

AT A MEETING of the REGULATORY COMMITTEE of HAMPSHIRE COUNTY  
COUNCIL held in Ashburton Hall at Elizabeth II Court, The Castle, Winchester on  
Wednesday 13 July 2016

**PRESENT:**

Chairman:  
p Councillor R.C. McIntosh

Vice-Chairman:  
p Councillor P Latham

Councillors:

p C Carter	a K House
p C Choudhary	a R Huxstep
a M Cooper	p F Pearce
p C Connor	p R Price
a J Grajewski	p T Rolt
p C Greenwood	p D Simpson
p M Harvey	p S Wheale
p B Gurden (deputy)	

Due to travel problems, the Chairman agreed to defer the start of the meeting until 10:15 to allow Members and deputations time to arrive.

Notices posted at the meeting advised that the press and members of the public were permitted to film and broadcast the meeting. Those remaining at the meeting were consenting to being filmed and recorded, and to the possible use of those images and recording for broadcasting purposes.

***The order of the agenda at this meeting was as follows:  
Items 1-7***

**277. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Cooper, Grajewski, House and Huxstep.

**278. 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.

## **279. MINUTES**

The Minutes of the meeting held on 15 June 2016 were agreed as a correct record and signed by the Chairman.

## **280. CHAIRMAN'S ANNOUNCEMENTS**

There were no Chairman's announcements on this occasion.

## **281. DEPUTATIONS**

The Committee was advised that there were twelve deputations for this meeting (including local Members) and the deputation process was explained to those who had attended to speak.

## **282. APPLICATION FOR DEVELOPMENT OF AN INERT WASTE TRANSFER AND RECYCLING FACILITY INCLUDING ASSOCIATED SITE OFFICE AND VEHICLE PARKING AT KNOWLE INDUSTRIAL ESTATE, KNOWLE LANE, FAIR OAK HAMPSHIRE. (APPLICATION NO. S/16/78159) (SITE REF: EA108)**

The Committee received a report from the Head of Strategic Planning (Item 6 in the Minute Book), regarding an application at Knowle Industrial Estate in Fair Oak.

The officer introduced the report and confirmed that an update paper had been circulated, which covered additional representations, amendments to the report and amendments to conditions.

The main aspects of the application were summarised, which included 40,000 of waste per annum being processed; the retention of the site office; 7:30-18:00 opening hours Monday – Friday and 7:30 – 13:00 Saturday, with no working on Sundays or Bank Holidays; and the installation of landscaping and an acoustic barrier along the northern boundary. Committee was shown a location plan of the area as well as aerial and elevation photographs, and the surrounding land and ownership was explained.

It was highlighted that representations had been received against the proposal, and reasons for these were summarised for Members. No objections had been received from the Highways Authority or Environment Agency, but concerns raised by the Environmental Health Officer had been covered in the conditions to the application.

The Committee received four deputations on this item. Karen Grimshaw and George Hamilton both spoke on behalf of local residents against the application. There were concerns over the other applications proposed for the area and lack of communication between Eastleigh Borough Council and Hampshire County Council. Due to the lack of a Local Plan for Eastleigh Borough Council, residents felt let down and vulnerable. Mr Hamilton talked about the history of the site and how there had been huge increases in vehicle movements and activity over the recent years since planning permission had been granted. It was felt by residents

that the location was not needed as material was no longer acquired there, and vehicles had to travel five miles before accessing the strategic road network. It was felt that a routing agreement would be beneficial.

Stuart Austin and Reuben Peckham spoke on behalf of the applicant in favour of the application. It was enforced that the application complied with Policy and that key consultees had been happy with the proposals. It was confirmed that there would be a lot more conditions with this application than the previous operations on the site, and so the Council had more control over activities. Highways had looked at the worst case scenario and had no issues over access or vehicle movements. The nearby waste recycling site on the corner of Mortimers Lane and Knowle Lane had continued to be used and supported by customers and so it was felt that the proposed site was in an ideal location due to its popularity. During sound testing, it was acknowledged that the impact of noise at the nearest property, Sandalwood, had been found to be at the lowest observed adverse effect level, with levels at other properties being negligible.

