

**PLANNING DEVELOPMENT CONTROL (VIEWING) SUB-COMMITTEE****6 October 2011****Attendance:**

Councillors :

Jefferies (Chairman) (P)

Berry (P)  
Clear (P)  
Izard (P)  
Laming (P)  
McLean (P)Mitchell (P)  
Pearce (P)  
Read (P)  
Ruffell (P)  
Rutter (P)  
Tait (P)**Others in Attendance:**

Councillors Stallard and Phillips (Ward Members for Denmead)

**Officers in Attendance:**Mrs J Lee – Principal Planning Officer  
Mr J Hearn – Urban Design & Major Projects Officer  
Mr B Lynds – Planning and Projects Barrister

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**1. CHAIRMAN'S ANNOUNCEMENT**

The Sub-Committee met in the Barn Green Room, Denmead Community Association, The Old School, School Lane, Denmead where the Chairman welcomed to the meeting representatives of Denmead Parish Council, a member of the public and a representative of the applicant.

**2. DECLARATIONS OF INTERESTS ETC**

Councillor Read declared a personal (but not prejudicial) interest as he was a member of Denmead Parish Council, but he had taken no part in its consideration of the application and he therefore spoke and voted thereon.

**3. ERECTION OF 70 BED CARE HOME (OUTLINE) AT SITE 1, PARKLANDS BUSINESS PARK, FOREST ROAD, DENMEAD – CASE NUMBER 11/00124/FUL**

[\(Report PDC909 Item 1 and Update refers\)](#)

The above application had been referred to the Sub-Committee for determination by the Planning Development Control Committee, at its meeting held 15 September 2011. The Committee had agreed that it was unable to

determine the application without first visiting the site, to assess the existing amenity land and its use by the public and its relationship with the adjacent business park (itself in a countryside location) and the likely impact of the development on houses along Forest Road, Denmead.

Therefore, prior to this meeting, the Sub-Committee informally visited the site in the company of officers. A representative of the applicant (who had arranged the pegging out of the site) was also available to answer questions.

The Sub-Committee noted:

- The adjacent Parklands Business Park, its overall setting (with Creech Wood to the rear) and design with two-storey brick and tile buildings and generous landscaping.
- The site of proposed new office accommodation (consented, but yet to be constructed) located adjacent to the development site which were to be of similar height to the existing business park buildings – approximately 7.5 metres high.
- The development area of the proposed care home, and its relationship with the homes along Forest Road, including the height of the new building at various points around the site. It was noted that the site sloped down to Forest Road.
- The existing un-adopted footpath from the site to Forest Road and the policy boundary of Denmead.
- Views of the site from between the homes along Forest Road, noting the rise in the land beyond. It was also noted that the Business Park was well screened because its buildings were low level and within a well treed area.
- Views up the main access and egress route to the Business Park towards the site on the left and of the other amenity areas (including the fenced pond area), and also the older industrial unit towards the front of the site.

A full presentation had been given at the Planning Development Control Committee meeting on 15 September 2011, where the Committee had also heard public participation. Therefore, in accordance with procedure, the presentation at the Sub-Committee was limited to a summary of the key issues and there was no repeat of the public participation period.

Mrs Lee reminded the Sub-Committee that the proposal as outlined in the Report was for the erection of a 70 bedroom care home at land adjacent to Plot 1, Parklands Business Park, Forest Road, Denmead. The Sub-Committee was reminded of the main objections to the application, which included that the site was within a countryside setting where there was a presumption against development, except in exceptional circumstances. It was considered that a new care home at this location would not meet the necessary criteria and an assessment submitted by the developer was not compelling in its evidence, as to why these policies could be set aside in this instance. The area of the application site was also subject to a previous legal agreement that the area should be kept as amenity space, to act as a buffer

area between homes and the industrial estate. It had not been intended that there should be public access to the site, albeit this occurred informally by people crossing the site to the woodland beyond.

Mrs Lee also reported that, since publication of Report PDC909 (and the Committee's previous consideration of the proposal), a further five letters of objection, one in support and one querying use of the footpath had been received. These raised similar matters previously referred to within Report PDC909 and were placed on the case file.

Also subsequent to the previous meeting, amended plans had been submitted by the applicant. These indicated that the ridge height of the new building had been lowered by two metres to 10.8 metres and that the eaves height had been reduced by 0.5 metres. The proposed footprint of the care home remained the same.

Mrs Lee also referred to the matters contained with the Update that had previously been presented to the Planning Development Control Committee on 15 September 2011. The Council was now satisfied that the applicant was able to demonstrate that any potential harm to protected species (great crested newts located in the pond) could be mitigated against. This was noted.

