

AT A MEETING of the REGULATORY COMMITTEE of HAMPSHIRE COUNTY
COUNCIL held in Ashburton Hall at Elizabeth II Court, The Castle, Winchester on
Wednesday 21 September 2016

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman:
p Councillor P Latham

Councillors:

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

p A Joy (deputy)

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 1-9***

284. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Harvey, Pearce and Wheale.

285. 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.

286. MINUTES

The Minutes of the meeting held on 13 July 2016 were agreed as a correct record and signed by the Chairman.

287. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements on this occasion.

288. DEPUTATIONS

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

APPLICATION FOR VARIATION OF CONDITIONS 3 (SITE LAYOUT) AND 18 (TO ALLOW STORAGE OF WOOD) OF PLANNING PERMISSION 51471/002 AT HUTCHINGS & CARTER YARD, WATERBROOK ROAD, ALTON GU34 2UF. (APPLICATION NO. 51471/003) (SITE REF: EH156)

Councillor Joy was a deputation on this item and did not take part as a Member of the Committee

The Committee received a report from the Head of Strategic Planning (Item 6 in the Minute Book), regarding an application for variation of conditions at Hutchings & Carter yard in Alton.

The officer introduced the report and confirmed that an update paper had been circulated, which confirmed that the local member, Cllr Joy, had raised concerns about the proposal but not formally objected to it. It was also confirmed that the phrasing in Condition 16 had been updated and that for clarity, a plan had also been attached to accompany Condition 4.

The condition shall now read as follows:

Stockpiles of waste and recycled material shall not exceed a maximum level of 5 metres in height above the level of the ground on which the stockpile is located for soil/hardcore processing and screened material and 4 metres in height above the level of the ground on which the stockpile is located for product storage and material storage including wood (as indicated on Drawing No 4998 SK/04). Stockpile heights shall be measured from the existing ground levels adjacent to the stockpiles as shown on the attached HCC Plan EH156- Ground Levels survey 2016.

The application was summarised and it was confirmed that it was retrospective. The site location was shown in context with the road network and local area, and site plans were also shown that depicted the changes that had occurred on site. The updated landscaping scheme was also presented.

The Committee received one deputation on this item from Cllr Andrew Joy, Hampshire County Council. Cllr Joy confirmed that he was not objecting to the proposals, but there were elements that he felt needed careful consideration by Committee; which included changes in the ground levels on site and potential risk to trees with no horticultural assessment having been done. Cllr Joy also felt it

was important that the views of the site were considered in winter months, when the leaves had shed their leaves.

During questions of the deputation, it was clarified that:

- It was felt by Councillor Joy that the steep bank on the outside of the bund would make tree growth very difficult
- Local residents had not been asked or encouraged to write to the County Council regarding the site.

During questions of the officer, the following was clarified:

- The permitted soil stockpiles would be visible regardless of the additional wood stockpiles on site
- The hours of working had been taken from the original planning application and working practices at these times were not felt to be a problem
- There had been some minor changes to the base levels since 2011, but there was no significant impact from these
- It could be specified in the conditions that native species of trees and plants be used for landscaping
- The gradient of the perimeter slopes alongside the bund were not considered to be a risk to the he stream environment due to current stability, existing planting, and the substantial fencing in place
- The quality of the stream and the risk of flooding is monitored by the EA, who did not object to the proposal
- An Environmental Permit is in place for the site.
- Measuring poles would be installed on site to gauge the height of stockpiles to aid easy management and monitoring of height conditions
- The WPA has carried out a survey of ground levels in August to record the base and stockpile levels to provide evidence for future monitoring and any necessary enforcement.

RESOLVED:

a) Planning permission be GRANTED subject to the conditions listed in integral Appendix B, the additional plans to accompany Condition 4, the specification of native species to be added to Condition 6, the re-phrasing of Condition 16 and plan 286-002 Rev E to be added to condition 22.

Voting:

Favour: 13 (unanimous)

Councillor Joy joined the Committee, taking the voting total up to 14 Members.

- 289. APPLICATION FOR EXTRACTION OF SOFT SAND AND SHARP SAND AND GRAVEL, THE CONSTRUCTION OF AN IMPROVED ACCESS ONTO FAWLEY ROAD, THE IMPORTATION OF INERT MATERIALS AND RESTORATION OF THE SITE TO AGRICULTURE AT FOREST LODGE HOME FARM, FAWLEY ROAD, HYTHE. (APPLICATION NO. [16/10450](#)) (SITE REF: NF271)**

The Committee received a report from the Head of Strategic Planning (Item 7 in the Minute Book), regarding Forest Lodge Home Farm, Fawley Road, Hythe.

