

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	11 January 2012
<b>Title:</b>	Use of land for the importation, handling and re-sale of aggregates (retrospective application) at Frithend Quarry, Grooms Farm, Frithend, Bordon, Hampshire GU35 0QR (Application No: 30663/19) (Site ref: EH121)
<b>Reference:</b>	3571
<b>Report From:</b>	Head of County Planning

**Contact name:** Peter Chadwick

**Tel:** 01962 846728

**Email:** peter.chadwick@hants.gov.uk

#### 1. Executive Summary

- 1.1. The site, as shown on the attached plan, is an area within Frithend Quarry, which is an active sand quarry. The retrospective proposal is for the importing, handling and resale of aggregates, these being products such as shingle, scalpings, rockery stone, sharp sand and gravel from the applicants other quarries. These are either sold as small 1-2 tonne loads to local builders, landscape gardeners etc or blended with the sand from Frithend Quarry to create a wider range of products.
- 1.2. The application is retrospective as the importation and sale has been carried out since the 1990s, albeit from different areas within the quarry. The issues are whether this activity is in accordance with policy and whether its continuation is acceptable in terms of any impacts for the environment or amenity of local residents.
- 1.3. The importation, handling and re-sale of aggregates is an ancillary activity at the sand quarry which is in accordance with Policy DC22 provided it is restricted to the timescale for working the sand quarry. It is not considered there would be a significant visual impact (DC3), nor a significant highways impact (DC6) nor a significant amenity impact for local residents (DC8) from its continued activity. It is recommended that permission be granted subject to conditions.

## **2. Site and proposal**

- 2.1. The site, as shown on the attached plan, is an area of about 1.04 hectares within Frithend Quarry, which is an active sand quarry.
- 2.2. The nearest houses to Frithend Quarry are at Frithend to the north and Trottsford Farm to the south. Kingsley village is about 2 kilometres to the west and Dockenfield village about 1.5 kilometres to the east. Access is via a 500 metre long private haul road directly onto the A325. There is a public footpath through the quarry which links to Cradle Lane (a bridleway and part of the Shipwrights Way) to the east of the quarry, and the footpath to Frith End to the west.
- 2.3. Frithend Quarry was originally granted planning permission in 1990, the most recent consent was granted in 2007 for an extension and amendments to working and restoration (F30633/012/CMA). The quarry operates under this permission and has permission for extraction to 31 December 2016, with restoration to agriculture/amenity/nature conservation to be completed by 31 December 2018.
- 2.4. An application for a Certificate of Lawful Use for this activity was submitted in May 2011. Following consultation this was withdrawn and in November 2011 this retrospective planning application was submitted. The retrospective proposal is for importing, handling and resale of aggregates, these being products such as shingle, scalplings, rockery stone, sharp sand and gravel from the applicants other quarries. These are either sold as small 1-2 tonne loads to local builders, landscape gardeners etc or blended with the sand from Frithend Quarry to create a wider range of products. This application is retrospective and since 1999 the amount imported has ranged between about 11,070 tonnes (in 2002) to about 4,227 tonnes (2010). The location within the quarry has varied, but the proposal is for the sites currently in use. The first is south of the haul road at the base of the quarry, where the products are stockpiled and may be blended with sand from the quarry. The second location immediately east of the weighbridge and site office where there are 1 to 1.5 metre high stockpiles for customers requiring small quantities of products.
- 2.5. At current levels the importation generates on average four movements per day (two in, two out). The export/sales generate on average 34 movements per day (17 in, 17 out) based on mainly one tonne loads.
- 2.6. There would be no change to the hours of working, and proposal would be carried out in line with the extant planning consent for the quarry.

## **3. Development plan**

- 3.1. Hampshire Portsmouth Southampton and New Forest National Park Minerals and Waste Core Strategy (2007) policies DC3 (Impact on Landscape), DC6 (Highways), DC8 (Pollution, Health, Quality of Life and

Amenity), DC12 (Restoration and Aftercare) and DC22 (Additional Plant, Buildings and Minor Development) are relevant .

