

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE

7 August 2008

Attendance:

Councillors:

Jeffer (P)

Barratt (P)
Baxter
Busher (P)
Fall
Huxstep

Johnston (P)
Lipscomb
Pearce (P)
Ruffell
Tait

Deputy Members

Councillor Berry (Standing Deputy for Councillor Lipscomb)
Councillor Evans (Standing Deputy for Councillor Fall)

Others in attendance who addressed the meeting:

Councillors Allgood, Read and Stallard

Officers in Attendance:

Mr J Hearn (Team Manager, DC East)
Mr A Rushmer (Planning Officer)
Mr B Lynds (Planning and Projects Barrister)
Mr N Culhane (Highways Engineer)
Mr S Dunbar-Dempsey (Landscape and Open Spaces Officer)
Mr P Aust (Drainage Engineer)

1. **CHAIRMAN'S ANNOUNCEMENT**

The Sub-Committee met at the Ashling Sports Pavilion Hall, Denmead where the Chairman welcomed to the meeting approximately 40 local residents and the applicant.

2. **MEADOWS FARM, ERVILLS ROAD, WORLDS END, HAMBLEDON – CASE NUMBER: 08/00764/FUL**
[\(Report PDC768 Item 6 refers\)](#)

At its meeting on 24 July 2008, the Planning Development Control Committee had agreed to refer determination of the above application to the Viewing Sub-Committee, so that Members could consider the context of the new track with the stream, its visual impact and the highways effect of the proposed access.

Councillor Evans highlighted an inaccuracy in the minutes of that meeting, because they had recorded that Councillor Allgood (who had spoken as a Ward Member) had “pointed out that, as adjoining Ward Members, Councillors Coates and Evans also opposed the application.” However, Councillor Evans explained that, as she had been unable to attend the previous meeting, she had submitted a number of questions related to the application. In doing so, she had not commented on the merits of the application and had not pre-determined it. With the consent of Councillor Allgood, she requested that the minutes of the previous meeting be amended to correct this inaccuracy. Therefore the Sub-Committee agreed that the matter be brought to the attention of the Planning Development Control Committee, before they approved the minutes for that meeting.

Immediately prior to the public meeting, the Sub-Committee visited the application site. Members viewed the site and extent of the proposed access, the surrounding area, the proposed track and bridge across the ditch/stream. Members had also viewed the existing access arrangements. Ward Councillors Allgood, Read and Stallard accompanied the Sub-Committee on this visit, together with the applicant and agent.

At the public meeting, Mr Rushmer introduced the application to the Sub-Committee. He informed Members that Mrs C Dibden (Hambledon Parish Council) had advised that, although not registered to speak, she wished to underline the Parish Council’s opposition to the application.

The site was a rural location approximately 1.5km from the settlement boundary of Denmead. The landscape of the area had a distinctive pattern of irregular fields, with hedges forming the boundaries, interspersed with small, irregularly shaped woods and copses. The site was criss-crossed by rights of way and one of these utilised the small existing brick bridge over the ditch/stream that ran through the meadow. There was a cluster of dwellings in the vicinity and the site was opposite The Chairmakers Arms public house. The site had an existing access with poor visibility, next to the entrance to The Priory.

Mr Rushmer explained that the proposal sought to create a new farm track lined with new hedgerows (comprising a mixture of blackthorn, hawthorn and hazel) and the replacement of the existing bridge. The track would be constructed of hoggin with tarmac and concrete capping slabs at the entrance. A new access was proposed onto Ervills Road, with gates located 15 metres from the track entrance.

Mr Rushmer requested that the Sub-Committee consider an additional condition to those set out in the Report. He advised Members that the additional Condition be included to obviate any risk of flooding as a consequence of the proposal. This required the levels of the proposed access track to be agreed in writing with the Local Planning Authority, and that the development be carried out in accordance with these approved levels. Furthermore, an Informative was proposed to remind the applicant that they

were required to apply to the Environment Agency for a Flood Defence Consent prior to the commencement of work, should consent be granted. A further Informative was also recommended to clarify that drawing number P810/01 Rev B of this current application had been included in error, as this referred to a previous application at this site.

Mr Rushmer reminded the Sub-Committee that the current application was the third to be received in relation to a new access track on this site and sought to address objections raised on previous occasions. Since the meeting on 24 July 2008, he had consulted the County Council regarding the concerns raised about Amber Listed birds being affected by the development and had been advised that it was unlikely to have a significant impact. In response to a request made by Councillor Read at the Committee meeting, Mr Rushmer displayed photographs showing incidences of flooding on the field.

