

AT A MEETING of the REGULATORY COMMITTEE of HAMPSHIRE COUNTY
COUNCIL held in the Council Chamber at The Castle, Winchester on
Wednesday 11 September 2013

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman:
p Councillor G Hockley

Councillors:

| | |
|---------------|-------------|
| p C Carter | p P Latham |
| a M Cooper | p F Pearce |
| p J Frankum | p R Price |
| p C Greenwood | p T Rolt |
| a K House | p D Simpson |
| a R Humby | p J West |
| p R Huxstep | a S Wheale |

***The order of the agenda at this meeting was as follows:
Items 1-7***

28. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cooper, Humby and Wheale and their respective substitute members, Councillors Joy and Gurden.

29. DISCLOSURES OF INTEREST

Members were mindful that where they believed they had a Disclosable Pecuniary Interest in any matter considered at the meeting they must declare that interest at the time of the relevant debate and, having regard to the circumstances described in Part 3 Paragraph 1.5 of the County Council's Members' Code of Conduct, leave the meeting while the matter was discussed, save for exercising any right to speak in accordance with Paragraph 1.6 of the Code. Furthermore Members were mindful that where they believed they had a Non-Pecuniary interest in a matter being considered at the meeting they considered whether such interest should be declared, and having regard to Part 5, Paragraph 2 of the Code, considered whether it was appropriate to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with the Code.

30. MINUTES

The minutes of the meeting held on 26 July 2013 were agreed as a correct record and signed by the Chairman.

31. CHAIRMAN'S ANNOUNCEMENTS

No announcements were made.

32. DEPUTATIONS

The Committee were advised that one deputation had been received for this meeting and the deputation process was explained.

33. WARBLINGTON SCHOOL, SOUTHLEIGH ROAD, HAVANT (APPLICATION NO: 13/00733) (SITE REF: HVE004)

The Committee considered a report from the Director of Economy, Transport and Environment (Item 6 in the minute book) regarding a proposal for sports development, including a sports hall, MUGA (Multi Games Use Area), and relocation of the pre-school at Warblington School, Havant.

The officer's presentation explained how the application proposed the demolition of the existing sports hall, the erection of a new hall and link to changing facilities, the re-location of the tennis courts, the demolition of the existing pre-school and its relocation to the caretaker's house, which would be extended with a single storey addition that would improve facilities and landscaping. It was also explained that the sports hall would be near the new floodlit MUGA that had been approved under a previous consent.

The officer updated the report by explaining that the local member, Councillor Bolton, had confirmed his support for the proposal and the Committee noted that the application had received no objection from the local community.

The Committee received one deputation on this application from Robert Banham, HCC Property Services. In summary, Mr Banham explained:

- That the need for the new sports hall had been demonstrated and that it would support both the school and the local community.
- That the scheme would not lead to an increase in pupil numbers.
- That the visual impact of the new sports hall would be minimised as it would be erected at the hub of the school, near to buildings of a similar mass, and away from the boundary.
- That the construction process had been designed to minimise disruption and that the old sports hall would be demolished after the completion of the new hall.
- That the relocation of the pre-school to the extended caretaker's lodge at the front of the site was an efficient solution, as the schools operated different timetables.

- The sustainability and building regulation issues relating to the new sports hall were explained.
- That there would be no change in the number of car parking spaces and that the relocated tennis courts could continue to be used as overflow parking as required.

In response to Members' questions, it was explained that the new building would comply with building regulations regarding disabled access. It was also explained that, as the proposal did not in itself generate any additional traffic, it was not appropriate to attach highways conditions. However, a Member's concern about the railway crossing was noted by the Highways Officer present at the meeting.

At the conclusion of debate, the Committee agreed that the application be approved for the reasons, and subject to the conditions, set out in the report.

RESOLVED:

That planning permission in respect to the sports development including sports hall, MUGA and relocation of pre-school at Warblington School, Southleigh Road, Havant PO9 2RR (Application Number AP/13/00733) (Site ref: HVE004) be approved for the reasons set out in the report, subject to the conditions listed in Integral Appendix B of the report.

Voting:

In favour: 12

Against: 0

Abstained: 0

34. APPLICATION FOR THE REGISTRATION OF LAND KNOWN AS "DURNSFORD AVENUE OPEN SPACE/PLAY AREA" IN THE BOROUGH OF HART, AS TOWN OR VILLAGE GREEN

The Committee considered a report from the Director of Culture, Communities and Business Services (Item 7 in the Minute Book) regarding an application to register land as a town or village green in Hart.

Members noted that a covenant on the land required that general public have access to the land for recreational use in perpetuity. This meant that access to the land was by right, rather than as of right, and therefore the legal test for the acquisition of village green rights had not been met.

The Committee had previously considered the application at its meeting held 25 April 2012, where the item had been deferred for negotiations to take place with Fleet Town Council, with a view for them to voluntarily register the land as a town or village green. However, the officer explained that since that time, there had been no voluntarily submission and, since this was a separate process, there was no benefit in not determining this original application.

At the conclusion of debate, the Committee agreed that the application be refused for the reasons set out in the report.

RESOLVED:

That, in connection with the application to register land known as Durnsford Avenue Open Space/Play Area, Fleet, as a town or village green, the Committee agrees that, as the Commons Registration Authority, the use of the Land has been “by right” not “as of right” and consequently does not qualify and therefore the application be rejected.

Voting:

In favour: 11

Against: 0

Abstained: 0

Councillor R McIntosh
Chairman
23 October 2013