

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE
COUNTY COUNCIL held in the Council Chamber at The Castle, Winchester on
22 March 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 (For items 1-5,6,8 and 10)
a A. Broadhurst	a F. Pearce
p J.V. Bryant	a R. Price
p C. Carter	a Mrs J. Porter
p M.G. Cooper	p D. Simpson
p B.T. Gurden (For items 1-5,6,8,10 and 11)	p J. Wall
p G.M. Hockley	p J.K. West
a S. James	p Mrs S. Wheale
p A. Joy	

186 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Broadhurst, James, Pearce, Porter and Price.

187 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.

188 MINUTES

The Minutes of the meeting held on 10 February 2011 were agreed subject to one minor amendment on Page 3, recommendation b, which was changed to read:

“A review of the lighting to seek to reduce light spill to the surrounding area;”

189 CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee that a workshop on Minerals and Waste was taking place on the 16 May and that details would follow in due course. It was also confirmed that an additional Regulatory Committee meeting was taking place on Monday 11 April at 14:00.

190 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 five deputations had been received for this meeting.

191 CONTINUED USE OF LAND FOR RECYCLING AND STORAGE OF INERT EXCAVATION MATERIALS AT TILE BARN FARM, UPTON GREY, BASINGSGTOKE RG25 2RS (APPLICATION NO. BA166BDB) (SITE REF: 72278).

The Committee considered the report of the Head of Planning and Development (Item 6 in the Minute Book) which detailed an application that had been subject to a site visit and previous meeting in 2010. The application had been deferred pending issues with Highways that needed to be investigated by officers.

The Head of Planning and Development summarised the application and confirmed that since the last meeting, the Applicant agreed to put in a passing place along Little Dean Lane and also cut back the vegetation at the junction to improve visibility.

The recommendations to Committee had been updated and subsequently proposed a temporary permission for five years, so that the Highways issues could be monitored.

The Committee received a deputation from the applicant, Mr David Janaway, who stated that he had only recently been informed of the five year temporary permission and was unsure of how this would alter the process. He informed the Committee that if a five year permission was to be given then he would withdraw the application.

The Committee had a five minute break whilst the applicant discussed with officers the most suitable way forward, and it was concluded that the item would continue as normal, with Members being able to debate the new proposed recommendation.

During questions of the officer, it was confirmed that the business would not stop during work on the passing bay as it was not a very big project. Members also asked why the recommendations had been changed and the Head of Planning confirmed that the facts had not changed, but it had been a decision on balance after consultation with the Chairman, Vice Chairman and Opposition Spokesperson.

When Members asked about the applicant obtaining a Certificate of Lawful Use (CLU) it was confirmed that in the officers opinion, the applicant did not have grounds for a CLU at this particular site.

The Head of Planning and Development confirmed that the road up to the site was very narrow and that larger vehicles in particular would have to reverse to allow others to pass. However, no complaints had been received over the fifteen years the site had been in business and the road was rarely used by members of the public. It was also confirmed that from 2012 the site would require an environment permit, but it was anticipated that was likely to be issued.

During debate, Members agreed that they did not find it acceptable for recommendations to be changed at such a late stage and acknowledged that the site had received no complaints in fifteen years. It was also agreed that the photographic survey undertaken by the Head of Planning and Development would be an effective way of monitoring the roads and passing place. A vote was taken and it was agreed that the original recommendations would be put to the Committee for the final vote.

RESOLVED:

- i. That planning permission for the continued use of land for recycling and storage on inert excavation materials at Tile Barn Farm, Upton Grey, Basingstoke be granted, subject to the conditions set out in Integral Appendix B, and for the reasons outlined in section 1 of the report

Vote:

Favour: 13

Against: 3

- 192 PARTIAL DEMOLITION OF SURPLUS BUILDINGS, CONSTRUCTION OF A NEW LIFT ENCLOSURE TO ENHANCE ACCESS, ENCLOSURE OF COURTYARD BETWEEN EXISTING TWO AND THREE STOREY BUILDINGS, PARTIAL RECLAD OF EXISTING BUILDINGS TO ENHANCE ENVIRONMENTAL CONDITIONS, ALL TO INCLUDE ASSOCIATED LANDSCAPING AT HAVANT ACADEMY, WAKEFORDS WAY, HAVANT, HAMPSHIRE PO9 5JD. (APPLICATION NO. APP/11/00031) (SITE REF: HVE032)**

The Committee considered the report of the Head of Planning and Development (Item 7 in the Minute Book), which summarised proposed refurbishments to Havant Academy, which included the demolition and construction of buildings on site.

