

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE COUNTY COUNCIL held in the Council Chamber at The Castle, Winchester on 21 March 2012

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman:
p Councillor I. Beagley

Councillors:

p Mrs C.A. Bailey
p J.V. Bryant
p C. Carter
p M.G. Cooper
p B.T. Gurden
p G.M. Hockley
p A. Joy

p Mrs A. McEvoy
p E.J. Neal
a R. Price
p D. Simpson
p J.K. West
p Mrs S. Wheale

***The order of the agenda at this meeting was as follows:
Items 1-5, Item 6, Item 9, Item 8, Items 10 & 11***

272 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Price.

273 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 8, 9, 10 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.

274 MINUTES

It was noted that only 11 Members were listed as being in attendance and confirmed that Cllr Alan Broadhurst attended the meeting as a deputy, although missed from the list at the top of the minutes. The total was therefore 12 Members, as depicted by the voting. Subject to this, the minutes of the meeting held on 8 February 2012 were agreed and signed by the Chairman.

275 CHAIRMAN'S ANNOUNCEMENTS

The Chairman took this opportunity to welcome deputations and explained the process for the meeting.

276 DEPUTATIONS

Members voted on and approved a scheme which involved the amendment of Standing Order 12 to allow Members to ask questions of deputies 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 nine deputations had been received for this meeting.

277 PROPOSED NEW BUILD SINGLE STOREY EDUCATION CENTRE AT WOODCOT PRIMARY SCHOOL, TUKES AVENUE, GOSPORT, HAMPSHIRE PO13 0SG (APPLICATION NUMBER: K1713/3) (SITE REF: GPE015)

Councillor Carter confirmed that he was a member of Gosport Borough Council and that whilst discussions on the application had taken place at Gosport Borough Council, he had not taken part in these.

The Committee considered a report from the Director of Economy, Transport and Environment (Item 6 in the Minute Book) regarding an application for a proposed education centre at the Woodcot Primary school site in Gosport.

The officer introduced the item and confirmed that the centre, Quayside, was for emotionally vulnerable and children between ages 11 and 16. .

The Committee were shown an aerial photograph of the site, which they had visited as part of a Regulatory Site Visit on 5 March, as well as plans depicting the proposals in terms of fencing, parking, landscaping and also a detailed plan of the centre itself. It was confirmed that despite the objections on the application, emails of support had been received from four parents of children at Woodcot since the papers had been published. In addition a letter received from the Chair of Governors of the school stating they fully support the proposal to relocate Quayside to the Woodcot Primary School campus. Many parents had shared their concerns over the safety of the children at Woodcot, but it was felt by officers that the children would not be at risk and consequently that little weight should be given to these perceptions as a planning consideration.

The Committee received eight deputations on this item. Alison Taylor-Doole, Karen Headley and Karla Vaughan, local residents, all spoke against the application. Their concerns were over the safety of the children at the school, a lack of transparency during the consultation period and also the effect on the local area in terms of parking and anti-social behaviour. Mr Robert Tutton, Town Planning Consultants also spoke of the application not fitting with Gosport Borough Local Plan Policies

R/T2 and RCF1. He also questioned why Bridgemary School had not been chosen as the children were of the same age group and they also had more land available to use for the centre.

John Coughlan, Linda Alavi and Paul Williams from Hampshire County Council all spoke in support of the proposal. John Coughlan, Director of Children's Services assured the Committee that he would not agree to a proposal that put children in danger and that there was no viable alternative for the centre to go. Linda Alavi, Quayside manager told the Committee that the children at the centre were damaged, many of which had suffered abuse and were not criminals. She also confirmed that the centre had forgone use of the proposed Multi Use Games Area (MUGA) on the Woodcot site to alleviate parents concerns and that the children were supervised at all times. Paul Williams talked regarding the design and structure of the building, confirming that it had high level insulation and a low carbon footprint. The positioning of the MUGA had also been moved slightly in response to the Woodcot parents' concerns and none of the teaching rooms in the centre overlooked the school.

Finally, Cllr Peter Edgar addressed the Committee and confirmed that the current buildings used by Quayside were not fit for purpose and had not been for some time and that there had been a long search for new site . He also emphasised that the children at Quayside had problems, but were not criminals or offenders. Many had returned to mainstream school and gone on to college and university.

