

PLANNING DEVELOPMENT CONTROL COMMITTEE - SPECIAL MEETING

23 September 2009

Attendance:

Councillors:

Jefferies (Chairman) (P)

Barratt (P)
Baxter (P)
Busher
Evans (P)
Fall (P)

Huxstep (P)
Johnston (P)
Lipscomb (P)
Ruffell
Tait (P)

Deputy Members:

Councillor Berry (Standing Deputy for Councillor Ruffell)

Others in Attendance who addressed the Committee:

Councillor Bell

Others in Attendance who did not address the Committee:

Councillors Beckett and Humby

1. **CHAIRMAN'S ANNOUNCEMENT**

The Committee met in the King Alfred Hall, Winchester Guildhall, where the Chairman welcomed to the meeting approximately 80 members of the public.

2. **WICKHAM LABORATORIES, TORBAY FARM, SCRIVIERS LANE, LOWER UPHAM**

08/01284/FUL: THE ERECTION OF OFFICE AND LABORATORY FACILITIES WITH ASSOCIATED CAR PARKING AND LANDSCAPING AND;

08/02890/FUL: THE ERECTION OF A SECURITY FENCE AT WICKHAM LABORATORIES, TORBAY FARM, SCIVIERS LANE, LOWER UPHAM

[\(Report PDC824 refers\)](#)

Councillors Barratt, Evans, Fall and Johnston, declared personal (but not prejudicial) interests in respect to this item as they were acquainted with Ms Leffman (one of the objectors that spoke) through their political party. They all spoke and voted thereon.

In addition, Councillor Evans declared a personal (but not prejudicial) interest as the Ward Member for Wickham as Wickham was referred to in the Report. Councillor Evans spoke and voted thereon.

The Chairman explained that in the morning immediately prior to the meeting, the Committee and officers had visited the site and the immediate surrounding area. Members had noted the positions of existing buildings, the areas of wetlands, the trees, the access, and the boundary of the proposed South Downs National Park in relation to the proposals. The Committee then visited the nearest neighbouring properties of Thatched Cottage and White Lodge, Sciviers Lane to assess the impact of the proposals.

The Head of Planning Management introduced the application to the Committee. The applicant, Wickham Laboratories, had had a presence at Torbay Farm for many years and one of the main activities on the site had been the production of specific pathogen-free (SPF) eggs for scientific purposes. However, approximately ten years ago, this activity had ceased leaving a number of chicken sheds and offices vacant.

Through the application, Wickham Laboratories intended to relocate their current office and laboratories from central Wickham to Torbay Farm. They intended to demolish all of the buildings on the entire site of Torbay Farm (amounting to a loss of 3,172 square metres of floor area) and replace them with a purpose-built, mainly two storey, building with a total floorspace area of 2,880 square metres. This new building would be located to the rear of the site, in order to reduce its impact on the landscape. Following a recommendation from the Police, the applicant also sought to erect a 3 metre high black mesh fence to prevent intruders from entering the site. The erection of this fence formed the second application which the Committee considered.

The Head of Planning Management explained that, following the publication of the Report, seven further letters of objection to the application had been received, but that these raised no new issues to those set out in the Report. He also drew attention to the update sheet, where the objection of Durley Parish Council had been reproduced in full for completeness, although this had been summarised in the Report.

The Chairman explained that he had agreed, in this instance only, to extend the usual time permitted for public participation. Therefore, the time given to those speaking in objection and those speaking in support of the application was extended from 3 minutes to 6 minutes. The time allocated for the affected Parish Councils and Ward Members remained unaltered at 3 minutes and 5 minutes respectively.

During public participation, the following comments were made.

Mr Taylor, Mr Edwards and Ms Leffman (local residents) spoke against the applications.

In summary, Mr Taylor raised concerns that the size of the proposed development was greater than the buildings in the area covered by the Certificate of Lawfulness (granted by the Planning Inspector in 2006) and that this would have a detrimental affect on the environment of Upham. He also commented on the change of use from poultry houses (agricultural use) to the proposed light industrial use in relation to that part of the site not covered by the Certificate. Lastly, Mr Taylor explained that the large scale of the development was unprecedented in Upham.

Mr Edwards highlighted traffic concerns to the Committee. He explained that Sciviers Lane was narrow, used by horse riders, and was difficult for on-coming traffic to safely pass each other. He considered that the increased use of the road in connection with the proposed building would only exacerbate this situation. Mr Edwards also commented on light and noise pollution from the building. He explained that waste water would flow from the site into flood-prone areas and the likely protests against the building's use would be an inconvenience to local residents.

Ms Leffman also highlighted the likely inconvenience to local residents of protests, the narrow rural nature of the lane and the potential for light pollution.

