

PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE**11 June 2009****Attendance:**

Councillors:

Jefferies (Chairman)

Barratt (P)
Baxter (P)
Berry (P)
Busher (P)
FallHuxstep
Johnston (P)
Pearce
Ruffell (P)
Tait (P)**Officers in Attendance:**Mr N Parker (Principal Planning Officer)
Mr D Dimon (Planning Team Manager)
Mr B Lynds (Planning Barrister)
Mr S Opacic (Head of Strategic Planning)
Mr S Tilbury (Corporate Director, Operations)
Mr S Jenkins (Hampshire County Council Highways Engineer)**Others in Attendance**

Councillor Henry

1. CHAIRMAN'S ANNOUNCEMENT

The Sub-Committee met at the Guildhall, Winchester where the Chairman welcomed to the meeting 13 members of the public.

2. HUMPHREY FARMS, HAZELEY ROAD, TWYFORD – CASE NUMBER 08/02924/OUT

[\(Report PDC804 Item 1 refers\)](#)

The application had been considered by the Planning Development Control Committee meeting held on 28 May 2009. At that meeting, Members agreed that the application should be determined by the Planning Development Control (Viewing) Sub-Committee, following a site visit to assess traffic issues.

Therefore, immediately prior to the public meeting in the Guildhall, Winchester, the Sub-Committee visited the site. Councillors Izard and Henry (as Ward Members) had accompanied the site visit together with the applicant, but Councillor Izard was not able to be present at the subsequent public meeting.

At the site visit, the Sub-Committee assessed the proposal from the application site, Shipley Road and the traffic light junction of Hazeley Road and the High Street.

At the subsequent public meeting in the Guildhall, Winchester, Mr Parker reminded Members of the main issues regarding the application.

In summary, the application sought outline permission for the demolition of an existing feed-mill and associated buildings and redevelopment of the site for a mix of C2 (care home and related care development), D1 (children's nursery), B1(a) (offices), B8 (storage and distribution uses). The application also proposed to provide an ancillary food outlet.

Mr Parker reminded the Sub-Committee that, subsequent to the publication of the Report, the applicant had requested an extension to the time limit by which they had to submit reserved matters from three to five years (Condition 1 refers). Officers recommended that this extension was acceptable as a concession to the current economic climate and that it was in accordance with Government advice.

Mr Lynds advised the Sub-Committee that the officer's recommendation to approve the application had been advertised as a departure from policy. As the application proposed in excess of 5,000 square metres of commercial floor space, if approved, the application would need to be referred to the Secretary of State. The Secretary of State would then have 21 days in which to call the application in for a public inquiry. If the Secretary of State had no comment, the Local Authority could proceed with issuing the permission. However, Mr Lynds explained that the associated Section 106 Legal Agreement was likely to take longer than 21 days to finalise, so that, if approved and not called in by the Secretary of State, the process would not in practice cause any further delay for the applicant. If refused, the process did not affect the applicant's right to appeal.

Mr Lynds also stated that Twyford Parish Council had highlighted that an environmental impact assessment should have accompanied the application, as they considered it to be the development of an industrial estate in a sensitive area. However, Mr Lynds explained that the site was not in what could be legally considered to be a sensitive area, as the South Downs National Park had yet to be formally constituted. Furthermore, although the Parish Council maintained that the development proposal was an industrial estate development (and so within the relevant schedules which required an environmental impact assessment) Mr Lynds pointed out that none of the elements of the proposed application were themselves industrial uses, either as a matter of formal planning use or as a matter of common understanding, and so the development fell outside the relevant schedules.

In response to a Member's question, Mr Parker explained that whilst there was vehicular access to the nursery from Shipley Road, there would be bollards blocking vehicular access to the proposed offices. Traffic to these offices

would therefore have to use the existing Humphrey Farms estate road off Hazeley Road.

The Committee noted that Local Plan Policy CE.18 was the closest relevant policy applicable to the consideration of the application. It had been suggested by some of the representations received that that the application was not in perfect accordance with some of this policy's criteria.

