission for the variation of condition 3 of planning permission 11/02569/CMAN at Nelson Recycling, Homestead Farm, Weyhill Road, Penton Corner, SP11 0QX (Application No: 14/01527/CMAN) (Site Ref: TV249) be refused for the following reason:

The development is contrary to Policy 10 of the Hampshire Minerals and Waste Plan in that it has not been appropriately demonstrated that the development would not cause unacceptable noise for users of the locality and nearby residents.

Voting

Favour: 12 (unanimous)

Opposed: 0

Abstain: 0

**137. RETROSPECTIVE APPLICATION FOR REPLACEMENT WASTE HANDLING BUILDING, ADDITIONAL OFFICE BUILDING, VARIATION TO THE HEIGHT OF STOCKPILES, ALTERATION TO THE SITE LAYOUT, EXTENSION OF SITE TO INCLUDE EMPTY SKIP STORAGE AND VEHICLE PARKING AREAS AT HOMESTEAD FARM, WEYHILL ROAD, PENTON CORNER, ANDOVER SP11 0QX (APPLICATION NO. 14/00760/CMAN) (SITE REF: TV249)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 12 in the minute book) seeking retrospective permission to variations of the site at Homestead Farm, Penton Corner in Andover.

The officer presented the main points of the report (new waste handling building, double stacking of porter-cabins, increased height of stockpiles, extension area for vehicle parking and skip storage) and highlighted that the activities undertaken were retrospective in nature. It was noted that Members had been to visit the site. It was advised that the area of the site that had been extended had resulted in the loss of a greenfield site and that all of the site is within the local gap and lies within the countryside as it is just outside of the settlement boundary at present. It was reported that the proposed building and site was seen in context with the Portway Industrial Estate.

The officer noted that following earlier resolutions to refuse Items 10 and 11 that if Members were to approve Item 12 that there would be a need to be amendments to the recommended conditions:

**ADD**

Add to Condition 10 – no concrete

**REMOVE**

Condition 4

Condition 10

Conditions 17-18

The Committee received deputations on this item from:

Cllr David Bateman, Monxton Parish Council – spoke in opposition to the application

Cllr Paul Fraser, Penton Mewsey Parish Council- spoke in opposition to the application

Chris Hall and Simon Nelson, on behalf of the Applicant – spoke in favour of the application

Cllr Pat West, Hampshire County Council – spoke against the application

Members raised concern about the extension of the site being onto greenfield land therefore not being in accordance with Policy 29 of the Hampshire Minerals and Waste Plan and SET 07 of the Test Valley Borough Local Plan (2006). They also raised concern about the unacceptable visual impact the development would cause within the countryside and the local gap. It was also considered that it had not been appropriately demonstrated that there was an overriding need for the development to be located within the countryside or that the development is of a type appropriate in the countryside.

In relation to the recommendation that permission for the replacement waste handling building, additional office buildings, alteration to the site layout, extension of site to include empty skip storage and vehicle parking areas at Homestead Farm, Weyhill Road, Penton Corner, Andover, Hampshire SP11 0QX (Application number: 14/00760/CMAN) (Site Ref: TV249) be approved, members voted as follows –

### Voting

Favour: 4  
Opposed: 6  
Abstain: 2

Consequently planning permission was refused. The Members then considered the reasons for refusal and the following resolution was agreed.

### **RESOLVED:**

That retrospective planning permission for the replacement waste handling building, additional office building, alteration to the site layout, extension of site to include empty skip. storage and vehicle parking areas at Homestead Farm, Weyhill Road, Penton Corner, Andover, Hampshire SP11 0QX. (Application No. 14/00760/CMAN) (Site Ref: TV249) be refused for the following reasons:

- (i) The development is contrary to Policy 29 (2(c) and 3(b)) of the Hampshire Minerals and Waste Plan (2013) and Policy SET07 of the Test Valley Borough Local Plan (2006) as the extension area does not have planning permission and is not previously-developed land, and there is no special need for that location and the suitability of the extension site has not been justified;
- (ii) The development is contrary to Policy 10 (d) of the Hampshire Minerals and Waste Plan (2013) and Policy SET05 of the Test Valley Borough Local Plan (2006) as the development would have an unacceptable visual impact within the countryside and visually diminish the local gap as the extension to the site, increase in the height of the stockpiles and the increase in the height of the buildings would be visible from public rights of way; and
- (iii) The development is contrary to Policy 5 of the Hampshire Minerals and Waste Plan (2013) and SET03 of the Test Valley Borough Local Plan (2006) as it has not been appropriately demonstrated that there is an overriding need for the development to be located within the countryside or that the development is of a type appropriate in the countryside.

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Councillor R McIntosh  
Chairman  
22 October 2014