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NOTICE OF MEETING

Meeting	Regulatory Committee
Date and Time	Wednesday, 17th March, 2021 at 10.00 am
Place	Virtual Teams Meeting - Microsoft Teams
Enquiries to	members.services@hants.gov.uk

John Coughlan CBE
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This meeting is being held remotely and will be recorded and broadcast live via the County Council's website.

AGENDA

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence received.

2. DECLARATIONS OF INTEREST

All Members who believe they have a Disclosable Pecuniary Interest in any matter to be considered at the meeting must declare that interest and, having regard to Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore all Members with a Personal Interest in a matter being considered at the meeting should consider, having regard to Part 5, Paragraph 4 of the Code, whether such interest should be declared, and having regard to Part 5, Paragraph 5 of the Code, consider whether it is appropriate to leave the meeting while the matter is discussed, save for exercising any right to speak in accordance with the Code.

3. MINUTES OF PREVIOUS MEETING (Pages 3 - 6)

To confirm the minutes of the previous meeting

4. DEPUTATIONS

To receive any deputations notified under Standing Order 12.

5. CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements the Chairman may wish to make.

6. LAND AT SAMUEL CODY COLLEGE BALLANTYNE ROAD FARNBOROUGH (Pages 7 - 36)

To consider a report of the Director of Economy, Transport and Environment regarding a planning application for Development on vacant and surplus land to the east of The Samuel Cody Specialist Sports College to form a new 90 place SEMH campus with associated car park, play areas and sports facilities at Samuel Cody Specialist Sports College, Ballantyne Road, Farnborough. (Application No. 21/00013/HCC) (Site Ref: RME012).

7. 2020 REVIEW OF THE HAMPSHIRE MINERALS & WASTE PLAN AND UPDATE (Pages 37 - 42)

To consider a report of the Director of Economy, Transport and Environment regarding the 2020 Review of the Hampshire Minerals & Waste Plan and the planned Partial Update.

8. MONITORING AND ENFORCEMENT UPDATE (Pages 43 - 58)

To consider a report of the Director of Economy, Transport and Environment regarding information on the Monitoring and Enforcement work undertaken by Strategic Planning during the period January 2021 – March 2021.

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING:

The press and public are welcome to observe the public sessions of the meeting via the webcast.

Agenda Item 3

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY
COUNCIL held virtually on Microsoft Teams on Wednesday, 17th February,
2021

Chairman:

* Councillor Peter Latham

* Councillor Lance Quantrill	* Councillor Keith House
* Councillor Christopher Carter	* Councillor Gary Hughes
* Councillor Charles Choudhary	* Councillor Wayne Irish
* Councillor Mark Cooper	* Councillor Alexis McEvoy
* Councillor Rod Cooper	Councillor Neville Penman
* Councillor Jane Frankum	* Councillor Stephen Philpott
* Councillor Andrew Gibson	* Councillor Roger Price
* Councillor Pal Hayre	

*Present

244. **APOLOGIES FOR ABSENCE**

All Members were present and no apologies were noted.

245. **DECLARATIONS 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.

246. **MINUTES OF PREVIOUS MEETING**

The minutes of the last meeting were reviewed and agreed.

247. **DEPUTATIONS**

It was confirmed that four deputations had been received for the meeting and that each deputation would have 10 minutes to address Committee.

248. **CHAIRMAN'S ANNOUNCEMENTS**

There were no formal announcements for the meeting.

249. **FOREST LODGE HOME FARM FAWLEY ROAD HYTHE**

Variation of conditions 16 of planning permission 18/11586 to allow additional mobile kit (Excavator, Dumper truck, and cell engineering equipment) on site to improve operation efficiency at Forest Lodge Home Farm, Fawley Road, Hythe SO45 3NJ (No. 20/10282) (Site Ref: NF271)

The Committee considered a report from the Head of Strategic Planning, which had originally come to Committee and been deferred in November 2020.

The officer summarised the application and provided aerial photographs of the site and its location. It was confirmed that a noise assessment had been done following the deferral, which satisfactory results. A new Condition 31 had also been implemented to ensure noise monitoring on site going forwards. Two liaison panel meetings had also taken place since the item initially went to Committee. It was confirmed that an update report had also been published, with an updated recommendation and Section 106 legal agreement.

The Committee received three deputations. Peter Armstrong spoke on behalf of the Netley View Estate Residents Association, stating that there were still concerns regarding the potential noise on the site and also dust, as problems had been experienced before. John Palmer and Ben Sarton addressed the Committee on behalf of the applicant and enforced the importance of having the correct equipment on site to prevent delays. The applicant supported the additional Condition 31 and a noise metre was now in place, and would be assessed in real-time going forwards. Councillor Mark Cooper read a deputation from Councillor Malcolm Wade due to last-minute apologies. Councillor Wade still had concerns regarding noise and the accumulation of additional plant machinery.

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

- Residents accepted the 55dB limit imposed on the site;
- One complaint had been received since the previous meeting, related to dust;
- Modelling had been done based on equipment being operational for most of the day;
- Baseline levels had been measured since the beginning of February for comparison;
- Access to noise-alert emails could be extended to the Resident's Association if required;

- The noise metre is behind a fence to prevent road noise from interfering with the readings;
- The applicant had not received any noise complaints since the application had been to the November 2020 Committee;
- An additional screen showing the live noise readings would be looked into to see whether it was viable.

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

- If there was a breach of conditions, then a Breach of Condition Notice would be issued in conjunction with the Environmental Health Officer at New Forest District Council;
- Two complaints had been received since November 2020 and both issues had been rectified swiftly;

During debate, Members acknowledged that they felt reassured that the noise would be monitored effectively on site and any breaches would be dealt with. The kit on site would ensure delivery by 2027, which was to be encouraged and welcomed. The liaison panel was well engaged and the secondary screen showing the western boundary readings at the front of the site would also be welcomed if it was a possibility.

RESOLVED

Planning permission was granted subject to the conditions listed in Appendix A of the report and that delegated authority is given to the Directors of Economy, Transport and Environment to issue the permission provided that all parties had provided their agreement in writing in accordance with the new clause 15 of the Original Legal Agreement.

Voting

Favour: 15 (unanimous)

250. **LAND AT SONNET COURT BUNGALOWS SELBOURNE DRIVE EASTLEIGH**

6 new build bungalows for adults with disabilities on site adjacent to Sonnet Court at Sonnet Court Bungalows, Selbourne Drive, Eastleigh, SO50 4SE (No. CS/20/88365) (Site Ref: EAS005)

The Committee considered a report from the Head of Strategic Planning (item 7 in the minute book) regarding an application for bungalows in Eastleigh.

The report was summarised, with proposed landscaping arrangements and layout shown as part of the officers presentation. Elevations of the bungalows were shown and it was confirmed that a tree preservation order (TRO) had been applied to the trees within the application area.

It was confirmed that an amended Construction Management Plan was required and Condition 4 would be updated to reflect this.

The Committee received one deputation from Martin Hallum and Mark Dolan on behalf of the applicant, who spoke in support and summarised the details behind the proposal and design.

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

- Solar panels were not installed due to shading from the protected trees;
- Sprinklers would be installed in each bungalow;
- Maintenance would be down to the operator;
- Parking provision had been decided alongside Adults Services and was felt to be an adequate amount for residents and any visitors;
- £4,500 (per bungalow) levy for Natural England was paid to Eastleigh Borough Council as part of the Section 106 agreement

During questions of the officer it was confirmed that Eastleigh Borough Council had initially opposed to the application due to the removal of the trees, but a TRO had since been applied to preserve them.

RESOLVED

Subject to all parties entering into a Section 106 Agreement (or alternative arrangement) with the District Council to secure a charge of £4,500 per dwelling to offset future nitrate emissions against District Council owned land, the Director of Economy, Transport and Environment was authorised to GRANT permission subject to the conditions listed in Appendix A.

Voting

Favour: 15 (unanimous)

Chairman,

HAMPSHIRE COUNTY COUNCIL Decision Report

Decision Maker:	Regulatory Committee
Date:	17 March 2021
Title:	Development on vacant and surplus land to the east of The Samuel Cody Specialist Sports College to form a new 90 place SEMH campus with associated car park, play areas and sports facilities at Samuel Cody Specialist Sports College, Ballantyne Road, Farnborough GU14 8SN (No. 21/00013/HCC) (Site Ref: RME012)
Report From:	Head of Strategic Planning

Contact name: Amy Dales

Tel: 0370 779 6283

Email: Amy.Dales@hants.gov.uk

Recommendation

1. That planning permission be GRANTED subject to the conditions listed in Appendix A.

Executive Summary

2. The planning application is for development on vacant and surplus land to the east of The Samuel Cody Specialist Sports College to form a new two storey, 90 pupil place, Social, Emotional and Mental Health needs (SEMH) campus with associated car park, play areas and sports facilities at Samuel Cody Specialist Sports College, Ballantyne Road, Farnborough GU14 8SN.
3. This application is being considered by the Regulatory Committee as it is a major Regulation 3 development. Regulation 3 of the Town and Country Planning General Regulations 1992 (SI 1992/1492) enables the County Council to make planning applications to itself as long as the development is to be carried out by (or on behalf of) the Council and the interest in the development by the Council is significant. In this case, the County Council are both the landowner and the developer and therefore have a significant interest in the completed development.
4. Key issues raised are;
 - the principle of the development;
 - highway safety and amenity;
 - flood risk and drainage;
 - loss of playing field land;
 - contaminated land;
 - design, scale and massing of the proposed school buildings;
 - sustainability; and

- visual impact and landscape.
5. Due to COVID-19 lockdown restrictions a virtual committee site visit was carried out. This took place on 8th March 2021 in advance of the proposal being considered by the Regulatory Committee.
 6. The proposed development is not an Environmental Impact Assessment development under the [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#). Although the proposed development exceeds the threshold in Schedule 2 (as amended) it does not exceed the indicative threshold in the National Planning Policy Guidance and it is not considered that the development will have a significant impact.
 7. It is considered that the proposal would be in accordance with the relevant policies of the adopted Rushmoor Local Plan 2014-2032 (2019) as it makes provision for new educational facilities to meet the needs of the local community in accordance with Policies SS1(Presumption in Favour of Sustainable Development) and IN2 (Infrastructure and Community Facilities) of the Rushmoor Local Plan (2019) as well as Paragraph 94 of the National Planning Policy Framework (2019).
 8. The design, appearance and proposed materials are considered appropriate in accordance with Policy DE1 (Design in the Built Environment) and the incorporated landscaping will enhance both the natural and built environment and maximise the potential to improve local biodiversity in accordance with Policies NE3 (Trees and Landscaping) and NE4 (Biodiversity) of the Rushmoor Local Plan (2019).
 9. The proposal has limited opportunity to encourage walking and cycling due to the nature of the school however, opportunities are being taken where possible to encourage staff to walk or cycle and is supported by a Transport Statement. The proposal will not have a significant impact on the safety or operation of the local road network, and on-site parking provision will be provided in accordance with Policy IN2 (Transport).
 10. Appropriate sustainability features will ensure that energy loss is minimised (DE1: Design in the Built Environment) and appropriate measures will be taken to ensure surface water run-off from the development will be managed in a sustainable way and will not increase the risk of flooding off site (DE4: Sustainable Water Use). Measures to ensure there is no risk from potentially contaminated land at the site are included in accordance with Policy DE10 (Pollution) of the Rushmoor Local Plan 2014-2032 (2019).
 11. It is recommended that planning permission be granted subject to the conditions listed in Appendix A.

