

HAMPSHIRE COUNTY COUNCIL**Decision Report**

Decision Maker:	Regulatory Committee
Date:	23 May 2012
Title:	Change of use to allow previously extracted clay to be used for brick making and landscaping at Selborne Brickworks, Honey Lane, Selborne, Alton GU34 3BS (Application No: 20661/050, Site Ref: EH015)
Reference:	3947
Report From:	Head of County Planning

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1. Executive Summary

- 1.1. Proposal is to allow previously extracted clay from Chapel Farm stockpiled at the site to be used for brick making and landscaping at Selborne Brickworks, Honey Lane, Selborne, Alton.
- 1.2. The clay stockpile is the subject of an enforcement notice which has been appealed against. The main issues are the visual impact and the amenity impacts of using the clay and concern that the use would be prejudicial to the restoration of the former clay pit. In relation to the objections concerning the clay shed, this is now subject to a retrospective planning application for its retention.
- 1.3. In conclusion although the brickworks is not currently operational the benefits of using the clay for brick making are recognised, the clay stockpile is not visually intrusive in the landscape or when viewed from the South Downs National Park (DC2, DC3), the noise impacts can be suitably controlled (DC8) and subject to a temporary consent the restoration can be secured (DC12).

2. Site and proposal

- 2.1. The site, as shown on the attached plan, is about 0.075 hectares at the rear of Selborne Brickworks. The Selborne Brick Company intends to restart production at the brickworks, whilst they state that this is dependant on the construction of the proposed anaerobic digestion plant (subject of application 20661/048) to provide gas for the kilns there is also the need for clay. A long term clay resource could be that identified in the draft Hampshire Minerals

and Waste Plan, however there is a stockpile of clay at the brickworks which would be suitable in the short term.

- 2.2. The clay was extracted from neighbouring Chapel Farm, arising from construction of water lagoon, and moved to the current location but in the view of the Mineral Planning Authority planning permission was required for its storage and use for brick making. Therefore the planning application is retrospective.
- 2.3. The volume of clay is about 1000m³ which is sufficient to make 500.000 bricks. This would be enough clay for the start up the brickworks until permission for long term resource was secured. Whilst the clay has a level of chalk and stone content, this can be resolved with the low volume of production. The clay would be transported to the brickworks clay shed by vehicle or conveyor, the excavation and movement providing the opportunity to identify and remove impurities. From the clay shed the clay would loaded into the brick making plant. The clay would be moved during normal working hours and the duration of the movement being about one month. The clay shed had a temporary consent which has expired. A retrospective planning application has been submitted for its retention (Application No: 20661/051), which is currently subject of consultation.
- 2.4. The applicant states that if this clay cannot be used, then there would be the need to import clay, which would have to come in by road, to restart the brickworks.
- 2.5. Members of the Committee viewed the clay stockpile and the clay shed, as part off the site visit on 1 May 2012.

3. Development plan

- 3.1. Hampshire Portsmouth Southampton and New Forest National Park Minerals and Waste Core Strategy (2007) policies DC3 (Landscape), DC8 (Pollution, Health, Quality of Life and Amenity), DC12 (Restoration and Aftercare), DC17 (Clay) are relevant.

4. Consultations

- 4.1. **Councillor Kemp-Gee** comments that the clay storage is in breach of an enforcement notice, and breaches of condition should not, in principle, be excused or forgiven by subsequent planning application. Applicant previously stated this clay was not suitable for brick making due to impurities, now says can be purified, but no information how feasible that would be. Past performance of existing operations should be taken into account in considering extensions, and there have been many past breaches at this site. Object to application and recommend refusal.
- 4.2. **Councillor Carew** supports the comments by Whitehill Town Council.

- 4.3. **East Hampshire District Council** has been consulted.
- 4.4. **South Downs National Park Authority** has been consulted.
- 4.5. **Highways Authority** comment that vehicle movements would be entirely onsite, and should permission not be granted it is envisaged that the brickworks would have to import clay which would result in new Heavy Goods Vehicle (HGV) movements on the highway network. On this basis there are no highway objections.
- 4.6. **Environment Agency** raise no objection.
- 4.7. **Natural England** note great crested newts (a European protected species) have been identified on land adjacent to the site and comment their national standing advice on protected species is a material consideration.
- 4.8. **Selborne Parish Council** object as the storage shed sited in the application as where the clay will be stored does not have planning permission and so is currently illegal. The parish council also understands that there is an outstanding enforcement notice to restore the lagoon to its original state. The clay originated from the lagoon and should be used for this purpose.
- 4.9. **Whitehill Town Council** comment it is inappropriate to consider supporting this application due to the proposal that the shed to be used to store the clay has not got planning permission itself.

5. Representations

- 5.1. 13 letters have been received raising objection on the grounds that:
- (i) in conjunction with the proposed anaerobic digester would increase HGV traffic through Oakhanger;
 - (ii) clay storage unauthorised and should not be regularised by default;
 - (iii) recommencement of brickworks not credible as failed many times in the past;
 - (iv) apparent discrepancies with previous statements and linked application for anaerobic digester;
 - (v) clay would be moved to clay storage shed which does not have permission.
- 5.2. A letter comments any planning permission should explicitly restrict use of all available clay to brick making only.

