

AT A MEETING of the REGULATORY COMMITTEE of HAMPSHIRE COUNTY COUNCIL held in Ashburton Hall at Elizabeth II Court, The Castle, Winchester on Wednesday 18 May 2016

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman:
p Councillor P Latham

Councillors:

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

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 1-12***

255. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor House.

256. 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.

257. MINUTES

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

258. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillor Judith Grajewski to the Committee, and also Councillor Peter Latham in his new role as Vice Chairman. Councillor Geoff Hockley was thanked for his contribution as Vice Chairman over previous years and also his impeccable attendance record at both meetings and Site Visits.

259. DEPUTATIONS

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

260. APPLICATION FOR THE AMENDMENT OF CONDITION 4 (VEHICLE MOVEMENTS), CONDITION 14 (LANDSCAPE) AND CONDITION 15 (SITE LAYOUT) TO PLANNING PERMISSION BDB/75034 AT BASINGSTOKE AD FACILITY LTD, KENNEL FARM, DUMMER, RG23 7LW. (APPLICATION NO. 16/00322/CMA) (SITE REF: BA170)

The Chairman confirmed that this application had been withdrawn for consideration at a future Committee meeting.

261. EXTENSION OF THE EXISTING 3 FORM ENTRY TO 4 FORM ENTRY CONSISTING OF 3 CLASSROOMS, ADDITIONAL WCS, GROUP/INTERVIEW ROOM AND STAFF PREPARATION ROOM AT TWESELDOWN INFANT SCHOOL, NEPAL GARDENS, CHURCH CROOKHAM, FLEET, GU52 8LL. APPLICATION NO. 16/00414/HCC. SITE REF: HRE035

The Committee received a report from the Head of Strategic Planning (Item 7 in the Minute Book), regarding an application for an extension at Tweseldown Infant School in Fleet.

It was confirmed that an update report had been circulated to Members, which covered school crossing patrol, use of the local centre, staff car parking and school capacity.

The officer highlighted that the existing school had been built as a three-form entry school, with opportunity for expansion into a four-form entry. The proposed extension was for the southern corner of the site. There were two designated parking areas used for Park and Stride as part of the travel plan at a nearby Memorial Hall and also a Church. These were well used and supported by a local foot network, with 84% of pupils now walking to the school compared to the County average of 50%. Access points and elevation plans were shown to Committee as well as site and aerial photographs.

The Committee received four deputations on this item. Richard Jackson, a local resident, spoke against the application on behalf of 25 other local residents over concerns regarding road safety and lack of highway mitigations. It was felt there was little enforcement to deter parents from parking in residential bays. Mr Jackson proposed conditions regarding including: construction traffic not being permitted entry until suitable parking and turning space had been installed; access times for construction traffic being restricted; school parking at the local centre being secured; enforcement being improved to prevent parking close to junctions and all current conditions being closely monitored.

Kim Tottem, the Head teacher from Tweseldown Infant School, spoke in favour of the application and confirmed that only 30 additional children would be starting in September 2016, regardless of whether the proposal was approved. Out of this 30, the majority of children that would attend the school lived within 0.5 miles of the school, with only 8% living over 1 mile away. It was confirmed that as the local area increases, the school catchment area would shrink and pupils would be closer to the school resulting in fewer vehicle movements. Lots of measures were in place to encourage walking to school, including a walking bus; highlighting parking problems in the newsletter and naming vehicles who parking inconsiderately; assemblies dedicated to promoting walking; and issuing stickers to children who walk to school.

Liam Presley and Richard Vaughan spoke on behalf of the applicant and in support of the proposals. It was confirmed that the school opened in 2014 and there will be a total of 360 pupils on roll in September. All construction vehicles would be able to leave the site in forward drive. The design for the extension echoed the current building style with high levels and natural daylight.

County Councillor John Bennison spoke in favour of the application. He confirmed that the roads were monitored around once a week and the military quarters to the south were also in walking distance of the school. Cllr Bennison highlighted that it was anticipated to be another two years before the highly anticipated spine road was to be constructed, and that as mentioned on page 9 of the report, it was to be approximately 15 months before the required patrolled crossing would be operational.