The Site

12. Samuel Cody Specialist Sports College is an existing Sports and SEN school located in the north of Farnborough. The school building, which was originally Oak Farm Community School, was constructed circa 1974, together with the residential housing to the north of the site. Originally the land was in part used as a refuse site.
13. Samuel Cody Specialist Sports College in Farnborough is a 205-place school catering for pupils with Autism (ASD) and Moderate Learning Difficulties (MLD). The College is located on the former Oak Farm Community School site, a 772-place secondary school which closed in 2011.
14. The proposed development site for the new 90 place Social, Emotional and Mental Health (SEMH) needs campus is a 2.49-hectare area of vacant land located to the east of Samuel Cody Specialist College. It is bound by the sports grounds of Samuel Cody Sports College to the west, residential properties to the north, and sports fields to the east and south pertaining to Farnborough Rugby Club and Cove Football Club. The site is undeveloped and comprises a grassed playing field. A mature tree belt is present to the southern, eastern, and northern site boundaries.
15. The site is broadly level with a narrow linear bund to the western edge adjacent to the existing Synthetic Sports Pitch.
16. The site is in a predominantly residential area and the nearest residential properties are on Austen Road and Ballantyne Road, both of which lie to the north approximately 10 metres from the application boundary (red line).
17. The site's main vehicular access is from Ballantyne Road. The existing entrance and car park areas lie to the west of the application site and will be extended to provide access and additional parking to the proposed SEMH campus.
18. There are no nearby ecological designations.

Planning History

19. There is no direct planning history for the application area, although the proposal is directly linked to the Samuel Cody Specialist Sports College and is located within the existing school boundary. Samuel Cody was built in 1974 and offers education for 205 pupils aged 4-16 with Moderate Learning Disabilities (MLD) and Autism Spectrum Disorder (ASD) special needs.

The Proposal

20. The proposed development at Samuel Cody is for the construction of a two storey, 90 pupil place, SEMH campus with associated car park, play areas and sports facilities.

21. The site occupies 2.49 hectares of vacant land to the east of The Samuel Cody Specialist Sports College within the existing school boundary. The proposal site is surrounded by residential housing to the north, east and south.
22. The site area is bisected diagonally by a significant public foul sewer which has a 14 metre wide easement zone thereby reducing the available site area for the proposed building footprint. This determined the location of the two-storey option to the north-east corner of the site.
23. The school, once fully operational, will cater for pupils aged between 10 and 16 years, with a planned start-up in the Autumn 2022. There will be a total of 52 new staff, of which 17 will be teaching staff and 35 non-teaching staff.
24. This campus would be fully self-contained with all curriculum and external facilities including parking and drop-off. It will be an expansion of Samuel Cody Specialist Sports College to 300 places which will broaden their ASD and MLD designation and offer to include SEMH needs. Pupils attending the main campus and SEMH campus would not be mixed due to their relative vulnerabilities and differing needs.
25. Due to the sensitive nature and challenging behaviour of the SEMH pupils, the focus is to create safe, secure, and flexible spaces within the classrooms. This aims to encourage focused and supported learning, with minimal distraction and disturbance from other areas internally and externally.

Design

26. The proposed layout is linear and compact. The two-storey building has a double height entrance to create a prominent public front which leads pupils and staff to the shared spaces (main Hall, dining, admin area) at the heart of the building. It is also visually and physically connected to the rear access through a wide corridor which allows daylight to permeate into the building.
27. The primary KS2 classrooms are located at ground floor on the south side of the building. The 'Eden Room' for specialist teaching/therapy lies to the east end of the building and is accessed via a private courtyard. The LRC/library and therapy spaces are in a central location to allow for pupils to access these spaces easily and independently.
28. The secondary classrooms, library and support spaces are located at the first floor. Specialist rooms, i.e. DT workshop, Food Tech, Art and Science are concentrated to the east end of the building so that secondary pupils can access these spaces without interacting with the primary environment.
29. The exterior walls of the proposed building will be finished in solid brickwork. A ribbon windows system is proposed to create a consistent design approach between north and south elevations, maximise the amount of

natural daylight and create playful façades via coloured glazed panels and spandrels panels. All windows, doors and rooflights to be powder coated aluminium. It has been designed to be efficient in terms of operation and maintenance costs.

30. Vertical circulation consists of two staircases located at each end of the teaching block. A platform lift is near the main entrance. Its location is compliant with relevant regulations.
31. All building entrances have an adjacent staff office providing suitable supervision and overlook. The interaction between pupils and external personnel (maintenance, deliveries, waste collection) will be carefully managed and, where possible, avoided.

Landscape

32. The landscape proposals reflect the desire to provide an external environment that suits the educational needs of school users, whilst considering the existing site and context, security and access requirements, as well as providing a functional and aesthetically pleasing appearance for staff, pupils and visitors.
33. The existing site has generous mature tree belts with extensive undergrowth to the north, east and south, and established hedges to the north. These give the site natural privacy, and an established feel. The scheme has been designed to enable retention of these trees as far as possible.
34. The existing canopy cover will be virtually unchanged or will increase over time with the addition of new planting of 35 new landscape trees.
35. Key vegetation features to be retained include:
 - a mature tree belt to the east and south boundaries of mostly Grade B or C quality; and
 - a mature hedgerow and part tree belt to the north boundary screening adjacent housing.
36. Tree planting is proposed, to provide shade, in time, to school users to the south, to provide some privacy from the remainder of Samuel Cody to the west, and to add privacy to neighbours to the north. The majority are to be native species in line with ecological and arboricultural recommendations.
37. The southern secure school zone provides a variety of external spaces. This consists of hard play and socialising spaces close to the building, with low planting to structure the space and a canopy for shade. A multi-use games area for ball skills and low-key team matches can be used all year around and booked by the local community outside school hours. A trim trail on all weather surface paths with equipment will challenge gross motor skills, and a playing field enable casual ball games in fine weather. More casual spaces within the tree belt will be used by the school for small groups learning

during lesson time. A separate patio is provided for students with more extreme needs who are unable to mix with others.

38. Shrub planting is to include a number of low hedges to help visually contain car parking. General shrub planting will be low maintenance, whilst providing seasonal interest for all school users.

Sustainability

39. The design has been developed to adhere, where possible, to the best practice criteria of sustainable design.
40. The following sustainable measures are proposed:
 - BREEAM New Construction principles - target 'Very Good';
 - Water consumption – target 'Excellent';
 - Use of water saving items (i.e. ultra-low flush toilets, taps etc);
 - Insulated and air-tight building envelope;
 - Linear and compact building form;
 - Orientation to improve ventilation and daylight;
 - Use of brise-soleil to reduce overheating in classrooms and offices;
 - Photovoltaic panels (PV);
 - Sustainable Drainage Systems;
 - Energy efficient lighting and heating control;
 - Recycling and collection areas;
 - Promotion of cycling as a sustainable way for staff to go to work; and
 - Improve biodiversity around the site.
41. It is proposed that all external lighting will be directed downward to prevent light spillage and pollution and will be controllable by programmable timers. These have been included to turn selected circuits off between curfew times of 23:00 - 07:00 hrs.
42. The proposed school will have a mixed mode ventilation strategy based on localized/centralized heat exchangers to provide an efficient system as required to meet the new Approved Document Part L requirements for reducing CO2 emissions. This will have the added benefit of being able to limit the traffic noise ingress into the building.

Parking and access

43. The existing vehicular access from Ballantyne Road into the school site will be retained and extended east to serve the new SEMH school. The extended new access road will serve the drop-off/pick-up 'loop' to the front of the new SEMH school building. The access road will also serve the staff car park and provide access for service vehicles to the kitchen and refuse compound.

44. The proposed building is located to the north of the site with good access to the drop-off/pick-up layby. Visitor parking will use part of the layby close to the main entrance. The staff car park and accessible bays are located to the western end of the building with direct level access to the front entrance.
45. A total of 41 parking bays are proposed comprising 39 standard parking bays, 2 oversized car bays for minibuses and 2 accessible parking bays close to the main entrance.
46. A generous drop-off & pick-up area has been provided in front of the school entrance area. This will create a safe facility which will avoid road congestion during the peak hours. Based on the projected transport figures the proposed drop off/pick up facility has been designed to ensure that once the layby area is full there is still sufficient length on site to cater for any queuing traffic within the school site. It has been agreed with the school that they will manage and phase the pick-up and drop off for the SEMH site both in terms of the split between the 'Eden Room' pupils and the other Secondary and KS2 pupils, as well as the coordination with vehicle movements of the existing Samuel Cody side to the West. It is understood the specifics of the drop of and pick-up management strategy will be agreed post planning and included in the School Travel Plan (STP).
47. It is anticipated that most pupils will arrive and depart by school transport vehicles. Very few pupils will be arriving on foot. A new link footpath is proposed to the north of the existing STP sports area to improve circulation across the school campus. This footpath will also serve the staff parking areas.
48. A secure covered cycle shelter/store is to be provided for staff and pupils to store up to 12 bicycles.
49. The proposed development has been assessed under [Town & Country Planning \(Environmental Impact Assessment\) Regulations 2017](#); 10(b) - Urban development projects, and does not require an Environmental Impact Assessment as the scale and nature of the development is such that it is not considered likely to have a significant impact on the environment.

Development Plan and Guidance

50. The following plans and associated policies are considered to be relevant to the proposal:

[National Planning Policy Framework \(2019\)](#) (NPPF)

51. The following paragraphs are relevant to this proposal:
 - Paragraph 11: Presumption in favour of sustainable development;
 - Paragraph 80: Support of sustainable economic growth;

- Paragraph 94: Ensuring sufficient choice of school places is available to meet the needs of existing and new communities;
- Paragraph 96: Access to open space based on assessment;
- Paragraph 97: Existing open space, recreational buildings and land;
- Paragraph 102-103: Sustainable transport.
- Paragraph 148: Meeting the challenge of climate change, flooding and coastal change; and
- Paragraph 170: Contributions and enhancement of natural and local environment.