For example, Criterion (ii) required that there be no material increase in employment or traffic levels as a result of any increase in floor space. Whilst the proposal would result in a decrease in commercial floor space, there would be a significant increase in the number of employees and a slight increase in traffic (albeit the number of heavy good vehicle, HGV, movements would be significantly reduced). However, Mr Opacic explained that the Sub-Committee had to evaluate the material harm of this variance from policy against the benefits of additional employment, reduced HGV movements, landscape impact, and the environmental benefit of removing the feed-mill.

Policy CE.18 also set out that re-development should only be allowed if the buildings had outworn their useful life. Mr Opacic commented that this was doubtful in regard to the feed-mill, but that there was a consensus of opinion that the area would benefit from its removal.

In response to a Member's question, Mr Parker added that the removal of the feed-mill was a significant factor, but that there were other material considerations which the Sub-Committee were required to consider.

Members discussed the "local need" for the proposed care home and noted that the applicant had submitted evidence on the need for this relating to a five mile radius around the application site. Mr Parker explained that the care home would be both physically and visually separated from the other uses on the site.

In response to a Member's question, Mr Parker explained that it was likely that the applicant would seek to re-locate the feed-mill, in order to continue the poultry feed business. However, as this served the entire south of England, a new location had not yet been identified. Mr Dimon added that because of its height and because it was an industrial process which was not a prerequisite for a particular holding, it was likely that a new feed-mill would require planning permission in whichever District it was submitted. The Sub-Committee also noted the advice of Mr Lynds, who stated that applications should not be refused merely because of speculation as to the re-location of the feed-mill to another site. Mr Lynds added that any such later planning application for the re-location of the feed-mill would be considered on its own merit.

The Sub-Committee discussed the visual effect of the proposed care home and noted that it would be significantly less than the existing feed-mill and would be well screened.

Members considered the traffic implications of the application. Mr Jenkins explained that the nursery was likely to generate 23 traffic movements in the morning and 24 movements in the evening peak periods. Overall, the re-development of the site was likely to generate an additional 61 vehicle movements during the morning peak hour and an additional 70 in the evening peak periods. It was likely that 34 vehicles in the morning and 50 in the evening would head from the site towards the Hazeley Road./High Street traffic lights. This represented an increase of traffic at the lights of between 1.5 and 2.5%. The remainder of the traffic would turn left and head towards Morestead.

During this discussion, a Member highlighted that the majority of this traffic would not be HGVs and the Sub-Committee noted that the applicant, by a mixture of voluntary and previous planning conditions, required all HGVs to turn left from the access road towards Morestead to avoid Twyford village centre.

Mr Jenkins added that the applicant had agreed a transport contribution of £132,000 and that the County Council would discuss with the Parish Council how this money could be best spent in the village. Several Members commented that the applicant should provide a car park to ease congestion in the village centre. Mr Tilbury explained that the County Council's Director of Environment had a responsibility to ensure that any contributions collected from the applicant were used only to mitigate the effects of the proposals.

At the conclusion of debate, the Sub-Committee agreed to grant planning permission for the reasons set out in the Report and subject to the Conditions set out below. In their summing up, Members commented on the employment benefits offered by the application, the welcome demolition of the feed-mill, and the applicant's successful re-development of other parts of Humphrey Farms.

RESOLVED:

1. That planning permission be granted, subject to the applicant entering into a legal agreement as shown below and to the following conditions, including the extended period to 5 years for implementation of the development, and to the application not being call-in by the Secretary of State.

That the Legal Agreement secures:

- i) Financial contributions towards highway improvements within Twyford that are related to mitigation measures required in relation to the likely effects of the proposed development.
- ii) Green travel plan
- iii) The removal of the feed mill

The application be permitted subject to the following condition(s):

(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)

Conditions

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended).

2. Approval of the details of the siting, design and external appearance of the proposed development (including samples of materials and large scale plans of all elevations) and the landscaping of the site (which shall include details of external lighting) (hereinafter called "reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

Reason: To comply with the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order).

