

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Regulatory Committee
Date:	23 May 2012
Title:	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 (HCC/2012/0151)
Reference:	3951
Report From:	Head of County Planning

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1. Executive Summary

- 1.1. Planning permission (07/02026/CMA) for the infilling of an old lake for the provision of water-based activities was granted on 26 June 2008. The restoration was expected to be completed within 18 months of commencement but, for technical reasons, the development has not been completed. The proposal is to extend the time period for another 10 weeks to accomplish full restoration.
- 1.2. During the works, there were complaints over noise, vibration and mud on the road connected to a inadequate wheel wash facility on site. Enforcement action was taken and the matter was resolved with improved facilities on site.
- 1.3. It is considered that the amenity impacts of highways and noise have been ameliorated to ensure safety and minimal disturbance to the neighbours. It is also considered that the development would be of benefit to the local residents once finished and enhance the local environment. Therefore, a short time extension is seen as acceptable to ensure the expected restoration levels.
- 1.4. It is considered that the proposal would be in accordance with the development plan (summary attached) as it will enhance the local landscape and biodiversity in accordance with policies DC3 (Impact on Landscape and Townscape), GEN 1 (General Policy for Development), GEN 3 (Landscape Character Areas), CON 20 (Blackwater gap) and DC7 (Biodiversity Policy). It has not caused any problems in terms of flooding as

safeguarded in policies DC11, GEN 11 (Flooding) and DC14 (Landfill). The extension of time is considered acceptable as the benefits of the scheme rely on the full restoration of the lake and surrounding areas to be completed to the standards as expected and agreed under policy DC12 (Restoration and Aftercare Policy). It is also considered that the development would not materially harm the character of the area or the amenity of local residents and would be acceptable in terms of highway safety and convenience as in accordance with policy DC6 (Highways).

2. Site and proposal

- 2.1. The site known as River Valley Lake is situated east of Sandhurst Road and north of Reading Road. The site area, excluding the haul road, is 10.3 hectares. This includes a lake of 7.2 hectares which has a depth of between three metres to seven metres and contains a small island of 0.19 hectares. It is accessed off Sandhurst Road via two existing haul roads that have been improved for the duration of works.
- 2.2. The land to the west of the application site benefits from a full permission for business purposes (within Class B1) and leisure purposes (11/00125/MAJOR) and a recent application has been submitted for a Continuing Care Retirement Community (Class C2 Use).
- 2.3. Planning permission (07/02026/CMA) for the infilling of an old lake, created as a result of former gravel workings, was granted on 26 June 2008. It was proposed to remodel the River Valley Lake to make it suitable for the provision of water-based activities. These are canoeing and angling, with public access paths. A narrow earth causeway separates these two functions. As part of the planned restoration, there should be shallow shelves on the margins of the lake. This acts as a break between the banks and the deeper water, creating a more stable and safer river bank. Public access is to be provided by footpaths and cycleways around the lake and south of the River Blackwater. There is to be no parking provision for public visitors or sport users on-site. Wildlife and environmental management is also included in the restoration package to enhance the area.
- 2.4. The restoration was expected to be completed within 18 months of commencement. The works began on 30 September 2010, and has so far involved the importation of approximately 130,000 cubic metres of uncontaminated earth spoils and soils, but another 50,000 cubic metres is thought to be needed. The applicant wishes to extend the time period for another 10 weeks to accomplish full restoration.

3. Development plan

- 3.1. Hampshire Minerals and Waste Core Strategy (Adopted 2007) - The most relevant policies are DC3 (Impact on Landscape and Townscape), DC6 (Highways), DC7 (Biodiversity), DC8 (Pollution, Health, Quality of Life and

Amenity), DC11 (Flooding), DC12 (Restoration and Aftercare) and DC14 (Landfill).

- 3.2. Hart District Local Plan (Replacement) 1996–2006 - GEN1 (General Policy for Development and Change of Use), GEN3 (Landscape Character Areas), GEN11 (Proposals In Areas Affected By Flooding And Poor Drainage), CON 20 (Blackwater Gap).

4. Consultations

- 4.1. **Councillor Collett** has objected to the above planning application on the following grounds:

‘The previous planning permission for tipping operations at this site included a condition that limited the time that residents would have to endure this activity to 18 months. The work should have been completed within this time period and they must now finish the recontouring of the lakes with the significant amount of materials already on site and not by importing even more materials.