[Rushmoor Local Plan 2014-2032 \(2019\) \(RLP\(2019\)\)](#)

52. The following policies are relevant to the proposal:
- Policy SS1: Presumption in Favour of Sustainable Development;
 - Policy IN1: Infrastructure and Community Facilities;
 - Policy IN2: Transport;
 - Policy DE1: Design in the Built Environment;
 - Policy DE4: Sustainable Water Use;
 - Policy DE6: Open Space, Sport and Recreation;
 - Policy DE7: Playing Fields and Ancillary Facilities;
 - Policy DE8: Indoor and Built Sport and Recreation Facilities;
 - Policy DE10: Pollution;
 - Policy NE3: Trees and Landscaping;
 - Policy NE4: Biodiversity;
 - Policy NE6: Managing Fluvial Flood Risk;
 - Policy NE7: Areas at Risk of Surface Water Flooding; and
 - Policy NE8: Sustainable Drainage Systems.

Consultations

53. **Lead Local Flood Authority:** No objection subject to condition.
54. **Public Health HCC:** Supports the proposal.
55. **Sport England:** Does not support the proposal due to the net loss of playing field land. However, Sports England are not a statutory consultee in this instance due to length of time since the playing field was last used and as such has just recommended the inclusion of a condition for ensuring community use of the MUGA.
56. **County Landscape Architect:** No objection subject to conditions.
57. **Arboriculture:** No objections subject to conditions
58. **County Archaeologist:** No objection.
59. **County Ecologist:** No objection subject to conditions.
60. **Environment Agency:** No objection subject to condition.

61. **Blackbushe Airport:** No objection.
62. **TAG Aviation UK Ltd:** Was notified.
63. **Defence Infrastructure Organisation:** No objection.
64. **Highway Authority:** No objection subject to conditions.
65. **Natural England:** No objection.
66. **Environmental Health Rushmoor:** Was notified.
67. **Councillor Chadd:** Was notified.

Representations

68. Hampshire County Council's [Statement of Community Involvement \(2017\)](#) (SCI) sets out the adopted consultation and publicity procedures associated with determining planning applications.
69. In complying with the requirements of the SCI, HCC:
 - Published a notice of the application in the [Hampshire Independent](#);
 - Placed notices of the application at the application site;
 - Consulted all statutory and non-statutory consultees in accordance with [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#); and
 - Notified by letter all residential properties within 50 metres of the boundary of the site.
70. As of 17th February 2021, a total of 3 representations to the proposal have been received. They all support the principle of the development for its education use, but raise concerns related to the following areas:
 - Ecology; and
 - Highways safety.
71. The above issues will be addressed within the following commentary.

Climate Change

72. Hampshire County Council declared a climate change emergency on 17 June 2019. This proposed development has been subject to consideration of Paragraph 148 of the NPPF (2019) as the proposed development reduces energy consumption through sustainable approaches to building design and layout, using low-impact materials and high energy efficiency. It also incorporates renewable or low carbon energy technologies, where appropriate.

Commentary

Principle of the development and need

73. Paragraph 94 of the NPPF (2019) expects the needs of existing and new communities to be met, specifically in the form of school places. LPA's are expected to meet this requirement and support development that helps widen the choice of education. LPA's are expected to:
- Give great weight to create, expand or alter schools; and
 - Work with school representatives at an early stage to resolve issues before applications are submitted.
74. Hampshire County Council has a statutory duty to provide school places for all children including those who have special educational needs and/or a disability.
75. Since 2015-16 the number of pupils in Hampshire with Education Health and Care Plans (EHCPs) has increased from 5,558 to 10,384 in November 2020 (an increase of 87%) with approximately 35% of pupils with an EHCP in a specialist placement. This has resulted in a corresponding pressure for places in special schools and resourced provision. This requires the creation of new provision where possible to meet this increased demand for places.
76. Currently, there is a need to provide support for pupils across most areas of SEND but in particular for pupils with social, emotional and mental health needs (SEMH), where there has been a 131% increase from 2015/16 – 2019/20.
77. There is therefore a clearly established need for 90 SEMH pupil places that this development would provide in the Rushmoor Borough.
78. The demand for SEN is significant and resources to meet this are very limited. It is important that pupils with identified learning difficulties are in a safe and secure environment, where they can receive the kind of care and attention they would not be able to receive at mainstream schools.
79. The site is in existing education use and therefore the principle of the development is acceptable, subject to the details of the proposal meeting all other planning policy considerations. The development is supported by Policies SS1 (Presumption in Favour of Sustainable Development) and IN1 (Infrastructure and Community Facilities) of the Rushmoor Local Plan (RLP) (2019).
80. In addition, the proposed development is intended to meet the requirement of the community's social needs for SEN across the Council area. It therefore meets the requirements of Paragraph 94 (Ensuring sufficient choice of school places is available to meet the needs of existing and new communities) in the NPPF (2019).

Visual impact and landscape

81. The site is well screened from public viewpoints, limiting visual intrusion. The siting of the school to the north east maximises use of the available land outside of the foul sewer easement zone and minimises its impact on the surrounding landscape with the retention of existing vegetation which contributes to the enclosed nature of the site.
82. Its design considers the importance of the flexibility of the use of space to meet the complex and diverse needs of the users and the strong connection between indoor and outdoor teaching environments. Details have been submitted that ensure the materials, colours and finishes to be used are appropriate to the development and surrounding area using materials. It can be demonstrated that the proposal will create an individual place with a distinctive character, in accordance with Policy DE1 (Design in the Built Environment) of the RLP (2019).
83. New 2.4m high secure boundary fencing is to be installed as part of the works to the eastern and southern boundaries and it will be necessary to crown lift lower branches to larger trees and cut back low-level vegetation immediately adjacent to the boundary line to allow this to take place.
84. The construction of the new building, car parking and drop off areas will be planned to avoid the tree root protection areas (RPA) and the inclusion of 35 new trees are proposed to compensate for loss of any vegetation and trees.
85. Details of the proposed additional landscaping will be subject to a planning condition which will be reviewed by a qualified landscape architect who will ensure all trees and plants chosen for the school site will be safe and acceptable in public places whilst respecting existing landscape features on the site. This condition is included in integral Appendix A.
86. The County Arboricultural Officer and County Landscape Officer are satisfied with the proposal subject to the inclusion of conditions which are reflected in Appendix A. The application is therefore considered to be in accordance with Policy NE3 (Trees and Landscaping) of the RLP (2019).

Design and sustainability

87. The design of the new school is of high quality as required by Policy DE1 (Design in the Built Environment) of the RLP (2019) and reflects the requirement for the school to respond to its surroundings. It relates well to the scale of the existing Sports College and surrounding residential development.
88. The proposed two storey building has been designed to create massing that is sensitive to the existing site topography and looks to establish a dialogue with the context of existing residential units to the north. Although there are residential properties along the northern boundary, the building is located

away from the boundary to avoid any overlooking issues. Appropriate screen planting to this boundary will also be provided to reinforce privacy where required.

89. The design of the school incorporates a number of sustainability measures detailed in the Proposal section of this report.
90. In accordance with Policy DE1 (Design in the Built Environment) the proposal is targeting BREEAM “Very Good” and a condition is attached to ensure that the site wide target rating of “very good” is achieved as a minimum. These elements will ensure there is minimal energy loss and consumption, with a proportion of energy requirements being met on site.
91. No objections have been received in relation to the proposal on design or landscape grounds. The proposal is therefore considered to be in accordance with Policy DE1 (Design in the Built Environment) of the RLP (2019).

Ecology

92. The Preliminary Ecological Appraisal (dated November 2020) that was submitted with the application concluded that the site is of low ecological value overall.
93. The appraisal has set out recommendations to avoid impacts to nesting birds, reptiles and amphibians and has suggested mitigation for planting which reflects the landscaping plan. The landscape plans show that there will be trees and grassland planted along the western boundary and around the development itself. In addition, a hedgehog box has been recommended and enhancements that include bird and bat boxes.
94. The County Ecologist is satisfied that as long as the above measures are implemented by way of a condition, the development is acceptable. The condition has been included in Appendix A and it is therefore seen to be in accordance with Policy NE4 (Biodiversity) of the RLP (2019).

Impact on amenity and health

95. The site is already well screened on all sides from public viewpoints, limiting visual intrusion of the new development. The proposal also includes the planting of 35 new trees, 11 of which will be placed on in the north west corner of the site closest to the nearest residential properties.
96. External lighting will provide safe access and emergency escape routes to the emergency assembly point(s) during hours of darkness. Lighting will be provided to the extended car park and connecting paths and will be designed to be directed downward to prevent light pollution and nuisance to neighbouring properties. It will be controllable with programmable timers. These have been included to turn selected circuits off between curfew times

of 23:00 - 07:00 hrs. Consequently, there will be no significant adverse impacts from increased levels of light pollution on the environment or residential amenity due to the proposed development.

97. It is acknowledged that there may be some noise and dust impacts to neighbouring properties during the construction phase of the new school building. However due to the temporary and small-scale nature of these, as well as the conditioned requirement for a Construction Environmental Management Plan to help limit and mitigate any potential impacts, the proposal is considered to be in accordance with Policy DE1 (Design in the Built Environment) of the RLP (2019).

Sport England

98. Due to the proposed SEMH campus, there will be a net loss of 1.15 hectares of 'playing field' land. It is worth noting that the proposed area is not actually designated as "open space" on the RLP (2019) Policies Map.
99. Paragraph 97 of the NPPF (2019) states "playing fields should not be built on" unless the land is deemed surplus to requirements, the loss would be replaced by equivalent or better provision in terms of quantity and quality, or the development is for alternative sport and recreational provision, the needs for which clearly outweigh the loss.
100. The site forms part of, or constitutes land last used as playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). As such, the application needs to be considered against Sport England's *Playing Fields Policy & Guidance* document. The applicant therefore engaged in pre-application discussions with Sport England and produced evidence to address their Playing Fields Policy.
101. Sport England will oppose any development which results in the loss of playing field unless one or more of 5 policy exceptions are met. The applicant sought to demonstrate that the proposal complied with Exception 1 (a robust and up to date assessment demonstrates there is a surplus of provision in the catchment) – i.e. that the playing field that will be lost is surplus to requirements.
102. The applicants have stated that the current site has not been used for over 10 years, which after a review of historical photographs Sport England has accepted to be the case. However, the policy continues to apply to any land in use as playing field or last used as playing field and which remains undeveloped, irrespective of whether that use ceased more than five years ago, as lack of use should not be seen as necessarily indicating an absence of need in the locality.
103. The Rushmoor Playing Pitch Strategy (PPS) 2014-2020 (2014) was referred to by the applicant, but Sport England do not consider this to be up to date

(as required by Exception 1 of their policy) and is not considered to be a material planning consideration due to the age of when it was produced. However, it is worth noting that it appears to conclude that there is sufficient capacity within the Rushmoor Borough for the 2014-2020 plan period. It also highlights the need to improve the quality and drainage of playing fields as a priority and the trend for improved all weather surfaces to support current and future demand.