Finally, the Committee heard from Cllr Martin Lyon, the local Hampshire County Councillor. Cllr Lyon agreed that he didn't feel the location was suitable and the Borough and County Councils hadn't been communicating with each other as well as they could have.

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

- The cement silo that featured in one of the plans had been left out of the final proposal.
- The housing proposed for the nearby site was subject to the business being moved from that area.
- It was not known for definite whether there were any plans to improve the junctions to Knowle Lane.
- The screen and crusher would not be operating at the same time on site and two of the four doors would remain open during the operation. Closing the doors would make very little difference to noise as there was mobile plant outside of the building.
- The site sat outside of the settlement identified in the Eastleigh Local Plan.
- The minerals development on the existing site had a routing agreement, but one was not proposed for this application.
- 10 HGV's would be parked on site overnight.
- Noise and dust would be monitored as part of the management plan
- There was no external lighting proposed on site, so it was anticipated that working hours would be significantly reduced in the autumn/winter months.
- A drainage scheme had been produced and was acceptable.
- It was confirmed that the British standard had been used for assessing noise and the process was explained.

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

- The location was found to be acceptable with no significant detriment to surrounding areas and it was considered to be 'previously developed' land.
- Parking was available on site for the vehicles to be left overnight.
- Whilst referred to as "countryside" due to being outside the policy boundary, the site was 'previously developed' or 'Brownfield' due to having a lawful use for Class B8 storage use.

- The proposed development had been screened and an Environmental Impact Assessment (EIA) was not required as the impacts of the proposal did not trigger the need for one.
- It wasn't felt appropriate to require a traffic routing condition as the Highways Authority had raised no objection to the application
- A drainage scheme had been submitted and was acceptable and the SINC pond had been considered when considering the assessment.
- The proposal was not contrary to the policies in the Hampshire Minerals and Waste Plan
- The publicity for the application had been done in two phases and complied with the Council's Statement of Community Involvement.
- Water run-off and drainage would be covered as part of the Environment Agency permit.
- No crushing would take place outside of the building.
- There was an upper limit to the tonnage, and it was anticipated that the maximum was unlikely to be reached most of the time.
- The Highway Authority had raised no specific road safety concerns.
- At peak time vehicle movements would be just under two per minute.

During debate, Committee discussed whether an Environmental Impact Assessment should be carried out. Officers confirmed that this was not required and the correct process had been followed. It was acknowledged that Hampshire produced 5.1 million tonnes of waste each year and it was important that the County worked towards being self sufficient with its disposal. Members also had concerns over the operations at the site, the need or otherwise for external lighting, the potential for water run off to impact on the nearby SINC and the precise method of dust suppression. There was also discussion over the potential for a Grampian condition to require the closure of the nearby waste transfer site on the implementation of any permission on the application site and the need for a HGV routing agreement to be agreed.

In summary, the Head of Strategic Planning confirmed that any potential issues associated with dust and lighting could be incorporated into the site management plan. Community involvement had been done to a level above and beyond the minimum requirement and it was felt that the proposal was in accordance with policy.

Committee remained unhappy with the application and proposals as they were presented and a deferral to seek further information was moved and agreed following a vote.

#### **RESOLVED:**

a) The item was deferred to allow officers to seek additional information and undertakings from the applicant relating to the cessation of the use of the existing waste transfer station, a lorry routing agreement and their dust suppression, external lighting and site drainage proposals.

