

THE OVERVIEW AND SCRUTINY COMMITTEE

26 September 2011

PUBLIC CONSULTATION ON MAJOR COUNCIL APPLICATIONS

REPORT OF HEAD OF ESTATES

Contact Officer: Kevin Warren Tel No: 01962 848528

RECENT REFERENCES:

CAB 2172 - Proposed New Depot, Barfield Close, Winchester - 15 June 2011  
(Exempt)

CAB 2027 - Depot Update - 9 July 2010 (Exempt)

CAB 2072 - Depot Update Proposed relocation to Barfield Close, Winchester - 13  
October 2010 (Exempt)

11/00872/FUL - Replacement Depot, Barfield Close

EXECUTIVE SUMMARY:

The report outlines residents' misgivings about the consultation exercise undertaken in connection with the proposed development of a depot by the Council on land at Barfield Close, Winchester. The report identifies the consultation undertaken, the alterations to the proposals which were developed as a result of the consultation and identifies lessons which will be incorporated into future applications.

RECOMMENDATIONS:

That the contents of the report be noted.

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#### DETAIL:

##### 1 Introduction

- 1.1 At the last meeting of this Committee some local residents raised concerns about the public consultation undertaken in connection with the application for a new Depot on industrial land in the Council's ownership at Barfield Close
- 1.2 Members resolved that a report be presented to this meeting of the Committee regarding the lessons which could be learnt for future Council applications from the public consultation on the Depot relocation application.
- 1.3 The Council produced a guidance document known as the Statement of Community Involvement in January 2007. The document includes a section relating to the level of Community engagement an applicant is encouraged to undertake prior to the submission of a planning application. The document suggests levels of consultation for large, medium and small scale developments. The advice notes that it will not necessarily be appropriate to use all of the forms of consultation suggested and advises that it is the applicants/developers responsibility to ensure that appropriate local consultation is carried out throughout the duration of a project.

##### The Depot Application

- 1.4 The difficulty with the Depot relocation proposals was that the Council did not know which contractor was going to win the new refuse, street care and grounds maintenance contract until February 2011 and staff were forbidden to speak to the bidders except in very general terms until the contract was awarded. Consequently the project team they did not know whether or not the winning contractor would require access to a depot until the contract was awarded.
- 1.5 The new contract was due to start on 1 October 2011 and the existing Depot was both too large and required significant financial investment to keep it running for very much longer. The project team's objective was to try and get the new Depot up and running as soon as possible to allow the old premises to be closed.

- 1.6 Advice received from Planning Management identified that the Barfield Close site had been used for B1, B2 and B8 uses and that the proposed Depot use was acceptable in principle. The land was currently largely unused, but part of it was being used as a depot for prisoner transport HGV's. The planning consents for the original uses did not contain hours of use restrictions.
- 1.7 Consultation with technical consultees took place in advance of the award of the new Depot contract to establish whether the site was suitable for use as a new depot for the contractors operating the Council's services. The consultations could not at that stage involve residents, because there was no certainty that the contract would be awarded to a contractor who required a depot to be made available.
- 1.8 When the contract was finally awarded there was only a limited amount of time available to work up the design with the contractor. Because the Depot would involve the operation of heavy vehicles a transport assessment was undertaken and this confirmed that the proposals would have no adverse impact on the highway network.
- 1.9 The project team identified that the proposals had the potential to affect the residents on Domum Road and consideration was given to the erection of a noise barrier on the boundary. Unfortunately the site investigation identified that ground conditions at the top of the embankment were not conducive to the erection of a fence with posts and traditional foundations. It was proposed to erect a 1.5m high fence constructed out of sleepers to be high enough to block out the light from vehicle headlights and park the freighters facing toward the houses.
- 1.10 It would not be appropriate to leave the footpath running through the Depot site due to vehicular/pedestrian conflicts and it was agreed that the footpath should be diverted. The existing footpath was found to be unsatisfactory as for 30 m the route ran on the roadway across the entrances to the three yards which existed on the site. The path then ran between two yards, bounded on one side by a chain link fence and on the other by a brick wall. The path was neither surfaced or lit in the section approaching Domum Rd. The path then joined Domum Rd by a flight of 20 steps which landed directly on the carriageway. The path was screened from traffic by tree growth making access onto the highway dangerous.
- 1.11 After consultation with HCC it was agreed that the path should be relocated against the boundary with the adjoining recycling depot to allow a ramp to be constructed to enable a wider section of the community including the disabled and those with push chairs to access the footpath.
- 1.12 Reference to the Statement of Community Involvement suggested that the application should be advertised through the press, with site notices, public meetings and by neighbour consultation. The proposals were reported in the Hampshire Chronicle prior to the submission of the application. The site had consent for light and general industry and transport uses similar to the proposed use