104. The applicant has also shown that the historic use of the playing field land by the former Oak Farm Secondary School only allowed a single 9 v 9 pitch area due to poor ground and drainage conditions. This development proposes to improve the playing field surface by aerating the area, topdressing using a 50/50 sand/soil mix 15mm thick, and over-seeding as necessary. These operations will help get water off the surface of the area, which should extend the playing season. The proposed pitch area retained, combined with the new MUGA, provides sufficient and equivalent playing pitch area for the new SEMH campus and community, and reflects better provision in terms of quantity and quality in accordance with Paragraphs 96 and 97 of the NPPF (2019).
105. The assessment produced by the applicant which references the Rushmoor PPS is stated by Sport England to be very detailed and “in other circumstances could have been a material consideration”. This suggests that were the PPS up to date, the land could be considered to be surplus to requirements of the borough and Exception 1 in the Sport England Policy would be met. Sport England also conclude that ‘the proposed scheme has a lot of merit despite the net loss of playing field’.
106. Based on the information submitted by the applicant, and the detailed and balanced response from Sport England, it is concluded that the playing field land is surplus to requirements and therefore does not constitute an unacceptable ‘loss’ of playing field. Indeed, as it has currently remained unused for a period of over 10 years, the addition of a new MUGA and 9 v 9 football pitch that will be made available for community use actually represents an increase in sports provision within Rushmoor Borough which otherwise would not have been available without the proposed development.
107. The provision is considered to be appropriate to the school educational need with suitable access and capacity to meet the community within the catchment area.
108. It is also considered that the need to provide 90 SEMH pupil places within the area is a significant priority and, in this case, overrides the potential ‘loss’ of playing field land.
109. Notwithstanding their conclusion that proposal does not meet the exceptions within their Playing Fields Policy, Sport England has recommended the inclusion of a condition to secure a Community Use Agreement for the proposed new MUGA should the Local Planning Authority be minded to

grant permission. This has been included in the recommendation below. Sport England also confirmed that as they are not a statutory consultee in this case (as the land has not been in use as playing fields for over 5 years), the Council are able to reach a positive decision on this proposal without the need to refer the matter to the National Planning Casework Unit.

110. Considering all of the above, the development is considered to be in accordance with Paragraph 97 of the NPPF (2019) and Policies DE6 (Open Space, Sport and Recreation), DE7 (Playing Fields and Ancillary Facilities) and DE8 (Indoor and Built Sport and Recreation Facilities) of the Rushmoor Local Plan (2019).

Flooding

111. A combination of underground storage and pipe systems are proposed for this development which will be pumped to the adjacent surface water sewer. While this is not ideal, infiltration is not viable, there are no nearby watercourses and it has not been possible to provide a gravity system. Therefore this is considered acceptable.
112. Flow rates will be limited to the greenfield runoff rate and therefore flood risk would not be increased. Calculations are provided and although there is some flooding shown at the 1:100 + 40% climate change storm, this is minimal and contained within suitable areas of the site.
113. The Lead Local Flood Authority are satisfied with the proposal subject to a condition requiring the submission of a surface water drainage scheme for the site. This has been included in Appendix A and the development is therefore considered to be in compliance with Policies NE6 (Managing Fluvial Flood Risk), NE7 (Areas at Risk of Surface Water Flooding) and NE8 (Sustainable Drainage Systems) of the RLP (2019).

Contaminated land

114. A Feasibility Study was undertaken in July 2020 to gather desktop information on the site history, geology, and Hydrology/Hydrogeology. This identified the previous use to part of the site for refuse/landfill.
115. The previous use of the proposed development site as a former landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer.
116. The Environment Agency initially stated that the application's site investigation report demonstrated that it would be possible to manage the risks posed to controlled waters by this development, but recommended inclusion of a condition for the submission of a remediation strategy.

117. The applicant has since provided a 'Ground Investigation Report' that demonstrates groundwater quality has not been adversely affected by possible landfilling activities on the site and so does not indicate that remedial solutions are required. The Environment Agency are satisfied with the provided information but have still recommended a condition to ensure remediation measures are put in place if contamination is found to be present on the site. This has been included in Appendix A and as such the development is seen to be in accordance with Policy DE10 (Pollution) of the RLP (2019).

Highways impact/ Parking and access

118. The Local Highway Authority is satisfied that the proposed levels of on-site staff and visitor car parking, and covered storage for cycles, are in line with the requirements of Hampshire's On-site School Parking Guidelines (April 2013) and are therefore in accordance with Policy IN2 (Transport) of the RLP (2019).

119. The Framework Travel Plan that has been included with the application is of a good standard. It is stated that a full travel plan for the whole College site will be produced and implemented to national Modeshift accreditation standards once the new campus is operational. This has been conditioned in Appendix A.

120. Due to the specialist needs of the pupils attending the new SEMH campus it is anticipated that very few pupils will walk or cycle to school with most pupils being transported by school transport vehicles. A new footpath is proposed to the north of the existing sports area to improve circulation across the school campus and to serve the staff parking areas. A secure, covered cycle shelter will be provided for staff and pupils to accommodate up to 12 bicycles.

121. As the drop off loop would be a one-way system the queue should remain moving and any potential queue on the highway should only be for a very short period of time at the beginning and end of the school day. This together with the proposed level of staff car and cycle parking and the use of the drop off loop for public transport will all help to mitigate the increase in traffic to the school site and on local residential roads. It has also been agreed with the school that they will manage and phase the pick up and drop off times for the SEMH site. The development is therefore not considered to represent a significant impact on the safety or operation of the local road network.

122. Overall the local Highway Authority considers this anticipated level of traffic can be accommodated on the roads without compromising network capacity and raises no objection to the proposed development subject to the submission of a School Travel Plan and the provision of a Construction Traffic Management Plan. These have both been conditioned and the

development is considered to be in accordance with Policy IN2 (Transport) of the RLP (2019).

Conclusions

123. It is considered that the proposal would be in accordance with the relevant policies of the adopted Rushmoor Borough Local Plan 2014-2032 (2019). It will provide educational facilities for the identified need of 90 SEMH pupil places helping to meet the needs of the local communities within its catchment area. The design is appropriate and sustainability features will ensure that energy loss is minimised (DE1: Design in the Built Environment) and appropriate measures will be taken to ensure surface water run-off from the development will be managed in a sustainable way and will not increase the risk of flooding off site (DE4: Sustainable Water Use). The parking and access provision are acceptable in accordance with Policy IN2 (Transport). Measures to ensure there is no risk from potentially contaminated land at the site are included in accordance with Policy DE10 (Pollution) of the Rushmoor Local Plan 2014-2032 (2019).

Recommendation

124. That planning permission be GRANTED subject to conditions listed in Appendix A.

Appendices:

Appendix A – Conditions

Appendix B – Committee Plan

Appendix C – Proposed Site Plan

Other documents relating to this application:

<https://planning.hants.gov.uk/ApplicationDetails.aspx?RecNo=21622>

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	No
People in Hampshire live safe, healthy and independent lives:	No
People in Hampshire enjoy a rich and diverse environment:	No
People in Hampshire enjoy being part of strong, inclusive communities:	No
OR	
This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:	
the proposal is an application for planning permission and requires determination by the County Council in its statutory role as the minerals and waste or local planning authority.	

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.)

Document

Location

21/00013/HCC
RME012

Hampshire County Council

Samuel Cody Specialist Sports College,
Ballantyne Road, Farnborough GU14 8SN
(Development on vacant and surplus land
to the east of The Samuel Cody Specialist
Sports College to form a new 90 place
SEMH campus with associated car park,
play areas and sports facilities

EQUALITIES IMPACT ASSESSMENTS:

- **Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Officers considered the information provided by the applicant, together with the response from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

CONDITIONS

Time limits

1. The development hereby permitted shall be begun before the expiration of three years from the date on which this planning permission was granted.

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

Hours of working

2. No work relating to the construction of the development hereby permitted, (including works of preparation prior to operations, the delivery of construction materials, skips or machinery, nor the removal of waste materials) shall take place before 0800 or after 2100 Monday to Friday inclusive, before 0800 or after 1400 on Saturday and not at all on Sunday or recognised Public Holidays.

Reason: To protect the amenities of occupiers of nearby properties.

Highways

3. No development hereby permitted shall commence until a Construction Traffic Management Plan (that will include details of provision to be made on site for contractor's parking, construction traffic access, the turning of delivery vehicles and lorry routeing as well as provisions for removing mud from vehicles and a programme of works) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained for the duration of construction.

Reason: In the interests of highway safety in accordance with Policy IN2 (Transport) of the Rushmoor Local Plan (2019). This is a pre-commencement condition as the details of construction traffic management need to be approved prior to construction of the development and is of fundamental importance to the planning permission.

4. A School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within one year of occupation. The approved measures shall be implemented thereafter.

Reason: To support sustainable transport policy in accordance with Policy IN2 (Transport) of the Rushmoor Local Plan and Paragraphs 102 and 103 of the NPPF (2019).

Landscape

5. Prior to construction commencing on the shell of the new school building, full details of all the hard and soft landscaped areas, including the proposed car park, have been submitted to and approved by the Local Planning Authority. This Landscape Strategy Plan should include:
 - Planting plans and specifications with details of proposed species, nursery stock size, numbers, mix and density; and
 - A Landscape and Biodiversity Management Plan covering a five-year establishment maintenance period and ongoing management, allowing for the replacement of any failed or diseased stock within 5 years

All hard and soft landscape works shall be carried out in accordance with the approved plans.

Reason: In the interests of landscape character and visual amenity, and to ensure the scheme is established and maintained in accordance with Policy NE3 (Trees and Landscaping) of the Rushmoor Local Plan (2019).

Arboriculture

6. The development hereby permitted shall be implemented in full accordance with the approved recommendations contained within the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement.

