

AT A MEETING of the Regulatory Committee of HAMPSHIRE COUNTY  
COUNCIL held at The Castle, Winchester on Wednesday 24th July, 2019

Chairman:

\* Councillor Peter Latham

* Councillor Lance Quantrill	Councillor Wayne Irish
* Councillor Christopher Carter	* Councillor Alexis McEvoy
* Councillor Mark Cooper	* Councillor Stephen Philpott
* Councillor Rod Cooper	Councillor Roger Price
* Councillor Roland Dibbs	* Councillor David Harrison
* Councillor Jane Frankum	* Councillor David Simpson
* Councillor Marge Harvey	* Councillor Jan Warwick
* Councillor Keith House	* Councillor Neville Penman
* Councillor Gary Hughes	

\*Present

**140. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Wayne Irish and Roger Price. Councillor's David Harrison and David Simpson attended the meeting as deputies.

**141. DECLARATIONS 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.

**142. MINUTES OF PREVIOUS MEETING**

On paragraph 136 of the minutes, it was noted that 'existing' needed to be removed from the opening sentence to read "an application for a chalk quarry".

The minutes of the last meeting were then agreed.

**143. DEPUTATIONS**

It was confirmed that there were four deputations for the meeting, and each deputation would have a maximum of 10 minutes each to address Committee.

144. **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed Councillor Neville Penman as a new member of the Committee and thanked Councillor Russell Oppenheimer for his contributions to Regulatory during his time on the Committee. Councillor Pal Hayre was also welcomed as a new Conservative Deputy member.

145. **APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO RECORD A BYWAY OPEN TO ALL TRAFFIC IN BARTON ON SEA PARISH OF NEW MILTON**

The Committee considered a report from the Director of Culture, Communities and Business Services (item 6 in the minute book), which requested that authority be given for the making of a Definitive Map Modification Order to record a footpath in Barton On Sea, New Milton.

Members were shown a location plan of the area and it was confirmed that the claimed route commenced at the northern end of Farm Lane North, a private, unadopted road. The land over which the route ran was owned by a resident of Chestnut Avenue.

The background to the application was summarised, confirming how the original application had been submitted in 1978. A change in management and ownership had triggered the 2018 application and both were being considered together. There were current signs in place dating back to the 1970's stating it was a private road.

Looking back at the history of the route, the earliest record of use of the route by the public was found to be from 1930, but in 1946 was not regarded as a public route according to County and Parish records.

There were two deputations for the item. Brian Sherrad and Peter Lock spoke as local residents. Mr Sherrad said there was a desire for the access to be made public after the posts were put in place previously to prevent access. It was also felt that the history of the route was not accurately reflected in the historic documents. Mr Lock said how the route was not suitable for HGV's, which reversed out of the road. In 2003/4 local residents worked to maintain the condition of the route at their own expense. Martin Blakey addressed Committee as the landowner and thanked officers for their investigation. Mr Blakey stated how there was a lack of consideration by drivers who used the route and the ongoing tensions regarding the use of the route had caused a great deal of stress to his family. Mr Blakey had offered to donate some of the land for a footpath.

***Councillor David Simpson and Councillor Chris Carter declared personal interests as Members of the Fire Authority following Mr Martin Blakey stating he and his wife were retained firefighters. Both Members confirmed that they did not know Mr or Mrs Blakey in any capacity through Hampshire Fire & Rescue Service.***

During questions of the deputations, it was clarified that Mr Blakey's garage access started before the posts shown in the photos of the route.

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

- New Milton Parish Council had made no formal comment on the application; and
- The maintenance would fall to Hampshire County Council but only as a footpath.

Members were content with the application and reasons for recommending approval.

RESOLVED:

Authority was given for the making of a Definitive Map Modification Order to record a footpath with a width varying between 4.3 metres and 4.7 metres, as shown between Points A and B in the appendix supporting the report.

Voting:

Favour: 14

Against: 0

Abstentions: 1

146. **PENNINGTON RECYCLING FACILITY MILFORD ROAD PENNINGTON**

***Councillor Carter left the meeting, taking the total voting number for this item down to 14***

***Councillor's David Harrison and Neville Penman declared personal interests as Members of New Forest District Council***

*Temporary extension to Pennington Recycling Facility for associated parking and storage use at Land to the west of Pennington Recycling Facility, Milford Road, Pennington SO41 8DF (No. 19/10523)  
(Site Ref: NF042)*

The Committee considered a report from the Head of Strategic Planning (item 7 in the minute book) regarding an application for a temporary extension to Pennington Recycling Facility for associated parking and storage use at Land to the west of Pennington Recycling Facility, Milford Road, Pennington, which was recommended for refusal.

The officer confirmed that the development was within the South West Hampshire Green Belt and no very special circumstances exist that would support the proposal. It was therefore considered inappropriate and harmful to the openness and permanence of the Green Belt and as such is contrary to Policies 5 (Protection of the countryside) and 6 (South West Hampshire Green Belt) of the Hampshire Minerals and Waste Plan (2013), Policy CS10 (Spatial Strategy), point (o), of the New Forest District Council Core Strategy (2009) and

Paragraphs 133, 134, 143,144,145 and 146 of the National Planning Policy Framework (2019).

Photos from various elevations close to the site were shown and a location plan showed the various designations within the area. It was felt that a 10 year permission would be too long and the County Council Landscape Architect objected to the application due to the risk of harm to the Green Belt. It was confirmed that since publication, the applicant had written a letter summarising the case for development and this had been made available to Members.

