

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE COUNTY COUNCIL held in the Council Chamber at The Castle, Winchester on 25 April 2012

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman:
p Councillor I. Beagley

Councillors:

a C.A. Bailey	p A. McEvoy
p J.V. Bryant	p E.J. Neal
a 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 (for Items 1-7 and 9)
p A. Joy	p S. Wheale (for Items 1-7 and 9)

***The order of the agenda at this meeting was as follows:
Items 1-5, Item 6, Item 7, Item 9 and Item 8***

283 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Bailey, Carter and Gurden.

284 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.

285 MINUTES

It was noted that Cllr Price had sent apologies for the March meeting and this was due to a clash with a meeting at the Hampshire Fire and Rescue Headquarters, which Cllr Price had attended on behalf of the County Council.

286 CHAIRMAN'S ANNOUNCEMENTS

The Chairman confirmed that two site visits were due to take place on Tuesday 1 May. The first in Selborne and the second in New Milton.

287 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 nine deputations had been received for this meeting.

288 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)

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 floodlighting to be added to an existing ball court at a school in Basingstoke.

The officer introduced the item and the Committee was shown an aerial photograph that depicted the positioning of the ball court on the site, as well as the nearest properties, car parking and access onto the site. It was confirmed that a site visit had taken place in early March and Members had been able to see the ball court and it's surroundings.

There had been objections raised by nearby residents, which included potential problems with parking, light pollution and noise and disturbance but letters of support had also been received commenting that the ball court would offer greater community benefit with floodlighting.

The Committee received four deputations on this item. Mike Hayes (also reading on behalf of Bob Kirwin), Craig Curran and Victor Hindson, local residents, all spoke against the application and shared their concerns regarding the close proximity of the ball court to their houses. Their main issues were disturbance and anti-social behaviour, the visual impact from the floodlighting and questioned the need for the floodlighting as they thought there would be a low demand for use from local clubs and groups.

Richard Wareham, from Basingstoke and Deane Borough Council on behalf of the applicant, assured the Committee that floodlighting would greatly increase the demand for the site and would be managed effectively with staff being on site for most of the time it was used. The lighting would be specifically aimed at the ball court and there would be no light spill, but it had been agreed that the lighting would not be used on Sundays or Bank Holidays and the school would also consider not using it on Saturdays if the Committee felt this was necessary. Mr Wareham also confirmed that the Police supported the proposal to install floodlighting and felt it would decrease anti-social behaviour in the area.

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

- The lighting at the ball court would be operated by the users by on/off switch. Use would be both adhoc and prebooked, and the ball court was not locked.
- There would be staff presence during most evenings and also a master switch which they would control. In addition the lights would be automatically turned off at 21:00
- Mike Hayes confirmed that up until now, the facility was mainly used on an ad-hoc basis by teenagers
- Richard Wareham stated that there was a another larger facility approximately a mile from the school with floodlighting
- The boundary fence had been replaced, this was done after the committee site visit. CCTV was available at the school and could continue to be used in future if necessary.
- There was no management plan for community use, but a draft was in the process of being developed. Consultation would take place with residents on the management plan .
- Craig Curran confirmed that the residents had been asked for their views via a letter, but had not heard anything following this.
- Richard Wareham confirmed that the facility would remain unlocked due to ad-hoc bookings, and the management plan would cover the early finish of staff on Friday evenings
- It was also confirmed that the school had chosen to keep the ball court where it was, and not move it 90 degrees (away from houses) due to management reasons.

During questions of the officer the Committee were informed that there would be no light spillage onto nearby houses and gardens, but there was potential visual impact in the sense that the lights could be seen from the properties.

The Committee considered that anti-social behaviour referred to by local residents appeared to be an ongoing problem whether or not floodlighting was installed. It was also discussed that a management plan was needed to address these issues and nearby residents should be consulted in the development of the plan. The view was that the management plan should be agreed before floodlighting was installed at the school. Therefore it was proposed that the application be deferred until the management plan had been finalised and could be submitted and considered as part of the application.

RESOLVED:

- a) That the application be deferred until a management plan had been completed and submitted as additional information for the planning application.

Voting:

Favour: 11

Against: 1

Abstentions: 1

**289 TO PROVIDE REPLACEMENT BUILDINGS AND TO REFURBISH EXISTING ACCOMMODATION AT PARK COMMUNITY SCHOOL, MIDDLE PARK WAY, HAVANT, PO9 4BU
(APPLICATION NO: APP/12/00177)
(SITE REF: HVE025)**

The Committee considered a report from the Director of Economy, Transport and Environment (Item 6 in the Minute Book) regarding an application to replace and refurbish buildings at Park Community School in Havant.