#### **4. Consultations**

- 4.1. County Councillor Kemp-Gee has been informed.
- 4.2. East Hampshire District Council raise no objection.
- 4.3. East Hampshire District Council Environmental Health Officer comment the continued use is unlikely to adversely impact residential amenity and has no comments to make on application.
- 4.4. South Downs National Park Authority comment that the site is outside the National Park but the roads north and south of the site pass through the National Park. If traffic movements are within previous levels then no objection raised. Recommend a condition to restrict tonnages imported/traffic movements so that amenity impact is minimised and the 'special qualities' of the SDNP are not adversely affected.
- 4.5. Highway Authority raise no objection.
- 4.6. Rights of Way are satisfied that the applicants are aware of the presence of the public rights of way within and around the site and have taken suitable steps to ensure the safety of walkers using the paths and therefore raise no objection.
- 4.7. Environment Agency raise no objection.
- 4.8. Natural England comment site is in close proximity to Broxhead and Kingsley Commons Site of Special Scientific Interest (SSSI) however given the nature and scale of proposals raise no objection.
- 4.9. Kingsley Parish Council comments that two basic principles are that any application, when retrospective, needs to be judged as if the breach of planning regulations had not occurred and be viewed as brand new, and the site should be viewed as 'greenfield'. There is no information on average vehicle loads. Two public footpaths have been deleted from plans, the footpath parallel to the haul road links to Cradle Lane (part of the Shipwrights Way). Vehicle movements will be a danger to footpath users. There are a number of houses in the vicinity that are affected by noise from vehicles. There seems to be no good reason for this change of use from a greenfield site to retail sales depot to be given approval.
- 4.10. Headley Parish Council raise no objection provided the use remains low key (as in the last four or five years), the use ceases when sand winning ceases and access must only be onto the A325 and not past Grooms Farm.

4.11. Dockenfield Parish Council raise objection to the application on the following grounds:

- (i) that this proposal has been resisted in the past, it is a serious departure from policy as it is for a new retail site location;
- (ii) it is not necessary for the continued sand extraction or sale;
- (iii) importing crushed concrete and gravel is not ancillary to the sand quarry it is new;
- (iv) it is not a preferred area for such a development;
- (v) it is not a job hungry business that would disproportionately bring new employment to the area to be an acceptable departure from policy;
- (vi) it would not provide a vital need for an area without such facilities;
- (vii) it would be a greenfield retail site and set a serious precedent for Hampshire County Council and East Hampshire District Council;
- (viii) it is within a few hundred metres of a National Park;
- (ix) Mineral sites that are due to be restored are not defined as 'previously developed land' to allow such redevelopment under Policy DC13;
- (x) the illegal activity had been raised by the parish council in 2005/6 and no enforcement action has been taken by Hampshire County Council;
- (xi) should permission be granted suggest conditions requiring timescale being the same as quarry permission, storage only at area by weighbridge with no storage at base of quarry, limit set on total imports and records kept, any permission personal to Grundons the applicant.

## **5. Representations**

5.1. Four letters of objection have been received from local residents. These objections are on the following grounds:

- (i) the application is for a permanent change of use of Greenfield land to retail/commercial use and operator wishes to extend the operation of the site indefinitely;
- (ii) no evidence of how the siting of such a mineral retail facility would be in the public interest;
- (iii) the activity has been in direct breach of a condition on the planning permission for the quarry, which was intended to protect the amenity of local residents. No action has been taken by the County Council to enforce the condition;
- (iv) seeks to set aside Condition 11 of F20310/006 which was intended to protect the amenity of local residents. It thereby seeks to set aside Policy DC8 which is designed to protect the amenity of local populations. It seeks to go behind Policy DC13. It requests a change of use of Greenfield land. It has no wider public benefit to justify departure from policy and has the potential to attract continued enforcement costs to the County council;

- (v) activity is visible from the public footpath;
- (vi) noise dust and diesel fumes from the quarry for over 20 years.

## **6. Commentary**

- 6.1. The application is retrospective as the importation and sale has been carried out since the 1990s, albeit from different areas within the quarry. The issues are whether this activity is in accordance with the development plan .
- 6.2. The small scale importation of aggregates for blending and resale at the active quarry is an ancillary activity and provides for the co-location of complementary minerals activity which is in accordance with policy DC22.. The quarry has permission for extraction to 31 December 2016, and consequently any consent should be restricted to this date.
- 6.3. Notwithstanding the development accords with Policy 22, it is also important to consider the environmental impacts and the impact for local residents. The development is wholly within the active sand quarry and it is not considered it would increase the visual impact of the quarry workings. Similarly, although there would be some additional lorry traffic and noise impact in addition to the quarry operations, this is not considered to be significant. Therefore it is not considered there would be an unacceptable amenity impact for local residents or users of the footpaths. It is noted objection was raised to this activity previously. However, since the last planning permission for the extension and amended working of the quarry was granted in 2007, there have been no complaints received about traffic or noise from either the quarry or the current proposal. Moreover, none of the technical consultees have objections.
- 6.4. In conclusion it is considered that the importation, handling and re-sale of aggregates is an ancillary activity at the sand quarry which is in accordance with Policy DC22 provided it is restricted to the timescale for working the sand quarry. It is not considered there would be a significant visual impact (DC3), nor a significant highways impact (DC6) nor a significant amenity impact for local residents (DC8) from its continued activity.

## **7. Recommendation**

- 7.1. That planning permission for use of land for the importation, handling and re-sale of aggregates (retrospective application) at Frithend Quarry, Grooms Farm, Frithend, Bordon, Hampshire GU35 0QR (Application No: 30663/19) be granted, subject to the conditions listed in integral Appendix B.