Mr Plumb spoke against the applications as a representative of Upham Parish Council. In summary, Mr Plumb stated that the proposed development was contrary to the local plan as it had an adverse effect on adjoining land. He commented on the number of employees that would work on the site and the effect their traffic would have on the already busy junction. He also commented on the unprecedented scale of the proposed building and the effect of light pollution (through security lighting and internal lighting) and overlooking. Mr Plumb highlighted that the site of the proposed building was outside the area covered by the certificate of lawfulness.

Mr Botterell (on behalf of the applicant) spoke in support of the applications. He explained that Wickham Laboratories was an internationally renowned and respected company. About 80% of their business related to testing samples before they were released into the market place and the remainder involved tests on rodents, in compliance with international regulations. The company currently employed 85 staff of which 50% had been educated to graduate or above level. He explained that the application sought to return the majority of the site to a rural setting and that it had acknowledged the ecological constraints of the site.

To minimise its visual impact, the new building had been proposed in the far corner of the site and would use colours designed to merge the structure into the site. Security would be provided via use of infra-red systems and a three metre fence to be erected behind a timber close-boarded perimeter fence. He explained that the applicant had worked well with its current neighbours in Wickham and deliveries to the new site would comprise of no more than three small vans per day. Mr Botterell also commented that the new building would be compliant with the latest European Union regulations regarding energy efficiency.

In response to the above comments, the Head of Planning Management explained that disturbance from any future protests was a Police, and not a planning, matter. He also clarified that the floorspace area (including both levels) of the proposed building was less than the total of the existing buildings which were to be demolished.

The Committee also noted the applicant's comments regarding the energy efficiency of the proposed building and agreed that details of this should be sought through an additional condition.

The Head of Planning Management also commented that he did not consider overlooking to be an issue as the nearest property, White Lodge, was 40 metres away from the proposed building.

With regard to comments raised regarding pollution from the site, the Head of Environment had raised no objection to the application and the applicant had not indicated that they proposed to install noisy equipment at the site.

Although the Environment Agency had previously raised concerns regarding the discharge of water from the site, they had raised no objection to the current application in the light of the flood risk assessment submitted, which was considered to be satisfactory.

The Committee discussed Condition 10 which limited the hours of operation of machinery, processes and deliveries. Although some Members had concerns that these were too long, the Committee noted that the nature of the applicant's work could require night work.

Further to this, the Committee was concerned about the size and bulk of the building in this countryside location as well as the impact of the building's internal lights at night, disturbing the rural character of the area and its effect on neighbouring properties. Although the Head of Planning Management agreed with the benefit of strengthening Condition 4 to further control the use of external lights, he did not consider that this could be reasonably extended to the control of internal lights.

During the discussion on the principle of the development, the Committee noted that in 2006 the Planning Inspector, dealing with a lawful development certificate appeal, designated an area of the site (encompassing the existing redundant buildings on the northern side of the site) as having a B1 (c) use. This meant that it could be used for any B1 use, including B1 (b) research and development. Prior to this decision, it had been unclear as to whether the use of the site fell within the definition of B1 and the Council had asserted that it did not constitute such a use. However, the Inspector had concluded that the production of SPF eggs was a B1 use.

The Head of Legal Services explained that the officer view was that it was reasonable that the B1 use could be extended to the remainder of the site, including the area of the proposed new building, even though this land was not

included within the lawful development certificate. This opinion was based upon the site's planning history and the previous use of the buildings located on this land. However, Condition 9 restricted the use of the site to Class B1(b) (research and development) only, and no other purpose (including any other purpose within Class B1 of the Schedule to the Town and Country Planning (Use Classes)). This restriction would be passed on to any future occupier of the site and a different use of the site would require a further grant of permission.

In response to Members' questions, the Head of Legal Services explained that the Council had not sought external legal advice on the application, as the Planning Inspector had clarified the site's use and this had been confirmed by the High Court. The Committee also noted that to build on the site of the demolished buildings would require further planning consent.

The Committee noted the potential benefit to the local economy of the relocation of Wickham Laboratories, but several Members were concerned about the future expansion and intensification of the site. The Committee considered the potential number of employees that could occupy a building site of 2,880 square metres, restricted to Class B1(b) use, and noted that any potential increase in the numbers above that stated in the application were, in practice, likely to be limited by the use of the building. However, following a debate, it was agreed to include a further condition to remove permitted development rights to prevent any further expansion of the building and the use of the site, without planning permission from the Council.

In response to questions, the Head of Planning Management explained that the boundary of the South Downs National Park (which ran through part of the site, but not the location of the proposed new building) was a material consideration. However, he explained that the Committee also needed to consider the effect of the new building on the general landscape and also the impact arising from the proposed demolition of the redundant buildings.