Reason: To ensure there is adequate provision for the preservation of trees (as required by S197 of the Town and Country Planning Act 1990).

7. Prior to construction commencing on the shell of the new school building, and in addition to the already provided 'young tree management programme', a full tree planting plan shall be submitted to and approved in writing by the Local Planning Authority. This should include details of proposed species, stock type, planting locations and planting method.

Any plants or trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or within five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure there is adequate provision for the planting of trees (as required by S197 of the Town and Country Planning Act 1990) and in accordance with Policy NE3 (Trees and landscaping) of the Rushmoor Local Plan (2019).

Sustainability

8. Within three months of occupation of the building hereby permitted, a copy of a post-construction completion certificate, verifying that the building has achieved a BREEAM “very good” rating or above, shall be submitted to the Local Planning Authority.

Reason: To ensure the development achieves the lowest level of carbon emissions and water consumption in accordance with Policy DE1 (Design in the Built Environment) of the Rushmoor Local Plan 2014-2032 (2019).

Environmental Control

9. Prior to the construction of development, with the exception of site clearance and setting out, a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the LPA. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council’s Environmental Protection Team;
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0730 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays;
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours;
- Control measures for dust and other air-borne pollutants; and
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policy DE1 (Design of the Built Environment) of the Rushmoor Local Plan (2016).

Contamination

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: Potential landfill could have occurred here which might adversely impact groundwater quality in a secondary aquifer. In accordance with Policy DE10 (Pollution) of the Rushmoor Local Plan (2019).

Ecology

11. Development shall proceed in accordance with the measures set out in Section 6 of the Preliminary Ecological Appraisal by Hampshire County Council (November 2020).

Reason: To avoid impacts to protected and notable species and avoid loss of biodiversity in accordance with Policy NE4 of the Rushmoor Local Plan 2014-2032 (2019).

Flood and Water Management

12. Prior to the construction of the new school building, a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:
 - I. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
 - II. Maintenance schedules detailing the requirements for each drainage feature type.

Reason: To ensure that the drainage system, quantum of development and layout sought is deliverable, whilst ensuring that flood risk will not be increased on or off site in accordance with the National Planning Policy Framework (2019) as well as Policies NE6 (Managing Fluvial Flood Risk), NE7 (Areas at Risk of Surface Water Flooding) and NE8 (Sustainable Drainage Systems) of the Rushmoor Borough Local Plan (2019), and the Non Statutory technical standards for sustainable drainage systems

Playing Field

13. Within 12 months of work commencing on site, a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to Multi Use Games Area, 9v9 playing pitch and car parking and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to accord with Policies DE6, DE7 and DE8 of the Rushmoor Local Plan 2014-2032 (2019).

Plans

14. The development hereby permitted shall be carried out in accordance with the following approved plans: **P12411_HCC_NB_XX_A_1000_SP_P1, P12411-HCC-DR-L-700RevP1, P12411-HCC-DR-L-701RevP7, P12411_HCC_L_702RevP5, P12411-HCC-DR-L-704RevP1, P12411-HCC-DR-L-706RevP2, P12411_HCC_NB_XX_A_1100_SP_P4, P12411-HCC-DR-A-2200RevP9, P12411-HCC-DR-L-706RevP2, P12411_HCC_NB_XX_A_1100_SP_P4, P12411-HCC-DR-A-2200RevP9, P12411-HCC-DR-A-2210RevP9, P12411_HCC_NB_XX_A_1800_SP_P1, P12411-ECH-XX-XX-DR-C-7102SUITS2RevP01, P12411-HCC-PS-00-DR-E-80RevP1, DES20040_1Rev 1, P12411_HCC_NB_XX_L_740_SP_P2, P12411_HCC_NB_XX_L_741_SP_P2, P12411-HCC-ZZ-XX-DR-A-3100 P6Rev00, P12411-HCC-ZZ-XX-DR-A-3110 P3Rev00, P12411-HCC-XX-XX-DR-A-3210P3Rev00, P12411-HCC-XX-XX-DR-A-3200 P3Rev 00**

Reason: For the avoidance of doubt and in the interests of proper planning.

Notes to Applicants

1. In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner in accordance with the requirement in the National Planning Policy Framework (2019), as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.

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Development on vacant and surplus land to the east of The Samuel Cody Specialist Sports College to form a new 90 place SEMH campus with associated car park, play areas and sports facilities at Samuel Cody Specialist Sports College, Ballantyne Road, Farnborough GU14 8SN

Regulatory Committee

17 March 2021

1:5,000



**Application No: 21/00013/HCC
Site Reference: RME012**

Page 33
Drawn by Strategic Planning



**Hampshire
County Council**

Economy, Transport and Environment

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- KEY**
-  Grass
 -  Artificial Grass
 -  Reinforced Grass
 -  Tiger mulch rubber crumb
 -  Macadam - vehicular
 -  Macadam - pedestrian
 -  Coloured polymeric MUGA surface with line markings. To include floodlighting (provisional).
 -  Existing mature tree belt. Tree canopies within the secure line to be lifted to ensure trees are not climbable + canopies are above fence top
 -  Proposed planting
-  Existing boundary fence to the north - repair as needed.
 -  1.2m bow top railing. Where doubles as door stop include a rubber stop to post.
 -  2.4m high close boarded timber noise attenuation fence (ab. costs). Difficulkt to climb. Fire retardant treatment to internal face.
 -  2.0m high fencing with timber panels and weldmesh panels to allow privacy to students. Gaps to allow shafts of light into the space
 -  2.4m high weldmesh fencing with narrow gauge top deter climbing
 -  MUGA weldmesh fencing 2.7m high + 3.2m high at goal ends
 -  gates to match adjacent fencing
 -  Site Boundary
 -  Secure Line/Boundary



For fencing clarification see fencing dwg - L_702

A2 Approved for Planning

Notes	
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2 No dimensions are to be scaled from this drawing	

rev	description	date	by
S0	Initial Status	23/10/20	RPS
P1	Updated Ground Floor Plan	05/11/20	RPS
P2	External playground altered	10/11/20	dn
P3	General amendments for external GA	12/11/20	dn
P4	general amendments+ update of GA plan	24/11/20	dn
P5	Gen amendments incl car park + loop. Status altered to 'for approval'	03/12/20	dn
P6	+4 car park spaces +2 m/c spaces	08/12/20	dn
P7	General amendments + Issued for Planning	16/12/20	dn

PROJECT			
Expansion of Samuel Cody SEMH Campus			
SCALE	DATE	DRAWN.	CHKD.
1:1000 @A3	23/10/20	dn	

SHEET CONTENTS	
Proposed Site Plan	
Property Services	
DRAWING No.	P12411-HCC-DR-L-701
FILE REF.	File name
REVISION	P7



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HAMPSHIRE COUNTY COUNCIL

Information Report

Decision Maker:	Regulatory Committee
Date:	17 March 2021
Title:	2020 Review of Hampshire Minerals & Waste Plan and Update
Report From:	Director of Economy, Transport and Environment

Contact name: Melissa Spriggs

Tel: 0370 779 7153

Email: melissa.spriggs@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to provide information to the Regulatory Committee on the 2020 Review of the Hampshire Minerals & Waste Plan and the planned Partial Update.

Recommendation

2. That the contents of this report are noted.

Executive Summary

3. The 2020 Review of the Hampshire Minerals & Waste Plan has been completed. The Review followed a similar method to the 2018 Review but also looked at compliance of the Plan with the National Planning Policy Framework which has been subject to updates in recent years.
4. The Review concluded that parts of the Plan would benefit from a “refresh” to ensure compliance and an investigation into provision of minerals and waste management. In addition, it was considered that the Vision could be updated to take into account climate change and the 2050 recommendations.
5. A revised Development Scheme has been prepared which outlines the timetable and programme for a partial update of the Plan.
6. The 2020 Review and the Development Scheme were recently approved by Full Council. The partner Authorities will be seeking approval during March 2021.

Background

7. The Hampshire Minerals & Waste Plan (HWMP) was adopted in 2013. The Plan was prepared in partnership with Portsmouth and Southampton City Councils, New Forest and South Downs National Park Authorities. The Plan covers the period up to 2030.
8. The National Planning Policy Framework (NPPF) requires Local Plans to be reviewed at least every five years. The HMWP was reviewed in

2018. The 2018 Review concluded that the Plan was still effective but that there were some issues that needed continual monitoring. Hampshire County Council approved the 2018 Review on 29th November 2018 and committed to undertaking a Review Workshop and a further review in 2020.

9. The Review Workshop was held on 25th September 2019 and included minerals and waste operators, neighbouring minerals and waste planning authorities, districts and boroughs and Members. The issues covered included the changing policy landscape such as the 25 Year Environment Plan and the Waste and Resources Strategy as well as presentations on biodiversity net gain, soft sand supply and marine aggregates.
10. The 2020 Review of the HMWP was completed in October 2020.

2020 HMWP Review – outcomes

Development management

11. The Review of the policies follows the same process as undertaken in 2018. In relation to the Development Management (DM) policies, very little has changed since 2018 and based on the monitoring data, the policies are generally still effective. The 2020 Review has highlighted that some of the DM policies need to be refreshed to ensure they align with the NPPF revisions, for example regarding biodiversity net gain and the Green Belt.

Minerals

12. The HMWP is required to provide a steady and adequate supply of aggregate. The Landbank should be a minimum 7-years and this has not been achieved since 2014/15 (based on the Local Requirement rate of 1.56 million tonnes per annum). However, sites are coming forward and being permitted. It is likely the Local Requirement set in 2012 should be updated but a revised figure will need to take into account the current pandemic, recession but also the Government's drive for housing and infrastructure.
13. There is a recognised regional soft sand supply issue with neighbouring authorities struggling to make suitable provision. Consideration will need to be given to what suitable level of supply can be awarded in Hampshire taking into account environmental and landscape designations.
14. Recycled and secondary aggregate production and capacity is declining. The causes and implications of this will need to be explored in more detail.
15. The capacity at the wharves is far lower than initially forecast and more investigation is required into current and future capacity across the Plan area and how this links to marine aggregate provision on the Isle of Wight.

Waste

16. The outcomes of the Waste & Resources Strategy are not yet known and how this will impact the HMWP.

17. The South East Waste Planning Advisory Group have been working collectively to agree methodologies to determine waste management requirements and gaps. These will need to be applied to the Hampshire figures.
18. The 2018 Review outlined that capacity was being met but that there was a focus on recovery rather than recycling which does not align with the waste hierarchy. It is not yet known if this remains the case, but there is a recognised gap in how this translates to infrastructure on the ground. As such, a Waste Strategy is proposed to support the HMWP which will assist in ensuring suitable infrastructure is considered in major development schemes and allows for a clear message on planning consultations.

