

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE COUNTY COUNCIL held in the Council Chamber at The Castle, Winchester on 13 February 2013

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman:
p Councillor I. Beagley (for Items 1 – 7)

Councillors:

p C. Bailey	p E. Neal
p J. Bryant	p F. Pearce
p C. Carter	p R. Price
p M. Cooper	p D. Simpson
p B. Gurden (for Items 1-7)	p J. West (for Items 1-7)
p G. Hockley	p S. Wheale
p A. McEvoy	

***The order of the agenda at this meeting was as follows:
Items 1-8***

361 APOLOGIES FOR ABSENCE

There were no apologies for absence for the meeting.

362 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.

363 MINUTES

The minutes from the meeting of the 17 January 2013 were signed by the Chairman.

364 CHAIRMAN'S ANNOUNCEMENTS

The Chairman confirmed that a Site Visit would take place on Monday 4 March, and this would be followed by a meeting regarding sprinklers in schools at 14:00 in Three Minsters House.

365 DEPUTATIONS

The Committee were advised that eight deputations had been received for this meeting.

366 A NEW TWO FORM ENTRY PRIMARY SCHOOL FOR THE NORTHERN SITE OF THE WEST OF WATERLOOVILLE HOUSING DEVELOPMENT, TO INCLUDE SCHOOL ACCOMMODATION, TEACHING ROOMS, HALLS, STAFF PARKING AND LANDSCAPING AT WEST OF WATERLOOVILLE DEVELOPMENT, WATERLOOVILLE (APPLICATION NO. 12/02281/HCS)

Cllr McIntosh and Cllr Beagley declared non pecuniary interests as Members on the Waterlooville Development Forum

The Committee considered a report from the Director of Economy, Transport and Environment (Item 6 in the Minute Book) regarding an application for a new Primary School in the West of Waterlooville new housing Major Development Area (MDA) in Waterlooville.

The Committee were presented with a site plan of the site, which also its relationship to the local centre and its surroundings. Members were reminded that the item had been deferred from the previous meeting on the 17 January pending further details on the following:

- 1) Onsite parking provision
- 2) Roadside parking and drop-off points
- 3) Parking at the local centre
- 4) Details as to the community use of the school
- 5) Details with regards to flooding risks and the Wallington River

It was confirmed that as a result of the previous deferral, four additional car parking spaces had been added to the on site school parking provision (including two disabled spaces) and roadside/lay-by parking had been highlighted in the presentation, which provided a further 22 spaces. Officers pointed out to Members the 60 temporary parking spaces at the local centre, which would be replaced by a minimum of 44 spaces for the mixed use local centre. It was confirmed that the community use of the school was not part of the planning application and was a management issue for the school. The school was not assessed as being in a high risk area for flooding and the Environment Agency had assessed flood risk as part of the West of Waterlooville MDA .

The Committee received two deputations on this item. Martin Hallum, Allister Lewis and Alec Gillies attended on behalf of Property Services for Hampshire County Council and Peter Colenutt and Richard Vaughan were in attendance on behalf of

Children's Services. It was confirmed that the officers were available to answer any questions Members may have on behalf of both deputees.

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

- 60 temporary parking spaces would be provided at the local centre site before its completion, with 44 permanent spaces for use by visitors to the local centre and the school being available once the local centre was opened;
- The travel assessment within the application was a worst case scenario in terms of the number of cars dropping off/collecting at one time;
- The principle off-site proposals were secured through the MDA 106 agreement and the finer detail was still to be agreed in discussion with relevant parties, including the developer and Hampshire Highway Authority;
- The part-time staff parking allocation at the school related to 20 full time equivalent staff, and it was understood not many of these would overlap due to the classroom working arrangements throughout the day;
- A safe cycle and pedestrian route to the school would be provided from the Taylor Wimpy site, as requested by Hampshire County Councillor Stallard; and
- The additional parking spaces were sourced using on site amenity space.

During questions of the Highway Authority, it was confirmed that there would be two schools within the MDA. At this school, the first school to be opened, there would be 82 parking spaces initially in the vicinity made up of on street lay-bys and temporary parking at the local centre. This would reduce to a minimum of 66 spaces when the local centre opened although this was not fixed. Detailed local centre applications would be submitted in the future to Havant and Winchester which would more accurately fix the amount of parking provision in the local centre. The details and amount of on street lay by parking will be provided through the submission of details required in the MDA Section 106 Agreement.

