

WINCHESTER CITY COUNCIL
CITY OFFICES,
COLEBROOK STREET,
WINCHESTER,
HAMPSHIRE SO23 9LJ

HAVANT BOROUGH COUNCIL
PUBLIC SERVICE PLAZA
CIVIC CENTRE ROAD
HAVANT
HAMPSHIRE P09 2AX

Meeting Joint West of Waterlooville MDA Planning Committee

Date and Time Tuesday, 5th October, 2021 at 11.30 am.

Venue Hurstwood Room, Public Service Plaza, Civic Centre Road, Havant, Hampshire PO9 2AX

Note: *This meeting is being held in person at the location specified above. In line with relevant legislation and public health guidance the following arrangements apply. Members of the public should note that a live feed of the meeting will be available from Havant Councils website -*

*<https://havant.moderngov.co.uk/ieListDocuments.aspx?CId=375&MId=11470>
www.havant.gov.uk*

For members of the public who are unable to utilise this facility, a limited number of seats will be made available at the above named location however attendance must be notified to the council at least 3 clear working days before the meeting. Please note that priority will be given to those wishing to attend and address the meeting over those wishing to attend and observe.

AGENDA

- 1. Chairperson's Welcome**
- 2. Apologies and Deputy Members**

To record the names of apologies given and Deputy Members who are attending the meeting in place of appointed Members.

3. **Disclosures of Interests**

To receive any disclosure of interests from Members and Officers in matters to be discussed.

Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests, and on Predetermination or Bias in accordance with legislation and the Council's Code of Conduct.

If you require advice, please contact the appropriate Democratic Services Officer, prior to the meeting.

4. **Minutes** (Pages 11 - 18)

Minutes of the previous meeting held on 29 August 2018.

5. **Where appropriate, to accept the Update Sheet as an addendum to the Report**

6. **Land West Of Darnel Road Waterlooville Hampshire (21/00570/OUT)**
(Pages 19 - 72)

Public Speaking

Public speaking is allowed on individual planning applications, subject to certain restrictions – please contact the Public Speaking Co-ordinator as soon as possible, but prior to 4.30pm, Wednesday, 29 September 2021 on (01962) 848 339 to register to speak and for further details.

7. **Land East Of Darnel Road Waterlooville Hampshire (21/01005/FUL)**
(Pages 73 - 130)

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Lisa Kirkman
Strategic Director and Monitoring Officer

All of the Council's publicly available agendas, reports and minutes are available to view and download from the Council's [Website](#) and are also open to inspection at the offices of the council. As part of our drive to minimise our use of paper we do not provide paper copies of the full agenda pack at meetings. We do however, provide a number of copies of the agenda front sheet at the meeting which contains the QR Code opposite. Scanning this code enables members of the public to easily access all of the meeting papers on their own electronic device. Please hold your device's camera or QR code App over the QR Code so that it's clearly visible within your screen and you will be redirected to the agenda pack.



27 September 2021

Agenda Contact: Matthew Watson, Senior Democratic Services Officer tel: 01962 848 317 Email: mwatson@winchester.gov.uk

**With the exception of exempt items, Agenda, reports and previous minutes are available on the Council's Website www.winchester.gov.uk*

MEMBERSHIP

Cllr Evans	Winchester City Council
Cllr Crellin	Havant Borough Council
Cllr Bentote	Winchester City Council
Cllr Laming	Winchester City Council
Cllr McLean	Winchester City Council
Cllr Read	Winchester City Council
Cllr Hughes	Havant Borough Council
Cllr Shimbart	Havant Borough Council
Cllr Patel	Havant Borough Council

Quorum = 4 members

TERMS OF REFERENCE (As per the Constitution of Winchester City Council)

- 1 Establishment of the Joint Committee
 - 1.1 There shall be constituted under the provisions of Section 101(5) and Section 102 of the Local Government Act 1972 a Joint Committee to be known as the "West of Waterlooville Major Development Area Joint Planning Committee".
 - 1.2 The Joint Committee is established by Havant Borough Council and Winchester City Council.
 - 1.3 The area within which the Joint Committee is to exercise its authority is the West of Waterlooville Major Development Area, as shown on the plan attached as Appendix A.