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

- Quayside Centre children currently took part in outdoor activities twice a week and these took place off site, organised by the charity Motiv8. This arrangement would continue on the new site.
- Weld mesh/boarding would be used for the fencing separating the two sites. Whilst this was proposed as being 2 metres in height, it could be extended to 2.5 metres if necessary.
- The courtyard at the centre was not freely available, although doors could open onto it from each building. There were various ways in which it could be used, eg 'time out' space, outside classroom, but this would be determined as part of the Centre's management.
- Not all staff drove individually to the school or centre and many were in the facilities at different times, so it would be unlikely that all parking spaces would be used. There is in the region of 14 full time staff employed at Woodcot. Parking was felt sufficient and the allocation had been done based on 2 spaces per classroom, rather than 1.5 as per statutory guidance.
- The start and finish times of the centre had been brought forward to accommodate Woodcot Primary school.
- Placing the centre alongside a Secondary school would not be appropriate due to the emotional vulnerability of some of the children and others being excluded and so not being permitted within the school. The current site could not be redeveloped to provide the centre as Hampshire County Council did not own the land and it was also in the wrong location. A risk assessment was done regarding sprinklers but it was concluded that these were not necessary due to the numerous escape routes, 24 hour alarm monitoring system and high staff to student ratio.

During questions of the officer it was confirmed that the Planning Policies mentioned by Mr Tutton were not reasons to reject the application as were not entirely relevant to the application. It was also confirmed that whilst the proposed condition required a Travel Plan was to be implemented within three months of occupation at the centre, this could be altered to ensure implementation prior to occupation, as recommended by Gosport Borough Council officers if the Committee felt this was necessary.

In debate councillors considered that the parking provision proposed was insufficient and should be increased on the site due to the higher staff numbers. Councillors also considered that it was disappointing that the MUGA proposed for joint use had been removed from the proposal and the proposed condition meant that the primary school MUGA could not be used by the centre. The officer confirmed that an additional MUGA for the centre could not be added as it was not part of the proposal before the committee. However the proposed condition could be amended to remove the planning restriction for primary school use only, as the issue was a management one between the school and the centre.

Councillor John Bryant left the meeting (reducing the total Members from 14 to 13 before the voting took place)

In light of the above two proposals were put forward subject to the application being approved and these were put to the vote:

That at least ten extra car parking spaces be found on site:

Favour: 8
Against: 3
Abstentions: 2

That Condition 5 be amended to read “The Multi Use Games Area shall only be used during the hours of 0800 and 1800 Monday to Saturdays, and not at all on Sundays or Bank Holidays”(therefore removing “by the primary school”):

Favour: 11
Against: 1
Abstentions: 1

It was further agreed that the following would be included :

- That the condition regarding the Travel Plan is amended to require it prior to the occupation of the centre as opposed to within three months.
- That the condition regarding acoustic fencing to include its extension to join up with the garage court.
- That an advice note be added stating that there shall be no burning on site.

RESOLVED:

- a) Planning permission in respect of the construction of a single storey education centre at Woodcot Primary School, Tukes Avenue, Gosport PO13 0SG, was

approved subject to the conditions listed in Integral Appendix B and proposals agreed above by the Committee.

Voting:

Favour: 13 (unanimous)

Councillor John West left the meeting

- 278 PROPOSED FLOODLIGHTING OF THE EXISTING BALL COURT AT FOUR LANES COMMUNITY JUNIOR SCHOOL, HANMORE ROAD, CHINEHAM, BASINGSTOKE, RG24 8PQ (APPLICATION NUMBER: BDB/75531) (SITE REF: BAE004)**

This item (Item 7) was withdrawn by the applicant.

- 279 RETROSPECTIVE APPLICATION FOR THE INSTALLATION OF A PICKING STATION WITHIN THE EXISTING MATERIALS RECOVERY FACILITY AT CASBROOK PARK, BUNNY LANE, TIMSBURY, ROMSEY SO51 0PG (APPLICATION NUMBER: 11/02090/CMAS) (SITE REFERENCE: TV153)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 8 in the Minute Book) regarding a retrospective application for a picking station at Casbrook Park in Romsey.

