

**PLANNING DEVELOPMENT CONTROL COMMITTEE**

**15 November 2007**

**Attendance:**

Councillors:  
Jeffer (Chairman) (P)

Baxter (P)  
Busher (P)  
Evans  
Huxstep (P)  
Johnston

Lipscomb (P)  
Pearce (P)  
Ruffell (P)  
Saunders (P)  
Sutton (P)

**Deputy Members in Attendance:**

Councillor Beveridge (Standing Deputy for Councillor Johnston)

**Others in attendance who addressed the meeting:**

Councillors Bell and Jackson

1. **APOLOGIES**

Apologies were received from Councillors Evans and Johnston.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting of the Committee held on 25 October 2007 be approved and adopted.

3. **DEVELOPMENT CONTROL SCHEDULE**

[\(PDC723 refers\)](#)

The Schedule of Development Control Decisions arising from the consideration of the above Report is circulated separately and forms an appendix to the minutes.

In the public participation part of the meeting, the following item was discussed:

Item 1: Hawks Nest Farm, Bishops Wood Road, Mislingford – Case Number:07/00908/FUL

Mr Chalk and Councillor Pearson (a Ward Member) spoke against the application and Mr Porter, on behalf of the applicant, spoke in support.

In summary, Councillor Pearson stated that the application had generated a lot of local concern. There were four existing milk silos on site and the Council had already permitted planning approval for two additional silos; should the current application be approved, then this would provide eight milk silos in total. The servicing

of this additional capacity would generate either additional traffic movements or larger tankers.

He commented that the first tanker left the dairy at 3.00am, with the last tanker to arrive at the dairy at 1:30am. The noise associated with the traffic movements and the refrigeration units to keep the milk cool was considerable. He expressed his surprise that no complaints had been registered with the Environmental Protection Team regarding noise. There were also issues with regards to smell from the site, associated with the wash down from milk production, which was held in lagoons on the site.

With regard to tanker movements, the width of the road at 5.5 metres caused problems for large lorries, which regularly came off the road into the ditch. The Police's preferred access route was from the A32, but this did not explain why lorries often accessed the dairy from Waltham Chase and Shirrell Heath and a minor road to the south. No mention had been made in the officer's presentation of lorries carrying the finished product off the site or car movements associated with the workforce.

If the application was approved then conditions should be incorporated to reduce noise during the night-time period and to ensure that only the preferred road access was used.

The Head of Planning Control updated the meeting since the publication of the report, that further representation had been received from Swanmore Parish Council noting concerns that the hours of tanker movements were detrimental to the neighbouring properties and some drivers were not using the preferred route. In addition, the Parish Council had requested that a road safety audit be carried out, in view of the tanker movements and the environmental impact on the road. Furthermore, an assessment of the impact of washing out tanks and the possible effect on the River Meon should be undertaken.

The Head of Planning Control continued that highway issues had been fully addressed in the main Committee report and that a development of this size and nature would not trigger the need for a safety audit. Highway engineers had assessed this on site. The Environment Agency was responsible for mitigating against pollution and their comments were also set out in the report.

In response to comments made in the public participation part of the meeting, the Head of Planning Control stated that some development activity on the dairy site was part of implementing the existing planning permission. The hours of operation, including night-time disturbance, were an environmental protection issue, who had raised no objection to the application.

With regard to highway concerns, the Head of Planning Control responded that Bishops Wood Road was a straight road, which allowed tanker drivers to see each other. The road narrowed at a parapet and it would not be expected that tankers would pass at this point. If the road was widened then it could be expected that the speed of vehicles would also increase. There were no accidents involving injury that had been reported in respect of the comment on tankers leaving the road into ditches.

In response to Members' questions, the Head of Planning Control reported that a business plan had not been requested from the applicant, as need was not a planning matter. The Head of Legal Services added that, if it transpired that tanker traffic increased significantly as a result of the dairy serving a greater area of the South of England, rather than local dairies, then the local authority had powers to act if a public

nuisance was created or, alternatively, a private action could be taken. However, the Head of Planning Control had factored in an element of growth in assessing the application and was satisfied that the highway network had sufficient capacity for the proposals, as detailed in the application. It was also clarified that the Council could not impose a condition on the public highway that a preferred lorry route be used, as the use of such a preferred route could only be achieved voluntarily through the goodwill of the applicant.

With regard to the treatment of effluent, the Head of Planning Control confirmed that the Environment Agency was now satisfied with the applicant's proposal to install an environmentally friendly treatment plant.

At the conclusion of debate, the Committee agreed to grant planning permission for the reasons (and subject to the conditions) set out in the report.

RESOLVED:

That the decisions taken on the Development Control Application, as set out in the schedule, which forms an appendix to the minutes, be agreed.

4. **CONFIRMATION OF TREE PRESERVATION ORDER 1901**  
[\(Report PDC721 refers\)](#)

In the public participation part of the meeting Mr I Welch spoke against the Confirmation of the Tree Preservation Order.

The Head of Planning Control reported that should the Tree Preservation Order be confirmed, it was still possible to carry out remedial works with the consent of the City Council, such as the removal of dead wood and crown work.

RESOLVED:

That having taken into consideration the representations received, that Tree Preservation Order 1901 be confirmed.

5. **CONSTITUTION – SCHEME OF DELEGATION – RECOMMENDATIONS FOR CHANGES**  
[\(Report PDC724 refers\)](#)

RESOLVED:

That the scheme of delegation in Part 3, page 34, 1 (iii) of the Constitution be amended to read as set out below.

- (iii) the Head of Planning Control considers the application to be for significant development and intends to grant planning permission for the application.

