

AT A MEETING of the REGULATORY COMMITTEE of HAMPSHIRE COUNTY
COUNCIL held in the Council Chamber at The Castle, Winchester on
Wednesday 18 June 2014

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman:
p Councillor G Hockley

Councillors:

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

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

106. APOLOGIES FOR ABSENCE

No apologies were received for this meeting.

107. 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.

108. MINUTES

It was noted on page 5 of the minutes (Item 103) that the second sentence should read "The application to record a public footpath was first received.....".

The minutes of the meeting held on 27 May 2014 were then agreed as a correct record and signed by the Chairman.

109. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that a Regulatory Briefing had been scheduled for the 30 June, to replace existing Site Visits.

110. DEPUTATIONS

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

111. THE CONSTRUCTION AND OPERATION OF A 8 MWE PYROLYSIS ADVANCED CONVERSION TECHNOLOGY (ACT) PLANT INCLUDING A 2 MWE ANAEROBIC DIGESTION PLANT ASSOCIATED OFFICE, VISITOR CENTRE, WITH NEW ACCESS ROAD AND WEIGHBRIDGE FACILITIES, SOLAR PANELS, ASSOCIATED LANDSCAPING AND SURFACE WATER ATTENUATION FEATURES AT OVERTON ROAD, MICHELDEVER STATION, SO21 3AP. (APPLICATION NO. 12/02013/HCS) (SITE REF: WR227)

Councillor Humby declared a non-pecuniary interest in being Deputy Leader and Portfolio Holder for Strategic Planning and Economic Development at Winchester City Council when the Winchester District Local Plan Part 1 – Joint Core Strategy was adopted.

The Committee considered a report from the Director of Economy, Transport and Environment (Item 6 in the minute book) regarding an application for an ACT plant in Micheldever Station.

The officer confirmed members had undertaken a site visit on 12 May 2014. The report was summarised and the Committee were shown a location plan, and aerial photos of the site. It was confirmed that the area in the application was on top of fuel tanks installed during the 1940's, and the site had since become part of a SINC (Site of Importance for Nature Conservation). Plans and elevations for the proposal were shown, and the proposed process explained. Half of the produced digestate from the anaerobic digestion plant would be used within the pyrolysis process and half being taken off site for agricultural use. It was explained that, at a very late stage, potential land had been put forward by the applicant to be managed for nature conservation in mitigation. However there was insufficient information and detail provided to assess whether this would be beneficial. A minor change in the wording of proposed reason for refusal (i) was recommended.

The Committee received nine deputations for this item. James Leppard, Nick Hurrell, Peter Bradley and Adrian Bates all spoke as local residents against the application, with Mr Bates also speaking on behalf of the Micheldever Action Group and Micheldever Parish Council. Their concerns included pollution generated by the site, the effects on the SINC and nature conservation, impact of traffic, impact for residents, the safety risk to the railway main line from possible accident or failure of

the plant and lack of any local waste need for the plant. Mr Hurrell also told the Committee how an exhibition had been arranged by the application in 2012 for local residents, but had only given one weeks notice and there had been very little public consultation since then.

Lee Scott spoke against the application on behalf of Zurich Insurance, as a nearby landowner, on the grounds that it was not the right area for the development and that the rural area meant that sources of waste would not be very accessible.

Councillors Malcolm Wright and Barry Lipscomb from Winchester City Council also spoke against the application supporting local objections. They had concerns about the location and also safety regarding storing gas at the site.

Chris Herbert spoke on behalf of the applicant and said that they were working hard to address the issues brought up by the deputations, working very closely with Natural England. It was thought that the access to the site was very good, with potential to use the railway network.

Finally, County Councillor Mark Kemp-Gee spoke on the application and told the Committee that the County already had permitted anaerobic digestion capacity to process organic waste, and another site was not necessary; particularly in an area not felt to be suitable.

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

- There were two different permits available from the Environment Agency: standard and bespoke. If the site fell within 250 metres of a residential property (as this proposal does), then a bespoke permit was necessary.
- The storage tanks were installed in the 1940's, and some used post war for fuel storage, but had not been used since the 1990's.
- Although the fuel tanks had been constructed the surface of the site had regenerated back into countryside, consequently it was considered the site should not be classed as previously developed land in terms of planning policy

During debate Members acknowledged that there were attributes to the application, but Policy 29 clearly stated where these types of developments should be located and members considered the site should be considered as countryside. It was accepted that more waste capacity may be needed across the County in the future, but this was not felt a suitable location geographically nor was the site suitable. The Committee thought that rail would be a better way than road for getting waste to and from the site, but this was not proposed as part of the application.