1.4 This Constitution sets out how the Joint Committee will operate and how decisions are made.

2 Functions Delegated to the Joint Committee

2.1 Subject to the remaining provisions of this Clause 2, the following functions shall be delegated to the Joint Committee insofar as they relate to matters within the West of Waterlooville Major Development Area:

Power to determine applications for planning permission (including applications for reserved matters).
Power to determine applications to develop land without compliance with conditions previously attached.
Power to grant planning permission for development already carried out.
Duties relating to the making of determinations of planning applications.
Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
Power to enter into agreement regulating development or use of land.

The delegation includes all the powers necessary to facilitate, or otherwise incidental or conducive to, the discharge of the functions of the Joint Committee.

2.2 The following functions shall be reserved to the appointing Authorities and shall not be within the powers of the Joint Committee:

Power to decline to determine application for planning permission.
Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
Power to issue a certificate of existing or proposed lawful use or development.
Power to serve a completion notice.
Power to grant consent for the display of advertisements.
Power to authorise entry onto land.
Power to require the discontinuance of a use of land.
Power to serve a planning contravention notice, breach of condition notice or stop notice.

Power to issue a temporary stop notice
Power to issue an enforcement notice.
Power to apply for an injunction restraining a breach of planning control.
Power to determine applications for hazardous substances consent, and related powers.
Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
Power to require proper maintenance of land.
Power to determine application for listed building consent, and related powers.
Duties relating to applications for listed building.
Power to serve a building preservation notice, and related powers.
Power to issue listed building enforcement notices.
Powers to acquire a listed building in need of repair and to serve a repairs notice.
Power to apply for an injunction in relation to a listed building.
Power to execute urgent works.
Power to determine applications to fell or carry out works to trees that are the subject of a Tree Preservation Order

2.3 The Joint Committee shall not have authority to take any decision which is contrary to or not wholly in accordance with the budget approved by Havant Borough Council or Winchester City Council for the Joint Committee or is contrary to an approved policy or strategy of either of the authorities.

2.4 Save as expressly provided, the functions delegated to the Joint Committee shall not affect the schemes of delegations for officers for determining planning applications adopted by Winchester City Council and Havant Borough Council.

3 Membership and Appointment of the Joint Committee

3.1 The Joint Committee shall comprise nine Members, being five Members from Winchester City Council and four from Havant Borough Council. Each appointing Authority shall, unless there are overriding

reasons to the contrary, appoint to the Joint Committee the Chairperson of their Committee responsible for planning matters.

- 3.2 Each Authority may appoint deputies to act for the appointed Members of the Joint Committee. Where the appointed Member is unable to attend a meeting of the Joint Committee, their Deputy may attend and carry out their responsibilities, including voting in their absence.

Quorum

- 3.3 The quorum for a meeting of the Joint Committee shall be four Members, with at least one Member from each Authority.

4 Chairperson and Vice-Chairperson of the Joint Committee

- 4.1 The Chairperson of the Joint Committee shall be the Chairperson of the Planning Development Control Committee of Winchester City Council.

- 4.2 The Vice-Chairperson of the Joint Committee shall be the Chairperson of the Development Management Control Committee of Havant Borough Council.

5 Secretary to the Joint Committee

- 5.1 The Joint Committee shall be supported by the Secretary to the Joint Committee.

- 5.2 The Secretary of the Joint Committee shall be an officer of one of the appointing Authorities, appointed by the Joint Committee for this purpose.

- 5.3 The functions of the Secretary of the Joint Committee shall be:

- a) To maintain a record of membership of the Joint Committee;
- b) To summon meetings of the Joint Committee;
- c) To prepare and send out the agenda for meetings of the Joint Committee in consultation with the Chairperson and the Vice-Chairperson of the Joint Committee;
- d) To keep a record of the proceedings of the Joint Committee;
- e) To take such administrative action as may be necessary to give effect to decisions of the Joint Committee;

6 Convening of Meetings of the Joint Committee

6.1 Meetings of the Joint Committee shall be held at such times, dates and places as may be notified to the members of the Joint Committee by the Secretary to the Joint Committee.

7 Procedure at Meetings of the Joint Committee

7.1 The Joint Committee shall, unless the member of the Joint Committee presiding at a meeting or the Joint Committee determines otherwise, conduct its business in accordance with the Constitution of Winchester City Council, except in so far as may be specified to the contrary in this Constitution.

