

PLANNING DEVELOPMENT CONTROL COMMITTEE

5 October 2006

ARRANGEMENTS FOR THE WEST OF WATERLOOVILLE MAJOR DEVELOPMENT  
AREA (MDA) APPLICATION

REPORT OF CITY SECRETARY & SOLICITOR

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RECENT REFERENCES:

None.

EXECUTIVE SUMMARY:

This report provides Members with an opportunity to discuss and agree the arrangements that will determine the Wimpeys application for the West of Waterlooville MDA.

RECOMMENDATION:

1. That the arrangements contained within section 2 of the Report to determine the West of Waterlooville MDA application be agreed.
2. That the arrangements contained within section 3 of the Report for the site visit in advance of the determination of the West of Waterlooville MDA application be agreed.

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### ARRANGEMENTS FOR THE WEST OF WATERLOOVILLE MAJOR DEVELOPMENT AREA (MDA) APPLICATION

#### REPORT OF CITY SECRETARY & SOLICITOR

##### DETAIL:

##### 1 Introduction

1.1 The West of Waterlooville Major Development Area (MDA) is a MDA on the border of Winchester City Council and Havant Borough Council's districts. Both Councils' adopted Local Plans endorse the development of a total of 2000 dwellings in the area and another 1000 if the reserve MDA site is triggered.

1.2 There are two development interests on the site, George Wimpey and The Grainger Trust. The Wimpeys application is likely to propose 450 dwellings in the north of the site and the Grainger application, 1550 dwellings to the south. The Wimpey application was received in March 2005 and, following a series of officer-level meetings with the developer, the application has progressed sufficiently to be determined by a special meeting of the Planning Development Control Committee (PDC). An application from Grainger has now been received and registered, and is being advertised.

1.3 A Local Planning Authority can only determine an application within its administrative boundaries. As part of the Wimpey application falls within the district of Havant Borough Council, two virtually identical applications have been submitted – one to Winchester City Council and one to Havant Borough Council. Each application shows the full extent of the development proposed (ignoring municipal boundaries) but each local planning authority will have to grant (or refuse) permission for that part of the development within its own area. It is proposed that the Planning Development Control Committees of Havant and Winchester meet together to consider the applications and ensure that a unified and coherent set of conditions be applied, if granted.

1.4 This meeting will take place in the Council Chamber at Havant's Civic Offices, 10.00am on Tuesday 31 October 2006. There is no existing Joint Committee between Havant and Winchester which could determine the applications, and setting up such a Joint Committee is considered to be impractical in these circumstances. It would be possible however for the development control committees of each authority to meet and debate the applications, provided there is a formal meeting of each committee to determine the applications. It is therefore suggested that both development control committees officially open to undertake procedural items and adjourn to allow an informal discussion so that they can receive a presentation, hear from the applicant and public and discuss the application together. At the conclusion of this process, the respective Chairmen will reconvene their Committees to formally determine the application for their own district area. As the majority of the application falls within Winchester's district, the informal part of the meeting will be chaired by Winchester's Planning Development Control Committee (PDC) chairman, Councillor Jeffs and the Vice-Chairman will be Havant's PDC chairman, Councillor Farrow.

##### 2 The detail of this process is set out below: (please note that the times are indicative only)

2.1 10.00am Formal opening of Winchester City Council's Planning Development Control Committee – apologies and interests noted and explanation of the meeting's procedures by the Chairman. Meeting adjourns.

10.05am Formal opening of Havant Borough Council's Planning Committee (apologies and interests) and meeting adjourns. Formal proposal and seconding of the recommendation (required under Havant Constitution to allow debate to proceed).

