

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE COUNTY COUNCIL held in the Council Chamber at The Castle, Winchester on 27 April 2011

**PRESENT:**

Chairman:  
p Councillor R.C. McIntosh

Vice-Chairman:  
p Councillor I. Beagley

Councillors:

p F.G. Allgood	p Mrs A. McEvoy
p Mrs C.A. Bailey	p E.J. Neal
p A. Broadhurst	p F. Pearce
p J.V. Bryant	p R. Price
p C. Carter	p Mrs J. Porter
p M.G. Cooper	p D. Simpson
a B.T. Gurden	p J. Wall
p G.M. Hockley	p J.K. West
a S. James	p Mrs S. Wheale
a A. Joy	

**197 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Gurden, James and Joy.

**198 DECLARATIONS OF INTEREST**

Members were mindful that, where they believed they had a personal or prejudicial interest in any matter to be considered at the meeting, they should normally at the time of the debate declare their interest and, having regard to the circumstances described in paragraphs 9, 10, 11 and 12 of the County Council's Code of Conduct, consider whether to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with paragraph 12 of the Code. The declaration should be made at the time of the relevant debate.

**199 MINUTES**

The Minutes of the meeting held on 11 April 2011 were agreed and signed by the Chairman.

**200 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman informed the Committee that Item 6 on this agenda - Use of Industrial Building (Class B2) as a Sustainable Waste Minerals Recycling Facility (Class B2) at

Clark's Farm in Yateley was withdrawn and would be submitted to the next meeting scheduled for 25 May to allow for further work to be undertaken.

## **201 DEPUTATIONS**

Members were reminded that they had approved a scheme which involved the amendment of Standing Order 21 to allow Members to ask questions of deputees for clarification of facts on an agenda item. Questions from Committee Members would be asked through the Chairman, who might seek the advice of the Committee's legal and other advisers as appropriate. The Chairman's decision on a question would be final. Any local Members who requested to speak at the Committee might also be asked questions. The Committee were advised that, following the withdrawal of Item 6, four deputations had been received for this meeting.

## **202 USE OF INDUSTRIAL BUILDING (CLASS B2) AS A SUSTAINABLE WASTE MATERIALS RECYCLING FACILITY (CLASS B2) TOGETHER WITH ASSOCIATED VEHICLE, PLANT AND CONTAINERS STORAGE AT CLARKS FARM, READING ROAD, YATELEY, HAMPSHIRE GU17 0DP. (APPLICATION NO: 10/00811/CMA) (SITE REF: HR100)**

This Item was withdrawn from the agenda.

## **203 CHANGE OF USE TO COMPOSITE USE FOR WOOD WASTE STORAGE, SORTING AND TRANSFER, HIGHWAY SALT STORE AND BIN STORE AT DOWN END QUARRY, DOWN END ROAD, FAREHAM, HAMPSHIRE PO16 8TR. (APPLICATION NO: P/10/1152/MW)(FA025)**

The Committee considered the report of the Head of Planning and Development (Item 7 in the Minute Book), which summarised the proposed change of use for the site to wood waste storage, sorting and transfer; bin storage and as a highway salt store at Down End Quarry in Fareham.

The Committee received two deputations from Mr Les Wymes who spoke on behalf of Mr and Mrs Anson (local residents) and Mr Owen Dimond who spoke on behalf of the applicant.

The Head of Planning and Development showed plans of the site and highlighted the suitability of the site for these uses, in particular concerning policy, highways, visual impact, pollution potential and amenity impact for local residents. It was noted that the report contained an error, in that the last line of paragraph 8 on page 9 (in the Conditions section) should read;

“site, and a ‘no **left** turn’ sign shall be erected at the site entrance”.

Members raised concerns around noise levels and the number of hours and times the site was in operation. The Head of Planning advised that the hours of site operation were proposed by the applicant but could be subject of further discussion with them in liaison with Chairman, Local Member and Chairman of the local Liaison Panel.

**RESOLVED:**

That permission for change of use to composite use for wood waste storage, sorting and transfer, highway salt store and bin store at Down End Quarry, Down End Road, Fareham, Hampshire PO16 8TR. (Application no: P/10/1152/MW) be granted, subject to the conditions listed in Integral Appendix B and the following additional/amended conditions, as follows:

- i. That the Head of Planning discuss with the applicant reducing the hours the site was in operation at weekends and bank/public holidays, in liaison with the Chairman, Local Member and Chairman of the local Liaison Panel.
- ii. That Condition 8 be amended to read 'Vehicular access to and from the site shall be via the current access onto Downend Road only. All lorries travelling to and from the site shall use the haul road to Boarhunt Road/Junction 11 of the M27. No lorries shall turn left out of the site, and a 'no left turn' sign shall be erected and maintained at the site entrance.'
- iii. That Condition 11 be amended to read 'Prior to the implementation of this consent background noise levels shall be taken at Calx Lodge. Following implementation a noise report shall be submitted to the Waste Planning Authority assessing noise levels from the site when operational. If the assessment concludes that impacts are at or above 'marginal significance' level as contained in BS4142 then additional mitigation measures shall be taken to reduce the impact to below this level'.
- iv. That additional condition 16 be added to read 'Before the proposed uses commence, any residue resulting from the previous composting use shall be removed from the existing lagoon.'
- v. That an advice note be added stating 'There is a Liaison Panel for this site.'

Voting:

Favour: 16

Abstain: 2

**204 APPLICATION FOR THE REGISTRATION OF LAND KNOWN AS "THE TRIANGLE", CURDRIDGE AS TOWN OR VILLAGE GREEN**

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 8 in the Minute Book) which detailed an application for registration of land known as "The Triangle" in Curdridge as a town or village green.

Councillor Price declared a personal interest as he knew Mr Picton-Jones as a fellow magistrate.

The Committee received two deputations on this matter from Mr Jeremy Gardner (on behalf of the Objector) and Mr David Picton-Jones (on behalf of the Applicant, Mr Kemp and Anne West).

The Committee were presented with additional information regarding this item:

- revised pages 3-5 of the report
- Further evidence from the Objector
- Further evidence from the Applicant

Members were advised that a non-statutory inquiry had been held in respect of this application, the outcome of which was to recommend that this application be rejected.

**RESOLVED:**

- i. That the request by the applicant to change the section on which the application is based be rejected, for the reasons set out in the Inspector's report of 23 March 2011 (see paragraphs 7.2 to 7.5 and 8.1.1 of the Inspector's report).
- ii. That the application to register 'The Triangle', Curdridge be rejected for the reasons set out in the Inspector's report of 23 March 2011 (paragraphs 8.1.2 to 8.2 of the Inspector's report).

Voting:

Favour: 17  
Against: 1

**205 PROPOSED DEDICATION OF RESTRICTED BYWAY FROM LITTLE PARK FARM ROAD TO BRUNEL WAY, SEGENSWORTH**

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 9 in the Minute Book), which sets out details of a proposal to dedicate a restricted byway over land between Little Park Farm Road and Brunel Way in Segensworth.

**RESOLVED:**

That the dedication of restricted byway over the part of Fareham Footpath 24a shown on the plan attached to the report, be approved and that the dedication agreement include the provision of bollards on the route to prevent the unlawful use of the route by motorised vehicles.

Voting:

Favour: 18 (Unanimous)

**206 APPLICATION FOR THE REGISTRATION OF LAND KNOWN AS MONKS BROOK PLAYING FIELDS AT MONKS BROOK GREENWAY, SWAYTHLING AS TOWN OR VILLAGE GREEN**

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 10 in the Minute Book) detailing progress on an application for the registration of land known as Monks Brook Playing Fields in Swaythling as a Town or Village Green.

The Committee were advised that in 2007 an application was made in respect of land partly within the administrative boundary of Hampshire and partly within the administrative boundary of Southampton City. Authority was given by this Committee to Southampton City Council to deal administratively with this on behalf of the County Council.

Since that time, it appeared that no progress on this application had been made and because of this it meant that more recent applications received had created a backlog in the system. Despite numerous attempts to resolve this, no information regarding progress had been provided by the City Council. The Committee were advised to consider contacting the Leader of Southampton City Council to determine progress on this matter.

**RESOLVED:**

That the Chairman of the Regulatory Committee write to the Leader of Southampton City Council, requesting information about the lack of progress on the application relating to the land known as Monks Brook Playing Fields in Swaythling so that a decision could be made as how best to proceed to determine this matter.

Voting:

Favour: 18 (Unanimous)

**207 APPLICATION FOR A PUBLIC PATH DIVERSION ORDER FOR PART OF FOOTPATH NO. 9 IN THE PARISH OF ROCKBOURNE**

The Committee considered the report of the Director of Culture, Communities and Business Services (Item 11 in the Minute Book), which detailed a proposal to divert part of Footpath No 9 in the Parish of Rockbourne.

The Director of Culture, Communities and Business Services advised the Committee that lengthy negotiations had taken place on this proposal and it would be expedient to divert this footpath in the interests of the landowner.

**RESOLVED:**

That an Order be made diverting Rockbourne Footpath No.9 from A-E to A-BC-D-E, as shown in the accompanying plan to the report.

Voting:

Favour: 18 (Unanimous)