The Committee were shown photographs of the site, which they had visited as part of a Regulatory Site Visit on 5 March. There were proposals to put up a fence and landscaping for screening due to the picking station being on the boundary with the Household Waste Recycling Centre. The officer confirmed that as the application was retrospective it was proposed to tighten the deadlines in conditions to change to one month instead of three, although Condition 7 had changed to 1 week due to the painting already being started. The applicant had been made aware of these changes and officers consider they would be able to comply.

RESOLVED:

- a. Retrospective planning permission for the installation of a picking station within the existing materials recovering facility at Casbrook Park, Bunny Lane, Timsbury,. Romsey SO51 0PG was approved subject to the new conditions listed in Integral Appendix B and summarised by the officer at the meeting.

Voting:

Favour: 11

Against: 0

Abstentions: 1

Councillor Sharyn Wheale left the meeting

280 APPLICATION FOR THE ADDITION TO THE DEFINITIVE MAP OF A FOOTPATH FROM MOHAWK COTTAGES, SANDY LANE TO LYONS COPSE (JUNCTION WITH FOOTPATH 1), IN THE PARISH OF SHEDFIELD

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 9 in the Minute Book) on an application to record a public footpath in the parish of Shedfield.

The Committee were informed that public access to the path had been ended by the erection of rabbit-proof fencing. Officers acknowledged that the public usage of the path captured on evidence forms was low, but sufficient to come to the notice of the landowner, thereby meeting the legal test. No evidence had been put forward by the landowner to indicate that active steps had been taken to discourage or stop public use before the fencing was put in place.

The Committee received a deputation from Mark Phillimore, who spoke on behalf of the landowner. Mr Phillimore told the Committee that he was concerned that five out of the six users were from two households and did not feel this was sufficient evidence to warrant an order being made. Planning applications had been submitted in 2005 and 2011 regarding the extension of the Meon Valley County Club, which fell over this area of the land and no issues had been brought forward regarding the path at the time.

During questions, Mr Phillimore confirmed that he would be happy to negotiate an alternative route as a compromise if the Committee resolved not to make an order to record the claimed path on the Definitive Map.

The Committee took the view that it would be unsafe to make an order to record the path on the Definitive Map on the low level of recorded public use and therefore rejected the application. .

RESOLVED:

- a) In relation to the recommendation to record a public footpath over land in the parish of Shedfield, members voted as follows:

Favour: 3

Against: 8

Abstain: 1

Consequently the application was refused.

281 APPLICATION FOR THE REGISTRATION OF LAND KNOWN AS 'VICTORY PARK' IN THE BOROUGH OF BASINGSTOKE AND DEANE, AS TOWN OR VILLAGE GREEN

Councillor Brian Gurden disclosed a person, non prejudicial interest as a Member on the Heritage Society for Basingstoke and Dean Borough Council.

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 10 in the Minute Book) alongside Item 11 regarding the registration of this land as a Town or Village Green.

The Committee were informed that, despite a number of opportunities, the applicant had not put her application in order, particularly in the matter of identifying the boundaries of the locality or neighbourhood in a locality, upon which she wishes to rely.

RESOLVED:

- a) The application to register land known as Victory Park, Lower Brook Street, Basingstoke, as a town or village green was rejected because the application had not been duly made.

Voting:

Favour – 11 (unanimous)

282 APPLICATION FOR THE REGISTRATION OF LAND KNOWN AS 'KING GEORGE V PLAYING FIELD' IN THE BOROUGH OF BASINGSTOKE AND DEANE, AS TOWN OR VILLAGE GREEN

Councillor Brian Gurden disclosed a person, non prejudicial interest as a Member on the Heritage Society for Basingstoke and Dean Borough Council.

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 11 in the Minute Book) alongside Item 10 regarding the registration of this land as a Town or Village Green. The Committee were informed that, despite a number of opportunities, the applicant had not put her application in order, particularly in the matter of identifying the boundaries of the locality or neighbourhood in a locality, upon which she wishes to rely.

RESOLVED:

- b) The application to register land known as King George V Playing Field, Deep Lane, Basingstoke, as town or village green was rejected because the application had not been duly made.

Voting:

Favour – 11 (unanimous)