The Committee received one deputation on this item. Susan Hughes spoke on behalf of the applicant. Ms Hughes told Committee how the extension would improve operations within the site in a quieter area of the site and the 10 years was a worthwhile amount of time for the development and subsequent restoration. Stockpile management could be improved and the site contributed to the County's waste and recycling the applicant was happy to do further screening.

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

- The tank was double-banded and on concrete hardstanding;
- A solar farm was not financially viable;
- The permission sought was originally going to be permanent, but it was felt that a temporary permission would have more chances of being successful; and
- The mileage of vehicles travelled was 240km a day on average.

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

- The entrance to the site was very wide and therefore there was nothing to screen from that direction;
- The application anticipated a reduction in HGV movements, but there were not figures to support this;
- The temporary permission was not recommended to the applicant but provided as an option.
- There was a requirement for the development to demonstrate very special circumstances, and it was for the Committee to determine with regards to whether it had adhered to this.

During debate, Members discussed how the application felt to be an encroachment and it was important to protect the Green Belt, however others felt that the role of the site was equally important and there was an increasing need for the County Council to encourage recycling.

Councillor Gary Hughes proposed an amendment to approve the application, which was seconded by Councillor Alexis McEvoy, but this was lost on the following vote:

Favour: 2  
Against: 11  
Abstentions: 1

The recommendations in the report were then put to Committee.

RESOLVED:

*Planning permission was REFUSED for the following reasons:*

- (1) The development is within the South West Hampshire Green Belt and no very special circumstances exist that would support the proposal. It is therefore considered inappropriate and harmful to the openness and permanence of the Green Belt and as such is contrary to Policies 5 (Protection of the countryside) and 6 (South West Hampshire Green Belt) of the Hampshire Minerals and Waste Plan (2013), Policy CS10 (Spatial Strategy), point (o), of the New Forest District Council Core Strategy (2009) and Paragraphs 133, 134, 143, 144, 145 and 146 of the National Planning Policy Framework (2019).
- (2) The proposed development does not maintain and enhance the distinctive character of the surrounding landscape. It is not considered high-quality design and does not contribute to achieving sustainable development. Therefore, the proposed development is not in accordance with Policy 13 (High-quality design of minerals and waste development) of the Hampshire Minerals and Waste Plan (2013).

Voting:

Favour: 13

Against: 0

Abstentions: 1

147. **FORMER CHINEHAM PARK PRIMARY SCHOOL SHAKESPEARE ROAD BASINGSTOKE**

*Demolition of existing building and provision of a new two storey All Through Special Needs school and associated external works, including access road, landscape, soft/hard play and parking areas at Former Chineham Park Primary School, Shakespeare Road, Basingstoke RG24 9BP (No. 19/01381/CC3) (Site Ref: BAE035)*

The Committee considered a report from the Head of Strategic Planning (item 8 in the minute book) regarding an application is for a 125 place all through Special Needs school and associated external works, including internal access road, landscape, soft/hard play and parking areas at the former Chineham Park Primary School.

Officers provided the history of the site, in which there was an existing nursery that had been in operation since 2008. Members were shown proposed plans of

the site and confirmed that no flood lighting was planned for outside. There was a history of bats and dormice on the site, and therefore more planting was proposed along with maintaining more trees that were currently there. Car parking would also be increased to support the new school. These mitigations were detailed in the update paper, along with minor amendments regarding Condition 8.

The Committee received one deputation from Andrew Parker on behalf of the applicant, who detailed the valuable importance of the school and its provisions. Mr Parker confirmed that the tree belt would remain following recommendation by the County Ecologist, and also that improvements would be made to the entrance for better access.

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

- The school would be a huge benefit to children who would no longer need to travel outside of the County;
- The school would not be in an area where there were existing concerns over air quality, but this would be monitored going forward;
- Solar panels were not required for the school, but could be fitted retrospectively should they be needed in the future;
- A full assessment had been done and it had been concluded that there was no need for sprinklers to be installed.

During debate, Members agreed that the school would be a great asset to the County and Councillor Jane Frankum was pleased to give the school full support as the local Member.

**RESOLVED:**

Planning permission was GRANTED subject to the conditions listed in integral appendix A and minor amendments included in the update report.

Voting:

Favour: 14 (unanimous)

**148. FOREST LODGE HOME FARM FAWLEY ROAD HYTHE**

*Variation of conditions 19 and 20 of planning permission 16/10450 to allow screening operations to take place at Forest Lodge Home Farm, Fawley Road, Hythe SO45 3NJ (No. 18/11586) (Site Ref: NF271).*

The Committee considered a report from the Head of Strategic Planning (item 9 in the minute book) regarding this application (approved by Committee on 20 March 2019) to allow screening operations to take place along with a Section 106 agreement accompanying it.

The Section 106 agreement should have been completed by 20 June 2019, and an extension until 20 September 2019, was sought. The extra time was required despite all parties working positively together.

Members were happy with the report and there were no questions.

#### RESOLVED

An extension of time until 20 September 2019 was agreed for the satisfactory completion of the Deed of Variation to the Section 106 agreement (ref: 107848, signed 14 March 2017) and it was agreed that that authority be delegated to the Director of Economy, Transport and Environment to grant permission in all other respects in accordance with the resolution made at the Regulatory Committee meeting held on 20 March 2019.

#### Voting:

Favour: 14 (unanimous)

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Chairman,