3. No development pursuant to this planning permission shall commence until a detailed phasing programme has been submitted to and approved in writing by the Local Planning Authority. All development shall be undertaken in accordance with such approved phasing unless the written approval of the Local Planning Authority is first obtained for any variation thereto.

Reason: In the interest of good planning and to ensure that development occurs in a structured and timely manner to minimise the likely adverse effects on the amenities of the area and avoid protracted or piecemeal implementation.

4. The development hereby permitted shall not exceed the following heights above the surveyed ground level:

- Nursing home: 15m
- Day Nursery: 7m
- B1 (a) offices: 7.5m
- B8 storage and distribution: 7.5m

Reason: In the interests of visual amenity.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with our without modification), the development hereby permitted as indicated

on site layout plan ref. DWG NO: 765/P04 Rev B shall be used only for the following purposes:

- Class C2 (residential nursing home) of the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to those Classes in any Statutory Instrument revoking and re-enacting that Order with or without modification) and for no other purpose(s)
- Class D1 (Day Nursery) of the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to those Classes in any Statutory Instrument revoking and re-enacting that Order with or without modification) and for no other purpose(s)
- Class B1(a) (offices) of the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to those Classes in any Statutory Instrument revoking and re-enacting that Order with or without modification) and for no other purpose(s)
- Class B8 (storage and distribution) of the Schedule to the Town and Country Planning (Use Classes) Order 2005, (or in any provision equivalent to those Classes in any Statutory Instrument revoking and re-enacting that Order with or without modification) and for no other purpose(s)

Reason: In order to retain an acceptable mix of uses.

6. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include the following:

- Existing and proposed finished levels or contours;
- Means of enclosure;
- Car parking layout;
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials;
- Minor artefacts and structures (eg. street furniture, refuse or other storage units, signs, lighting etc);
- Proposed and existing functional services above and below ground (eg. drainage, power,
- Communications cables, pipelines etc, including lines, manholes, supports etc.)

Soft landscape details shall include the following, as relevant:

- Tree and shrub planting plans:
- Written specification (including cultivation and other operations associated with tree and shrub establishment:
- Schedules of plants, noting species, sizes and proposed numbers/densities where appropriate:
- Retained areas of grassland cover, scrub, hedgerow and woodland:
- Manner and treatment of watercourses, ditches and banks:
- Implementation programme:

Reason: To improve the appearance of the site in the interests of visual amenity.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If, within a period of five years after planting, any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased, another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, including the perimeter tree belts for between 15 and 20 years, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the details hereby approved.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.

9. Detailed proposals for the disposal of surface and foul water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The drainage details shall incorporate sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details before the first occupation of the buildings. Those details shall include:

1 - A timetable for its implementation

2 - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.

Reason: To ensure satisfactory provision of foul and surface water drainage, to prevent increased risk of flooding and to improve water quality.

10. Details of the floor slab levels and existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on the site. The development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenities of the locality.

11. The car park shall be constructed, surfaced and marked out in accordance with the approved plan before the development hereby permitted is brought into operation. That area shall not thereafter be used for any purpose other than the parking, loading, unloading and turning of vehicles.

Reason: To ensure that adequate on-site parking and turning facilities are made available.

12. Prior to the commencement of the development hereby permitted (or within such extended period as may be agreed with the Local Planning Authority), a scheme to deal with soil and ground water contamination shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall conform to current guidance and best practice as set out in BS10175:2001 Investigation of Potentially Contaminated Sites – Code of Practice and Contaminated Land Reports 7 to 11, or other supplementary guidance, and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the Local Planning Authority:

- a) A desk top study and conceptual model documenting all the previous and existing land uses of the site and adjacent land;
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study;
- c) A remedial strategy detailing the measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to oversee the implementation of the works.

Reason: In order to secure satisfactory development, including the protection of the major aquifer beneath the site, and in the interests of the safety and amenity of the future occupants.