The Head of Access and Infrastructure explained that the traffic assessment of the application had been based on both information from the applicant regarding the use of the existing Wickham site and the TRICS database. From these, he raised no objection to the application. In response to questions, he explained that travel plans were enforced by the County Council and that it would be reasonable to include a further condition to permanently block off a currently redundant access, to ensure that all access to and from the site should be from the currently recognised access only.

Members discussed the effect of the building on the neighbouring properties and were concerned about its impact upon their outlook and the impact resulting from internal and external lighting, particularly given the hours of use and need for on-site security. They noted that a 2 metre close boarded timber fence would be erected around the perimeter under existing permitted development rights. Beyond that, between the proposed building and the two nearest residential properties (The Thatched Cottage and White Lodge) the applicant sought to retain an area of wetland. With regard to the wetland area,

the Head of Planning Management recommended an amendment to Condition 6 to ensure that this area was maintained after construction. This was agreed by the Committee. Beyond the area of wetland, the applicant proposed to erect the 3 metre black mesh fence which was the subject of the second, separate application. Members were concerned about the limited detail of the fence's design and the appropriateness of such a fence in this countryside location. Beyond the new fence, the applicant had agreed to retain two mature oak trees and replace existing coniferous trees with new planting.

Despite agreeing additional conditions to those set out in the Report (namely, to control external lighting, limit the number of accesses, removal of permitted development rights and conditioning the energy efficiency of the new building and maintenance of the wetlands) the Committee, after debate, did not support the recommendation set out in the Report and instead agreed to refuse planning permission.

The Committee's reasons for refusal were that the mass, design, scale and lighting (both internal and external) of the proposed building did not respond positively to the character of the countryside environment and the adjacent National Park, and that it had an unacceptable impact on neighbouring properties. The Committee agreed the above reasons for refusal with authority being delegated to the Head of Planning Management (in consultation with the Chairman) to agree the detailed wording.

In relation to the second application regarding the erection of the 3 metre security fence, the Committee also did not support the recommendation set out in the Report and instead agreed to refuse planning permission. The Committee's reason for refusal was that the proposed fence would be visually inappropriate in this countryside/South Downs National Park location and authority was delegated to the Head of Planning Management (in consultation with the Chairman) to agree the detailed wording.

RESOLVED:

That planning permission be refused for the following reasons:

Application 1:

The scale, mass and design of the proposed building, and lighting of the premises, would fail to respond positively to the character, appearance and variety of the countryside, and the proposed South Downs National Park, and would be detrimental to amenities' of neighbouring residential properties in Sciviers Lane. The development is therefore contrary to Policies CE.5, CE.18 and DP.3 (ii)(vii) of the Winchester District Local Plan Review 2006 and Policies C2 and C4 of the South East Plan 2009 and Upham Village Design Statement.

Application 2:

The security fence, by reason of its size, siting and design, would fail to respond positively to the character, appearance and variety of the countryside and the proposed South Downs National Park. The development is therefore contrary to Policies CE.5 and DP.3 (ii) of the Winchester District Local Plan Review 2006 and Policies C2 and C4 of the South East Plan 2009 and Upham Village Design Statement.

3. **DEVELOPMENT CONTROL SCHEDULE**
[\(Report PDC823 refers\)](#)

Item 1: Sherbrooke, Otterbourne Road, Compton – Case Number 09/01177/FUL

Mr Ellis (on behalf of Mr Thomas), Mr Bell (Compton & Shawford Parish Council) and Councillor Bell (as a Ward Member) spoke against the application. Mrs Taylor (applicant) spoke in support.

In summary, Councillor Bell stated that the neighbouring property to the north (Partacoona) had previously extended their property to 0.6 metres from the boundary, whilst the proposed application would abut the boundary. She commented that the proposed extension would have a detrimental effect on Partacoona on account of its bulk and because it would result in a loss of light to windows serving the downstairs dining room and an upstairs bedroom. Councillor Bell also commented that the submitted plans failed to illustrate the position of these windows and that there were no conditions limiting the hours of construction, if permitted.

Following debate, the Committee did not support the recommendation set out in the Report and instead agreed to refuse planning permission.

The Committee delegated authority to the Head of Planning Management (in consultation with the Chairman) to agree the detailed wording of the reasons for refusal. These reasons should be based on the Committee's view that the bulk of the extension and its location, abutting the boundary (which was unprecedented in the area), had a detrimental effect on the neighbouring property (Local Plan Policies DP3 ii and vii refer).

RESOLVED:

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

2. That, in respect of Item 1 (Sherbrooke, Otterbourne Road, Compton) the application be refused, with authority being delegated to the Head of Planning Management (in consultation with the Chairman) to agree the detailed wording of the reasons for refusal as decided by the Committee and summarised above.

The meeting commenced at 2.00pm and concluded at 5.40pm.

Chairman