7.2 The Chairperson of the Joint Committee, or in their absence the Vice-Chairperson of the Joint Committee, or in their absence the member of the Joint Committee elected for this purpose, shall preside at any meeting of the Joint Committee.

7.3 Subject to Clause 8.4, decisions shall be decided by a majority of the votes of the members present and voting.

7.4 The Chairperson shall have a second or casting vote.

7.5 Where, immediately following the taking of a decision, at least two members of the Joint Committee indicate that the decision should be referred back and made by the relevant local planning authority(ies) for the application; the matter shall stand referred to the appropriate local planning authorities for determination.

8 Amendment of this Constitution

8.1 This constitution can only be amended by resolution of all appointing Authorities.

THE HUMAN RIGHTS ACT 1998:

Please note that the Human Rights Act 1998 makes it unlawful for the Council to act in a way incompatible with any of the Convention rights protected by the Act unless it could not have acted otherwise.

In arriving at the recommendations to grant or refuse permission, careful consideration has been given to the rights set out in the European Convention on Human Rights including Article 6 (right to a fair trial), Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination in enjoyment of convention rights) and Article 1 of the first Protocol (the right to peaceful enjoyment of possessions).

The Council is of the opinion that either no such rights have been interfered with or where there is an interference with the rights of an applicant or objector, such interference is considered necessary for any of the following reasons:-

- ◆ The protection of rights and freedoms of others
- ◆ Public safety
- ◆ The protection of health or morals
- ◆ The prevention of crime or disorder
- ◆ The economic well being of the country.

It is also considered that such action is proportional to the legitimate aim and in the public interest.

Public participation:

There will be a period of public participation, as follows:

- Objectors (3 minutes in total),
- Parish Council representatives (3 minutes),
- Ward Members (local District Councillors)/Cabinet Members (5 minutes each),
- and supporters of the application (3 minutes in total).

The process is controlled by procedures to ensure fairness to both objectors and supporters. To register to speak at the meeting, please contact the Public Speaking Co-ordinator on 01962 848 339 by 4:30pm **THREE** clear working days before the meeting, in order to allow the meeting to be managed as efficiently as possible.

For example, if a meeting is held on a Wednesday, the deadline for registering to speak would be 4:30pm on the Thursday the preceding week.

Please keep to the time allocated.

After each speaker's category, there will be an opportunity for the Committee to ask questions of the speakers, if the Committee considers it necessary to clarify any matters of fact that arise.

Aside from this, the Committee will not enter into any further discussion with members of the public.

The names of members of the public etc who have registered to address committee meetings will appear in the minutes as part of the public record, which will be included on the Council's website. Those wishing to address a committee meeting who object to their names being made available in this way must notify the Democratic Services Officer either when registering to speak, or within 10 days of this meeting.

Members' Questions

After the officers' presentation and public participation there will be an opportunity for the Councillors on the Committee to ask questions of the officers and clarification, if necessary, of public speakers.

The Councillors' Debate

The Councillors will then debate the application and may pick up any issues raised during public participation before a vote is taken to either;

- permit,
- refuse or
- defer (usually for a site visit or for further information). If a site visit is required then the item will usually be deferred to the next meeting of the Committee to allow it to be reconsidered after the site visit has been held. The item will be reconsidered in its entirety, including public participation where those registering to speak will be given the opportunity to address the Committee.

If the Committee votes against the officer's recommendation, the reasons for this will be discussed and explained. Usually the precise wording for the reasons for refusal will be delegated to the Service Lead Built Environment in consultation with the Chair. A summary of the Committee's reasons will be included in the minutes.

After the meeting

After the meeting, the minutes will be available from the Council's website and a decision notice will be sent to the applicant/agent. Applicants have a right of appeal against a Committee decision to refuse planning permission, or any conditions imposed on permission, and any appeal will be considered by an Inspector appointed by the Secretary of State. Where an application has been permitted, there is no opportunity for objectors to appeal, other than to the Court by way of judicial review on a point of law.

FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast live on the Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Access to Information Procedure Rules within the Council's Constitution for further information, which is available to view on the [Council's website](#).

DISABLED ACCESS:

Disabled access is normally available, but please phone Democratic Services on 01962 848 264 or email democracy@winchester.gov.uk to ensure that the necessary arrangements are in place.