CHANDLER'S FORD AND HILTINGBURY LOCAL AREA COMMITTEE

Wednesday, 28 June 2017 (5:00 pm – 9:09 pm)

PRESENT:

Councillor Holden-Brown (Chairman); Councillors A Broadhurst, Atkinson, Mrs Broadhurst, Grajewski, M Hughes and Pragnell

Apologies for absence were received from Councillor Hatfield

RESOLVED ITEMS (SUBJECT TO QUESTIONS ONLY)

7. PLANNING APPLICATION - 6 WELLBROOKE GARDENS, CHANDLER'S FORD, EASTLEIGH, SO53 1TN

The Committee considered the report of the Head of Development Management (Agenda item 7) concerning a retrospective application for retention of a single storey double garage. - (Ref: F/17/79919).

The Planning Officers - Ms Birk and Mr Nangreave - delivered the presentation which outlined the application.

The Committee was updated that the applicant had lodged an appeal for non-determination and therefore the application will be determined by the planning inspectorate. Officers explained that members were asked to continue to give a view on the decision of the application had the appeal not been lodged.

There had been continued attempts to contact Southern Water however no formal response had been received. The following 'Note to Applicant' had been added; 'the applicant is strongly advised to contact Southern Water to obtain consent for building over a public sewer.'

Councillor A Broadhurst proposed that the recommendation be agreed as printed.

Councillor H Broadhurst seconded the proposal.

The councillor debate commenced at 7.12pm.

Councillor Pragnell stated that Southern Water hadn't commented which was a concern as there is a drain and sewer under the garage. Before this was built, the sewer could have been accessed with no delays and the correct measures undertaken to minimise disruption to the estate. It seemed now that if something happened, the community would have to wait for the applicant to empty and potentially dismantle the structure

before drainage could be restored. He did not think that was reasonable. It is a community interest that everyone's drainage had to be maintained. The applicant had this knowledge before work was started and it seems to have been ignored. The drains are 40 years old and the ground area is reduced and it seems the sewer may be nearer to the surface. He felt uncomfortable about this.

Mr Nangreave expressed great empathy with Members concern. The applicant is aware of the circumstances and have constructed the building at their own risk. The team have endeavoured to contact Southern Water by phone and email and they had been very difficult to contact. There had been no objections. It is the responsibility of Southern Water to ensure that their pipework is maintained.

Councillor Pragnell suggested that perhaps, like many, Southern Water may be experiencing service cuts and this seemed to be a low priority. They have the responsibility as a committee to look at the whole application and the implications. The garage covers the whole access to the sewer; you cannot destroy somebody's property and therefore if it had to be removed in order to access the sewer, there would be a long waiting process.

Councillor Atkinson agreed with Councillor Pragnell. She also noted that she had real issue accessing the Eastleigh Borough Council website to look at the application and asked for this to be fed back so that it could be addressed.

Councillor Atkinson said that the building was unusual for a garage and asked whether any tests had been undertaken that determined that usage was for a garage and there was no other intended use. She would not want any domestic usage as this would be inappropriate. She also asked what building regulations had been applied to the construction. She also noted that there was a potential fire risk due to the main property being accessible via the garage, so appropriate building regulations need to have been applied.

Councillor Atkinson had huge concerns about the application. The building looked quite grotesque in the street scene when compared with other garages and she was concerned there may be a risk of second storey development. If it did get approved, she would like there to be a condition that it cannot be used for residential purposes.

Ms Birk confirmed that it was being used as a traditional garage; this hadn't been investigated but the applicant has confirmed the use. In terms of building regulations, it remains the applicants responsibility. It could be completed by an external private company; it cannot be confirmed if these are in place. There cannot be any prejudgement of an application and for any potential second story development, the applicant would need to obtain permission.

Councillor Hughes asked for clarification as to whether the front fence belonged to Southern Water or the applicant. If this was Southern Water, then it indicated that the land belonged to them; had there been a land registry check to see who the land belonged to?

Ms Birk confirmed that ownership was with the applicant. The applicant purchased the land in 2014 and the fence is within the applicant's property – there are no concerns about this.

Councillor Grajewski said that she wondered whether officers should have investigated what the garage is used for, as if it is inhabited then the application is incorrect. She would like confirmation of what consent is for. She also asked whether the sewer just served this property or a larger area. She also asked whether to assume building regulations had been followed, as these are important.

Mr Nangreave confirmed that the applicant had applied for domestic storage purposes and had advised it is being used for this; planning are not charged with checking every garage to ensure it is being used as intended. If it was drawn to their attention that it was not being used as intended, they would have a duty to investigate at that point. In relation to the sewer he was unsure of the information and was disappointed there had been no response from Southern Water which would have enabled him to explain this to members. The building regulations are separate to planning and are dealt with by separate teams.

Councillor Grajewski noted the previous application to turn public land into private land and that this was also retrospective. The garage was a monstrosity and it is far more jarring than photos suggest. It was somewhat of an anomaly. It looked cramped within its plot and as mentioned, the presentation wasn't within keeping. There was no guarantee that the planting around it would be retained, that it wouldn't be converted into habitable use and that it wouldn't be changed to a two story development. However, she realised that is not the application that was before them. She would assume that there is a shared sewer below the land and that is why the land was initially left there by the developer. She would not be supporting the application.

Councillor H Broadhurst said that she had carefully read the report and had now listened to other members' views and was not happy about the application. It was a shame that Southern Water had not responded as it's a very important question and she felt it was grossly neglectful not to respond. She referenced Paragraph 19 of the report which referred to policy 59.BE of the local plan and the requirements which a development should take into account. She felt that this development did not meet those criteria. It was an overdevelopment, it was different to the rest of the street garages and it was out of character and had impact on the site. She explained that she had changed her view from seconding the proposal and would not support the application.

Councillor A Broadhurst noted that if members were not happy they could initially vote against the recommendation and come up with reasons. He noted that there is a pipe underneath the building; this services 2 rain water drains and a 12 inch sewer. He felt this would be serving a number of properties as he is aware of developments that have 6 inch drains serving 130 houses, for example. Concreting of the sewer was something which had been the main concern. If the garage had been built without building and planning regulations, it would then be difficult to prove if the fire safety regulations were in place as it wouldn't have been inspected whilst being built. This made it more difficult and members had to be aware of these issues as it was a concern if the building was not fire safety ready. He felt that in relation to paragraph 19, the application was very borderline.

At 7.37pm, members voted against the initial proposal that the report recommendation be agreed.

Councillor A Broadhurst moved to refuse the application. Some of the reasons cited for refusal were the scale, siting, design and materials used and that it was out of character with the local area. It was asked that it be noted that members are concerned about the concrete base over the sewer, although this is not a planning issue, it was a great concern.

The Chairperson asked for a seconder to the motion. Councillor A Broadhurst seconded the motion.

Mr Nangreave explained the next steps in the appeal process to the Committee.

Councillor Pragnell asked that in the notes and comments to the planning inspectorate, that it be made clear that there is a great public interest in the sewer and maintenance access is imperative to the estate and it needs to be ensured this is considered.

It was agreed that the formal wording of the reasons for refusal be delegated back to the Chair, Vice Chair and a committee member from the Conservative party to be agreed to ensure this is accurate.

Councillors completed a final vote on the decision at 7.45pm.

RESOLVED -

That had an appeal not been lodged, the application be REFUSED; and

That the decision of the wording for reasons for refusal be delegated back to the Chair, Vice Chair and a committee member from the Conservative party to be agreed.