Vision

19. The Vision in the HMWP was outlined in generic terms to ensure that the Plan was future proofed. However, its relevance in current times needs to be explored, taking into account climate change and the 2050 Vision work (outlined in more detail below).

Implementation & Monitoring

20. Experience of putting the Plan into practice has highlighted that the implementation of the policies would benefit from some clarification.
21. It is also clear that an overview of the monitoring indicators should be undertaken to ensure that the measures and targets are effective.

Plan Update

22. As already highlighted, several the DM policies require a refresh to ensure their compliance with the NPPF as it currently stand.
23. In addition to this, both the minerals and waste provision forecasts require updating. As this work is yet to be carried out, it is not clear what impact this will have on the need for further allocations.
24. In June 2019, Hampshire County Council declared a Climate Change Emergency¹. The HMWP is listed in the Climate Change Strategy as being a support for managing Hampshire's emissions and resilience. Whilst the HMWP includes Policy 2 'Climate change – mitigation and adaption', this is not currently implemented sufficiently. The Climate Change Act also requires Local Plans to monitor carbon emissions. There is insufficient information on the current baseline but equally, there insufficient measures to monitor the performance of the Plan on its carbon impact.
25. The Hampshire 2050 Commission of Inquiry ran from May 2018 to October 2019 and explored future prosperity, quality of life, and protection and enhancement of the character and environment of Hampshire. The HMWP currently looks to guide minerals and waste decision-making up to 2030. As such, there is a need to align the HMWP with the Hampshire 2050 Vision recommendations.

26. In July 2020, the Government launched the Planning for the Future consultation which looks to overhaul the current planning system. The consultation closed on 29th October 2020 and the proposals, as they stand, would have fundamental impact on the HMWP. It is not yet clear how the proposed zonal system would apply to minerals and waste, but other proposals would be directly relevant including removal of DM policies which would be set out in the NPPF, a 30-month limit on plan-making (with sanctions for those not within the timescales), removal of the Duty to Cooperate and changes to the examination of Plans as well as proposed changes to the current Sustainability Appraisal process.
27. Taking these points into account, the need for a partial update to the HMWP is clear and consideration will need to be given to the plan period.

Next Steps

28. The Council recommended to approve the 2020 Review at Cabinet and Full Council in February. Alongside the 2020 Review, the Council approved an updated Minerals & Waste Local Development Scheme which sets out a timetable for a Plan update. The plan-making partners will be taking decisions on the Review and Development Scheme during March 2021.
29. The timetable has been set to be no longer than 30 months to align with the proposals set out in the NPPF consultation update.
30. It is anticipated that the first public engagement will commence with a Draft Plan consultation during Autumn 2021 following the County elections. A request for mineral and waste site nominations will be made in Spring 2021.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	Yes
People in Hampshire enjoy being part of strong, inclusive communities:	Yes

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.)

Document

Location

None

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HAMPSHIRE COUNTY COUNCIL

Information Report

Decision Maker:	Regulatory Committee
Date:	17 March 2021
Title:	Monitoring and Enforcement Update
Report From:	Director of Economy, Transport and Environment

Contact name: David Smith

Tel: 01962 845891

Email: david.smith@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to provide information to the Regulatory Committee on the Monitoring and Enforcement work undertaken by Strategic Planning during the period January 2021 – March 2021.

Recommendation

2. That the contents of this report are noted.

Executive Summary

3. The Covid-19 pandemic had a major impact on the work of the Monitoring & Enforcement team over the past year, with no routine site visits being possible until August and the re-introduction of further lockdown measures. Although the previous levels of regular monitoring are still not possible, Officers have been able to undertake the highest priority visits and actively investigating any complaints received, as well as working with other Authorities and Agencies.
4. The report details the number of complaints on authorised and unauthorised sites, and the outcome of negotiations, including, when necessary, enforcement action undertaken.
5. The report also details development control work dealing with the relaxation of planning conditions due to recent Covid-19 Government advice, Planning Condition (Article 27) applications and Non-Material Amendments.

Complaints

6. The majority of the complaints received during the period January 2021 – March 2021 refer to unauthorised development (5 sites) and breaches of operational planning conditions on existing mineral and waste sites (6 sites). The majority of the complaints have related to 2 existing sites that are already the subject of planning applications and have been escalated to the formal complaints procedure to the Chief Executive. These shall be detailed separately. Investigation and negotiation have followed on the remaining sites with 2 planning applications being prepared. Investigations are still ongoing at

3 sites. The remainder have been resolved or were enquiries made about general site operations, fly-tipping, odour and waste related development that were dealt with in-house or referred to either the Environment Agency (EA) or Local Planning Authorities as non-County matters.

Bunny Lane

7. – Following refusal of the recent application for the installation of the washing plant ([planning application 20/01753/CMAS](#)), a formal complaint was made to the Chief Executive regarding the failure to secure removal of the washing plant or enforce other conditions on stockpile heights, working hours and surface water drainage.
8. The County Council has now fully conducted its investigation in response to the complaint against Economy Transport and Environment under the Corporate Complaints procedure. It found that Officers have been operating in accordance with National Guidance and our own Enforcement Plan to move the operator to compliance with the planning conditions before resorting to formal enforcement action and that the response to the breaches of planning control has been appropriate and proportionate. As a result, the complaint was not upheld.
9. The National Planning Policy Framework (2019) states that the use of enforcement powers is discretionary, and local planning authorities should act proportionately. If the operator is willing to work with us within the planning process or by agreed remedial action/works, then enforcement action should be a last resort. In this particular case, the planning application was refused on 21 December 2020. The applicant has until 21 June 2021 to appeal against this refusal of the permission. However, they have instead decided to re-submit their application to try and address the reasons for the original refusal. This was submitted on 16 February 2021 ([planning application HCC/2021/0101](#)). This new application will be considered on its merits and will be reported to a future meeting of the Council's Regulatory Committee. In the event that this application is refused, the refusal would be accompanied by a recommendation to instigate enforcement action requiring the removal of the plant.
10. The submission of a revised planning application greatly restricts the scope for the County Council to take any enforcement action unless there is serious, demonstrable harm (such as dealing with hazardous waste or tipping in a SSSI). The serving of an Enforcement Notice is an option; however, this can be appealed, and any appeal would be held in abeyance whilst the application was considered so this would not move the matter forward – unfortunately, the wash plant would still be there. In the meantime, the site is being visited, unannounced, on at least a weekly basis and the operator is being challenged on all the issues raised.
11. It is known that they have continued to complete construction and the commissioning of the washing plant despite planning permission being refused. In response to a request for information on the commissioning activities, the operator has explained that the commissioning requires overseas technicians. These technicians are already in the country and COVID travel restrictions make it uncertain when they could return if they left now. The commissioning has involved use of a generator and some limited operation of the plant. This has resulted in relatively small quantities of washed material being produced. The operator has informed us they expect

commissioning to be finished by the end of February, after which point they have been informed they should not operate the plant for any purpose.

12. Officers have been to site to assess the stockpile height and a subsequent survey of the stockpiles has been undertaken to ascertain the exact situation. Once we have the results of the survey, we will consider whether it is expedient to serve a Breach of Condition Notice to require a reduction in the height within a set timescale. Regardless of the enforcement mechanism, we will require a programme of works from the operator to address the situation within a specified number of months.
13. Information was provided highlighting the issue with non compliance with the HGV operating hours as set out in condition 12 of the appeal decision. We had not received any complaints about this matter previously. The operator contends that the condition should not apply to empty vehicles entering or leaving the site. We do not agree and, consequently, they have applied to vary this condition ([planning application 21/00298/CMAS](#)). Again, we will consider this application on its merits and, again, whilst the application is being processed, any enforcement action on this issue will be held in abeyance.
14. Complaints have been received in relation to surface water management at the site. The approved Surface Water Management Schemes for the southern area states the northern area is reliant on infiltration/percolation through the hardcore surface, an approach that has been followed since the 2012 appeal decision. The operator has taken steps to try and address the situation including settlement pools and silt fences to contain surface water debris. They have also been hand picking debris from the areas outside the gate that are accessible from the public footpath. The operator is working with the Environment Agency (EA) regarding surface water issues and have a consultant drawing up new measures to handle surface water drainage. We expect a plan to be submitted for implementation by the summer. When received, we will consider whether the proposed new measures are covered by the existing scheme or whether another application is needed. In terms of the surface water washing waste material off site, this is more a matter for the EA under the Permit. We are liaising with the EA on this matter.

Calf Lane

15. Following the submission of an application for retrospective variation of planning permission for the use of a picking station in association with the recycling operation allowed by way of a Certificate of Lawful Use ([planning application 20/02979/HCC](#)), a formal complaint was made concerning failure to correctly process the application, to enforce the conditions detailed in the original Certificate of Lawful Use and to inform the Regulatory Committee in the Monitoring and Enforcement Update of the complaints pertaining to Calf Lane Quarry.
16. Again, the County Council has fully investigated and found that Officers have been operating in accordance with National guidance and the relevant policies and guidance in relation to the processing of the planning application and its monitoring and enforcement duties.
17. The County Council has fully complied with the statutory requirements for the handling of this application as set out in the [Town and Country Planning](#)

[\(Development Management Procedure\) \(England\) Order 2015](#) and the adopted [Hampshire Statement of Community Involvement](#) (SCI). Under the regulations an application of this sort must be publicised by either putting up a site notice in at least one place on or near the land to which the application relates for not less than 21 days or by serving the notice on any adjoining owner or occupier. There is no requirement to notify residents who are not adjoining owner or occupiers.

18. However, under the SCI, the Council has committed to being as open and transparent as possible, and, as such, all applications are publicised by site notice, by advertisement in the local press and by notifying residents within 50 metres (m) of the site. In certain circumstances this is increased to all residents within 100m. In this case, the nearest house is approx. 250m away with the remainder about 300 – 350m away.
19. Given that the main issue here is the noise and amenity impact, it was subsequently decided that the nearest residents to the quarry and the access road would be notified by letter. In view of this, it was also agreed to extend the consultation period for residents allowing the normal, full period for making any comment.
20. The County Council therefore followed and, in fact, exceeded the requirements for the dealing with planning applications as set out in national regulations.
21. A Certificate of Lawful Use (CLU) is not the same as a planning permission, where permission is granted subject to the conditions listed in the decision. A CLU is merely a statement of the activity taking place at a site at a particular date and which has been legally shown to have been taking place for at least 10 years. There are no enforceable planning conditions attached to a CLU. Action can only be taken if there is a material change to the use of the site (and case law has decided that an increase in lorry numbers or a change in waste streams is not material). Thus, we were able to require the submission of a planning application for the installation of the picking station (which they now are looking to retrospectively vary). The County Council has therefore done all that the law allows in trying to control activities at the site.
22. A Monitoring & Enforcement Update is taken to Committee every 3 or 4 months, depending on the agenda. The complaints about Calf Lane were included in the figures for the number of complaints received in the previous 3 month period and in the figures for the number of planning applications that were to be submitted to try and resolve these issues. Specific sites are not highlighted until enforcement action is taken or deemed necessary. The complaints history of a site will be included as part of the Committee Report for any application when it goes to Regulatory Committee.