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	no
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	yes
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	yes
Corporate Improvement plan link number (if appropriate):	

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

DocumentLocation

Use of land for the importation, handling and re-sale of aggregates (retrospective application) at Frithend Quarry, Grooms Farm, Frithend, Bordon, Hampshire GU35 0QR (Application No: 30663/19) (Site ref: EH121)

County Planning  
Economy, Transport and Environment  
Department  
Elizabeth II Court West  
The Castle  
Winchester

## CONDITIONS

### Timescale

1. The use of land for the importation, handling and resale of aggregates shall cease and all stockpiles removed on or before 31 December 2016 or cessation of sand extraction at the quarry, whichever is the sooner.

Reason: To secure the satisfactory restoration of the site.

### Hours of Working

2. Unless otherwise agreed in writing by the Mineral Planning Authority no heavy goods vehicles shall enter or leave the site and no plant or machinery shall be operated except between the following hours: 0700-1800 Monday to Friday and 0700-1300 Saturday. There shall be no working on Sundays or recognised public holidays.

Reason: In the interests of local amenity.

### Tonnage

3. The quantity of imported aggregates to the site shall not exceed 8000 tonnes per year. A record of the quantities imported shall be kept at the site and be available for inspection.

Reason: To limit the scale of activity in the interests of local amenity.

### Noise

4. Noise from operations carried out on the site, measured or predicted as dB LAeq, 1 hour levels, shall not exceed the background noise level at the boundary of any residential property (measured as dB LA90) by more than 10 dBA during hours of operation with a maximum allowable noise level of 55 dB LAeq, 1 hour at the boundary of any residential property during the same hours.

Reason: To minimise noise disturbance to the residents of nearby houses.

### Highways

5. Access to the quarry shall be from the existing entrance onto the A325 only.

Reason: In the interests of highway safety and local amenity.

6. Measures shall be taken to ensure that no lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

### **Rights of Way**

7. The crossing points with public rights of way and signs warning lorry drivers of the presence of public rights of way shall be maintained for the duration of the development.

Reason: To safeguard public rights of way.

### **Stockpile**

8. Stockpiles within the 'Secondary Storage Area' shall not exceed 1.5 metres in height.

Reason: To minimise visual impact.

*Annexe to Reasons for Conditions  
(as required by Article 22 of the Town and Country Planning  
(General Procedure) Order 1995 – as amended)*

**HAMPSHIRE PORTSMOUTH SOUTHAMPTON AND NEW FOREST NATIONAL  
PARK MINERALS AND WASTE CORE STRATEGY**

**DC3 - Impact on Landscape and Townscape**

Minerals and waste development will only be permitted if due regard is given to the likely visual impact of the proposed development and its impact on, and the need to maintain and enhance, the distinctive character of the landscape or townscape. If necessary, additional design, landscaping, planting and screening, including planting in advance of the commencement of the development, should be proposed.

**DC6 – Highways**

Major mineral extractions, landfills and ‘strategic’ recycling, aggregate processing and recovery and treatment facilities, will be permitted provided they have a suitable access to and/or route to the minerals and waste lorry route as illustrated on the Key Diagram.

In all cases, minerals and waste development will only be permitted if it pays due regard to the likely volume and nature of traffic that would be generated by the proposal and the suitability of the proposed access to the site and of the road network that would be affected. Consideration should be given to highway capacity, road and pedestrian safety, congestion and environmental impact, and whether any highway improvements are required and whether these could be carried out satisfactorily without causing unacceptable environmental impact.

**DC8 - Pollution, health, quality of life and amenity**

Minerals and waste development will only be permitted if due regard is given to the pollution and amenity impacts on the residents and users of the locality and there is unlikely to be an unacceptable impact on health and/or the quality of life of occupants of nearby dwellings and other sensitive properties. Where necessary minerals and waste developments should include mitigation measures, such as buffer zones between the site and such properties.

**DC12 - Restoration and Aftercare**

Mineral extraction, landfill and other appropriate developments will not be permitted unless there is satisfactory provision for the restoration of the site, within a reasonable timescale, for an after use consistent with the general planning objectives of the area. The restoration and after care of sites should seek to meet two or more of the following planning objectives:

- a. Improving public access to the countryside, including public access for disabled people and recreation;
- b. Use for management of water resources and/or flooding management;
- c. The improvement of biodiversity;
- d. Use as back-up grazing;
- e. Return to agriculture, forestry or other 'open' use recreational facilities.

*Proposals for mineral extraction and landfill must include provision for at least five years of aftercare following restoration of the site. Restoration proposals for mineral workings in Aerodrome Safeguarding Zones should take account of the need for progressive working and restoration, to prevent open water bodies becoming bird roosts.*

### **DC22 - Additional Plant, Buildings and Minor Development**

Additional plant, buildings and minor developments at active minerals and waste sites, or the exploration of minerals (except oil and gas), will be permitted provided, where appropriate, they do not extend the timescale for completion of the development, they are ancillary to the operation of the site or they provide for the co-location of complementary minerals and waste activities.