- 2.2 Start of Informal Meeting to be chaired by Winchester City Council's Planning Development Control Chairman with Havant Borough Council's Development Control Chairman as Vice Chairman of the informal meeting.
- 2.3 10.10am Presentation by officers and Atkins.
- 2.4 11.00am Public Participation – limited to 3 minutes per person (includes Parish Councils and amenity groups). All speakers required to contact Winchester's Public Speaking Co-ordinators two days before the meeting. Elected Councillors not on the Planning Committees (eg Ward Members and Councillors from neighbouring Authorities) to speak at the Chairman's discretion. The Developer will be allowed a minimum of 15 minutes, with longer if appropriate at Chairman's discretion in the light of the number of objectors who have given prior notice.
- 2.5 12.00am Councillors' questions
- 2.6 1.00pm lunch (provided for Councillors and officers only by HBC)
- 2.7 2.00pm Councillors' debate
- 2.8 3.00pm BREAK
- 2.9 3.15pm Re-convened Formal Winchester Meeting – Winchester to formally note the debate and vote on the recommendation (to include delegated authority to the Director of Development to add any further conditions which may be necessary in light of Havant Borough Council's decision below.
- 2.10 3.20pm Re-convened Formal Havant meeting – Havant to formally note the debate and vote on the recommendation.
- 2.11 3.25pm Meeting closes

### 3 Site Visit

- 3.1 Due to the importance and complexity of the application, a site visit to the application site will take place on Wednesday 25 October, leaving Winchester Guildhall at 9.00am, calling at St Catherines Park and Ride, Winchester at 9.10am and then on to Civic Offices at Havant at 9.45am. The tour of the MDA would include the proposed accesses and boundaries.
- 3.2 It is proposed for Winchester Members that this be an informal opportunity to familiarise themselves with the application site and to gather facts in advance of the formal meeting of the Planning Development Control Committee on 31 October 2006. If at the site visit Members have particular issues that they wish to see addressed these should be brought to the officers' attention to be dealt with at the meeting on 31 October. Full public participation will be available at the meeting on 31 October.
- 3.3 Each Council has different rules for conducting formal site visits. Havant Borough Council's site visit will be operated in accordance with the principles set out in Havant's own guidance, attached at Appendix A, which is provided for Winchester Members for information only. In summary, this prohibits Councillors from discussing the merits of the application on site and limits the debate to whether further information is needed to be provided to the Committee when the application is considered on 31 October. Under

Havant's procedures, members of the public and developer will not be invited to this Site Visit, which will be led by officers.

- 3.4 Winchester Members who wish to attend this site visit are requested to contact Colin Veal at Winchester City Council on 01962 848 438 or email [cveal@winchester.gov.uk](mailto:cveal@winchester.gov.uk) to book their place.

OTHER CONSIDERATIONS:

4 CORPORATE STRATEGY (RELEVANCE TO):

The application is relevant to the Corporate Strategy's objectives of providing homes and jobs, safer and more inclusive communities and safeguarding a high quality environment for the future.

5 RESOURCE IMPLICATIONS:

None beyond administration costs to be met by both Councils.

- 6 Appendix - Procedures for Site Visits – Havant Borough Council

## **10. Havant Site Viewing Working Party**

- 10.1 The Site Viewing Working Party (SVWP) is a working party of Councillors appointed by the Council's Development Control Committee to view sites, which are the subject of matters to be considered by the Development Control Committee. The SVWP is accompanied by relevant Officers from the Development Control Team and Technical Services and Democratic Services. As it is a Working Party there is no requirement for the site inspection to be open to the public.
- 10.2 The main purpose is for Members to familiarise themselves with a site's characteristics before making a recommendation on a planning application or other matter scheduled to be considered at a future meeting of the Development Control Committee, where it is considered necessary to do so.
- 10.3 A site inspection will normally be initiated either by:
- The Head of Planning and Development Services in advance of the Development Control Committee, in circumstances where she considers it important to understand the physical circumstances of the site, and representations of third parties (particularly where a deputation is expected), or where the application raises issues of precedent where Members need to understand the wider implications of any decision
  - The submission of a Red Card and specific request to site view by a Councillor
  - Resolution of the Development Control Committee
- 10.4 The site inspection is an opportunity for Members of the Working Party to view the site officially and have a proposal explained to them by Officers. No decision is made on site; the matter is always referred to a future meeting of the Committee for decision.
- 10.5 Whilst visiting a site it is important for Members of the Working Party to consider:
- The site layout and boundaries
  - Physical features and constraints including levels and orientation
  - The general characteristics of the site and how it relates to the surrounding area, and,
  - Nearby land uses, and
  - Any relevant transport issues affecting the site.
- 10.6 The site inspection should be a 'fact finding mission' and a means of identifying issues for consideration by the Development Control Committee. It must not therefore be used as an opportunity to debate the merits of an application. There will be no opportunity to receive representations from members of the public or applicants. Members of the Working Party should however ask questions of the Officers present, make points and highlight certain characteristics that they can only draw to the attention of other Members of the Working Party whilst on site.
- 10.7 A timetable/agenda is sent to all Members of the Working Party on the Monday preceding the SVWP. The Development Control Services Team will contact both applicants and agents advising them of the intention to visit. Where the Head of Planning and Development Services considers it necessary to do or when requested in sufficient time, arrangements will be made in advance with the owners of adjoining sites to visit them.
- 10.8 Any member of the SVWP who has an interest either Personal or Prejudicial (as set out in Part 2 of the Members Code of Conduct) – in the application (for example by having an interest in the application site or adjoining or nearby land or by a personal connection with the applicant or anyone else whose well being or financial position maybe affected by the application) must disclose to the meeting the existence and nature of that interest. If a