It was noted that an update paper had been circulated at the meeting, which included further details on additional representations, clarification of mineral volume information, clarification for the reasons for refusal for a previous planning application at the site, and additional information on Quarry Slope Stability.

A location plan was shown to the Committee and nearby Sites of Special Scientific Interest (SSSI) and Sites of Importance for Nature Conservation (SINCs) were highlighted, as well as the surrounding road network and the phasing proposed for the extraction area. It was stated that the site will be worked in three phases and that there will be a requirement that Phase 1 would be fully restored before extraction could commence in the final Phase (Phase 3). It was confirmed that the site would include a hard-surfaced site management area and photos of the proposed access area were shown to Committee.

The Committee received three deputations on this item. Mr John Penny spoke as a neighbouring landowner and was unhappy that he had not been formally notified of and consulted on the proposed development as its visual screening relies on trees on his land. Cllr James Binns from New Forest District Council spoke on behalf of Cllr Peter Armstrong, as well as local residents and it was proposed that the starting hours of working were reconsidered to 7:30 during the week and 8:00 at weekends. Cllr Binns also reported that there were lots of concerns from residents regarding noise and dust, and it was requested that the safety of nesting buzzards nearby be considered. It was also asked that the backfill used to restore the extraction site not include lime, as this could cause pollution of groundwater. Chris Herbert spoke on behalf of the applicant in favour of the application, stating that it was an allocated site in the adopted Hampshire Minerals and Waste Plan (2013) and there had been no objections from statutory consultees. The applicant was keen to be a good neighbour and happy to agree to the requested starting times of working as proposed by Cllr Binns.

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

- Mr Penny confirmed that he had not been consulted as a landowner but he asserted that elements of his property were included in the application area;
- The applicant indicated that an 8:00 start during the week would cause problems with traffic as it was at peak time, but 8:00 at the weekends was felt to be achievable;
- Mr Penny reported that a planning application for the extraction of sand at the site had previously been turned for a number of reasons including the quality of the mineral deposit;
- It was confirmed that Mr Penny's land was not required for access or screening as part of the application;
- An air quality assessment had been undertaken and conditions had been written to account for adequate dust management.

The Committee received legal advice that the application only applied to the area within the red line, and that if anything did effect the area outside of that then it

would be dealt with at the time accordingly and outside of the application being considered by the committee.

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

- The trees on Mr Penny's land were confirmed as not being within the red line area and not being required for screening the site as planting and fencing along the northern boundary was included as part of the application;
- The site was included in the Hampshire Minerals and Waste Plan (HM&WP) and had therefore already undergone scrutiny;
- The report included an informative about the establishment of a liaison panel;
- There would be some hedgerow loss as result of the development, but no trees would be removed;
- A dust management plan had been submitted as part of the application and the Environmental Health Officer had considered this when preparing their response. The site would be monitored by the Mineral & Waste Planning Authority in conjunction with the Environmental Health Officer;
- The wheel wash could be included in Condition 19;
- The site management area and haul road would be hard surfaced (bound surface e.g. tarmac or cement) to minimise mud on the roads;
- The previous planning application at the site was refused for a number of reasons including not being a preferred site in the Minerals and Waste Local Plan at the time, the quality of mineral and proximity to residential areas. However, it was noted that this proposal had to be considered on its merits, against currently adopted policy and its interpretation had changed a lot in that time and the application was in accordance with Policy 10;

During debate, members voiced concerns over mud on the roads and the importance of making vehicles as clean as possible before leaving the site. It was acknowledged that the quality of life of many residents would be affected and the application still needed to be judged individually on its merits despite the inclusion in the adopted Hampshire Minerals and Waste Plan (2013).

In conclusion, officers confirmed that nesting buzzards would be covered under separate legislation but an advice note would be added to highlight this.

RESOLVED:

a) The Head of Law and Governance was authorised to draw up a Section 106 Agreement to secure the dedication of a public right of way from west to east across the site connecting with Footpath no. 3a (Solent Way) following completion of restoration of the site;

b) That by no later than 21 March 2017 all parties enter into the Section 106 Agreement with the County Council, authority is delegated to the Director of Economy, Transport and Environment to GRANT permission subject to the conditions listed in Integral Appendix B and the following amendments/additions agreed at Committee:

b1) Condition 6 be amended to require an annual review of the approved dust management scheme;

b2) Condition 15 be amended to change the working hours to 7:30am – 18:00 Monday to Friday and 8:00 – 13:00 on Saturdays;

b3) Condition 19 be amended to include the wheel-wash within the permitted on-site plant and machinery;

b4) Condition 29 be amended to require the surfacing of the site management area and haul road to be to a specification agreed with the Mineral & Waste Planning Authority;

b5) An advice note to be added to highlight the legislation to protect affected wildlife;

c) In the event that the Section 106 Agreement is not completed by 21 March 2017, then the Director of Economy, Transport and Environment was authorised to refuse planning permission for that reason.