It was clarified that it would be inevitable that there would be on road parking on other new streets in the MDA but it was considered not reasonable nor sustainable to provide full drop off parking for short term demand for the short periods when parents pick up and drop off children. The proposal for 32 on site school staff spaces is an increase on the existing parking standard by 30%. Future parking standards for schools in Hampshire are being considered as part of the Hampshire County Council ongoing School Parking Review. Pedestrian crossings on all new roads around the site are secured within the signed MDA Section 106 Agreement as is funding towards a School Travel Plan at this site.

During debate, Members agreed that there was still not enough parking at the school, especially if it was to be opened up for community use in the evenings. There was concern that the school would be land-locked with no opportunity to expand and that the plot assigned for the school was not big enough for the area. The Committee agreed that cars were increasingly used by parents dropping off their children on their way to work, and that parents picking up tended to arrive early to secure a parking place. There was concern that the local centre parking may not have taken into account school use and Members felt it was important to have adequate parking to accommodate the potential demand.

After lengthy discussion, it was agreed that the item would again be deferred.

RESOLVED:

The item was deferred due to the following reasons:

- 1) Clarification of Scope for further expansion of the school given the potential for increase in numbers in the future, without impacting on other external site space;
- 2) Clarification of cycleway/pedestrian infrastructure to all school entrances from within the MDA and when the School Travel Plan would be in place to enforce these;
- 3) Clarification of what lay-by provision will be available outside of the school and local centre;
- 4) Clarification of the catchment area for the school;
- 5) Clarification of whether further work can be undertaken with the developer of the MDA to secure off site parking on a permanent basis for the school and its visitors;
- 6) Clarification of how permanent and temporary parking had been assessed at the local centre taking into account differentiation between drop off and pick-up parking;
- 7) Further consideration to resolve on site parking arrangements, including clarification of how many of the part-time staff will overlap during working hours and visitor parking and meeting the reasonable needs of future community users of the site;
- 8) Clarification of how community use of school had been considered i.e. multi functionality of the building and site, including community use of outdoor classrooms;
- 9) Clarification that the Flood Risk Assessments and proposed mitigation for the site and River Wallington had included assessment much further downstream away from site - e.g. flooding issues at Fareham; and
- 10) Further details on bicycle storage and whether this would be covered.

Voting (for deferment):

Favour: 9

Against: 6

367 CHANGE OF USE FROM IMPORTATION, SHORT TERM STORAGE, SHREDDING AND DISTRIBUTION OF GREEN WASTE FOR USE AS A SOIL IMPROVER FOR AGRICULTURAL BENEFIT TO A WASTE WOOD SHREDDING OPERATION AT WEST END FARM, UPPER FROYLE, ALTON (APPLICATION NO. 22111/031).

The Committee considered a report from the Director of Director of Economy, Transport and Environment (Item 7 in the Minute Book) regarding an application for a wood-waste shredding operation at West End Farm in Alton.

The officer confirmed that the Committee had visited the site on the 28 January. Members were reminded of the site and its surroundings including its location next to Roundwood SINC, the location of the village of Upper Froyle and its conservation area, the topography, landscape character, and the footpaths to be used as a haul route. Nearby residential properties and businesses were pointed out to Members.

The application was to permanently re-use an agriculturally linked green waste recycling site, which already had a haul road connecting it to the road network. It was understood the existing use had ceased over a year ago. The proposal was for an independent wood waste recycling operation based on the same working hours, haul route, lorry numbers and tonnage as the existing agricultural green waste permission. It involved some internal regrading /minor changes to the site bunding and included a wood shredder and screener. There was no mains electricity, sewage or mains water on the site. Chemical toilets would be provided, along with portable generators. The haul route to the site involved also using in parts two public Rights of Way footpath 15 and 27.