Personal interest which is not a prejudicial interest is declared the Member may stay, take part and vote on the resolution. If a Prejudicial interest is declared the Member must not take any part in the site visit or vote on the recommendation regarding the site in question.

- 10.9 Whilst the SVWP does not make a decision on an application or other planning matter, it is normal working practice for the Working Party to make a recommendation to the Development Control Committee in one of the following forms
- To resolve, on the basis of the site inspection and information available at the time that the SVWP does not wish to draw to the attention of the Development Control Committee any additional matters, OR
  - To resolve on the basis of the site inspection and information available at the time that the SVWP would wish that the Development Control Committee to consider the following matters in addition to those detailed in the Head of Planning and Development Services' report before making a decision.
    - (i) the need for additional information, and/or
    - (ii) the need for additional conditions, and/or
    - (iii) areas of concern arising from the site inspection
- 10.10 The Chairman will seek to secure a majority view as to the recommendation for the need or otherwise of additional matters being drawn to the attention of the Development Control Committee. If it is apparent that a majority cannot be obtained he will recommend that the Working Party do not record a view.
- 10.11 No recommendation of the SVWP to the Development Control Committee should be regarded as the final view of any Member as to how an application should be determined by the Committee.

*Please see Annex 1 post for details of procedure and health and safety guidance whilst on site inspection.*

## ANNEX 1

### DEVELOPMENT CONTROL SITE VIEW WORKING PARTY PROCEDURE AND HEALTH AND SAFETY GUIDANCE

#### ATTENDANCE AT SITE INSPECTIONS

The Site Viewing Working Party (SVWP) normally meets at the Civic Offices on the Thursday afternoon in the week preceding a Development Control Committee, although occasionally it is necessary for the time or the day to change in which case advance notice will be given.

A timetable/agenda is sent to Members on the Monday preceding the meeting of the SVWP. The Development Control Service also sends letters to both applicants and agents advising them of the intention of the SVWP to visit and the procedure. Where the Head of Planning and Development Services(HP&DS) considers it necessary to do so arrangements will be made in advance with the owners of adjoining sites to visit them. Any Member wishing to visit from third party land will need to discuss the matter with the Head of Planning and Development Services as soon as possible, but no later than 48 hours before the meeting, although to do so at this stage may mean that access cannot be arranged in time.

The SVWP travels by coach/minibus between sites, but any Member of the Council interested in a matter on the agenda can meet the SVWP at a site, in order to have a better understanding of a proposal in their own ward or one that is of Borough wide interest. *However, other Members of the council attending the SVWP will not be allowed to address the working party, other than to point out matters of fact, detail, local knowledge and history. Any member not appointed to the Development control Committee but wishing to address the SVWP before it makes a decision should where possible advise the Chairman of the Working Party of their wish to do so by 10.00am on the morning of the SVWP. The Chairman will, at the meeting, put the request to the SVWP for the SVWP's approval.*

Members intending to meet the SVWP at an individual site are requested to make contact with the Committee Administrator prior to the meeting, in order that the SVWP can keep in contact with individual Members if running later (or earlier) than the timetable.