- 1.13 Site visits and reference to plans established that there were a limited number of properties which would be affected by the development proposals. In view of the time constraints for the proposed relocation a proportionate approach was adopted whereby each directly affected neighbour would be directly consulted and consideration would be given to any concerns they raised individually. It was accepted that this did not entirely accord with the procedure set out in the SCI, but by giving individual attention to the neighbours concerns the outcome would be the same.
- 1.14 Letters with detailed plans attached were hand delivered to individual residents and businesses which adjoined the site just prior to the submission of the application. Further direct consultation was also entered into with HCC Rights of Way and the Ramblers. Numerous individual responses were received to the letters and these were summarised in CAB 2172. Each response was considered and replied to directly. The consultation was very useful in that it identified residents' key concerns some of which the design team concluded were material and should be addressed; namely:-
- the improvement of sound attenuation for residents in Domum Rd,
  - alterations to the layout of the footpath by widening it and adding steps as an alternative to the ramp,
  - modifying the site exit so as not to impact on the delivery of materials to an adjoining industrial unit and
  - that the noise impact on residents could be reduced if the freighters were reversed into their bays at the end of the day allowing them to be driven out without the need for the reversing warning alarms being engaged.
- 1.15 Following representations from residents, Councillor Beckett agreed that a public meeting should be held to allow interested parties to be appraised more fully of the proposals and to raise their concerns directly with the project team.
- 1.16 Following consideration of the consultation responses skilful design on the part of the structural engineers acting for the Council enabled a 3.5m high acoustic fence to be provided for the Domum Rd boundary, which would not impose a detrimental load on the top of the embankment. The acoustic consultant was able to demonstrate that the fence would reduce noise levels for Domum Rd residents below those encountered with the existing occupier.

#### The Public Meeting

- 1.17 A public meeting was held in the Walton Suite on 16 June 2011 which was attended by many of the local residents adjoining the site. The meeting was chaired by the Leader and all local City Councillors, together with the County Councillor for the ward were in attendance. There was a presentation of the proposals from the Project Team and residents were invited to put any questions they had regarding the proposals to them. Residents raised many

of the points that they had made in correspondence. Several residents requested that the buildings be built in brick, but the Architect explained that this would not be an appropriate form of construction for a vehicle workshop and noted that if the ground floor was clad in brickwork, it would not be visible for the most part, because of the screening effect of existing buildings and fences. It was also explained that the access could not be run counter clockwise as suggested for highway safety reasons associated with visibility splays.

- 1.18 The noise barrier proposals were displayed and welcomed by Domum Rd residents in attendance. There was much debate about the siting of the footpath with requests from some that it be left in-situ through the yard. It was explained that vehicle pedestrian conflict had to be avoided. There were claims that the rights of way team at Hampshire County Council had not been consulted, but this was incorrect. Questions were raised about the safety of the highway and it was demonstrated that a detailed traffic survey had been undertaken which confirmed that there was no detrimental impact on the highway network.
- 1.19 Residents suggested alternative locations for the Depot, but these had been looked at and were either too small or in use by third parties. There were suggestions that the existing Depot could be retained in use and it was demonstrated that the existing premises were both too large and costly to refurbish when considered against the cost of new premises. It was suggested that the Council should consult with residents over what forms of development it undertook on its land prior to the appointment of architects and it was noted that this would not be very practical.

### Conclusions

- 1.20 The Council has set out guidance for public consultation in connection with development proposals in the Statement of Community Involvement. This guidance is over and above the normal consultation process undertaken by the planning authority when a valid application is received. The procedure is designed to ensure that applications have taken account of community concerns before applications are made. The most wide ranging approach to public consultation outlined in the guidance is most appropriate for sites where the principle of development has yet to be established e.g. where material changes of use are proposed such as industrial to retail, or farmland to residential use, but should be used as far as is possible to help ensure that public concerns and aspirations are understood and considered.
- 1.21 When the Planning Development Control Committee considers applications by the Council it cannot treat the proposals differently to those from any other applicant and has to make its decisions regarding the proposals before them on their planning merits. The level of SCI consultation carried out should not therefore, in itself, determine the outcome of an application.
- 1.22 While the consultation undertaken by the Council for the new Depot may not have followed all forms set out by the Statement of Community Involvement, it

is considered that a reasonable and proportionate consultation was undertaken in the time available. Following the residents request for a public meeting, all of the consultation envisaged by the SCI for a development of the scale proposed was eventually undertaken. Due to the time constraints, the consultation was undertaken in parallel with the planning consultation and not in series as envisaged by the SCI. The application was adjusted as far as was practicable in the light of the comments received from residents and other consultees.

- 1.23 There will be those occasions where operational needs dictate that it is not possible to meet all of the consultation criteria set out in the Statement of Community Involvement, but in all but exceptional cases it should be possible to plan a consultation process which follows the provisions set out within the SCI as closely as possible-

When substantial changes of use are proposed within major development proposals, or if schemes are proposed with wider community impacts, it will be appropriate to hold the more detailed consultations with residents as envisaged in the Guidance, including the use of presentations and public meetings where appropriate. The redevelopment of the existing Depot site for an alternative use would be one example of where a wider consultation exercise would be appropriate prior to the submission of a planning application.

#### OTHER CONSIDERATIONS:

#### 2 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

- 2.1 Development proposals brought forward by the Council will be relevant to the delivery of various aspects of the Community Strategy and to the efficient and effective operation of the Council.

#### 3 RESOURCE IMPLICATIONS:

- 3.1 Public meetings and wide scale consultation exercises have considerable resource and cost implications depending upon the proposals brought forward. Major development proposals will require the employment of planning consultants, typically the cost of appointing consultants for a medium sized scheme of development on a site of up to three acres would be in the range of between £40-60,000.

#### 4 RISK MANAGEMENT ISSUES

- 4.1 Over use of consultation exercises could delay the consideration of applications to the point that they were no longer viable due to changes in market conditions. Opportunities for development which might generate employment or regenerate parts of the City might be lost.

- 4.2 If the balance on consultation is not correctly gauged there is the risk that significant objections will not have been considered or adequately addressed when applications are made.

BACKGROUND DOCUMENTS:

Statement of Community Involvement

<http://www.winchester.gov.uk/CouncilAndDemocracy/Consultations/StatementofCommunityInvolvement/>

APPENDICES:

None