

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE COUNTY COUNCIL held in the Council Chamber at The Castle, Winchester on 28 October 2011

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman:
p Councillor I. Beagley

Councillors:

p Mrs C.A. Bailey	p E.J. Neal
p J.V. Bryant	p F. Pearce (d)
p C. Carter	p. J. Porter (d)
p M.G. Cooper	p R. Price
a B.T. Gurden	p D. Simpson
p G.M. Hockley	p J.K. West
p A. Joy	a Mrs S. Wheale
p Mrs A. McEvoy (for Item 6)	

234 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Gurden and Wheale. Councillors Porter and Pearce attended as deputies on their behalf.

235 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.

236 MINUTES

It was agreed that on Minute 232, Page 7, the following paragraph be amended as follows;

“A proposal was made to limit the hours to 0800 – 1900 unrestricted with 0700 – 0800 being restricted, but this was lost on a vote”

The Minutes of the meeting held on 28 September 2011 were then agreed and signed by the Chairman.

237 CHAIRMAN'S ANNOUNCEMENTS

The Chairman confirmed that an additional Site Visit was due to take place on Thursday 3 November to an anaerobic digester site in West Sussex, and that Members were to confirm their attendance as soon as possible.

238 DEPUTATIONS

Members voted on and approved a scheme which involved the amendment of Standing Order 12 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 seven deputations had been received for this meeting.

239 CONSTRUCTION OF A NEW 210 PLACE (C OF E) PRIMARY SCHOOL WITH ASSOCIATED CAR PARKING AND EXTERNAL WORKS AT LAND TO THE SOUTH EAST OF THE FORMER PICKET TWENTY FARM, ANDOVER.

Councillors Beagley, Carter, Cooper, McIntosh, Neal, Price, Simpson and West declared personal, non-prejudicial interests as Members of the Hampshire Fire and Rescue Authority.

The Committee considered a report from the Director of Economy Transport and Environment (Item 6 in the Minute Book) regarding an application for a new school in a development area at Picket Twenty.

The Committee were informed of the application and the details in the report. The school would be situated in the centre of the development, which would include 1200 residential dwellings, shops and a community centre. The school would have a bespoke design that would compliment its surroundings and would also have photovoltaic (PV) solar panels to parts of the roof, which would cover one third of the school's electricity requirements.

It was confirmed that as well as an above the standard number of parking spaces within the school grounds, there were also drop off areas outside the school for parents and ample parking in the nearby supermarket and community centre car parks. The number of parking spaces within the school was confirmed as being 21, as opposed to 14 spaces currently shown on the plans and as originally proposed.

The school would be fully landscaped to include a wild flower meadow, wetland and an orchard. Decorative fencing would be used along the public front of the school and entrance, with mesh fencing being used around the remaining perimeter.

The Committee received four deputations on this item. Martin Hallum from Hampshire County Council Property Services confirmed that all the materials used in the construction of the school would be durable and sustainably resourced. The woodland and wildlife areas would also act as a barrier between the school grounds

and the nearby road and housing. Whilst the parking provided was above the average for Hampshire schools, it was anticipated that most families would live within the development and many parents would walk or cycle with their children to school. Well structured cycle routes and footpaths were planned for the development to encourage this. Ms Emily Fletcher from the Winchester Diocese spoke of the aspirations of the school and the importance of giving children the best start. The school would offer an engaging and interactive learning environment and educate children in the importance of caring for people and the world around them. Liam Presley from Hampshire County Council Property Services confirmed to the Committee that all services within the school would be smart metered, and these would be used as a learning resource for children. All lights in the school would be movement sensed to save energy and would also be able to turn off automatically if the amount of daylight in an area was adequate.

Finally, County Councillor Mrs Mutton spoke to the Committee about the trees being planned for landscaping along the boundary. Whilst Mrs Mutton supported the school, she felt that it was important for tree roots and canopies to remain completely within the school boundaries so they did not inconvenience local residents or those walking or driving outside the school.

During questions of the deputations, Members asked why more PV panels were not going to be installed so that the school could source 100% of its electricity requirements. This was due to the costs of installing them, but it was anticipated that more would be put up if funding was to become available.

The Committee also asked why sprinklers were not planned for the school. It was confirmed that this was the result of on-going fire risk assessment and was a decision of the Fire Review Group and that the school had an automatic link up to the local fire station, a system called Redcare. The design of the building also meant that minimal damage would occur. It was considered that sprinklers were not necessary. It was confirmed that, apart from a special school in Totton, no other new schools in Hampshire had been fitted with sprinklers after going through a rigorous risk assessment approach. The Chairman of the Committee confirmed that this issue would be taken up with the Leader of the County Council as it was felt that sprinklers were an important measure that should be taken in schools.