Relevant Officers of the Council will attend sites to explain the proposal to Members and to answer any factual questions that may arise. A Committee Administrator will also attend to take minutes and to help the administrative aspects of the visit.

The applicant/agent or owner of a site may also attend, but only to facilitate access to the land and buildings. It is not an opportunity for applicants, their representatives and other interested persons to seek to influence or discuss the merits of a proposal with the Councillors.

#### PROCEDURE AT SITE INSPECTIONS

The precise conduct of a site inspection will depend upon the nature of the site and the proposal, but in general the following will apply:-

- A Member duly appointed at the first meeting of the Working Party after the annual meeting of the Council will chair each meeting. In the absence of that Member, the Vice-Chairman of the Working Party will chair the meeting (if present) or, if not, by another Member present and elected by the Working Party to chair the particular meeting.
- Members should familiarise themselves with the papers prior to the meeting.
- Upon arrival at each site the Head of Planning and Development Services (or such Officer as decided by HP&DS) will briefly describe the proposal and the main points raised by objectors

before leaving the minibus. Whilst on site the Officers will draw to the Members' attention salient features of the application, site and locality

- Wherever possible, Members and Officers should remain together throughout the inspection and should avoid becoming separated into small groups.
- Applicants, their agents and other interested parties will not normally be allowed to speak to Members during the visit of the SVWP. *Members should maintain a suitable distance between themselves and applicants, their agents and other interested parties and avoid discussing the merits of a proposal during the course of the visit. To do otherwise may lead to allegations of impropriety or undue influence at a later date. In circumstances where it is essential that an applicant or third party guides a SVWP around a site, or where complex technical information needs explanation by the applicant or a third party (including consultees), the HP&DS will, in liaison with the Chairman of the SVWP consider the need for, and implications of doing so in advance of the meeting and will advise Members of the special arrangements for that particular site visit. The Committee Administrator will record in the minutes the reason for any variation in normal practice.*
- Questions and discussion should be of a factual nature and Members should avoid debating the application, as this is the proper role of the Development Control Committee. Questions which cannot be answered on site will be noted and the information supplied (where possible) in time for the Development Control Committee meeting.
- The Chairman will seek to secure a majority view as at the conclusion of each individual site visit and, if it is apparent that a majority view cannot be obtained he will recommend that the SVWP do not record a view.
- The Committee Administrator will record in the minutes the reasons for the visit, the location(s) from which the Working Party viewed the proposals and any recommendation made by the Working Party to the Development Control Committee.

## HEALTH AND SAFETY

Members of the SVWP, all Officers and other Councillors attending the meeting have a legal duty to dress appropriately for the occasion. The minimum standards are:

- The reflective jackets/waistcoats as provided;
- Appropriate footwear i.e. stout shoes and NOT open toe shoes, sandals or high heels.

*Where site rules or conditions dictate that safety footwear and hard hats are essential these will be provided.*

*The Chairman of the SVWP (upon advice of the HP&DS or her representative) has the authority, in the interests of health and safety, to refuse access to a site by a Member or Officer not considered appropriately dressed. Additionally Members should observe specific advice on safety given by Officers present.*

Members need to be aware that visits to sites/neighbouring land can only be undertaken with the agreement of the landowner(s) concerned. If such agreement is not forthcoming the Development Control Committee will need to rely on the report of the Officers authorised to gain entry under s324 of the Town and country Planning Act 1990 and s88 of the Listed Buildings Act as these Acts do not automatically give the SVWP the right to enter private property. Members and Officers should also remember that when undertaking a site inspection on private property that they should be aware of this fact and care should be taken not to interfere with or damage any property. As Site Viewing is a meeting of the council, Members and Officers are reminded that they should conduct themselves accordingly while on site.



The Site Viewing Working Party Committee Administrator will always carry a mobile phone for contact with the Civic Officers and for emergency purposes.