6. **NEIGHBOUR NOTIFICATION AND PRE-APPLICATION CHARGING**  
[\(Report PDC720 refers\) \(Appendix 1 also refers\)](#)

The Head of Planning Control reported that due to adopted strategy within the Statement of Community Involvement as part of the Local Development Framework, it would not possible to introduce the changes as proposed in paragraph 1.3 of the

report. However, the proposals for the charging for pre application discussions were still valid and work would commence on the way to implement this in the New Year.

At the discretion of the Chairman, Councillor Bell addressed the Committee on this item.

In summary, she stated that the procedure for neighbour notification should remain unchanged. She asked the Committee to take into consideration applications that were not householder application sites, but would still affect neighbouring properties. She gave the example of a recent application at Hursley garage, which was not a householder application, but did affect neighbouring residential properties.

She continued that she also had concerns at the proposals in paragraph 1.4 of the report, which proposed introducing a stricter definition of neighbouring properties to those with contiguous boundaries with the application site and those separated from the site by a pedestrian footpath. She stated that, where a road separated the application site from neighbouring properties, or where, for example, properties were in a hammerhead close, neighbouring properties might not be notified, as they were not contiguous with the boundaries of the application site. For the resultant reduction in service, the cost savings would be very small.

In conclusion, she did not support restricting the neighbour notification process and further commented that the public access on-line information system could not just be relied upon. She suggested that if savings were to be made, then the booklet explaining the Planning Process should not be posted with each letter, and that further thought should be e-mail notification, perhaps an automatic acknowledgment, if an application was submitted online.

At the invitation of the Chairman, Councillor Jackson, endorsed the points made by Councillor Bell. She stated that these points also had the support of Littleton and Harestock Parish Council. She had additional concerns that restrictions within the neighbour notification process would transfer costs to parish councils, as the emphasis would be on the parish council to make sure that neighbours were notified. There were also issues regarding neighbour notification in the Winchester Town area, which was not parished.

For online applications the cost could be transferred to the Customer Service Centre. The savings would be small and would affect those not having access to the internet, which again could not be relied upon.

In reply, the Head of Planning Control stated that in addition to neighbour notification, site notices were erected and discretion could be exercised by the case officer visiting the site to decide if additional publicity was required. The proposals were aimed to streamline work within the administration team. The proposal for electronic acknowledgment, as proposed by Councillor Bell, would be investigated. It was not the intention to put the cost of the neighbour notification process on to parish councils, as it would be their choice if they wished to carry out additional neighbour notification.

In answer to Members' questions, the Head of Planning Control stated that although site notices were provided to applicants to display, additional onus would be placed on the case officer visiting the application site to ensure that this had been satisfactorily carried out. In addition, the case officer would need to visit the site within the publicity period.

Consideration would also be given to a Member's suggestion that the orange site notices be A3 size in order that they would be more visible.

Further suggestions from the Committee were that Ward Members should be more proactive in neighbour notification and that Ward Members should also be notified by e-mail of new applications within their Wards, in addition to the information being contained within the weekly list of applications.

At the conclusion of debate, the Committee agreed that a clear and fair service was important, which would avoid the deferral of items at Committee when neighbours claimed they had not been informed of an application.

It was agreed therefore that Recommendation 1 of the report should be deferred in order that the Head of Planning Control could give further consideration to the neighbour notification process and consider the suggestions made by Members as highlighted above.

In respect of Recommendation 2, a Member questioned whether an applicant could seek redress against the Council, including the reimbursement of fees, should the pre application advice prove incorrect. The Head of Planning Control explained that any advice would be without prejudice and that, as it was informal advice, the final decision making still rested with the Planning Development Control Committee.

Following further debate, Recommendation 2 was approved as set out below.

**RESOLVED:**

1. That consideration of the changes in neighbour notification procedures as set out in the report be deferred and that the Head of Planning Control report to a future meeting on revised procedures to take into account the suggestions made by the Committee as outlined above.
2. That the proposal to charge for pre-application discussions be approved in principle and a further report be brought back to Committee for approval of the charges prior to the scheme being introduced.

The meeting commenced at 9.30am and concluded at 12.20pm.

Chairman

WINCHESTER CITY COUNCIL

PLANNING COMMITTEE : DEVELOPMENT CONTROL MEETING

<b>DECISIONS</b>
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**15.11.2007**

PART II DEVELOPMENT CONTROL APPLICATIONS  
AND DECISIONS THEREON

Item

1

Parish	Swanmore
<b>Conservation Area:</b>	
<b>Case No:</b>	07/00908/FUL
<b>Ref No:</b>	W14766/05
<b>Date Valid:</b>	23 April 2007
<b>Grid Ref:</b>	458327 114458
<b>Team:</b>	WEST
<b>Applicant:</b>	Watson Dairies Ltd
<b>Proposal:</b>	Installation of 2 no. milk silos
<b>Location:</b>	Hawks Nest Farm, Bishops Wood Road, Mislingford, Fareham, Hampshire PO17 5AS
<b>Recommendation:</b>	PER

**Case Officer:** Lorna Hutchings

**APPROVED SUBJECT TO THE FOLLOWING CONDITION(S):-**

**Conditions/Reasons**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

- 2 The external surfaces of the silos hereby permitted shall be painted dark brown to match the colour of the existing silos at the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

**Informatives**

- 1 This permission is granted for the following reasons:  
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.
- 2 The Local Planning Authority has taken account of the following development plan policies and proposals:

Hampshire County Structure Plan Review: T5.  
Winchester District Local Plan Proposals: CE5, CE13, CE18, T1.