

**Hampshire County Council
Director of Economy, Transport & Environment**

Applicant: Mr Patrick Benham-Crosswell

Retention of the clay storage shed at Selborne Brickworks, Honey Lane, Selborne, Alton, Hampshire (No. 20661/051)

(Received: 27 April 2012)

General

The application is for the permanent retention of the clay storage shed at Selborne brickworks. The clay storage shed was originally granted planning permission (F20661/026/CMA) and constructed adjacent to the brickworks in 1999, the permission was temporary and, following extension of time, expired in 2002. The shed was included in subsequent planning applications for clay extraction submitted in 2001 and granted in 2004. The County Council's view is that these permissions lapsed in 2009. As a result of the planning application to use clay stockpiled at the site to restart the brickworks (20661/050) it came to light that the permission for the clay storage shed had expired. The clay storage shed is necessary for restating the brickworks and therefore this planning application has been submitted to retain it.

Development Plan

Hampshire Portsmouth Southampton and New Forest National Park Minerals and Waste Local Plan (2007) Policies DC2 (Sites with International and National Designations), DC3 (Impact on Landscape and Townscape), DC8 (Pollution, health, quality of life and amenity) and DC12 (Restoration and aftercare) are relevant.

Consultations

Councillor Kemp-Gee raises objection on grounds 'temporary permission for the above expired in 2009. Temporary permission only was given because the shed occupies previously restored land and therefore is a greenfield site and any decision to grant permanent permission will breach DC13. Owing to the County Council's lamentable record of enforcement on this site this shed, which is very unsightly, should have been removed years ago particularly since the brickworks have been defunct for most of the last 10 years.

Should MWP Officers recommend this application they should be mindful that, at the May meeting of the Regulatory Committee, they strongly advised the Committee to ignore a Planning Inspector's decision to refuse an Appeal for an Anaerobic Digester application adjacent to this site on the grounds that it no longer was to be built on previously restored land and hence no longer breached DC13. (Officers opinion that all the Inspector's reasons for the refusal of the Appeal therefore fell away is challenged.)

It is most important that Officers and the Regulatory Committee should interpret planning controls consistently in order to give the public confidence in the Minerals and Waste planning process.'

Councillor Carew supports the objection raised by Cllr Kemp-Gee.

East Hampshire District Council raise no objection subject to condition limiting to period expiring 30 June 2013.

South Downs National Park Authority comment it is recognised that the clay shed forms part of the brickworks and would be necessary for the reopening of the brickworks. However should HCC be minded to grant planning permission, the SDNPA would wish to see a condition on the decision requiring the removal of the clay shed should the brickworks cease operations after its reopening.

Environmental Health Officer, East Hampshire District Council raises no objection.

Environment Agency raise no objection.

Selborne Parish Council would like to see the permission of retention of the clay shed at Selborne Brickworks limited to temporary permission as opposed to permanent and tied to the viability of the brickworks.

Representations

6 letters have been received from the local residents. 1 makes a comment but not objection, 2 letters raise objection, 3 letters raise objection to its permanent retention commenting that permission should only be allowed when brickworks operational and have source of clay, and should be removed if brickworks cease operation.

Commentary

The brickworks have not been operational for some years and it is unfortunate that it was not picked up that the planning permission for the clay storage shed had expired. However it is now intended to restart the brickworks, initially using the clay subject to planning permission 20661/050, and the clay storage shed is necessary for the brickmaking process. The shed is visible but not visually intrusive as it is next to the main brickworks building. However the clay shed is only acceptable as part of the brickworks. In view of the uncertainty as the brickworks are not operational it is recommended to grant a temporary five year consent. This is also consistent with the permission granted under 20661/050. Consequently if the brickworks does not restart, or ceases operation within five years, the removal of the shed and reinstatement of the site back to agriculture can be secured to prevent dereliction. The impact for local residents from the use of the shed can be controlled through conditions.

In conclusion it is considered that the clay shed was used as part of the brickmaking process, the clay shed is visible but not intrusive in the landscape or when viewed from the South Downs National Park, the amenity impacts for local residents of its use can be suitably controlled, however as the brickworks are not operational a temporary consent would be appropriate to enable its removal and site reinstatement should the brickworks not restart or cease operation, in order to prevent dereliction.

Recommendation

That permission be granted subject to following reason for approval and conditions:

Reasons for Approval

It is considered that the clay shed was used as part of the brickmaking process, the clay shed is visible but not intrusive in the landscape or when viewed from the South Downs National Park (DC2, DC3), the amenity impacts of its use can be suitably controlled (DC8), however as the brickworks are not operational a temporary consent would be appropriate to enable its removal and site reinstatement should the brickworks not restart or cease operation to prevent dereliction (DC12, DC3).

Conditions

Timescale

- 1. The use of the clay shed shall cease on or before 30 June 2017, and the building shall be removed and the site shall be reinstated to agriculture within a further 6 months.

Reason: The brickworks are not currently operational, therefore temporary period with reinstatement appropriate to prevent dereliction.

Use

- 2. The building shall only be used for the storage of clay for use in the brickworks for the manufacture of bricks and tiles.

Reason: The building is only acceptable for clay storage as part of the brickmaking process.

Hours of Working

- 3. No clay shall be moved and no work carried out at the site except between the following hours: 0800-1800 Monday to Friday. There shall be no clay moved or work carried out at the site at weekends or recognised public holidays.

Reason: In the interests of local amenity.

Noise

- 4. Noise measured at the boundary of any residential dwelling outside the site, shall not exceed the following levels:

During the working day (0700-1800) - 50dB LAeq when measured for a one hour period. The LAeq (one hour)(plant on 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.

- 5. All vehicles, plant and machinery operated within the site shall be fitted with and use effective silencers and shall be maintained in accordance with the manufacturers specification.

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

Case Officer **Peter Chadwick**

Date.....26/06/2012.....

Authorised on behalf of the Director of the Economy, Transport & Environment

..... **Richard Read**

Date...26/06/2012.....

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 DPD 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.