Mr Hearn referred to the amended plans submitted by the applicant. It was demonstrated that the revised proposal had not addressed the substantive reasons, previously given, why the building was unacceptable in this location. It was considered that its form and height remained as too suburban in design to fit comfortably within the context of the surrounding area. Mr Hearn drew attention to the central part of the building, which would be approximately 50 metres long and three storeys high. Although the proposed ridge height of the building had been reduced to 10.8 metres, the adjacent new office development was to be 7.5 metres high. The homes along Forest Road were 5.5 high. It was acknowledged that the application was indicative. However, any granting of outline planning permission would still allow the developer to construct a 70 bed home within the constraints of the site.

During questions, the Sub-Committee referred to the existing Parklands Business Park, which was located close to the development site. It was acknowledged that this had previously been permitted to be built in a country side area, to the rear of the old Denmead potteries. However, its design meant that it blended well into its setting, and the adjacent amenity spaces contributed to this. It was clarified that the existing Section 52 legal agreement that had designated the amenity space had not lapsed and was in perpetuity, although an application could be made for its variance. The Sub-Committee noted that the amenity space was not public open space, but it did provide separation between the commercial units and homes at the policy boundary. It was explained that, although there was existing landscaping close to the boundaries of the site, this was generally not within the ownership of the site and therefore could not be depended upon to provide screening etc.

In response to further discussion, Mr Lynds explained that the previous legal agreement had stipulated that the application site had value as amenity space/buffer and, for that reason, it was necessary to render the previous development acceptable. The issue for the Sub-Committee was whether the requirement for amenity land remained and should be retained or otherwise, in which case a variation to the Section 52 agreement could be made.

The Sub-Committee acknowledged that the older industrial buildings fronting the site were more functional in their design; however they were low level and screened and reasonably separated from the rest of the Parklands site. Therefore, it was unlikely that these buildings would be 'read' against the proposed development, especially in views from Forest Road.

At the conclusion of debate, the Sub-Committee agreed to refuse planning permission for the reasons set out in the Report and below. The Sub-Committee expressed some reservations of the existing status of the development site as an amenity area, although acknowledged that its designation was likely to assist with separation of the business park from the settlement boundary.

#### RESOLVED:

That the application be refused, for the following reasons:

#### **Reasons**

1. The proposed development is contrary to the saved countryside policies of the Winchester District Local Plan Review and Planning Policy Statement 7 - Sustainable Development in Rural Areas, in that it would result in new built form outside the settlement boundary of Denmead for which there is no overriding justification.
2. The proposed development would be contrary to saved Policy CE4 of the Winchester District Local Plan Review, in that it has not been demonstrated that the proposed use is an essential facility or service to serve the local community or that a countryside location is essential for operational reasons. Furthermore, it has not been demonstrated to the satisfaction of the Local Planning Authority that there are no suitable sites within the built up areas of settlements.
3. The proposed development would be contrary to saved Policy DP4 of the Winchester District Local Plan Review, in that it would be detrimental to the visual amenities and character of the area through the loss of an area of amenity space which forms part of the setting of the business park, and which contributes to the character and amenities of the area.
4. The proposed development would be contrary to saved Policy DP3 of the Winchester District Local Plan Review, in that it would result in a building which would be out of scale with its surroundings, visually

intrusive within the landscape and not in sympathy with the appearance or character of the area.

5. The proposal is contrary to Policy DP.9 of the Winchester District Local Plan Review in that it fails to make adequate provision for improvements to transport and the highway network, in accordance with Hampshire County Council's Transport Contributions Policy 2007, such provision being required in order to mitigate for the additional transport needs and burden imposed on the existing network arising from this development.

6. The proposed development fails to meet derogation tests set out within sections 53(2)(e) and 53(9)(a) of the Conservation of Habitats and Species Regulations 2010 and is contrary to saved policy DP4 of the Winchester District Local Plan Review in that the proposed development is not essential to preserve public health or public safety or other imperative reasons of overriding public interest and it cannot be proved that there is no satisfactory alternative to developing the site within the countryside. The proposal therefore does not allow the Local Planning Authority to meet its duty under the Conservation of Habitats and Species Regulations 2010 with regards to impacts to European protected species

### **Informative**

The Local Planning Authority has taken account of the following Development Plan policies and proposals:

South East Plan 2009: CC1, CC2, CC6, CC8, NRM5,  
Winchester District Local Plan Review 2006: DP3, DP4, DP5, DP9,  
CE4, CE11, H3, CE25, SF6,  
Planning Policy Statement 7 - Sustainable Development in Rural Areas.

The meeting commenced at 11.00am and concluded at 12.00pm.

Chairman