

AT A MEETING of the REGULATORY COMMITTEE of HAMPSHIRE COUNTY COUNCIL held in Ashburton Hall at Elizabeth II Court, The Castle, Winchester on Wednesday 20 April 2016

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman:
p Councillor G Hockley

Councillors:

p C Carter	p R Huxstep
p C Choudhary	p P Latham
p M Cooper	p F Pearce
p C Connor	a R Price
p C Greenwood	p T Rolt
p M Harvey	a D Simpson
p K House	p S Wheale

p B Gurden (deputy)

Notices posted at the meeting advised that the press and members of the public were permitted to film and broadcast the meeting. Those remaining at the meeting were consenting to being filmed and recorded, and to the possible use of those images and recording for broadcasting purposes.

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

246. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Price and Simpson.

247. 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.

248. MINUTES

The Minutes of the meeting held on 16 March 2016 were agreed as a correct record and signed by the Chairman.

249. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that Members were encouraged to give feedback following the meeting to decide whether Regulatory Committee would continue in Ashburton Hall. The Committee was informed that training was planned for both Planning and Rights of Way, and that there would also be a briefing on the Schools and Assisted Living Programmes at the end of the 20 April Committee meeting.

250. DEPUTATIONS

The Committee was advised that there were two deputations for this meeting (including local Members) and the deputation process was explained to those who had attended to speak.

251. APPLICATION FOR CONSTRUCTION OF 2-FORM ENTRY SINGLE STOREY PRIMARY SCHOOL WITH ASSOCIATED CAR PARKING AND EXTERNAL WORKS AT EAST ANTON MDA, ANDOVER. (APPLICATION NO. 16/00384/HCC3N) (SITE REF: TVE066)

Cllr Cooper declared a non-prejudicial interest as a Member of Test Valley Borough Council

Cllr Rolt declared a non-prejudicial interest as the local Member.

The Committee considered a report from the Head of Strategic Planning (Item 6 in the Minute Book) regarding an application for a 2-form entry Primary school in Andover.

The officer introduced the application, showing a map of the proposed location and the surrounding Major Development Area (MDA). Elevations of the proposed buildings and a 3D plan depicted the proposed accesses to the school, solar panels, roofing and landscaping. Test valley Borough Council had objected due to lack of drop-off points, but Hampshire County Council parking guidelines had been comfortably met and the Highways Authority were happy with the road network. It was confirmed that the access to the school had already been constructed as part of the wider MDA development.

The Committee received one deputation on this item on behalf of the applicant. Tom Hetherington summarised the proposals and advantages of the innovative school design, which included a courtyard space accessible to by whole school, outdoor learning opportunities, natural lighting and ventilation and solar panels.

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

- The roofing on the school was multi-layered with zinc, insulation and concrete, which would minimise noise.

- The felt roofing would also have a concrete base to minimise noise and a 20 year guarantee
- There were 60 solar panels proposed over 100m₂
- The pond was essential for drainage. The pond dipping platform would be of high quality with a long lifespan
- A footpath would lead from external parking to the entrance to the school grounds.
- There was an indoor dining area proposed with a multi purpose hall, which would be able to accommodate a three form entry.
- No material would leave the site and the fields would be slightly slanted to accommodate drainage.

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

- The cycle storage was covered
- Money generated from the solar panels was separate to the 106 agreement and therefore not a considerable factor to the application.
- It was difficult to predict when the school was likely to be extended, but this would be monitored going forward

RESOLVED:

That planning permission be granted subject to:

- i) Planning permission in respect of 'Construction of a 2-form entry single storey primary school with associated car parking and external works' at East Anton MDA, Andover (Application No. 16/00384/HCC3N) (Site Ref: TVE066) was granted for the above reasons, subject to the conditions listed in integral Appendix B.

Voting:

Favour: 15 (unanimous)

252. HAMPSHIRE PLANNING ENFORCEMENT AND SITE MONITORING PLAN

The Committee received a report from the Head of Strategic Planning (Item 7 in the Minute Book), regarding the revised Planning Enforcement and Site Monitoring Plan.

The proposed plan was attached and had been considered by the Committee. It was noted that some formatting was needed to reduce the amount of white space, make bullet points clearer and tables a bit easier to read, but the substance of the plan was approved.

RESOLVED:

The Committee noted the contents of the Hampshire Planning Enforcement and Site Monitoring Plan and approved the plan for publication on the County Council website, subject to formatting improvements.

Voting

Favour: 15 (unanimous)

253. APPLICATION FOR REGISTRATION OF LAND KNOWN AS 'TOP FIELD', SPRINGVALE, KINGS WORTHY AS TOWN OR VILLAGE GREEN (APPLICATION NOS. VG 262 AND VG 267)

The Committee considered a report from the Director of Culture, Communities and Business Services (Item 8 in the Minute Book) regarding an application for registration of land in Springvale, Kings Worthy as a Village Green.

The officer gave the Committee a detailed history of the application and the compilations regarding the land that it applied to. The location was shown on a map, along with a plan that showed how the various sections of land had been classed. After scrutinising the application, officers had agreed that the best way forward would be to refer it to a non-statutory public inquiry, as the new law is currently untested and there were several issues raised by the local planning authority that were causing uncertainty as to their effect.

- 254.** The Committee received a deputation from Neil Holmes on behalf of the land owner. Mr Holmes encouraged Members to defer the application rather than agree to it going to a public inquiry. It was felt that one of the sections of land had clearly been ploughed historically, meaning that it could not have been used by local residents. Fencing had also been installed to restrict access.

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

- The objection by the landowner to the advertisements of the application had been submitted in January 2016
- Outline permission for 25 dwellings to be built on another section of land had been granted in September 2015.

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

- It would not be known whether the necessary legal tests would be met on all sections of the land
- The County were legally bound to check all sections of land to assess whether or where village green rights could be registered
- DEFRA was unable to give clear advice on the difficulties resulting from the additional information supplied by the local planning authority
- If the authority was given for the non-statutory public inquiry was given at this Committee meeting, it was anticipated that a public inquiry would be completed with a decision letter available in September/October with similar timeframes for deferring the application for officers to assess themselves.
- The County Council, acting as the Commons Registration Authority, has no interest as to the outcome of an inquiry; its priority is to ensure that a legally sound determination is made by this Committee, and it was felt that the best way of achieving this was through advice from a legally qualified inspector after a public inquiry.
- The papers presented to Members were not detailed enough to make a determination on the Village Green application at the April meeting.

In debate, Members accepted that more information would be required to make a sound decision on the application. As timescales were similar with both ways forward and DEFRA guidance had not been helpful, it was agreed that the non-statutory public inquiry was the best route forward.

RESOLVED:

That, the application to register land known as 'Top Field', Springvale, Kings Worthy, as a town or village green (two applications VG 262 and VG 267), go to a non-statutory public inquiry, and the inspector appointed to conduct the inquiry be asked to hear evidence for and against the application, advise on matters relating to the 2013 legislation, and prepare a written report advising the Registration Authority whether to accede to, or to reject, the application.

Voting:

Favour: 13

Against: 2

Councillor R McIntosh
Chairman
Wednesday 18 May 2016