It was explained that no objection had been received to the application from the Rights of Way Officer, Environmental Health Officer or the Highway Authority subject to conditions. It was highlighted through recent photographs that the haul routes sharing the Rights of Way was a single width agricultural track, currently along footpath 27 in poor state of repair and rising up towards the site on higher ground. It was highlighted to Members that County Planning considered there was a fundamental difference between the existing permission which was for shredding of green waste and spreading it across agricultural land and this independent wood waste proposal that was not linked to the agricultural land in any way. It was also highlighted that it was considered that local people tend to be more understanding and accepting of essential agricultural linked operations even though they may generate traffic, but that running heavy goods vehicles and articulated lorries through a conservation area and along haul routes not designed for such an independent waste operation could be viewed as being quite a different matter and could be considered in a different policy and planning context.

It was explained to Members that the committee report referred to case law which indicated that they could consider this application afresh – independently of existing permission - on the basis that the existing permission was allowed as an exceptional departure from policy because it was a sustainable agricultural operation and very different to the current application. County Council solicitors had advised on the case law, copies of which had been provided to Members. The officer stated it was considered that that the site, even though it was hard surfaced and bunded, was not the type of sustainable location that the County Council was aiming to promote through its Core Strategy for permanent independent waste operations. Taking all matters into consideration, on balance, the application was being recommended for refusal for the reasons outlined in the committee report. The Committee was told that the existing permitted operation was granted as an exception to policy as it was supportive of the agricultural use of the surrounding land.

The Committee received three deputations on this item. Councillor Nick Whines from Froyle Parish Council spoke of the Parish Council's general support of recycling generally, but felt that this site was not in a good location and the area was not suitable for HGV's.

Mike Greslow and Mike Garfield spoke on behalf of the applicant and felt it was a good site that could be put to suitable use. There was no current requirement to restore the site and the applicant felt that occupying the site and making it

operational would be a better alternative than leaving the site in its current state. SITA had agreed that the current application was indistinguishable from the previously accepted application, and the applicant were happy to set up a liaison panel if the Committee felt this was necessary.

Finally, County Councillor Mark Kemp-Gee spoke of the iconic and pretty village and how despite being bounded, the site was overlooked by buildings in the conservation area as well as the South Downs National Park. Councillor Kemp-Gee also addressed concerns that material for the site would be shipped from outside Hampshire, and therefore would have an impact on carbon footprint. Whilst it was acknowledged that there were some exceptional circumstances where Brownfield operations were permitted on Greenfield sites, this was not felt a suitable location or justifiable departure from policy.

During questions of the deputations, it was confirmed that the maximum lorry movements had never been achieved by the previous applicant on the site.

During questions of the officer, it was understood that the previous use stopped because it was no longer viable to operate the 'shred and spread' method of recycling due to changes in government guidelines. It was also noted that the Ramblers had not been consulted as a non-statutory body and consultation had taken place with Rights of Way, and the South Downs National Park had not been asked to comment on the application due to its distance from the site.

In debate, the Committee agreed that the site had no reason to be in the area as it was not used in an agricultural way within Alton, and therefore could be placed anywhere with the same effect.

RESOLVED

- a) Permission for the Change of use from importation, short term storage, shredding and distribution of green waste for use as a soil improver for agricultural benefit to a waste wood shredding operation at West End Farm, Upper Froyle, Alton (Application No: 22111/031) (Site Ref: EH155) was refused planning permission for the following reasons:
 - 1) The development is contrary to the National Planning Policy Framework 2012 in that the proposed development is not sustainable and does not meet the needs of the present without compromising the ability of future generations to meet their own needs.
 - 2) The proposed development is contrary to Policy DC8 of the Hampshire Portsmouth & New Forest National Park Minerals and Waste Core Strategy 2007 in that there would be an unacceptable adverse noise, dust and pollution impact by HGV traffic using Colthouse Lane to the amenity and quality of life of those residents residing in properties fronting or backing onto Colthouse Lane and to the amenity of users of footpath No 15 and 27 where sections of those footpaths also form part of the site haul route.

3) The proposed development is contrary to policies DC 3 of the Hampshire Portsmouth Southampton & New Forest National Park Minerals and Waste Core Strategy (2007) in that there would be an adverse impact on the existing tranquil farmland landscape character caused by the development - in particular from the regular daily movements of associated HGVs accessing and egressing the site via the haul route which is also for part of its length statutory public Rights of Way.

