

AT A MEETING of the REGULATORY COMMITTEE of the HAMPSHIRE COUNTY COUNCIL held at The Castle, Winchester on 18 March 2010.

PRESENT:

Chairman:
p Councillor R.C. McIntosh

Vice-Chairman
p Councillor G. Hockley

Councillors:

p F.G. Allgood	a Mrs A. McEvoy
p Mrs C.A. Bailey	p E.J. Neal
a I. Beagley	p F. Pearce
p A. Broadhurst	p R. Price
p J.V. Bryant	a Mrs J. Porter
p C. Carter	p D. Simpson (for agenda items 1-11)
p M.G. Cooper	p J. Wall
a B.T. Gurden	p J.K. West
p G.M. Hockley	a Mrs S. Wheale
p S. James (for agenda items 1-8)	
p. A. Joy	

86 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors I. Beagley, A. McEvoy, J. Porter and S. Wheale. (Cllr Hockley was acting vice-chairman for this meeting in Councillor Beagley's absence).

87 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 9, 10, 11 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.

Councillor J. Wall declared a personal, but non prejudicial interest in item 7 (single storey Children's Centre extension, including associated works to

existing school building at South Farnborough County Junior School) as a Member on the Buildings, Lands and Procurement Panel (BLAPP).

88 MINUTES

The Minutes of the meeting of the Regulatory Committee held on 11 February 2010 were confirmed as a correct record and signed by the Chairman.

89 DEPUTATIONS

Members were reminded that they had approved a scheme which involved the suspension of Standing Order 21 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 deputations had been notified in respect of Items 6,7 and 8.

90 CHANGE OF USE FROM PUBLIC HOUSE TO RECYCLING YARD AND CONSTRUCTION OF A STORE BUILDING/OFFICE, TIPPING AREA, STORAGE AREAS AND FORMATION FO CAR PARKS AT BULLINGTON CROSS INN, BULLINGTON CROSS, BULLINGTON (APPLICATION NO. 09/02530/CMAN) (COUNTY COUNCIL RED: TV246)

The Committee considered the report of the Heading of Planning and Development (Item 6 in the Minute Book) in respect of an application to demolish the former Bullington Cross Inn and change the use from a public house to waste recycling yard and the construction of a store building/office, tipping area, storage areas and formation of car parks.

The Head of Planning and Development showed the Committee maps and site location plans. Committee were also reminded that a site visit had been held on 1 March 2010, with twelve members in attendance.

The Head of Planning and Development advised that if planning permission were granted, the former public house would be demolished and the ground lowered. A new building would then be constructed for the processing of tyres and storage. The outside area would be used for metal waste reception, processing and storage and tyre storage as shown on the plans.

The Committee received deputations from Test Valley Borough Councillor J. Neal and several local residents, (Colonel Rupert Wieloch, Ms Annabel Smyth-Osbourne and Mr David Forster) who outlined their objections in respect of noise, environmental impact and road safety. County Councillor Andrew Gibson (the local County Councillor) also spoke in opposition to the application. Mr Ian Donohue, the applicant's agent spoke in favour of the item.

The Head of Planning and Development also advised that additional letters of objection received from CPRE and Councillor Porter, who is a neighbouring County Councillor to the site.

The Committee were advised that Test Valley Borough Council had already granted planning permission on the site for B2 'general industry' uses. The Head of Planning and Development also stated that, should planning permission be granted, a permit to operate the site would still be required from the Environment Agency. In response to questions from Members he commented that an Advice Note relating to this requirement should be added if the Committee were minded to approve the application.

The Head of Planning and Development informed the Committee that the applicant had offered a legal agreement on the routing to be taken by vehicles transporting materials to and from the site and so HGV vehicles would be limited to the A34, A303 and A30. They would not use any of the smaller lanes nearby and signage would be placed around the site to enforce this. The Highways Agency has been consulted and has raised no objection to the application .

The Head of Planning and Development advised that a protected Species Assessment Report had been submitted for the site, in relation to the potential for bats, and also nesting by house martins. Were permission to be granted, he recommended that roof tiles be removed by hand and that demolition of the building take place in winter, as included in proposed conditions.

RESOLVED:

That subject to the completion of a legal agreement relating to routing of lorries to and from the site, planning for change of use from public house to recycling yard and construction of a store building/office, tipping area, storage areas and formation of car parks at Bullington Cross Inn, Bullington Cross, Bullington (Application no, 09/02530/CMAN) be granted subject to:

- (i) an amendment to condition 10 requiring that that drainage works, separators and sewage treatment should be installed and operational prior to the importation of any waste on to the site;

- (ii) all other conditions as outlined in Integral Appendix B of the Head of Planning and Development's report;
- (iii) an advice note concerning the need for an Environmental Permit from the Environment Agency and advise there should be liaison with local residents.