The impact of these operations on the local community has been extreme. Problems included:

1. Very loud noise impacting upon adjacent residents caused by the lorries themselves, the wheelwash facility, workmen shouting and earth moving vehicles. A mother who had her first child during this period has found caring for her child extremely difficult, particularly with the permitted early starts and the number of occasions when the actual start of the noise has been significantly earlier. Sleep patterns have been significantly disturbed.
2. Vibrations in adjacent residential properties, leading both to disturbance to residents and concern about the long-term damage to those properties, some of which were built at a time when foundations were not laid to modern standards.
3. Mud and dirt on local roads. At one time there were serious accumulations of mud on the roads, which the operator's road sweeping vehicle seemed incapable of cleaning up properly. That appears to have got better, although that improvement coincided with an improvement in the weather. What remained, however, throughout the whole period was heavy staining of local residential roads, constantly reminding residents of these operations from the minute they opened their curtains in the morning (if they hadn't already been woken up by lorries or the generator) right through the day. The staining has also obscured road markings, leading to further concerns about road safety. I have photographs of the mud and the staining.

4. Woodland to the rear of Lodge Grove has been underwater for 18 months leading to concerns that the trees may eventually rot and fall. This started from when the haul road was first constructed and has continued throughout. I have photographs of this flooding, which show the proximity of the haul road.
5. There have also been reports of bricks and stones flying off the tyres of the lorries as they leave the site. It appears that they had been trapped between the tread and were not moved by the wheelwash.
6. Residents have further complained of damage to car windscreens when grit from the mud and dust on the road has been thrown up by vehicular movements and come to rest on the cars. When drivers have seen that their windscreen is dirty they have applied their screenwash in the way that any driver would only to see the grit scratch the windscreen.

These impacts have been felt very heavily because the entrance to the site is so close to a lot of houses and the routes into the site come right through Yateley via Cricket Hill Lane and Sandhurst Road.

For all these reasons I believe the work to recontour the lakes, which I do support, should be completed with materials already on site. If it is decided that this extension of time should be granted, then I would ask that careful consideration is given to the following points when deciding on the conditions:

1. If the access and egress to the site were reversed, then the wheelwash could be put right by the exit because it is far enough away from houses. Lorry wheels would not then pick up mud and dirt after being washed and the mess on the roads would be dramatically reduced. The reason that this was not done before was that sightlines were considered inadequate. However, this was decided before anyone had any idea that we would have such a serious mud and dirt problem and before anyone realised that the wheelwash could not be left right by the other entrance. It might be that reasonably minor works to the other entrance, such as vegetation removal, or a temporary buildout onto the road could provide adequate sightlines for this reversal to take place. This is a very important point and needs looking into before any decision to approve this extension is given.
2. If the above reversal of access and egress points is not possible, then the operator must be required to much more rigorously and regularly clean up the area between the wheelwash and the exit. It is madness that the wheels are allowed to get dirty again after so much has been invested in the wheelwash facility.
3. When the 18-month period of operations ended there was a very thorough clean-up of the mud and dirt on the roads, proving that it

can be done. The operators must be required to clean the roads properly if any mud or dirt continues to emerge from this site and to include regular cleaning of the footways as well as the carriageway. Clearly the previous condition did not work well enough so an improvement in the condition is required here before the extension can be permitted.

4. I believe the start time needs changing from 0730 to 0800, Monday to Saturday, to give some improvement to the amenity of local residents. The operators also need to be required not to start any noisy activity on site before this time, such as switching on their generator or moving earth around.
 5. The cause of the flooding in the woodland to the rear of Lodge Grove needs to be established and resolved before any permanent damage to this woodland is done.
 6. There also needs to be a condition which makes it clear that whatever materials are imported during the additional 10 weeks are used to make the contours of the lakes safe as the first priority so that if less material is imported during this time than planned there will be no need for any further extension.
 7. Finally, some of the worst problems with mud were caused when the wheelwash facility was out of order. There needs to be a condition that makes it clear that if the wheelwash stops working for any reason then the importation of materials must also stop working until adequate facilities have been provided to ensure that all lorries leaving the site have had their wheels properly cleaned.'
- 4.2. **Hart District Council** raises no objection with the following comments:
“Hart District Council understands that there have been concerns raised by local residents regarding mud and spoil transferring onto the Highway, the number of vehicular movements associated with the works and noise and disturbance caused by the works. The council requests that the County Council ensures that the conditions are monitored to ensure compliance. In addition the trees on the site and adjoining land are covered by a Tree Preservation Order and the Council notes that the siting of the temporary access road is within a significant number of root protection zones where damage to those protected trees is likely. The Council request that the removal of that access road is suitable monitored so as to minimise the damage to those protected trees.”
- 4.3. The **Environmental Health Officer at Hart District Council** has been consulted but not chosen to comment.
- 4.4. The **Environment Agency** has no comment.
- 4.5. The **Highway Authority** raises no objection subject to traffic conditions.