13. Prior to the occupation of the development hereby permitted, written verification produced by the suitably qualified person approved under the provisions of Condition 12 c) shall be submitted to and approved in writing by the Local Planning Authority. The report must demonstrate that the remedial strategy approved under the provisions of Condition 12 c) has been fully implemented, unless varied with the written agreement of the Local Planning Authority in advance.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

14. Development shall cease on site if, during any stage of the works, potential contamination is encountered which has not been previously identified, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an assessment of the potential contamination has been undertaken and details of the findings along with details of any remedial action

required (including timing provision for implementation), have been submitted to and approved in writing by the Local Planning Authority. The development shall not be completed other than in accordance with the approved details.

Reason: In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

15. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority.

Reason: To protect controlled waters from pollution

16. Piling or any other foundation designs using penetrative methods shall not take place other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the foundation design does not create additional potential pollutant pathways to the underlying aquifer.

17. The development hereby permitted shall not be commenced until such a time as a scheme for the following has been submitted to, and approved in writing by, the Local Planning Authority:

- The storage of chemicals
- The storage of oil and fuels
- The storage of hazardous materials
- The proposed methods of decontaminating tanks, demolition and construction
- The provision of vehicle wash-down facilities

Any such scheme shall be supported, where necessary, by detailed calculations; including a maintenance programme. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing by the Local Planning Authority.

Reason: To protect controlled waters from pollution that may be caused by the development, both during and after construction.

18. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site other than between the hours of 0600 to 2300 Monday to Friday and 0700 to 1300 Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby properties.

19. Any vehicles exceeding a weight of 7.5 tonnes shall enter and leave the site only via Hazeley Road in the direction towards Morestead.

Reason: In the interests of local amenity and highway safety.

20 Before any development pursuant to this permission is commenced a sustainability strategy to achieve best practice and including details of the proposed combined heat and power plant, sourcing of materials, local labour, water conservation, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in complete conformity with such approved details unless the written approval of the Local Planning Authority is first obtained for any variation thereto.

Reason: To ensure that the development meets relevant sustainability objectives as promoted in Government advice (PPS1) and the Development Plan.

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:

Winchester District Local Plan Review:

The site is outside and adjoining the defined built-up area of Twyford (H.3) and therefore subject to countryside policies (CE.1 – CE.28). The site is outside the current East Hampshire Area of Outstanding Natural Beauty but within the proposed South Downs National Park. Given the nature of the proposed development, Policy CE.18 relates to the redevelopment or expansion of rural employment sites and is particularly pertinent. Policies CE.4 and SF.6 relate to the development of 'facilities and services' and H.8 relates to accommodation for the elderly (within settlements). Other Policies relating to design (DP.3 – DP.5), contaminated land (DP.13), sustainable development (DP.6), employment (E.2 – E.4), and transport (T.1 – T.5) are also be relevant.

South East Plan, adopted May 2009:

Policies: SP3 (urban focus and urban renaissance), RE3 (employment and land provision), T7 (rural transport), CC5 (supporting an ageing population), BE4 (the role of small rural towns), BE5 (village management), CC1 (sustainable development), CC6 (sustainable communities and character of the environment), CC8 (green infrastructure), NRM11 (renewable energy), NRM12 (combined heat and power), C2 (The South Downs), C4 (landscape and countryside management).

National Planning Policy Guidance/Statements:

Government policy promotes a 'sequential' approach to the location of development which is likely to attract large numbers of visitors or be a major generator of travel, directing it primarily to town centres (PPS6, PPG13).

3. All building works, including demolition, construction and machinery or plant operation shall only be carried out between the hours of 0800 and 1800hrs Monday to Friday and between 0800 and 1300hrs Saturday and at no such time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

4. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Health and Housing Service an Abatement Notice may be served under the Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through burning of materials is a direct offence under The Clean Air Act 1993.

The meeting commenced at 1.30pm and concluded at 3.00pm.

Chairman