Mr Dunbar-Dempsey advised that, although the proposed new track would be visible and impacted upon views, it would not be harmful to features of recognised importance and so it was not considered that a reason for refusal on landscape grounds could be defended on appeal. The site was not in an Area of Outstanding Natural Beauty, nor within the proposed National Park Area. Neither had it been flagged as an area of "special landscape quality" by the Council. He advised the area of "hedging" that would be lost in construction of the new access was of no importance in the relevant classification system. The proposed replacement hedging alongside the new track would be of a mixed nature consisting of indigenous plants, such as hawthorn.

Mr Culhane advised that, in response to concerns raised about visibility from the proposed new access, the applicant had undertaken a speed assessment of traffic on the road over a period of one week. The results of this assessment confirmed that speed levels were such that, in his opinion, there was no sustainable highway objection to the proposal. He reminded Members that volume of traffic was not relevant in this consideration.

Mr Lynds noted that local residents had displayed a number of photographs and plans around the meeting room. However, as this information had not been submitted within the time limits of the agreed application procedure, he advised that the Sub-Committee should not have regard to their content in reaching its decision.

During the public participation element of the meeting, Mrs Kanavan (Worlds End Residents' Association), Mr Lander-Brinkley (Denmead Parish Council) and Ward Councillors Stallard and Read spoke against the application. Mr Stubbs (agent for the applicant) spoke in support.

In summary, Mrs Kanavan raised concerns regarding the loss of the field, which was included in the County Council's "Hampshire Treasures" publication. She disputed the need for a new track as she believed that the existing track was adequate for agricultural use and could be improved with more regular maintenance. She mentioned the increased risk of flooding,

particularly if the track was built up. She also highlighted road safety concerns regarding the proposed new access, as a number of accidents had already taken place in the vicinity.

Mr Lander-Brinkley forwarded the apologies of Mr Gibbs (Boarhunt Parish Council) who was unable to attend the meeting. He reminded Members that Denmead Parish Council strongly objected to the proposals, believing it to increase the flooding risk in the area, including impacting on dwellings at World's End. He expressed concern about the impact on the character of the area and, in particular, about the possible future use of the track and surrounding land. He disputed the need for a new track as it was considered that the existing access was adequate for agricultural use. The Parish Council considered that permitting the scheme would undermine enforcement action in the vicinity against other nearby development and that, if granted, an additional condition should be included to limit use of the track to agricultural vehicles only.

Councillor Stallard expounded on the comments she had made to the Planning Development Control Committee meeting, held on 24 July 2008. She highlighted that the fields were a crucial floodplain and acted as a 'sponge' but no assessment of the flood risk of the proposal had been undertaken. She reminded Members that the Council had previously refused planning applications to allow storage facilities and a new dwelling close to the site. This, therefore, suggested that the Council had acknowledged the importance of the character and setting of this countryside location. There were also footpaths that crossed the site and rights of way issues had not been addressed.

Councillor Stallard was also concerned that an agricultural need for the proposal had not been demonstrated, especially as a farm track already existed which was suitable for agricultural vehicles and machinery. Further to this, she reported that the technical plans for the proposals had been drawn up by a civil engineering firm. She suggested that the site could be utilised for storing heavy engineering plant required for construction of the West of Waterlooville Major Development Area and, if this were to be the case, local roads would be unable to sustain such movements. To alleviate these concerns, she suggested that a condition be added to any permission granted that the proposals should be used for agricultural vehicles only. Any proposed change of use from agriculture should also be subject to a separate planning application.

Finally, Councillor Stallard referred to the strong local opposition to the proposal and stated that the relevance of a recent appeal case to allow a new access track in an Area of Outstanding Natural Beauty in Cornwall, should be disregarded.

With regard to the concerns raised above by Mrs Kanavan, Councillor Read requested clarification as to the level of the proposed track. He highlighted that the photographs showing previous flooding indicated that the new access road would be un-useable at these times. He also stated that flooding might

affect the water treatment plant which was adjacent to the site and questioned whether Portsmouth Water had been consulted. He concurred with previous concerns raised about safety of the proposed access because of the high speed of traffic on the road and with comments disputing the need for a new track. In summary, he requested that if the application was granted, a condition be imposed limiting the use of the track to agricultural vehicles.

Mr Stubbs highlighted the poor visibility from the existing access and emphasised that the applicant did not own the land adjacent to the access on either side and therefore had no control regarding its maintenance. The proposed replacement bridge would remove potential obstructions to the stream. Mr Stubbs reminded Members that works from the existing access to the current bridge could be carried out within permitted development rights. Finally he emphasised that the application was on behalf of his client solely, and that this had no connection with any civil engineering works.