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

- Local residents would be in support if the highways concerns were addressed.
- Designated parking would be available for contractors and this would be covered in a site management plan which would be submitted before any construction began.
- No cycle routes or raised tables had been witnessed to date by Richard Jackson.
- School hours were 8:35, with a 10 minute drop-off window until 8:45. School finished at 15:05, however, there was a walking bus to before and after school clubs that took place at the old site, and also extra curricular clubs that finished at 16:00-16:30.
- Turning space to allow vehicles to leave in a forward gear had already been accommodated as per Richard Jackson's suggestion.
- The travel plan to the school had been put together offering options for Park and Stride, but it was not the responsibility of the school to secure specific spaces.

- The Walk and Stride car parks were well used but never full. The Church car park was generally busiest as it was more accessible for the Junior School.
- If approved, the intended haul road would be constructed over the summer with the main building construction between October 2016 and July 2017. A full refurbishment would then take place over the 2017 summer holidays.

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

- The school was not required to provide on site parking for dropping off children, and as many parents arrived early to collect children at the end of the day, this often caused congestion.
- The raised tables referred to would be part of the spine road and wider development.
- The school patrolled crossing was on a waiting list until another was stopped elsewhere in the County.
- Further overflow parking was available for contractor vehicles if necessary
- Cycle storage areas within the school would not be expanded as these were covered as part of the application for the temporary classroom permissions.

During debate, some Members voiced concern over the lack of Hampshire County Council managed parking areas and all agreed that the nearby parking available shouldn't be heavily restricted to make it difficult for parents to use. There was also debate regarding Condition 3 and the timings stated. It was agreed that officers would look into more restricted hours for construction and delivery traffic, which would be finalised with consultation with the Chairman of the Committee.

RESOLVED:

Planning permission was GRANTED subject to the update paper, conditions listed in integral Appendix B and amendments to Condition 3 in consultation with the Chairman of the Committee.

Voting

Favour: 15 (unanimous)

Councillor Latham and Councillor Price left the meeting

- 262. APPLICATION FOR CHANGE OF USE TO ENERGY RECOVERY CENTRE ERC COMPRISING THE USE OF ADVANCED CONVERSION TECHNOLOGY (ACT) (GASIFICATION) TO CONVERT NON-HAZARDOUS WASTE INTO ELECTRICITY AND HEAT TOGETHER WITH ERECTION OF 2 NO. FLUE STACKS TO EXISTING BUILDING AND PROVISION OF 2 NO. DRY AIR COOLING TOWERS AT PLOT 37, CENTRAL WAY, WALWORTH INDUSTRIAL ESTATE, ANDOVER, SP10 5AN. (APPLICATION NO. 16/00058/CMAN) (SITE REF: TV256)**

Councillor Cooper declared a non prejudicial interest as a Member of Test Valley Borough Council.

Councillor Rolt declared a non prejudicial interest as the Local Member.

The Committee received a report from the Head of Strategic Planning (Item 8 in the Minute Book) regarding an application for change of use to an energy recovering centre and subsequent installation of the necessary equipment and technology.

It was confirmed that an update paper had been circulated to Members that covered representations and general commentary on the report.

The key points of the application were summarised and the existing permission was highlighted. Committee was shown a location plan and the nearest existing residential property was shown to be 330 metres away from the edge of the application site. The officer also highlighted the proximity of the East Anton Major Development Area (MDA). A layout of the proposed site was shown along with elevations and photographs of the junction leading to the site.

An objection had been received from Test Valley Borough Council, but not from the Environment Agency, Environmental Health or Highways Authority. The officer reported that 172 representations had been received by the County Council as of the 17th May, with potential for health impacts as a result of emissions to air being the primary concern of local residents. The proposal was for mixed grade wood to be processed, which otherwise currently goes to landfill or is incinerated/thermally treated. The fact that this could be used to generate energy was supported by Policy 28 of the adopted Hampshire Minerals and Waste Plan. It was considered that the visual impact of the flue stacks was acceptable due to the site being located in a commercial and industrial area.

With regards to proposed condition 3, the officer clarified the restricted hours only applied to vehicle movements and not operation of the site plant, as the applicant was seeking to operate the gasifier 24/7.