#### Voting:

Favour: 11

Against: 0

Abstentions: 2

***Councillor Price, Councillor Rolt and Councillor Wheale left the meeting, taking the total number of voting Members down to 10***

**283. APPLICATION FOR CHANGE OF USE OF PART OF LAND FORMING PEACOCK'S NURSERY AND GARDEN CENTRE TO USE FOR RECYCLING OF INERT MATERIALS AT LAND BEHIND PEACOCK'S NURSERY, EWSHOT, FARNHAM, GU10 5BA. (APPLICATION NO. 16/00887/HCC) (SITE REF: HR104)**

The Committee received a report from the Head of Strategic Planning (Item 7 in the Minute Book); regarding an application for change of use of land as part of Peacock's Nursery in Ewshot.

The officer introduced the item and summarised the application. A location plan was shown, and it was highlighted that the site was 6km to the A31 and 9km to the M3. The surrounding areas were shown on a plan with details of the nursery and garden centre layout. Photos were also shown from various elevations.

The key issues were highlighted and the reasons for refusal were justified. It was confirmed that an updated Appendix G had been circulated to Committee, which was an aerial photograph of the site. There had also been an advisory note added, which had been circulated in the update paper.

The Committee received two deputations on this item. Rob Dance spoke on behalf of the applicant and against the refusal. He explained that the site itself was not agriculture use and so permission for the recycling should be approved. The proposal was for a small operation with four lorry movements a day and would be difficult to see from outside the site. The applicant was happy to work closely with the County Council to come to an arrangement that would work for all parties and accept any conditions that were felt to be appropriate.

County Councillor John Bennison supported the proposed refusal of the application. He enforced that that applicant had started work on the site without any planning permission or license and little consideration for location people. He disagreed with the applicant that the recycling facility complimented the nursery and tea room.

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

- The site had been previously refused for housing
- Noise and dust was not felt to be an issue as majority of which already emanated from the nearby main road
- The applicant was happy to accept conditions regarding operating hours and vehicle movements.

During debate, Members agreed that the land was not considered to be 'previously developed', as the use of the land was primarily agriculture and officers clarified that in these circumstances the proposal was contrary to policy.

**RESOLVED:**

The planning permission was REFUSED and enforcement procedures should commence for the following reasons:

- (i) The development is not in accordance with Policy 5 (Protection of the countryside) of the [Hampshire Minerals and Waste Plan](#) (HMWP) (2013) as:
- the site is located within the open countryside;
  - The development is not a time limited mineral extraction or related development;
  - the nature of the development does not relate to countryside activities, meet local needs or require a countryside or isolated location; and
  - The site is not previously developed land.
- (ii) The development is not in accordance with Policy 29 (Locations and sites for waste management) of the [Hampshire Minerals and Waste Plan](#) (HMWP) (2013) as:
- it is not located in the locations identified for the development to provide recycling, recovery and/ or treatment of waste (pursuant to Policy 29(1));
  - it is not part of a suitable industrial estate, does not have permission or allocation for general industry or storage, is not located on previously-developed land or redundant agricultural and forestry buildings, their curtilages and hardstandings nor is it part of an active quarry or landfill (pursuant to Policy 29 (2)); and
  - no special need for the location or the suitability of the site has been justified (pursuant to Policy 29 (3)).
- (iii) The application fails to demonstrate that the proposed development meets Policy 3 (Protection of habitats and species), as the development is likely to have a significant adverse impact upon sites, habitats and species and the development fails to demonstrate that the mitigation and compensation measures proposed are adequate to protect the biodiversity interests.
- (iv) The application fails to demonstrate that the proposed development meets Policy 10 (Protecting public health, safety and amenity), as it fails to demonstrate the development would not cause adverse impacts on public health, safety and amenity; and
- (v) The application is contrary to the requirements of Policy 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013), as it fails to demonstrate the development would not result in an unacceptable adverse visual impact on the character of the surrounding countryside and on public amenity.

Enforcement action will be considered by the Waste Planning Authority to ensure the cessation of the waste operation, removal of waste material from the site and restoration of the site, in a timely manner, back to a condition equal or better than that before commencement of the waste development.

Voting

Favour: 9

Against: 1

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Councillor R McIntosh  
Chairman  
Wednesday 21 September 2016