In response to the above comments, Mr Rushmer confirmed that the proposed new condition would require the levels of the entire track to be submitted to the Council for agreement, prior to work commencing. With regard to concerns regarding impact on landscape, he reminded the Sub-Committee that no landscape objection had been made. The "Hampshire Treasure" publication was not an adopted planning document and therefore was not relevant in planning terms. The Environment Agency had been sent copies of the photographs of flooding and had not objected.

Mr Hearn advised that it was not considered that the application adversely affected the current risk of flooding and consequently would not impact upon the treatment plant. The fact that, if flooding occurred, the applicant would not be able to use the new track was not relevant to this decision.

In response to questions, Mr Aust confirmed that if flooding occurred, the new track and hedging would be within the area affected. Mr Dunbar-Dempsey advised that this could affect the viability of the new hedging, but it would be a requirement that any planting lost within a five year period would need to be replaced.

Mr Culhane responded to questions regarding his assessment that there was no highway objection to the proposals. He had analysed the figures provided regarding accidents in the last 10 years and, in his opinion, they were all due to driver error. He confirmed it had been a requirement that where a new access was agreed, the existing access should be blocked as it was considered that it would lead to additional conflict points. However, recent Government research had resulted in new guidance which had removed this requirement and also the existing access could not be blocked up as it served a separate dwelling.

Mr Hearn confirmed that any change of use from agricultural purposes would require planning permission. The reason why it was not considered possible to enforce a condition that the track solely be used for agricultural purposes

was that all visits to the site could not be controlled, for example from delivery vehicles, and farm visitors.

In response to questions, Mr Hearn confirmed that although Portsmouth Water Authority had not been consulted, the Environment Agency had stated it had no objection and would have considered the flooding implications of the development and would have advised the Local Planning Authority to consult the Water Authority if it had considered it necessary.

Mr Hearn advised that the Conservation Team had not been consulted with regard to the removal of the bridge. He stated that although it was an attractive brick gully, it was not listed, nor within a conservation area and consequently there was no case to protect it for its own sake.

In response to questions, Mr Lynds emphasised that the identity of the applicant, or the speculation regarding possible future use of the track and the farm buildings, were not material planning considerations and should therefore be disregarded by the Sub-Committee.

Further, Mr Lynds advised that in general, an applicant was not required to establish need for development. There were some exceptions relating for example to overriding national policy, but these did not apply in this instance. Consequently, the Sub-Committee should give little weight to the question of whether the applicant required a new track in reaching its decision.

Mr Lynds also responded to Councillor Stallard's comments disputing the relevance of the recent appeal case where a new access track was permitted in an Area of Outstanding Natural Beauty in Cornwall. He advised that Members were not required to follow Inspector's decisions, but where there were similar characteristics; such decisions would be material considerations. In the Cornwall case, the Inspector in awarding costs against the Council stated it was unreasonable to focus on need and that Councillors must have valid planning reasons for their decision, which could include visual amenity and highways safety.

During debate, Members raised concern about the visual impact of the development, which they believed to be significant on the surrounding area. In addition, Members considered that the proposed new hedgeway bordering the track would increase the visual impact of the drive and that the hedging would not survive as the area was prone to flooding.

Members also raised concerns regarding the speed of traffic on the road, particularly around the bend situated very near to the proposed access, as observed during their site visit prior to the meeting. There were also concerns that the development added an additional access point to a stretch of road which already contained a number of hazards. In addition, Members considered that the proposed PUSH development might impact upon traffic levels and speed on this road, which was used as a shortcut.

The majority of Members concurred with officers' view that the application would not impact upon the flooding risk in the area.

At the conclusion of debate, the Sub-Committee agreed to not grant planning permission. The Committee delegated authority to the Head of Planning Control (in consultation with the Chairman) to agree detailed reasons for refusal, based on its views that the proposed development would be intrusive and harm the visual character of the area, contrary to Policy CE5. Within this, the Sub-Committee had also raised concerns regarding the visual intrusion of the proposed hedging along the access road, as they considered that this would harm views of otherwise open countryside, and that the likely flooding of the area would seriously affect the sustainability of any new planting. In addition, the nature of the proposed access was unsatisfactory and would interfere with the safety function of existing road networks.

RESOLVED:

That delegated authority be granted to the Head of Planning Control (in consultation with the Chairman) to agree detailed reasons for refusal based on the Sub-Committee's concerns that:

- the proposed development would be intrusive and harm the visual character of the area, contrary to Policy CE5;
- the nature of the proposed access was unsatisfactory and would interfere with the safety function of existing road networks contrary to Policy T2.

The meeting commenced at 11.00am and concluded at 1.10pm.

Chairman