Voting : **12 in favour, 4 against, 0 abstention**

91 A NEW SINGLE STOREY CHILDRENS CENTRE EXTENSION, INCLUDING ASSOCIATED EXTERNAL WORKS, TO EXISTING SCHOOL BUILDING AT SOUTH FARNBOROUGH COUNTY JUNIOR SCHOOL, CUNNINGTON ROAD, FARNBOROUGH, HAMPSHIRE (APPLICATION NO. 10/00017/HCC) (COUNTY COUNCIL REF: RME014)

Councillor J. Wall (the local County Councillor) declared a personal but non-prejudicial interest in this item as a member of Hampshire County Council's Buildings, Land and Procurement Panel.

The Committee considered the report of the Head of Planning and Development (Item 7 in the Minute Book) in respect of an application seeking planning permission for a new single storey children's centre building, including associated external works at South Farnborough County Junior School.

The Head of Planning and Development advised that the proposed building would be built alongside the Junior school, but would not be run by the school. Changes to the parking arrangements at the school would also be made, including the creation of one additional space and two disabled spaces. Parking would be shared by the school and the centre but were not allocated to either building.

The Committee received a deputation from a local resident, Peter Lloyd, who objected to the building of the centre due to the ongoing problems with parking. Richard Vaughan, from Children's Services, and Colin Jackson, from Property Business and Regulatory Services spoke in favour of the application on behalf of the applicant.

Members enquired as to whether there were any parking restrictions along the residential roads nearby and it was confirmed that Andrewartha Road had restriction down one side of the street.

The Head of Planning and Development advised that Rushmoor Borough Council had raised no objection to the application and that the Highways Authority had no objection, subject to conditions including submission of a Construction Traffic Management Plan prior to the commencement of

development. The letters of objection that had been received and the grounds for concern that had been expressed were outlined in his report.

RESOLVED:

That planning permission to construct a new single storey Children's Centre extension including associated external works, at the existing school building South Farnborough Junior School, Cunnington Road, Farnborough. (Application no. 10/00017/HCC) be granted subject to the condition in Integral Appendix B.

Voting : 16 in favour 0 against 0 abstentions

92 CONSTRUCTION OF A NEW CRICKET GROUND INVOLVING IMPORTATION OF INERT WASTE MATERIAL TO CREATE NEW LANDFORM, ALONG WITH TEMPORARY ACCESS AND CONTRACTORS' COMPOUND AT DUMMER DOWN FARM, DUMMER, BASINGSTOKE RG25 2AR (APPLICATION NO BDB/70901) (SITE REF: BA158)

The Committee considered the report of Head of Planning and Development (Item 8 in the Minute Book) in respect of an application for change of use of the site from agricultural field to a cricket pitch. This would require the site to be re-profiled to provide a flat level surface for the pitch and inert waste imported to create the proposed landform. A planning application for the use of the cricket pitch (BDB/70887) is currently with Basingstoke and Deane Borough Council.

Two deputations were received for this item. Mr Gerald Higgs, a local resident, spoke against the large increase in traffic to the area due to the number of lorries required. The applicant, Mr Andrew Ferguson, also attended to speak in support of the application.

The Head of Planning and Development confirmed that he was recommending a management plan for construction traffic (outlined in condition 4) as the re-contouring and changes to the land would require 85,000m³ of inert waste and soils being brought in over a period of 12-15 months. An acoustic report had been submitted as part of the application and while the Head of Planning and Development accepted that there would be some noise impact on local residents but it would be temporary, during the construction period only.

The Head of Planning and Development advised that there had been no objection to the use of the junction on the A33/A30 from the Highways Authority, although they had requested a legal agreement in respect of possible damage and restoration to the C12. The representations received

in respect of this application were summarised in paragraph 5 of his report.

RESOLVED:

That subject to Basingstoke and Deane Borough Council granting planning permission for the cricket pitch (BDB/70887) planning permission for the construction of new cricket ground involving importation of inert waste material to create new landform, along with temporary access and contractors' compound at Dummer Down Farm, Summer, Basingstoke RG25 2AR (Application No: BDB/70901), be granted subject to the conditions in Integral Appendix B..