Enforcement Actions

23. In the period to March 2021, there were no notices served, with all matters either addressed through the planning system or remedied through negotiation.
24. The following provides an update on the latest Notice and enforcement activities previously reported to the committee.

Table 1: Update on enforcement activities

Site	Update
Waterbrook Industrial Estate, Alton	<p>Following repeated complaints about operations on site and working outside of permitted hours, which were categorically denied by the operator, it was decided to serve a Planning Contravention Notice (PCN) to ascertain the levels of lorry movements and measures to check all lorries are sheeted and the hours of operation, when the gates are opened and by whom and when plant and machinery actually commence work. There were also questions about working hours on the date of a specific complaint. The PCN was served on 19 June 2020 and the Operator responded fully on 30 June 2020. The information provided was not conclusive and suggested that the issues were related to the adjacent Aggregate Batching Plant rather than the site itself.</p> <p>The site was subject to a planning application (51471/007) to allow for restricted night-time activities including importation of road planings with a resolution to approve subject to a Legal Agreement on lorry routing. A Liaison Panel is in the process of being set up for the site to encourage greater interaction between the operator and local residents. The Legal Agreement has now been signed and so the planning permission issued.</p>
Carousel Dairy (Basingstoke AD Plant), Manor Farm, Farleigh Wallop, Basingstoke	<p>Following complaints and further investigation it was determined that there were breaches of the conditions setting out the hours that lorries could access the site. A Breach of Condition Notice (BCN) was served to cease the activity and prevent future breaches. A Planning application was subsequently submitted (16/00322/CMA) to address the issue and clarify the permitted times and vehicle numbers. This was approved by the committee in July 2016 with an increase in vehicle movements permitted for an initial trial period of one year. A further application to make the vehicle increases permanent was considered at the September 2017 meeting of the Committee when it was resolved to grant permission for another 1 year period to allow for further monitoring (17/01876/CMA). Proactive site management and regular Liaison Panel meetings improved the situation and monitoring of the traffic movements continued using the vehicle number plate recognition system. An application to make the vehicle increases permanent, with other negotiated changes to conditions, was approved at the February 2019 Committee meeting (18/03001/CMA).</p> <p>The ANPR cameras have been retained and access to the database for monitoring HGV movements secured so that any issues in the future can be investigated. There have been no subsequent complaints about</p>

	<p>HGVs to and from the site and amendments to the Traffic Management Plan, including some changes to road signage, have been agreed by the company and members of the Liaison Panel.</p> <p>There had been issues of odour nuisance to the nearest properties, which were reported to the Environment Agency with increasing frequency since Summer 2019. A new biofilter was installed, but, as there had been no discernible improvement in the situation, the Environment Agency issued an Enforcement Notice requiring measures to be undertaken to improve the odour control process. This led to a number of changes to processes and installation of new equipment, including an application to amend the location and configuration of a previously approved building to contain the screening equipment. The EA were satisfied that their Notice had been complied with and the works commenced. Works have now been completed, and the latest results appear to indicate that the problem has largely been addressed. The County has not been made aware of any subsequent issues. Monitoring is still ongoing with regular liaison between the Plant's management and local residents through a liaison panel.</p>
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25. Further information on the full suite of enforcement powers available to the County Council as Minerals and Waste Planning Authority (including powers to service PCNs, BCNs and ENs) are included in the County's [Enforcement and Site Monitoring Plan](#).
26. The following table provides information on the joint enforcement activities which have been undertaken with the Environment Agency, the Police and District Planning Authorities.

Table 2: Update on joint enforcement activities with the Environment Agency, the Police and District Planning Authorities

Site	Joint working with	Update
Whitehouse Field, Goodworth Clatford	Test Valley Borough Council, Environment Agency, HCC Highways	In late 1990s, planning permission was granted by Test Valley Borough Council (TVBC) for construction of an extension to the existing golf course. This involved the importation and tipping of inert materials as an engineering operation. This work continued for approximately 10 years until the then operator left the site in 2010 and TVBC considered the development completed. Several years later the operator of Homestead Farm bought the land. He claimed that surveys of the site had shown that the development had not been fully

		<p>completed and stated his intention to restart work. His argument was that the levels survey agreed under the permission is so vague and contradictory that there is potentially up to 6 metres of fill required (approx. 450 000 tonnes of material).</p> <p>The authorities did not accept that this is authorised and have liaised closely to ensure that if and when work does start the appropriate enforcement action can be taken. Following legal advice from Counsel, TVBC decided to enforce against any work as a breach of the original permission, with the EA looking to prosecute for tipping without a Permit. HCC Highways were also involved as part of the site access is highway land historically used by locals as a small car park, and the landowner had been fencing and blocking it off. HCC Highways have therefore taken legal action to secure clearance of the fences and blockades and maintain access.</p> <p>TVBC served Enforcement Notices against preparatory works on site and the variation of the restoration plans showing increased levels, which was the subject of an Appeal Inquiry on 26 – 28 November. A Decision was issued on 13 January 2020. The Decision dismissed the Appeal against the change in levels, although it did allow the Appeal against the preparatory works, and costs were awarded to TVBC. The landowner is now seeking a Permit from the EA to allow the completion of the golf course as originally approved and has Appealed to the Planning Inspectorate over the non-determination of the application.</p>
Selborne Brickworks	Natural England and Police's Wildlife Crime Team	<p>Reports of digging holes and burying waste adjacent to settlement ponds on the Brickworks site. Investigation found no evidence of tipping or of removal of clay off site so this was not a County Planning matter. However, this area is a known habitat of Great Crested Newts (GCN), a protected species. The landowner was prosecuted in the past for similar destruction so knows he cannot undertake such works without approval of</p>

		<p>Natural England (NE). The Police and NE started a prosecution, in which the Enforcement Officer was involved as a witness, and the landowner pleaded guilty and was fined £1200 with a further £205 costs.</p> <p>In March 2019, further reports were received of material being imported to the land. A site inspection discovered that the landowner had commenced the infilling of the former settlement ponds associated with the Brickworks. In planning terms this would be acceptable, however, the ponds are now registered as GCN habitat, so Wildlife Protection legislation supersedes Planning legislation. Consequently, the matter has again been reported to the Police and (NE) for further investigation. Subsequent complaints about work on part of the land within South Downs National Park, have been added to the case being brought by the Police as the work is within the wider area covered by potential GCN habitat.</p> <p>The landowner passed away earlier in the year so the case has now been dropped and the former Brickworks and adjacent farm is now up for sale.</p>
Shedfield Equestrian Centre	Winchester City Council, Environment Agency	<p>Shedfield Equestrian Centre has been the subject of numerous complaints and concern from local councillors over the past few months. This site has multiple uses and, as such, involves both the City Council and the County Council, as well as the Environment Agency. The main source of complaints are the number of HGVs, car transporters, etc visiting the site, burning, importation of waste materials, working hours and unauthorised mobile homes/residential uses. The situation is complicated by the fact that many of the uses on site are permitted.</p> <p>The County Council are involved as part of the site has a Certificate of Lawful Use (CLU) for inert waste recycling, which was won on Appeal against an Enforcement Notice served by HCC in 2013. Unfortunately, the nature of CLUs is that they do not impose any</p>

		<p>enforceable conditions on the operation, so we have no control over number of HGVs visiting, the hours of operation or height of stockpiles. The only control is that there is a red lined plan limiting where the activity can take place. However, it turns out that the operator/landowner has been screening material on a piece of land to the rear of the Equestrian Centre (which happens to be the former Raglington Farm landfill site; filled in the early 2000s and bought by the family a few years ago). They have also tipped material along the treeline forming a bank approx. 1 - 2 m. high. In addition, they have allowed another company to start a small waste transfer activity in another (unauthorised) unit at the back of the business park. All of these activities are unauthorised and have been addressed by remedial work and by the submission of planning application to regularise the recapping of the former landfill site. The operation of the small waste transfer station is currently subject of a Permit application to the EA and will require a planning application.</p>
<p>Lowhill Farm, Colden Common</p>	<p>Winchester City Council (WCC), Environment Agency</p>	<p>Development associated with Shedfield Equestrian Centre. Material processed at the Recycling Facility permitted by the Certificate of Lawful Use has been imported to Lowhill Farm and spread on the land. The central questions are whether the development is permitted development and, as such, a matter for WCC and whether the material used is waste. WCC have been asked to provide information as to the work agreed as permitted development and any subsequent measurements taken so that the County can take a view as to the status of the work. The Facility at Shedfield is able to produce a product under the WRAP Protocol that can be designated as 'not waste' by the Environment Agency subject to the proper testing. Information has been provided by the operator to satisfy the EA's requirements and this is being analysed. Should the material not be waste, then the development would have</p>

		to be considered as an engineering operation by WCC.
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Site Monitoring

Chargeable sites

27. Under the [Town and Country Planning \(Fees for Applications and deemed applications\) \(Amendment\) \(England\) Regulations 2006](#), as amended, the County Council is able to charge fees for the monitoring of quarries and landfill sites in the County. Fees are charged for a set number of monitoring visits, the number of visits being dependent on the stage of operations at each site; whether operational, in aftercare or inactive. The number of visits is agreed with each operator and is in line with an assessment of each site made by the County Council. The latest charges were set out in [The Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits\) \(England\) \(Amendment\) Regulations 2017](#). Active sites are charged at £397 per visit for between four and eight visits per year. Sites in aftercare are charged at £397 for one visit per year. Inactive sites are charged £132 for one annual visit.
28. There are now 25 active sites, 12 in aftercare and 5 dormant sites liable for chargeable visits.
29. This work has been prioritised despite Covid-19 restrictions, however, all inspections will have been completed for the 4th quarter, bringing in approx. £10,500.