- 4.6. **Yateley Town Council** has been consulted but not chosen to comment.
- 4.7. **Bracknell District Council** has no comment.
- 4.8. **Surrey County Council** has been consulted but not chosen to comment.
- 4.9. **The Yateley Society** “have no objection in principle to the above application as the work needs to be completed so the lake can be used as a leisure amenity. However, there is a need for Hampshire County Council to be more proactive in ensuring that the contractor carries out his duty of care and responsibility to the community and environs. There have been many instances of mud, debris and disruption on Sandhurst Road and a cavalier approach to driving generally on the access road to the lake. Please be aware that the Blackwater Valley is an ecologically important area supporting endangered birds and all work should be undertaken with this in mind.”

5. Representations

- 5.1. There have been 14 representations made as of 11 May 2012.
- 5.2. The concerns raise the issues of experiences of mud, dust and debris being deposited on the highway out of the site. Large vehicles thought to be from the development have driving at excessive speed causing vibrations to neighbouring houses and endangering local children, particularly on Cricket Hill Lane. Concerns that the volumes of traffic generated from the extension period will cause congestion and noise have been voiced.

6. Commentary

- 6.1. Unfortunately, the restoration of the site has been delayed due to insufficient material imported. This has resulted in the applicant applying for an extension of time for a short while (10 weeks), to resume lawful development and complete the works to the levels and standards as agreed under the earlier permission (07/02026/CMA). In addition, the applicant asserts that if works are not finished there would be health and safety issues preventing the public from enjoying the lake safely, as the sides would be left too steep and could be unstable. It is also considered that the development would enhance the local environment in terms of visual appearance and wildlife once finished, as well as be of benefit to the local residents and visitors.
- 6.2. During the works, there were a number of complaints over noise, dust and mud on the road, mainly in connection with an inadequate wheel wash facility on site placed too close to the houses. However, appropriate enforcement action was taken at the time and the matter was resolved with improved facilities on site. New wheel wash equipment was installed and placed in a new location.

- 6.3. These concerns have been raised again in letters from neighbours regarding the time extension proposal. Councillor Collett has also raised these concerns and as one solution suggests that the works be completed with materials already on site. Unfortunately, it is understood that there is not enough material to make this possible.
- 6.4. In response to these issues, it is felt that tighter controls need to be in place. This can be accomplished by an additional conditions concerning the details of the wheel cleaning measures, safeguarding the state of the road on a daily basis and more attention to the monitoring of the site for the short time it may be in operation. The concerns that the lorry drivers are careless or driving at speed along the highway, and in particular Cricket Hill Lane, have been noted and will be brought to the applicants attention to address.
- 6.5. Whilst the disturbance from the past operations of the site are regretful, the road safety issues were dealt with at the time. It is considered that the highways impacts can be further reduced to improve road user amenity and minimise disturbance to the neighbours. Also, it is important to balance a short length of time of potential disturbance against the end benefits for recreation and wildlife. Therefore, a short time extension is seen as acceptable to ensure the agreed restoration levels and associated benefits.
- 6.6. It is considered that the proposal would be in accordance with the development plan (summary attached) as it will enhance the local landscape and biodiversity in accordance with policies DC3 (Impact on Landscape and Townscape), GEN 1 (General Policy for Development), GEN 3 (Landscape Character Areas), CON 20 (Blackwater Gap) and DC7 (Biodiversity Policy). It has not caused any significant problems in terms of flooding, as safeguarded in policies DC11, GEN 11 (Flooding) and DC14 (Landfill). The extension of time is considered acceptable as the benefits of the scheme rely on the full restoration of the lake and surrounding areas to be completed to the standards as expected and agreed under policy DC12 (Restoration and Aftercare Policy). It is also considered that the development would not materially harm the amenity of local residents and would be acceptable in terms of highway safety and convenience as in accordance with policy DC6 (Highways).

7. Recommendation

- 7.1. That planning permission should 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.