Voting: 13 in favour, 3 against, 0 abstentions

(Councillor S. James left the meeting at this point.)

**93 REVOCATION OF A DECISION TO APPOINT AN INDEPENDENT INSPECTOR TO HOLD A NON-STATUTORY PUBLIC INQUIRY INTO AN APPLICATION FOR REGISTRATION OF LAND AT CHILWORTH AS TOWN OR VILLAGE GREEN CONSEQUENT ON THE WITHDRAWL OF THIS APPLICATION.
(APPLICATION NO. TVG 238)**

The Committee considered the report of the Director of Culture, Communities and Rural Affairs (Item 9 in the Minute Book).

The Director of Culture, Communities and Rural Affairs advised that the purpose of the report was to seek acceptance of the offer of withdrawal of an application to register land known as 'The Playing Field' in Chilworth and to revoke the decision to appoint an independent Inspector to hold a non-statutory Public Inquiry into the matters originally raised.

RESOLVED:

- i) That the withdrawal of the application be accepted;
- ii) That the decision to appoint an independent Inspector to hold a non-Statutory Inquiry, as contained in Minute number 326 of the meeting of the Regulatory Committee held on March 11 2009 be revoked.

Voting: 15 in favour 0 against 0 abstentions

94 APPLICATION FOR A PUBLIC PATH DIVERSION ORDER FOR PART OF FOOTPATH NO.21 IN THE PARISH OF ROPLEY

The Committee considered a report of the Director of Culture, Communities and Rural Affairs (Item 10 in the Minute Book) which detailed an application to divert part of Footpath No. 21 in the Parish of Ropley.

The Director of Culture, Communities and Rural Affairs advised that the applicant had proposed cutting a route across the paddock, forming a new boundary. Kissing gates would be required at two points along the route (points A and D as shown on the accompanying location map). The proposed route would avoid a narrow section of the footpath, which can become muddy and overgrown in wet weather and would provide a more direct connection with Lyeway Lane.

RESOLVED:

that an Order be made diverting part of Ropley footpath No. 21 from the current definitive alignment between points A and C to a new alignment between points A and D as shown on the accompanying plan.

Voting: 15 in favour, 0 against, 0 abstentions

95 PROPOSAL TO ENTER INTO AN AGREEMENT WITH BLCT LIMITED FOR THE PROVISION OF A LICENSED PUBLIC FOOTPATH AND CYCLEWAY, FOR 10 YEARS, IN BURSLEDON PARISH

The Committee considered the report of the Director of Culture, Communities and Rural Affairs (Item 11 of the Minute Book) detailing a proposal for an agreement between the landowner and Hampshire County Council to provide a public footpath and cycleway in Bursledon for a period of almost 10 years.

The path would enable the public to make connections on foot and bicycle between Bursledon Road and Devonshire Gardens. Hampshire County Council would maintain the path, which would be done mainly through voluntary organisations.

RESOLVED:

That the County Council enters into an agreement with BLCT Limited for the provision of a licensed public path over the route A-B as shown on the attached plan. The width of the path to be 3.0 metres.

Voting: 15 in favour, 0 against, 0 abstentions

96 REVISED LOCAL PROTOCOL ON PLANNING FOR COUNCILLORS AND OFFICERS

The Committee considered the report of the Director of Environment and the Chief Executive (Item 12 of the Minute Book) detailing the changes in the revised Local Protocol. These changes included the following:

- a) Committee being able to ask questions of deputees being implemented on a permanent basis
- b) To maintain that Site Visits are only attended by Members of the Committee and Local Members
- c) That if Members of the Committee leave during an the presentation or discussion of an application, then they are not permitted to vote on the item.

The Principal Solicitor confirmed that should refreshments be provided at a site visit, these could be accepted by Members and this would be noted in the site visit summary. However, it would remain that the Committee have no contact with residents or the applicant whilst on the site.

(Councillor D. Simpson left the meeting before the voting took place)

RESOLVED:

That the Regulatory Committee:

- i) Approves the revised Local Protocol on Planning for Councillors and Officers and recommend to the Standards Committee and the County Council that it be adopted for use by the County Council;
- ii) Recommends to the Standards Committee and the County Council that Standing Order 21 be amended to allow the Regulatory Committee to ask questions of clarification and fact of persons making deputations to the Committee, including the local County Councillor when making a deputations; and
- iii) Approves the revised Scheme of Delegation and rescinds the previous Scheme of Delegation agreed on 20 October 2004.

Voting: 14 in favour, 0 against, 0 abstentions