Non-chargeable sites

30. These include waste processing sites, wastewater and treatment works and metal recyclers. These vary from the large Energy Recovery Facilities (ERF) and Materials Recovery Facilities (MRF) to the smaller scale recycling and transfer facilities and updating existing wastewater treatment works. The larger developments attract much attention in their locality and require regular monitoring to ensure that the local amenity is not impacted, whereas the smaller, built developments require monitoring during construction and implementation, but once up and running need less regular attention and these sites only get further visits should complaints be received. Matrix working arrangements have been made with Waste & Resource Management that their officers undertaking visits to waste sites operating under the County's waste contract also look at planning issues to provide greater coverage. Under the current restrictions, routine monitoring has been limited, concentrating on sites with issues or causing complaints. Monitoring of waste sites covered by the County's waste contract has also resumed, albeit on a reduced basis, as these sites have remained open during the pandemic as one of the essential sectors listed by Government.

Liaison Panels

31. During the past year Liaison Panel meetings have been held as virtual meetings to keep these avenues of communication open. Virtual Liaison Panel meetings have been held for Forest Lodge Home Farm Quarry, Hythe;

Kingsley Quarry, nr Bordon, Frithend Quarry, nr Bordon, Little Bushywarren Composting Facility, nr Basingstoke and Roke Manor Quarry, Nr Romsey.

32. Discussions are ongoing about setting up the Waterbrook Recycling Facility, but the operator would like the first meeting to be on site to give attendees an appreciation of site activities. This will therefore wait Covid restrictions are lifted.

Development Management

Relaxation of Planning Conditions due to Covid-19:

33. The worldwide coronavirus pandemic has led to a number of recommendations from Government including the need for Local Planning Authorities to use their discretion on the enforcement of planning conditions which hinder the effective response to COVID-19.

Minerals and Waste Sites

34. The Government stated that the waste sector is safeguarded to continue to provide waste removal services from domestic and other protected sectors. The Government's response to the pandemic may consequently require changes to the way existing minerals and waste sites operate. Often such sites have planning permissions which include conditions which restrict and/or control working. These may include hours of working and height of stockpiles for example. In some instances, sites may need more flexibility to manage their activities during this unprecedented period.
35. Recognising this, a Protocol was agreed in March 2020 by Assistant Director of Waste Planning Environment (WPE) in the Economy, Transport and Economy (ETE) department setting out arrangements to agree temporary relaxation of some conditions or other planning controls where a request has been made by a waste or minerals site operator and where this can be clearly demonstrated to be required as a result of the response to Covid-19. It also covers where operations may take place which are without the benefit of planning control currently.
36. Strategic Planning have had numerous enquiries as to our view to relaxing planning conditions during this period, but to this point have received 4 formal requests for such relaxations, which have been addressed through the procedures put in place by the Protocol. A Report is produced in response to each request made. This outlines the history of the site, the conditions effected and the reasons for the request, as well as consideration of the impacts of any change and the provisions for any relaxation. This report is signed off by the Head of Strategic Planning under delegated powers. Local Members are informed on the relaxation.
 1. A303 IBA Facility – temporary emergency use of adjacent land (formerly subject of the 'Wheelabrator EfW' proposal) for storage of excess IBA. Due to the existing site being almost filled to the increased levels as agreed above, the operator discussed the use of the adjacent site for a temporary period with both ourselves and the Environment Agency. Following submission of detailed information, the EA agreed that the land could be used, subject to 12 conditions (relating to operations) and the use ceasing on the 30 September 2020. Subsequent to this approval, the County agreed

the temporary use of this land subject to a further 6 conditions, including setting a maximum stockpile height of 5m and a meeting to review the situation by the end of July. The operator was also required to inform the local Liaison Panel.

Although only about a half of the capacity for storage was utilised, the market for IBAA in construction projects has still not recovered and the need for the emergency storage remains. A further temporary extension was therefore agreed until 31 March 2021 by the Council and the EA. This agreement was subject to the previous conditions and also on the recognition that there would be no future temporary extension of time. Should any further extension be necessary then a full planning application would be required so that the issue can be formally considered.

The operator has now submitted a planning application for permission to construct the needed concrete surfacing and drainage systems to allow the longer-term use of the land for storage of IBAA.

2. Warren Heath Secondary Aggregate Recycling Facility, Eversley - relaxation of conditions 15 (Restriction of number of lorry movements) of planning permission (13/00755/CMA) which restricts the number of lorry movements to the site to 42 per day until the public bridleway (Eversley 11) has been permanently diverted. After this, the number of movements can increase to 136 per day. Despite agreeing the alignment, design and construction of the Bridleway diversion with the County Council, the formal process for registering the diversion has been referred to the Planning Inspectorate. This has been further delayed due to a request for a Public Inquiry by an interested third party and delays due to Covid-19. The request, which would not have been necessary had the formal diversion process been able to have been finalised, is partly due to the increase in activity since the onset of the Covid-19 pandemic whereby local independents and self-employed building contractors are using the facility for building materials within Hampshire. Additionally, a substantial quantity of material is required to complete construction of the bunds around the perimeter of the site. The operator anticipates that these movements and tonnage levels will only increase as time progresses as they have been one of the few recycling and aggregates suppliers to remain open during the pandemic. The operator has also suggested submission of an application to vary the condition if the bridleway diversion has not been sorted out by the end of the year. The relaxation was therefore agreed until 31 December 2020 subject to notification of the Parish Council. The current position is under review in line of the continuing bridleway diversion Appeal.
3. Downton Manor Farm, Milford on Sea – relaxation of condition 5 (number of HGV movements) of planning permission 17/11392. Due to business demand after lockdown the operator is struggling to get material in and out of Downton due to the restrictions on lorry movements. They have requested to increase the number of allowed movements on a temporary basis to 75 movements in & out

for 12 months. The current condition limit is 50 movements in and out. In line with the other arrangements, and subject to provisions on notifying the Parish Council and a 4 month review, a relaxation has been agreed for 6 months.

4. A303 IBA Facility, Longparish - variation to conditions 2 (Working Hours). The request was that the site be allowed to operate 24 hours a day Monday to Friday and up to 14.00 hours on Saturdays until the end of March 2021. This request was made at the beginning of the year to provide contingency should the rapidly spreading new Covid variant result in staffing problems for the site. The increased hours would allow for the processing of as much IBA as possible at an early stage to increase storage capacity should staffing issues affect capacity in the upcoming months. No change to the hours for HGV movements was requested. Subject to the operator informing the local Liaison Panel about the relaxation and to review of any relaxation should complaints be received, it was agreed that condition 2 (Working Hours) be varied as requested.

37. The relaxation of conditions, if agreed, does not impact the authority's ability to use its enforcement powers.

Regulation 3 Site

38. The Governments published Our Plan to Rebuild: the UK Government's COVID-19 recovery strategy on 11 May 2020 which made it clear that construction work could be re-established across England providing sites are able to operate safely in line with the new COVID-19 Secure guidelines. In doing so, the Government recognised that the construction industry needs to be able to adapt its normal practices. As part of this, temporary extensions to working hours may be required on some sites to facilitate safe working and allow tasks to be completed where social distancing can be challenging. It acknowledged that longer working hours may be needed on construction sites. A subsequent Written Ministerial Statement on construction (dated 13 May 2020) made it clear that, with immediate effect, Local Planning Authorities should take a swift and positive approach to requests from developers and site operators for greater flexibility around construction site working hours. This is to ensure that, where appropriate, planning conditions are not a barrier to allowing developers the flexibility necessary to facilitate the safe operation of construction sites during the response to the COVID-19 pandemic and to proceed at pace with work otherwise delayed as a result of COVID-19. The statement sets out the following:

- Where only a short term or modest increase to working hours is required, local planning authorities should, having regard to the reason for the condition and to their legal obligations, not seek to undertake enforcement action;
- Where developers require longer term or more significant changes to working hours, they should apply to the local planning authority to temporarily amend a condition or a construction management plan in the usual way;
- Any temporary relaxation of working hours should be proportionate and should not involve working on Sundays or recognised Public Holidays;

- Local Authorities should not refuse requests to extend working hours until 9pm, Monday to Saturday without very compelling reasons for rejection;
 - In all cases, sympathetic site management should be demonstrated to mitigate local impacts and local authorities should show best endeavours to facilitate such requests;
 - Applications should only be refused by the Local Authority where there are very compelling reasons such as significant impact on neighbouring businesses or uses which are particularly sensitive to noise, dust or vibration, which cannot be overcome through other mitigation, or where impacts on densely populated areas would be unreasonable; and
 - Any temporary changes to construction working hours conditions granted by local planning authorities should not extend beyond 13 May 2021.
39. In response to this, a Protocol was prepared setting out arrangements to agree temporary relaxation conditions relating to hours of working for Regulation 3 sites.
40. To date, one request has been received for the relaxation of hours of working conditions at Chineham Park Primary School, Shakespeare Road, Basingstoke RG24 9BP (Austen Academy) and this work has already been completed.

Planning Condition (Article 27) applications:

41. Where conditions of new permissions require details to be submitted and approved for the proper implementation and control of the development, Article 27 applications are required. Under the [Town and Country Planning \(Fees for Applications and Deemed Applications, Requests and Site Visits\) \(England\) Regulations 2012](#), a fee per submission is required for the discharge of any details submitted. This is now £116 per submission.
42. During the period, Article 27 applications were received and approved or are being determined for 6 sites, totalling £696.
43. As detailed previously, following adoption of the Protocol for Dealing with Breaches in Planning Control relating to Development Undertaken by the County Council under Regulation 3 of the [Town and Country Planning General Regulations 1992](#), enforcement updates now also include information on Article 27 applications for County Council developments and any breaches of planning control.

Non-Material Amendments (NMAs):

44. Non-Material Amendments (NMAs) are minor changes to the operation of authorised sites that can be agreed by an application for non-material amendment if the change has no substantial impact on the local amenity. Such an application requires a fee but does not involve general consultation and determination by Committee.
45. Over the period two NMA applications were determined: -
- (a) Grange County Junior School, Franklin Road, Gosport - The proposed changes are as follows:

1. The main entrance lobby has been reduced in area.

See Drawing - P11364-HCC-00-DR-A-2005-P1 Proposed Floor Plan

2. The canopy proposal length on the Eastern elevation has been reduced.

See Drawings - P11364-HCC-00-DR-A-3005-P1 Existing and Proposed East Elevations

- (b) Little Bushywarren Compost Site, Bushywarren Lane, Ellisfield RG25 2NS
- Amendment of an approved plan to show the relocation of a fire tank, tool shed and oil store from Phase 1 to Phase 2 on site.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	Yes
People in Hampshire enjoy being part of strong, inclusive communities:	Yes

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.)

Document

Location

None