

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE JOINT PLANNING COMMITTEE  
29<sup>TH</sup> OCTOBER 2008

SUBMITTED TO THE COUNCIL MEETING – 16<sup>TH</sup> DECEMBER 2008

(To be read in conjunction with the Agenda for the Meeting)

Cllr Mrs J I Arrick	* Cllr Ms D M-R Le Gal
Cllr C R Baily	* Cllr Dr N Lee
Cllr M H W Band	Cllr A Lovell
Cllr M W Byham	Cllr P J Martin
* Cllr Mrs E Cable	Cllr T E Martin
* Cllr Mrs C Cockburn	Cllr B J Morgan
Cllr S P Connolly	* Cllr S N Mulliner
Cllr J H B Edwards	* Cllr S J O'Grady
* Cllr B A Ellis (Vice Chairman)	Cllr S L Pritchard
* Cllr Mrs P Ellis	Cllr K T Reed
* Cllr Mrs L J Fleming	Cllr S Renshaw
Cllr R D Frost	* Cllr S N Reynolds
Cllr Mrs P M Frost	Cllr I E Sampson
Cllr R J Gates	Cllr Mrs C E Savage
Cllr M R Goodridge	Cllr J M Savage
Cllr Mrs J P Hargreaves	* Cllr R J Steel
* Cllr N P Holder	Cllr A E B Taylor-Smith
Cllr J P Hubble	Cllr Ms J R Thomson
* Cllr S R E Inchbald	Cllr A P Thorp
Cllr D C Inman	* Cllr J A Ward
* Cllr P B Isherwood (Chairman)	Cllr Mrs N Warner-O'Neill
* Cllr Mrs D M James	Cllr R A Welland
Cllr Mrs C A King	* Cllr Mrs L Wheatley
Cllr R A Knowles	Cllr A Wilson

\*Present

Also in attendance: Cllrs V Duckett and J Sandy

32. MINUTES (Agenda Item 1)

The Minutes of the Meeting held on 1<sup>st</sup> October 2008 were confirmed and signed.

33. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies were received from Councillors Mrs Arrick, Baily, Band, Connolly, Edwards, Goodridge, Mrs Hargreaves Hubble, Inman, Mrs King, Knowles, Lovell, P Martin, T Martin, Morgan, Renshaw, Sampson, Mrs Savage, J Savage, Taylor-Smith, Ms Thomson, Mrs Warner-O'Neill, Welland, and Wilson.

34. DECLARATIONS OF INTEREST (Agenda item 3)

The following declarations of personal & prejudicial interests were made:

Cllr R J Gates, in application WA/2008/0279. The following statement from Cllr Gates was read to the meeting:

"I have declared this interest, and take this action [*to absent himself from the meeting*], not because I have any financial or locational interest whatsoever in the application or site but because I have led discussions with the developers to amend the scheme from the moment I became Council Leader. I wish to demonstrate therefore, by making this declaration, that there will be no conflict between Waverley's position as Landlord, and its determination of the application which will be made absolutely on planning grounds. Therefore, I am declaring an interest on the basis of the test contained in the Code of Conduct that says a member also has a "prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest".

The following declarations of personal interests were made:

Cllrs Mrs Cockburn, Mrs Fleming, Mrs Le Gal, Mr O'Grady, Mr Steel, and Mr Ward, as they are members of Farnham Town Council and took part in the review of the applications as members of that council, based on the information available to them at that time. However, they will take account of the additional evidence that has been and will be presented, and will listen to all that is said and presented tonight before making their final decision.

Cllr Steel, additionally, due to his activity in objecting to previous applications by the developers on this site.

### **PART I – RECOMMENDATIONS TO THE COUNCIL**

There were no matters raised under this heading.

### **PARTS II AND III- MATTERS OF REPORT**

#### **Background Papers**

The background papers relating to the following items in Parts II and III are as specified in the Agenda for the meeting of the Joint Planning Committee.

#### **PART II – Matters reported in detail for the information of the Council**

There were no matters raised under this heading.

#### **PART III – Brief summaries of other matters dealt with**

35. APPLICATION WA/2008/0279 RELATING TO LAND AT EAST STREET, FARNHAM (Agenda Item 5)

Mixed-use redevelopment comprising: 9,814 m<sup>2</sup> of retail, restaurant and café-bar accommodation (Use Classes A1, A3 & A4, including the change of use of Brightwell House and Marlborough Head); 239 residential units (Class C3); a multiscreen cinema (Class D2); multi-storey, surface and basement car parks providing a total of 426 spaces; associated highway and access works; provision of infrastructure and landscaping; replacement facility for the existing 'Gostrey Centre'; demolition and clearance of the site at Land at East Street, Farnham (as amended by plans and documents received 15/08/2008)

35.1 At its meeting on 1<sup>st</sup> October 2008 the Joint Planning Committee, having regard to the environmental information contained in the above application, the Environmental Statement and responses to it, together with proposals for mitigation of environmental effects, resolved that:

A (i) Planning permission be GRANTED subject to the conditions, which shall be agreed in their final form in accordance with paragraph A(ii) below, the draft versions of which are set out in Appendix G of the report (as updated);

And subject to:

1) The referral of the application to the Government Office for the South East under the Shopping Direction and because the application is:

(a) Accompanied by an Environmental Statement, and

(b) Because the following policies SEP, EN1, SSP, SE2, WBLP, D7, H10, BE1, are not complied with and provided that no direction is received calling-in the application for determination by the Secretary of State for Communities and Local Government; and

2) The completion of appropriate planning and highway agreements, as set out in the draft heads of terms at Appendix H (pages 190-192 in the Agenda report), concerning:

(a) provision of affordable housing

(b) provision and maintenance of open space, town square, etc

(c) infrastructure contributions (education, CCTV, Open Space)

(d) Thames Basin Heaths SPA mitigation contribution

(e) financial contribution towards sport and leisure

(f) financial contribution in lieu of on-site provision of children's play space

(g) funding and making highways orders

(h) funding further transport studies

(i) on-site highway, cycle and pedestrian works

(j) off-site highway works

(k) intelligent bus service information systems

(l) provision and maintenance of a car club

(m) residents and employers Travel Plans and provision of Travel Co-ordinator

(n) any other requirements.

A(ii) The Head of Planning and Solicitor to the Council consider and review requests for variations to the draft conditions and to report to a future meeting of the Joint Planning Committee with recommendations for conditions and the heads of terms of the planning agreement.

35.2 The Committee was reminded that the purpose of the meeting was to consider the revised conditions and heads of terms, as detailed in Appendices 1 and 2 of the Officer's report, which had been circulated with the agenda. It was noted that the revisions took account of representations made by The Farnham Society and the applicants, Crest Nicholson.

35.3 At the meeting an Update Report was tabled, including:

- (a) a letter from the Government Office of the South East dated 29<sup>th</sup> October 2008 confirming that the Secretary of State had concluded that there was not sufficient reason to warrant calling the application in for her own determination.
- (b) further representations received from: Mrs Anne Thurston, Vice-Chairman of The Farnham Society dated 25<sup>th</sup> October 2008; Hedleys Solicitors on behalf of the Farnham Theatre Association; Cllr Alan Lovell; Mrs Celia Sandars; and Scott Brownrigg dated 28<sup>th</sup> October 2008.

It was noted that Officers were obligated to inform the Committee of all representations received up to the start of the Committee.

35.4 In accordance with Waverley's guidance for public participation at meetings, the following representations were made in respect of the application and were duly considered:

Mrs Anne Cooper, on behalf of Farnham Theatre Association (3 minutes)

Mr Michael Murphy, read a statement prepared by Miss Christine Hereward, Solicitor, on behalf of The Farnham Society (3 minutes)

Cllr Mrs Janet Maines, on behalf of Farnham Town Council (3 minutes)

Mr Christopher Tennant, Scott Brownrigg, on behalf of the applicants, Crest Nicholson (3 minutes)

35.5 In accordance with the Procedure Rule 23, Cllr V Duckett addressed the meeting.

36.1 Concerns were expressed by some members of the Committee that the conditions and heads of terms required further drafting, to ensure consistency of wording throughout. At 8:12pm it was proposed by Cllr Mulliner, and seconded by Cllr Mrs James, to defer consideration to a further future meeting to allow a further review of the wording of the conditions and heads of terms.

In favour – 5 votes

Against – 11 votes

Therefore, the motion to defer the meeting was defeated, and it was agreed to review and amend the conditions, as necessary, at this meeting of the Committee.

36.2 At 8:13pm it was proposed by Cllr Ms Le Gal, and seconded by Cllr Mrs Cable, to review and approve the revised conditions and Heads of Terms one-by-one, with the understanding that any member could suggest minor drafting revisions to other, previously un-amended terms if felt necessary.

In favour – All

Therefore, the motion was carried.

36.3 The Committee agreed blanket revisions to ensure consistency of wording and clarity of intent throughout the conditions, as follows:

... shall be submitted to and approved *in writing* by the *Local Planning Authority if thought fit*.

37.1 After considering the conditions and heads of terms, the Committee RESOLVED that:

- (i) the Head of Planning be authorized to add to the reasons for the conditions references to the appropriate planning policies, as necessary, as proposed in the Update Report;
- (ii) the revised list of conditions as amended at the meeting (with agreed changes shown), now set out in Appendix 1 to these minutes, be agreed as those to be attached to the permission granted under WA/200/0279; and,
- (iii) the Heads of Terms for the planning and highway agreements as amended at the meeting (with agreed changes shown), now set out in Appendix 2, to these minutes be agreed.

38.1 There being no matters needing to be dealt with in exempt session, the Chairman declared the meeting closed at 9.25pm.

Chairman