The Committee received two deputations on this item. Jonathon Foxbatt, a local resident, spoke against the application and questioned whether the proposal was for a true gasifier. There were also concerns that the air quality assessments did not account for the ridge surrounding the area and the fact that the site was set in a valley. It was felt that vehicles could be sat idle during loading and unloading periods and the routes of lorries was also a concern. Issues were also raised regarding the type of wood used and the speed of shutting down the operation in an emergency and the wider safety implications associated with it.

Rob Mockridge and Bob Thomas spoke on behalf of the applicant to support the application. It was felt the modular design worked well with the surrounding industrial buildings and the process was explained to Committee. Other plants had a 91-94% efficiency and the impacts on air quality were found to be minimal. Boilers were serviced once a year. It was acknowledged that the area was generally flat, although not entirely, and this had been accounted for.

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

- “Volatiles” referred to hydrogen, methane, carbon monoxide and oxygen

- Dioxins were produced by halogens, with chlorine being one of the biggest dioxins. These would be low risk due to the fuel used;
- There would be a negligible increase in particulates;
- No consultation was undertaken locally by the applicant and there was no requirement for them to do this;
- There would be no steam plume released from the cooling towers as they were dry cooling towers, meaning only heat and not steam was released;
- Emissions would be closely monitored with data put on a public register for inspection;
- It was anticipated that a liaison panel would be set up if the application was approved and once the site was up and running;
- Electricity and the efficiency of the plant would be monitored;
- It was felt by Mr Foxbatt that the gasifier was in fact a boiler with a gasification element in it, but not a gasifier itself;
- The gasifier was first classified in 1995, but there have been more recent designs since that time;
- Volatiles produced depend on the organic makeup of the fuel and are therefore difficult to control;
- Surface roughness on the ground can be adjusted for testing air quality impacts;
- Pre-application advice provided to the applicant was based on a different location but for the same proposal.

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

- The use of the term 'gasifier' was not significant in determining the application as the process had been explained and understood.
- Nitrogen Dioxide is produced as the result of any combustion process and there were models used to calculate levels
- The maximum impact levels had been quoted, which included those in the industrial estate as well as the wider residential area. The potential impact on health varied depending on location. The applicant had assessed two scenarios; one using conservative estimates based on the facility operating at IED emission limits values and the second using projected emission values that the applicant states as being a more realistic scenario for this plant. Impacts from the first scenario ranged from 'insignificant' to 'moderate – substantial' but for the second scenario were negligible.
- As detailed in the Officer's Report, an Environmental Permit would be required from the Environment Agency (EA) in order to operate and this would be monitored/regulated by the EA.
- Relevant National and Local Policy had been looked at when determining the application.
- Test Valley Borough Council had objected on the grounds of the application affecting employment, but there would be employment use and job opportunities at the site comparable with a Class B8 use.
- The efficiency of the site would be a planning issue evidenced by Policy 28 which required applicants for energy from waste facilities to, at a minimum, generate electricity

During debate, Members felt there was not enough information on the environmental permit and the technological processes involved. It was proposed

and seconded that the item be deferred pending more information from the Environment Agency regarding the monitoring of the site and potential risk to health.

This was put to the vote:

In favour of deferral: 10

Against deferral: 3

RESOLVED:

That the application be deferred to a future Regulatory Committee meeting pending further clarification from the Environment Agency.

Councillor Wheale left the meeting and Cllr Greenwood left the meeting

263. APPLICATION FOR TWO FORM ENTRY, TWO STOREY PRIMARY SCHOOL WITH ASSOCIATED PARKING AND EXTERNAL WORKS AT THE WESTERN SCHOOL SITE, QUEENS AVENUE, ALDERSHOT GU11 2DP. (APPLICATION NO. 16/00144/HCC) (SITE REF: RME036)

The Committee received a report from the Head of Strategic Planning (Item 9 in the Minute Book) regarding an application for a two form entry Primary School in Aldershot.

It was confirmed that planning permission was originally granted in 2014, with potential to expand to a three form entry school. An update report had been circulated to Members, which covered the number of staff at the school and changes to proposed Condition 10. Committee was shown a location plan as well as aerial photographs and a proposed site plan with elevations. A temporary car park would be provided and there were plans for a layby to be installed nearby once the local neighbourhood centre was up and running. The grid structure design of the school was also in keeping with the local area.