The Head of Planning and Development showed plans of the school and highlighted the current courtyard, which would be covered over to become an atrium. Although the number of parking spaces would be slightly reduced, the parking provision was above standards at 132 spaces, plus there was substantial overflow parking available.

The Committee enquired about parking in the local area and it was confirmed that Highways had had no problems with nearby residents.

RESOLVED:

- i) That planning permission in respect of the partial demolition of surplus buildings; construction of a new lift enclosure to enhance access; enclosure of courtyard between existing 2 and 3 storey buildings; partial reclad of existing buildings to enhance environmental conditions; all to include associated landscaping at Havant Academy, Wakefords Way, Havant, Hampshire PO9 5JD (APP/11/00031) be granted, subject to the conditions listed in Integral Appendix B and for the reasons outlined in Section 1 of the report.

Voting:

Favour: 13
Against: 0
Abstain: 1

193 VARIATION OF CONDITIONS 3 (SITE LAYOUT) AND 7 (FENCING) OF PLANNING PERMISSION 08/00806/HCC AT WASTE TRANSFER AND RECYCLING FACILITY, LYNCHFORD LANE, FARNBOROUGH, HAMPSHIRE GU14 6JA. (APPLICATION NO. 10/00860/HCC) (SITE REF: RM033)

The Committee considered the report of the Head of Planning and Development (Item 8 in the Minute Book) which detailed an application that looked to move the approved office building, adjust the location of the access gates, move the approved fence line and reduce the acoustic fencing by four metres, and change the location of the weighbridges.

The Committee was shown plans of the proposals and how the site was currently arranged so they could see a comparison of the two. The Head of Planning and Development confirmed that the changes were not very significant and that the upper floor windows of the office building would be opaque to give neighbouring buildings privacy.

The Committee received two deputations from Mr John Hirst, a local businessman and also Mr Stuart Austin from WYG, who spoke on behalf of the applicant. Mr Hirst confirmed that he was also speaking on behalf of two local residents, who shared his concerns over the movement of the access gates, which were close to their properties. This would mean a lot of traffic noise, which would be exacerbated by the proposed shortening to the acoustic fencing. Mr Austin confirmed that the relocation of the office building was due to the proximity of power lines and that it was remaining the same size as originally proposed. When questioned, Mr Austin also confirmed that the increase in the width of the gate had been approved by the Council's highway officers.

The Head of Planning and Development informed the Committee that the gate had been put in as a worst case scenario and was wide enough for two lorries to pass each other. The reduction in acoustic fencing would result in an additional 1dBA noise increase, but this was felt to be barely noticeable. It was also confirmed to the Committee that noise management was covered in Conditions 21 and 22, but that they could add a further condition that would enable Officers to endeavour to negotiate an adjustment to the gate to replace some of the acoustic fence.

RESOLVED:

- i) That, subject to a deed of variation of the existing legal agreement, permission for Variation on Conditions 3 (Site layout) and 7 (fencing) of planning permission 08/00806/HCC at Waste Transfer and Recycling Facility, Lynchford Lane, Farnborough, Hampshire GU14 6JA (Application No: 10/00860/HCC) be granted subject to the conditions listed in integral Appendix B.
- ii) That officers use their best endeavours to negotiate the adjustment of the gate and acoustic fencing

Voting:

Favour: 14

Against: 2

194 EXTENSION OF TIME FOR CONDITION 3 OF PLANNING PERMISSION 05/03019/HCS W08495/15 FOR CONTINUED USE AS A CAR PARK FOR A FURTHER TWO YEAR PERIOD UNTIL 31 MARCH 2013 AT FORMER DEPOT, BAR END ROAD, WINCHESTER (APPLICATION NO. 11/00117/HCS) (SITE REF: WR183)

The Committee considered the report of the Head of Planning and Development (Item 9 in the Minute Book), which detailed an application for a further two year extension of time for the temporary staff car park at the former Bar End Depot.