The officer introduced the item, showing a plan of the existing buildings and the new buildings proposed for the site. There were currently 120 car parking spaces and this would be increased to 125, to match the number of full time staff working at the school. An updated plan was provided to the Committee showing the final arrangement and positioning of the car parking. Whilst the building was safe, the age of some of the buildings meant that maintenance costs were very expensive. The officer confirmed that since the report had been published, Havant Borough Council had responded to the application and had raised no objections.

The Committee received three deputations on this item. Simon Waite from Hampshire County Council confirmed that the architects had worked closely with Children's Services in designing the improvements to the school and it was important to create a nurturing environment in which the children could learn. The new parking allowed for coaches to pull into the site during events and a sprinkler system would also be fitted. There had been extensive consultation with the school and local residents and the proposals had been well received and welcomed.

County Councillor Liz Fairhurst spoke in favour of the application and stated that the school was an important focal point of the community, providing services and activities to all age groups.

County Councillor Ann Buckley spoke in favour of the application and told the Committee that there was a good walking and cycling network close to the school but there was currently no Traffic Regulation Order (TRO) for outside of the school.

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

- Simon Waite confirmed that there were three areas for bicycles to be stored and the areas were well lit. There was also CCTV on site.
- There was designated parking for visitors
- No solar panels had been planned as part of the design due to the primary focus being sustainable energy and finding ways to save energy, rather than energy generation.
- There were parking areas for accessibility scooters, but these were not under cover
- Overflow parking was available, but this was not 'designated' parking and only used when necessary
- There were changing rooms with direct access to the pitch that would be used as part of the community use. There were additional changing facilities for the school.

During questions of the officer, it was confirmed that the car parking increase was felt to be adequate, particularly as it was likely some staff lived locally and could also use other methods of transport. There was also a provision for overflow parking if required. The officer also confirmed that the TRO would be looked into and followed up by Highways.

The Committee agreed that the facilities for cyclists could be improved, with good access to locker facilities and sheltered storage for bikes. It was proposed that this be put forward as a condition and this was put to the vote:

That the facilities for cyclists be improved and so full details of the on-site provision to be made for the parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority.

Favour: 9
Against: 4

A second condition was also proposed regarding Condition 3 on Page 9 of the report, in which it would be altered to read “...shall take place before 0730 or after 1800 Monday to Friday inclusive, before 0800 or after 1300 on Saturday...”

Favour: 12
Against: 1

RESOLVED

- a) Planning permission for the construction of replacement buildings alongside the refurbishment of existing buildings at Park Community School (APP/12/00177) was granted, subject to the conditions listed in Integral Appendix B and also those agreed at Committee and listed above.

Voting:

Favour: 13 (unanimous)

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

This item was taken last and Cllr West and Cllr Wheale left before this item was discussed.

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 8 in the Minute Book) regarding an application to register land in Swaythling as a village green.

The officer showed the Committee a plan of the area that is the subject of the application, which lies within the ownership of both Southampton City Council and Hampshire County Council. The Regulatory Committee had previously given

authority for Southampton City Council to deal administratively with the application. However, it appears that no work has been done on the application, and there had been no satisfactory communication about its progress with the City Council.

RESOLVED:

- a. Authority was given to rescind the resolution contained in minute 169 recording a decision made on 28 November 2007 to authorise Southampton City Council to deal administratively with the application, so that the application to register the section of the land at Monks Brook that lies in Hampshire may be brought to a determination by officers of the County Council, along with the land lying in Southampton if the consent of Southampton City Council was received to do so.

Voting:

Favour: 11 (unanimous)

291 APPLICATION FOR THE REGISTRATION OF LAND KNOWN AS 'DURNSFORD AVENUE OPEN SPACE/PLAY AREA' IN THE BOROUGH OF HART, AS TOWN OF VILLAGE GREEN

The Committee considered a report of the Director of Culture, Communities and Business Services (Item 9 in the Minute Book) on an application to register land in Hart, as a Town or Village Green.

The Committee were informed that this application, made in 2009, could not succeed because of a covenant in the conveyance of the land requiring that it be held in perpetuity for recreation for the general public. This meant that access was by right, rather than as of right, and therefore the legal test for the acquisition of village green rights could not be met.

Ownership had recently passed to Fleet Town Council (FTC) and the officer proposed that the item instead be deferred while negotiations with FTC regarding voluntarily registration of the land took place.

The Committee contemplated rejecting the application as per the original recommendation, but this was lost in a vote. The new recommendation to defer was then put to the Committee.

RESOLVED:

- a) That the item be deferred until the land known as 'Durnsford Avenue open space/play area' should be voluntarily registered by Fleet Town Council

Voting:

Favour: 9

Against: 2