Highway safety was felt to be the main concern regarding the application, but a travel plan would be in place ahead of the school opening.

The Committee received a deputation from Nick Yarrow on behalf of the applicant. It was enforced that the orientation and design of the building respected the area and local history. High quality materials would be used and the developer had agreed to provide a drop-off area.

During questions of the deputation, it was clarified that the cycling routes were linked in with the wider network and sprinklers were not proposed as the building had been assessed as being low risk.

During questions of the officer, it was confirmed that Hampshire County Council would not claim the money generated by the solar panels in the school holidays due to the school being an Academy.

RESOLVED

Planning permission was GRANTED subject to the update report and conditions listed in Integral Appendix B

Voting:

Favour: 11

Against: 0

Abstention: 0

Councillor Pearce left the meeting

264. APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO RECORD A RESTRICTED BYWAY BETWEEN SLADE BOTTOM ROAD AND LYE FARM ROAD, IN THE PARISH OF ST MARY BOURNE

The Committee considered a report from the Director of Culture, Communities and Business Services (Item 10 in the Minute Book) regarding an application for a Definitive Map Modification Order (DMMO).

The committee was shown a location plan as well photos taken at various points along the route. The Committee was informed that during the investigation into the application additional evidence had come to light indicating that an adjoining route (St Mary Bourne FP1) was also one a public carriageway, and that if the legal tests were met the County Council was therefore under a duty to make an order to record both routes at a higher status. The legal tests were summarised and it was confirmed that both routes were marked as roads in the first edition of the Ordnance Survey County Series Map, as well as being included in a Schedule of Highways produced by Whitchurch Highway Board in 1863.

The officer was thanked for his thorough and well written report.

RESOLVED

a) That, based on historic documentary evidence, authority is given for the making of a Definitive Map Modification Order to record a restricted byway with a width varying between 5 and 12 metres, between B - C on the Committee Plan.

b) That, based on historic documentary evidence, authority is given for the making of a Definitive Map Modification Order to record a restricted byway with a width varying between 4.5 and 9.5 metres, between A - B - D on the Committee Plan.

Voting

Favour: 10 (unanimous)

265. PROPOSAL FOR A PUBLIC PATH EXTINGUISHMENT ORDER FOR PART OF ALTON FOOTPATHS 29A AND 29B

The Committee considered a report from the Director of Culture, Communities and Business Services (Item 11 in the Minute Book) regarding a path extinguishment order for part of Alton footpaths 29a and 29b.

The officer summarised the report and showed a location plan and photographs

of the area and routes. It was confirmed that there was no chance of linking the two routes with other public highways due to subsequent development of the surrounding area. The proposal has no adverse effect on the landowner and the paths proposed to be extinguished are no longer needed for public use.

RESOLVED

- a) That authority is given for the County Council to enter into an agreement with Treloar Trust for the dedication of public footpath rights on the route shown between F-G on the Committee Plan.
- b) That an order is subsequently made extinguishing that part of Alton Footpath 29a shown running between A-B on the Committee Plan, and those parts of Alton Footpath 29b shown running between C-F and E-G on the Committee Plan.

Voting

Favour: 10 (unanimous)

266. PROPOSAL TO EXTINGUISH PARTS OF PAMBER FOOTPATH 902 AND TO MAKE A MAP MODIFICATION ORDER TO RECORD PARTS OF PELICAN ROAD AS PUBLIC FOOTPATHS, IN THE PARISH OF PAMBER

The Committee considered a report from the Director of Culture, Communities and Business Services (Item 12 in the Minute Book) regarding an application to extinguish parts of Pamber Footpath 902 and record public footpath rights over parts of Pelican Road, in the parish of Pamber.

The committee was shown photos of the routes and it was clear that two sections ran through properties. Rights were also being sought to extend the remaining section to the nearest highways.

RESOLVED

- a) Authority was given for the making of a Map Modification Order to record public footpath rights between B-F and C-E, as shown on the Committee Plan
- b) Authority was given for an order to be made extinguishing that part of Pamber Footpath 902 shown between A-B and C-D on the Committee Plan

Voting

Favour: 10 (unanimous)

Councillor R McIntosh
Chairman
Wednesday 18 May 2016