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

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

<u>Document</u>	<u>Location</u>
12/00753/CMA:Variation of condition 2 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 County Council Economy Transport & Environment Department 1st Floor Elizabeth II Court West The Castle Winchester SO23 8UD

CONDITIONS

Timescale

1. The tipping operations hereby permitted shall cease on or before 11 June 2012 and the site shall be restored in accordance with the restoration scheme approved within a further period of six months or such longer period as the Waste Planning Authority may approve in writing.

Reason: To minimise the duration of disturbance from the tipping operations.

Hours of Working

2. Unless otherwise agreed in writing by the Waste Planning Authority no heavy goods vehicles shall enter or leave the site via the access/egress haul roads and no plant or machinery shall be operated except between the following hours: 0800-1800 Monday to Friday and 0800-1400 on Saturday. There shall be no working on Sunday or recognised public holidays.

Reason: In the interests of local amenity.

Highways

3. The measures taken on site to prevent mud and spoil from vehicles leaving the site being deposited on the public highway as approved by the Waste Planning Authority shall be maintained for the duration of the development. No vehicle shall leave the site unless it has been cleaned sufficiently to prevent mud and spoil being carried on to the public highway.

Reason: In the interests of highway safety.

4. The hard-standing area in the site shall be maintained in a clean condition to the satisfaction of the Waste Planning Authority.

Reason: In the interests of highway safety.

5. In the event that mud and spoil from vehicles leaving the site are deposited on the public highway, at the end of each working day the highway and adjacent footpaths shall be cleaned to the satisfaction of the Waste Planning Authority.

Reason: In the interests of highway safety.

6. In the event that the wheel wash facility is out of order, then the importation of materials must cease until adequate alternative facilities have been provided to ensure that all lorries leaving the site have had their wheels properly cleaned to the satisfaction of the Waste Planning Authority.

Reason: In the interests of highway safety.

7. Access to the site shall be from the northern site access and egress from the southern site as shown on Drawing 602.08 revA. No development traffic shall at any time exit the site from the northern site access.

Reason: In the interests of highway safety.

8. The access/egress signage scheme, as approved on Drawing 602.08 rev A, shall be maintained in good order until the use of the access/egress ceases.

Reason: In the interests of highway safety.

9. The visibility splays of 4.5 metres x 90 metres scheme, as approved on Drawing 602.08 rev A, shall be maintained in good order until the use of the access/egress ceases.

Reason: In the interests of highway safety.

10. The number of HGVs entering and exiting the site shall not exceed 120 movements a day (a vehicle entering and exiting the site is classed as two movements.) Records of all HGVs accessing and egressing the site shall be kept at all times and made available to the Waste Planning Authority on request.

Reason: To restrict the level of HGV traffic generation and minimise disturbance.

11. Upon cessation of the development, any remedial works to the local highway network made necessary as a result of the site traffic as reasonably required by the Waste Planning Authority shall be undertaken to the satisfaction of Waste Planning Authority, with reference to the Condition Survey (2815/Road Condition Survey prepared by the Redwood Partnership) as submitted on 28 July 2008.

Reason: In the interests of highway safety.

12. The haul road access from Sandhurst Road to the lake shall be maintained in accordance with the scheme as approved by the Highways Authority on 07 June 2010. Upon completion of the lake restoration, the haul roads shall be restored to their former condition and levels.

Reason: To ensure satisfactory road access is provided and reduce flooding potential.

13. The construction compound, including provision to be made for the parking and turning on-site of operatives' and construction vehicles during the restoration period shall be retained for the duration of the lake restoration period in accordance with measures as approved on 19 August 2008.

Reason: In the interests of highway safety.

14. Should the use hereby permitted be open and available for public use prior to the completion of the leisure use on the adjacent site (DEV21), details for the provision of temporary site car parking shall be submitted to and approved by the Waste Planning Authority in writing before the development hereby permitted is brought into use. On completion of the leisure use on the adjacent site, the permitted temporary parking shall be removed and returned to its original use to the satisfaction of the Waste Planning Authority.

Reason: To make proper provision for off-street parking.

15. The recreational use and environmental features of the lake and its surrounding habitat shall be implemented as approved under the Yateley Lakes management scheme as submitted 27 August 2010, and shall be maintained for a duration of five years.

Reason: In the interests of local amenity and ecological improvement.

16. The imported soils and subsoils shall be in accordance with the Waste Management Licensing regulations. All soils will be uncontaminated and free of litter (e.g. paper, wood and plastics) and putrescible or biodegradable matter.

Reason: In the interests of the local environment.

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

HAMPSHIRE MINERALS AND WASTE CORE STRATEGY

Policy 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.