6. Commentary

- 6.1. The clay stockpile is the subject of an enforcement notice which has been appealed against. The main issues are the visual impact and the amenity impacts of using the clay and concern that the use would be prejudicial to the restoration of the former clay pit. In relation to the objections concerning the clay shed, this is now subject to a retrospective planning application for its retention.
- 6.2. The clay stockpile is visible from the surrounding area, including the South Downs National Park. However it is not intrusive and does not detract from the character of the area as it provides some screening for the brickworks building (Policy DC2).
- 6.3. The movement of the clay could have a noise impact for nearby residents. However the duration of movement would be short and within normal working hours. In addition noise limits can be set by condition. Consequently it is not considered there would be an unacceptable amenity impact (Policy DC8).
- 6.4. There was concern that the use would be prejudicial to the restoration and aftercare of the former clay pit, this was the main reason for taking enforcement action. The benefits of using the clay for brick making are recognised, although the brickworks is not currently operational. However a permanent consent would not be appropriate, a temporary five year consent is recommended which would also enable a restoration scheme to be secured and so address the main reason for the enforcement action (Policy DC12).
- 6.5. In conclusion although the brickworks is not currently operational the benefits of using the clay for brick making are recognised, the clay stockpile is not visually intrusive in the landscape or when viewed from the South Downs National Park (DC2, DC3), the noise impacts can be suitably controlled (DC8) and subject to a temporary consent the restoration can be secured (DC12).

7. Recommendation

- 7.1. That planning permission in respect of the change of use to allow previously extracted clay to be used for brick making and landscaping at Selborne Brickworks, Honey Lane, Selborne, Alton GU34 3BS (Application No: 20661/050) be granted, subject to the conditions listed 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:	no
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

Change of use to allow previously extracted clay to be used for brick making and landscaping at Selborne Brickworks, Honey Lane, Selborne, Alton GU34 3BS
(Application No: 20661/050, Site Ref: EH015)

County Planning
Elizabeth II Court West
The Castle
Winchester

CONDITIONS

Commencement

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

Timescale

2. No further clay shall be imported and the use of the site for clay storage shall cease by 31 May 2017 and the site shall be restored within six months in accordance with a scheme to be submitted to the Mineral Planning Authority for approval in writing. The scheme shall be implemented as approved.

Reason: To secure the satisfactory restoration of the site.

Use of Clay

3. The clay shall only be used for brick making or landscape works at the brickworks site. No clay shall be exported from the brickworks site.

Reason: In the interests of highway safety.

Hours of Working

4. Unless otherwise agreed in writing by the Waste Planning Authority no lorries shall enter or leave the site except between the following hours: 0700-1800 Monday to Friday and 0700-1230 Saturday. There shall be no lorries entering or leaving the site on Sundays or recognised public holidays.

Reason: In the interests of local amenity.

Noise

5. Noise measured at the boundary of any residential dwelling outside the site, shall not exceed the following levels:
 - (i) during the day (0700 to 2300) - 50dB LAeq when measured for a one hour period. The LAeq (one hour) (plant in operation) shall be no more than 5dB above the LAeq (one hour) (plant not in operation);
 - (ii) during the night (2300 to 0700) - 45dB LAeq when measured for a five minute period 60dB LAFmax (at any time). The LAeq (five minutes) (plant in operation) shall be no more than 5dB above the LAeq (one hour) (plant not in operation).

Reason: To prevent noise disturbance to the residents of the houses and countryside users.

6. All vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturers' specification at all times. Any vehicle requiring a reversing alarm shall be installed and maintained to operate 5dB above the ambient noise level or fitted with and use effective silencers.

Reason: To minimise noise disturbance from operations at the site.

*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 (2007)**

DC2 - Sites with International and National Designations

Minerals and waste development, which is likely to prejudice the purpose of the following designated sites and their settings, will not be permitted unless the reasons for development outweigh the likely adverse impact, taking into account the requirements of relevant legislation and guidance.

Internationally Designated Sites:

European Sites (Special Protection Areas, proposed Special Protection Areas, Special Areas of Conservation, proposed Special Areas of Conservation) and Ramsar sites (Wetlands of International Importance);

Nationally Designated Sites:

The New Forest National Park, the proposed South Downs National Park and Areas of Outstanding Natural Beauty; National Nature Reserves, Sites of Special Scientific Interest; Scheduled Ancient Monuments; Listed Buildings, and sites on the National Register of Parks and Gardens of Special Historic Interest; Registered Battlefields.

In all cases, applications will be subject to the most rigorous examination.

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.

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.

DC17 - Clay

Extraction of clay, will be permitted provided the site:

- a. Is identified for the extraction of clay in the Hampshire Minerals Plan, and the clay is to be used solely for brick-making, or
- b. There is a need for additional clay for other uses, such as landfill engineering, and the site is within an existing sand and gravel quarry and the extraction of clay would be incidental to the extraction of sand and gravel, or
- c. The proposed development involves a small-scale extension to or deepening of an active clay extraction or landfill site.