The Development Control Manager informed the Committee that the car park was established as part of the redevelopment of Ashburton Court and prior to the construction of the South Winchester Park and Ride and is in accordance with planning policy. Following the development of the South Winchester Park and Ride the future use for the site has yet to be decided. In the interim it is proposed to continue the use as a staff car park.

Members felt that although there was already adequate parking available at South Winchester and St Catherines Park and Ride car parks, it was sensible for the site to continue to be used by Council staff rather than lay dormant.

RESOLVED:

- i) That planning permission in respect of change of use from highway depot to temporary car park at Former Depot, Bar End, Winchester (Application No. 05/03019/HCS) be granted, subject to the conditions detailed in Integral Appendix B, and for the reasons outlined in section 1 of the report.

Voting:

Favour: 13

Against: 1

Abstain: 0

195 APPLICATION FOR THE ADDITION TO THE DEFINITIVE MAP OF FOOTPATHS AT BARTON FARM, IN THE PARISH OF HEADBOURNE WORTHY AND THE CITY OF WINCHESTER

Councillor Bailey declared a person and non prejudicial interest in this item due to the landowner at the farm owning a building used by the local Liberal Democrat group.

The Committee considered the report of the Director of Culture, Communities and Rural Affairs (Item 10 in the Minute Book) detailing an application to record a network of paths as footpaths. The claim was recommended for refusal due to the actions of the landowners in showing that there has been no intention to dedicate public rights over the land.

The Committee received a deputation from Mrs Chris Slattery, now acting as the lead applicant and a local resident who has been using the paths for many years. Mrs Slattery told the Committee about the popularity of the paths and the importance of having a through-route linking Courtney Road and Andover Road.

Members queried the history of the paths and the Map Review Officer confirmed that there was enough evidence of annual closures on the paths, and a clause in the lease requiring that no new public rights should be

allowed be acquired over the land, to show that there has been no intention to dedicate public rights of way.

RESOLVED:

- i. That the application be refused

Voting:

Favour: 16

Against: 0

196 PROPOSAL TO DEDICATE A PUBLIC FOOTPATH BETWEEN ST JAMES' LANE AND AIRLIE ROAD IN THE CITY OF WINCHESTER

The Committee considered the report of the Director of Culture, Communities and Rural Affairs (Item 11 in the Minute Book), which detailed a proposal for the Council to enter into an agreement with Winchester City Council and the Secretary of State for Defence for the dedication of a public footpath along certain lengths of path between St James' Lane and Airlie Road.

The Committee were shown the areas of the path that were included in the proposal, and it was confirmed that the other areas were owned by Network Rail, who wished to have full access to the railway track in case of works and emergencies and therefore did not want to dedicate a public right of way.

The Map Review Officer explained that large sections of the path had been improved and surfaced, and that all future maintenance of the path would fall to Winchester City Council. Hampshire County Council would only be responsible for recording the route.

The Committee received a deputation from Ms Sue Coles on behalf of the Winchester Cyclists' Touring Club (CTC). Ms Coles explained to the Committee that the path avoided busy roads and felt it should be made a cycleway, encouraging cyclists to use it.

The Officer informed the Committee that the recommended width for paths designed for walkers and cyclists was a minimum of 2.5 metres and although some areas could accommodate this, other sections of the path were quite narrow and had fencing either side, making it difficult for cyclists and pedestrians to pass each other safely. Although some areas would be suitable for cyclists, it was not practical to signpost the route as a permissive bridleway, given the views of the different owners and Members agreed that putting different signs in different sections of the path would be very confusing to users.

RESOLVED:

- i. That the County Council enters into an agreement with Winchester City Council to dedicate public footpath rights between points B-C and E-F-G and F-H as shown on the plan attached to the report.
- ii. That the County Council enters into an agreement with the Secretary of State for Defence to dedicate public footpath rights between points C-D as shown on the plan attached to the report.

Voting:

Favour: 15 (unanimous)