Policy DC7 – Biodiversity

Minerals and waste developments will only be permitted if due regard is given to the likely effects of the proposed development on biodiversity and, where possible, proposals should conserve and enhance biodiversity. Development likely to adversely impact upon ‘regionally or locally designated sites or protected species’ – designated in adopted Local Plans or Local Development Frameworks – (including Sites of Importance for Nature Conservation (SINCs), Species of Principle Importance for Biodiversity, Regionally Important Geological Sites and Local Nature Reserves) shall only be permitted if the merits of development outweigh the likely impact.

Policy DC11 – Flooding

Minerals and waste development will only be permitted if due regard is given to flooding, flood risk, flood mitigation, sustainable drainage measures and where appropriate the need for Flood Risk Assessments. Waste management development including landfill in flood risk zones 3a and 3b, and mineral

extraction in flood risk zone 3a, or where, by virtue of the proposal's nature or location there is an unacceptable risk of off-site flooding, will not be permitted.

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.

Policy DC14 – Landfill

Planning permission will be only be granted for landfill provided the site:

- a. Is identified for landfill use, as part of the restoration of a mineral site, in the Hampshire Minerals Plan, or pending its adoption is an existing or proposed unrestored mineral void, and in the case of non-hazardous landfill is within the non-hazardous landfill potential area shown on the Key Diagram, and
- b. Appropriate provision is made for the pre-treatment or sorting of waste, either on or off site, to substantially reduce its biodegradable and recyclable content, and
- c. It does not pose an unacceptable environmental risk, including risk to groundwater, and
- d. It is close to, and with good access to, the minerals and waste lorry route, as shown on the Key Diagram.

HART DISTRICT LOCAL PLAN (REPLACEMENT) 1996–2006

General Policy for Development and Change of Use

GEN 1 proposals for development which accord with other proposals of this plan will be permitted where they:

- (i) Are in keeping with the local character by virtue of their scale, design, massing, height, prominence, materials, layout, landscaping, siting and density;
- (ii) Avoid any material loss of amenity to existing and adjoining residential, commercial, recreational, agricultural or forestry uses, by virtue of noise, disturbance, noxious fumes, dust, pollution or traffic generation;
- (iii) Cause no material loss of amenity to adjoining residential uses, through loss of privacy, overlooking or the creation of shared facilities;
- (iv) Do not constitute ribbon or sporadic development, unrelated to existing patterns of settlement within the District;
- (v) Include provision for the conservation or enhancement of the District's landscape, ecology and historic heritage and natural resources;
- (vi) Where the public would reasonably expect to use the building, provide suitable access for people with impaired mobility, including those confined to wheelchairs;
- (vii) Have adequate arrangements on site for access, servicing or the parking of vehicles;
- (viii) Do not give rise to traffic flows on the surrounding road network, which would cause material detriment to the amenities of nearby properties and settlements or to highway safety;
- (ix) Do not create the need for highway improvements which would be detrimental to the character and setting of roads within the conservation areas or rural lanes in the District;
- (x) Do not lead to problems further afield by causing heavy traffic to pass through residential areas or settlements, or use unsuitable roads;
- (xi) Include provision for any necessary improvements to infrastructure and utilities resulting from the development;
- (xii) Take account of the proximity of overhead cables and power lines;
- (xiii) Avoid the installation of lighting, which is visually damaging to the character of the area.

Landscape Character Areas

GEN 3 Within the landscape character areas, as indicated below and shown on the proposals map, development will be permitted if it does not adversely affect the particular character of the landscape, and is in accordance with other policies of this plan.

1. Wellington

2. Tylney
3. Bartley
4. Whitewater Valley
5. Blackwater Valley
6. Firgrove
7. Bramshill
8. Hazeley/West Green
9. Winchfield
10. Dogmersfield
11. Hart Valley
12. Minley
13. Tweseldown
14. Redlands
15. Hart Downs

Proposals In Areas Affected By Flooding And Poor Drainage

GEN 11 Development in areas liable to flood, or which would unacceptably increase the risk of flooding on other land, will not be permitted, unless appropriate and satisfactory alleviation or mitigation measures are included.

Blackwater Valley gap

CON 20 Within the Blackwater gap between the Blackwater Valley towns and the county boundary, permission will not be granted for development which would diminish the gap physically or visually, in order that the setting and separate identity of settlements on either side of the county boundary are retained. proposals that retain the open nature of the Blackwater Valley, promote recreation as its primary use and have no detrimental effect on ecology or landscape will be permitted.