4) The proposed development is contrary to policies DC4 of the Hampshire Portsmouth Southampton & New Forest National Park Minerals and Waste Core Strategy (2007) in that it would impact on the quality and character of the Upper Froyle Conservation Area and Listed buildings at the junction of Ryedown Lane with Colthouse Lane.

Voting:

Favour: 15 (unanimous)

Councillors Beagley, West and Gurden left the meeting. Councillor Hockley took over as Vice Chairman for Item 8 (new total = 12 voting Members)

368 VARIATION OF CONDITION 19 OF PLANNING PERMISSION 10/0/992/CMAS TO EXTEND THE TIME FOR COMPLETION OF THE WASTE RECYCLING BUILDING FOR A FURTHER PERIOD OF 18 MONTHS AT YOKESFORD HILL WASTE TRANSFER, BELBINS, ROMSEY

The Committee considered a report from the Director of Economy, Transport and Environment (Item 8 in the Minute Book) regarding an application for an extension of time in which to complete the waste recycling building at Yokesford Hill Waste Transfer in Romsey.

The officer explained that permission was initially granted in 2007, with the largest of waste buildings (No. 3), permitted to be completed by October 2012. However, due to issues and engineering faults found in the construction of the building frame, its completion had been delayed awaiting litigation and the building remained unfinished. Recycling operations had continued with the plant and machinery operation within the open building frame. The Committee were shown aerial photos of the site, along with plans of the current building structure from each elevation and its relationship to Wynford Farm Industrial Estate. It was confirmed that a liaison panel had been in place since 2007 and was chaired by County Councillor Roy Perry. Since the publication of the papers, the officer informed the Committee that Test Valley Borough Council had withdrawn their objection to the application and understood that the delay was due to reasons out of control of the applicant. The officer highlighted that as was detailed in the committee report, complaints had been received on grounds of noise and dust since the operations had been continuing in the uncompleted building.

The Committee received two deputations on this item. The Chairman highlighted to the Committee that a local resident, Andrew Bailey, was due to speak on the item but had had to leave the meeting and had left a copy of his deputation for Members.

The Committee confirmed that this had been received at the start of the meeting. The officer highlighted to Members the location of the Mr Bailey's property.

Dionne Ballem and Philip Liddell addressed the Committee on behalf of the applicant. Members were told that the site played an important part in the community with employment, and that the site had worked with the Job Centre to support the long term unemployed in the area. The site had a very good success rate with 89% being recycled, and felt let down by the structural engineering company who had made a fault with the building, meaning it needed demolishing and starting again. The Committee were also told how the applicant worked hard to keep noise and dust levels to a minimum, with regular road sweepings and bunding and screening to minimise any noise. It was acknowledged that some complaints had been received more recently, but some of these related to sites nearby that were unrestricted. Many noise complaints were a result of a change in wind direction and therefore not within the applicant's control.

Finally County Councillor and Executive Member for Children's Services, Roy Perry, told the Committee that the liaison panel had always been very successful in addressing concerns of residents with a good and very quick response always received from the applicant. Councillor Perry confirmed that he supported the application.

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

- Any complaints received were always responded to, both within and outside the liaison panel;
- The cost to correct the building was nearly double of that of the initial costs;
- There was pressure to put the building right and it was felt 18 months was a long enough amount of time to do this;
- 75 people were employed at the site across all skill levels, who would lose their jobs if the application was not to be approved;
- Problems with stockpiles had been an issue in the past due to weather conditions and not having the completed building to rely on, but these were being monitored;
- All waste processed at the site was from within Hampshire;
- Temporary cladding had not been replaced as it often came loose and created more noise and problems than not having anything at all; and
- Issues with dust were partly due to the neighbouring housing development, where 850 new homes were being build.

The Officer confirmed that were Members minded to grant permission, Condition 27 required a detailed noise and dust monitoring scheme together with details of mitigation including cladding to be submitted to the Waste Planning Authority for approval and thereafter implemented in accordance with such approval.

RESOLVED:

- a) Permission for Variation of Condition 19 of planning permission 10/0/992/CMAS to extend the time for completion of the waste recycling building for a further

period of 18 months at Yokesford Hill Waste Transfer, Belbins, Romsey was granted subject to the conditions detailed in Integral Appendix B.

Voting:

Favour: 12 (unanimous)

Against: 0