RESOLVED:

Permission for the construction and operation of a 8 MWe Pyrolysis Advanced Conversion Technology (ACT) plant including a 2 MWe Anaerobic Digestion Plant associated office, visitor centre, with new access road and weighbridge facilities, solar panels, associated landscaping and surface water attenuation

features at Overton Road, Micheldever Station, SO21 3AP. (Application No. 12/02013/HCS) (Site ref: WR227) was refused for the following reasons:

- (i) The development is contrary to the requirements of Policy 29 (2) and contrary to Policy 29 (3b) of the Hampshire Minerals and Waste Plan (2013) in that it is not located on previously developed land as the surface has blended into the landscape in the process of time; no special need for the location nor the suitability of the site has been justified.
- (ii) The development is contrary to Policy 5 of the Hampshire Minerals and Waste Plan (2013) as the development is within the countryside, on a site that is not considered to be previously developed land as the surface has blended into the landscape in the process of time and where the nature of the development is such that it is not directly related to countryside activities and it does not meet the needs of the adjacent local community.
- (iii) The development is contrary to Policy 3 of the Hampshire Minerals and Waste Plan (2013) and does not follow the principles stated within paragraph 118 of the National Planning Policy Framework (NPPF) as it would result in an unacceptable adverse impact on the Site of Importance for Nature Conservation (SINC).
- (iv) The development is contrary to Policy 10 (d) and Policy 13 of the Hampshire Minerals and Waste Plan (2013) as the development would be visually intrusive from Micheldever Station and public views and consequently would have an unacceptable adverse visual impact.

Voting:

Favour: 13

Against: 1

Abstentions: 1 (*Cllr Humby, as confirmed at the start of the item*)

112. PLANNING APPLICATION FOR VARIATION OF CONDITION 4 (HOURS OF WORKING) OF PLANNING PERMISSION 09/94574 TO ALLOW FOR 24 HOUR OPERATION OF GENERATOR FOR DE-WATERING PUMP AT BLEAK HILL QUARRY, NEA ROAD, SOMERLEY, RINGWOOD, BH24 3PL (APPLICATION NO: 14/10309).

This item was cancelled.

113. APPLICATION FOR CONSTRUCTION OF A NEW TWO-STOREY 1 FORM OF ENTRY PRIMARY SCHOOL WITH ASSOCIATED CAR PARKING AND EXTERNAL AREAS AT ROOKSDOWN SITE, NEAR PARK PREWETT ROAD, BASINGSTOKE HAMPSHIRE. (APPLICATION NO: 14/01139/CC3) (SITE REF: BAE066)

The Committee considered a report from the Director of Economy, Transport and Environment (Item 8 in the minute book) regarding an application for a new school in Basingstoke.

The Committee were given a summary of the application and shown plans, aerial photographs and the proposed site layout with elevations. There had been concerns that the orientation of the building intruded into the conservation area, but it was felt that this was minor and on balance helped maximise the open space around the site. There was also a current area of protected orchids, which would be maintained and protected during construction and after it had been completed and the school was operational.

The Committee received four deputations on this item. Councillor Colin Statham spoke on behalf of Rooksdown Parish Council and shared their concerns regarding lack of drop off/collection facilities, however, it was acknowledged that there had since been further discussions and plans put in place to provide this in the future, which required additional land being acquired.

John Martin, Head teacher at Castle Hill Primary School, voiced his support for the application and how the two schools were looking forward to working together going forward.

Nick Yarrow, Design Manager at Hampshire County Council detailed the design aspects of the application and confirmed that a future separate drop-off/collection proposal was being developed.

Finally, County Councillor Stephen Reid addressed the Committee, accepting that there were issues with the proposal, but he felt there were no planning reasons to decline the application.

Councillor Simpson left the meeting

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

- A fire risk assessment had been carried out and neither sprinklers nor a water suppression system were required due to low risk;
- There would be continued liaison during construction;
- The distance to the nearest Fire Station had been considered as part of the fire risk assessment with no potential problems highlighted regarding response times;

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

- The land for the collection/drop-off facilities had been identified but has not yet been secured and is not part of this application;
- No floodlighting had been proposed for the outside area;
- 24 car parking spaces have been proposed, which met standards and parking guidelines;
- The tree canopies would be maintained as part of Condition 12 in the report;

RESOLVED:

- Planning permission for the construction of a new two-storey 1 form of entry primary school with associated car parking and external areas at Rooksdown site, near Park Prewett Road, Basingstoke, Hampshire (Application No:14/01139/CC3) (SITE REF: BAE066) was approved, subject to the conditions listed in integral Appendix B.

Voting:

Favour: 14

Against: 1

Abstention: 1 (*Cllr Simpson left before the end of the item*)

114. APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO RECORD FOOTPATHS AT DEAN HILL IN EAST DEAN PARISH

This item was deferred until a future meeting.

115. APPLICATION FOR REGISTRATION OF LAND KNOWN AS CAUSEWAY FARM IN THE PARISH OF PETERSFIELD AS TOWN OR VILLAGE GREEN (APPLICATION NO. VG 251)

The Committee considered a report from the Director of Culture, Communities and Business Services (Item 10 in the minute book) regarding an application for registration of land in Petersfield.

The Committee was shown aerial photos of the area from 1999 to 2013, showing the hedged boundaries. The history of the site and application was summarised to Members, along with the process in applying the legal test. Members were advised that there was no qualifying 20 year period to permit registration of the land as village green because the “as of right” aspect of the legal test had not been met.

The Committee received a deputation from Richard Purchase, who spoke on behalf of the applicant. Mr Purchase confirmed that signs put up referred to “exclusion at times” and said that fencing used was to keep horses in, rather than people out. No letters had been received asking people not to use or walk on the land.

RESOLVED:

That, in connection with the application to register land known as Causeway Farm, Petersfield, as a town or village green, Members agreed to reject the application, for the reasons set out above.

Voting:

Favour: 16 (unanimous)

Councillor R McIntosh
Chairman
16 July 2014