The Committee raised concerns over the size of the school and its suitability if it were to become a two-form entry school, as well as potential problems with parking. It was confirmed that the school was a big enough to accommodate two-form entry and have enough parking in the area.

Members agreed that it was important that the trees, including the roots and canopies, remained entirely within the school grounds and the Head of County Planning confirmed that this could be included in condition No 8 of the planning permission. Whilst Members also agreed that sprinklers should be installed at the school, they were advised by the Head of County Planning that this was not a matter that could be subject of a planning condition. This question was being considered by the Head of Legal Services at Hampshire County Council. The Committee requested that the applicant reconsider not having sprinklers installed, despite the fact it could

not be a condition and this be added as a second resolution and advice note to the planning permission.

The Committee wanted to ensure that there was to be a community use at the School and requested that a condition be added to secure this, The Head of Planning confirmed that a condition would be added to the decision notice to reflect this.

With regards to the Hours of Working in condition 2 , the Committee agreed that Saturday hours should be restricted to 0800 – 1200. The Committee identified the need for an advice note to restrict burning occurring on site. It was confirmed by the Head of County Planning that the condition regarding Hours of Working would be amended to reflect the request of the Councillors and that an advice note regarding burning would be added to the decision notice.

Whilst 21 parking spaces had been put forward, Members considered that the 24 spaces potentially available should be used from the start of the development and this was put to the vote:

Favour: 15 (unanimous)

RESOLVED:

- a) Planning permission for the construction of the 210 Place (C of E) Primary School (11/01868/HCC3N) was granted, subject to the conditions listed in Integral Appendix B as amended by the changes noted in the minute.
- b) In light of the Committee's concerns over the fire safety provisions for the school and its occupants the applicant is requested to review the Fire Safety Assessment, particularly with regard to installing a sprinkler system and make available a report on their decision.

Voting:

Favour: 15 (unanimous)

Councillor McEvoy left the meeting

- 240 VARIATION OF CONDITION 7 OF PLANNING PERMISSION K1399/7 (SITE LAYOUT) TO INCLUDE CHANGES TO WASTE TRANSFER STATION, BOUNDARY TREATMENT, CAR PARKING, EXTERNAL STORAGE, WIDENING OF ACCESS GATES AND INCLUSION/REPOSITIONING OF PORTACABIN ON SITE, UNIT 20, QUAY LANE INDUSTRIAL ESTATE, QUAY LANE, HARDWAY, GOSPORT.**

This item was postponed.

- 241 APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO RECORD A PUBLIC FOOTPATH BETWEEN GORSEDOWN CLOSE AND HOGMOOR ROAD**

IN WHITEHILL PARISH

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 8 in the Minute Book) regarding an application for a map modification order.

The Committee were given a history of the site and were informed that the path was currently overgrown and had a chicken-wire fence at the end that prevented people from walking through. The path was open and used for a period of 10 years between 1979 and 1989. This period of use is insufficient for the acquisition of a public right of way under s.31 Highways Act 1980. It is possible that the public could have acquired a right of way through a common law dedication, but again there was insufficient use by the public from which it would be safe to infer that a dedication had taken place. It would seem very likely that some, perhaps all, of the residents of Gorsedown Close have a private right of way over the claimed route. Use by those with private rights would not count towards the acquisition of a public right of way. The original company that had owned the land had gone into liquidation and consequently it was not clear who the current owners were or what the long term intentions were for the path.

The Committee received a deputation from Mrs Olivia Todd-Russett, a local resident and applicant for the map modification order. Mrs Todd-Russett told the Committee how residents wished for the path to be cleared and open for people to use. The path had been blocked by the resident next door to the path to stop people walking down the path and disturbing his geese.

The Committee asked the deputation whether the residents of Gorsedown Close had sought advice from Citizens Advice Bureau or a private Solicitor, but Mrs Todd-Russett had confirmed that they had not.

During questions of the Officer the Committee asked whether all residents had private rights of access along the path written into their deeds. It was confirmed that some had, although not all properties' deeds had been checked, due to the cost. The Officer confirmed that the County Council could not take ownership of the path as it would need to have occupied the path for 12 or 20 years, and that the best route for the residents of Gorsedown Close to take is to speak to a private Solicitor about asserting their private rights of access along the path.

RESOLVED:

a) That the application for a definitive map modification order to record a public footpath from Gorsedown Close to Hogmoor Road be refused.

Voting

Favour: 14 (unanimous)