Voting:

Favour: 9

Against: 4

Abstentions: 1

Councillor Joy left the meeting taking the total number voting Members down to thirteen

290. 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 8 in the Minute Book), regarding a deferred application for a waste transfer and recycling facility in Knowle, Fair Oak, that previously came to Committee in July 2013. The report only considered the reasons for deferral. The item was deferred because Committee requested further information on lighting and how the site would operate in hours of darkness, drainage and potential effects on the Site of Interest for Nature Conservation (SINC), dust management and a Section 106 agreement regarding lorry routing and closure of the R&R site

It was highlighted that an updated location plan had been circulated to Members.

The item was summarised, with a location plan shown.. Further information on the proposed drainage and lighting schemes was presented to Members, and it was confirmed that a dust management plan had been submitted. Officers also reported that a Section 106 agreement was currently being progressed on lorry routing.

The Committee received three deputations on this item. Mr George Hamilton, a local resident, spoke against the proposal and highlighted that the area was not part of an industrial estate. It was felt to be an unsuitable location as it was five miles from the strategic road network. Mr Ian Taylor, a local resident, also spoke against the application, stating that there had been regular breeches of regulations by the applicant and he felt that the site was too small for the

operations proposed and amount of material due to be processed. Mr Taylor also shared his concerns over the traffic and dangers to local residents and their amenity. Finally, Cllr Martin Lyon, Hampshire County Council, spoke against the application and felt it was in the wrong location, too far from the road network and too close to residential areas. He felt that the County Council should be taking extra care considering with the application due to the lack of a Borough Local Plan and more engagement should have been done with local people. Cllr Lyon felt that the application should either be re-sited or have more strict conditions attached.

The Committee received legal advice and were reminded that the Corporate Strategy was not relevant to the application and only relevant Planning Policy should be considered. It was also confirmed by planning officers that the site was considered to be on previously developed land and not farmland or countryside.

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

- The Policy 26 was in relation to safeguarding existing waste infrastructure and so was not relevant to this application
- An Environmental Impact Assessment was not required as the site was not felt to need one in line with the regulations
- The Environmental Health Officer had been consulted but they have no comment on the further information
- BskyB were consulted on the proposal but no comments have been received
- Lighting columns on site would provide lighting and therefore vehicle lights would not be necessary when on site
- It was acknowledged that the impact from the site could be greater than the currently permitted use.

In debate, Members agreed that whilst technically “previously developed” it was not on the same scale as what was proposed as part of the application. It was suggested that the site intruded into the rural area and some Members speculated that the countryside location was not suitable, with the strategic road network being too far away.

In conclusion, the officer confirmed that the Independent Planning Inspector has found the policies within the HMWP 2013 as sound, and the site is considered to comply with the relevant policies in the plan, including Policy 29. There had been no objections from statutory consultees.

RESOLVED

a) That the application be refused on the grounds that it was in an inappropriate countryside location remote from the strategic road network and would cause unacceptable amenity and nature conservation impacts contrary to Policy 5 (Protection of the countryside), Policy 29 (Locations and sites for waste management), Policy 10 (Protecting public health, safety and amenity), and Policy 3 (Protection of habitats and species) of the Hampshire Minerals and Waste Plan (2013) and that authority be delegated to the Head of Strategic Planning to finalise the precise wording of the reasons for refusal in consultation with the Chairman of the Committee.

Voting:

Favour: 1

Against: 11

Abstentions: 1

291. MONITORING AND ENFORCEMENT UPDATE

The Committee received a report from the Head of Strategic Planning (Item 9 in the Minute Book), which provided Committee with an update on monitoring and enforcement work done between April and September 2016. Since the report had been published it was confirmed that three additional sites in Alton, Bordon and Kingsley were being investigated. Two of the sites had the same waste carrier. In addition, the issues at Selborne Brickworks were ongoing and Members would be updated on all issues in the next monitoring and enforcement update.

RESOLVED:

Committee noted the contents of the report.

Councillor R McIntosh
Chairman
Wednesday 19 October 2016