

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE MEETING OF THE JOINT PLANNING COMMITTEE
6TH AUGUST 2012

SUBMITTED TO THE COUNCIL MEETING – 16TH OCTOBER 2012

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

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|----------------------------|------------------------|
| * Cllr Brian Ellis | * Cllr Carole King |
| * Cllr Peter Isherwood | Cllr Nicky Lee |
| Cllr Stella Andersen-Payne | * Cllr Bryn Morgan |
| * Cllr Maurice Byham | * Cllr Stephen O'Grady |
| * Cllr Elizabeth Cable | * Cllr Julia Potts |
| * Cllr Mary Foryszewski | * Cllr Stefan Reynolds |
| Cllr Pat Frost | Cllr Jane Thomson |
| * Cllr Richard Gates | * Cllr Brett Vorley |
| * Cllr Michael Goodridge | Cllr John Ward |
| Cllr Jill Hargreaves | * Cllr Liz Wheatley |
| * Cllr Stephen Hill | * Cllr Nick Williams |
| * Cllr Simon Ingham | |

*Present

Other Councillors in attendance: Councillor Nicholas Holder

12. MINUTES (Agenda Item 1)

The Minutes of the Meeting held on 1st August 2012 were confirmed and signed.

13. APOLOGIES FOR ABSENCE (Agenda Item 2)

Apologies were received from Councillors Pat Frost, Jill Hargreaves, Jane Thomson and John Ward.

14. DECLARATIONS OF INTEREST (Agenda Item 3)

In relation to planning application WA/2012/0453 (item A1 in the agenda papers) the following declaration of interest was made:

Councillor Brett Vorley declared a non-pecuniary interest as he was a friend of the applicant.

15. QUESTIONS BY MEMBERS OF THE PUBLIC

There were no questions from members of the public.

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 item 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

16. WA/2012/0453: APPLICATION FOR ERECTION OF 137 DWELLINGS, COMPRISING 35 HOUSES AND 102 APARTMENTS, TOGETHER WITH ASSOCIATED HIGHWAY ACCESS AND LANDSCAPING FOLLOWING DEMOLITION OF EXISTING BUILDINGS (AS AMPLIFIED BY ADDITIONAL INFORMATION RECEIVED 16/05/2012; ADDITIONAL PLAN AND LETTER RECEIVED 01/06/2012; ADDITIONAL INFORMATION RECEIVED 02/07/2012 AND 10/07/2012 AND EMAILS RECEIVED 18/07/2012 AND ADDITIONAL INFORMATION RECEIVED 31/07/2012) AT LAND AT FLAMBARD WAY, CATTESHALL LANE, AND WOOLSACK WAY, GODALMING GU7 1JN (Agenda Item 5)
- 16.1 With reference to the report circulated with the agenda, Officers presented a summary of the planning history of the Godalming Key Site and the current plans and proposals, including details of the 2008 planning appeal decision (a material consideration in relation to the determination of subsequent planning applications) and more recent pre-application consultations and community engagement undertaken by the applicant to address key concerns.
- 16.2 Officers also updated the Committee on consultee responses and correspondence received following publication of the agenda, which were noted in the update report circulated before the meeting. This included consultee responses from the County Highway Authority, Surrey Wildlife Trust, Thames Water and the County Archaeological Officer, and a summary of points raised in two further letters of representation; together with the Officers' response to this additional information, including amendments and additions to the proposed conditions and informatives.
- 16.3 Finally, Officers reported that a further letter with multiple signatures from residents of Victoria Road had been received which, though not an objection showed residents wanted further engagement regarding road safety issues at the junction of Victoria Road and Catteshall Lane. Officers noted that this issue had been covered in the main report and in the Update report.

- 16.4 It was also reported that comments had been received from the Surrey County Council Education Officer setting out the justification for seeking a contribution to education from the applicant. As set out in the report, Officers considered the request for contributions would render the scheme unviable, therefore the comments from the County Education Officer were noted but felt to be unrealistic in this case.
- 16.5 In accordance with the guidance for public participation at meetings, each party (objectors, Town Council, applicant/supporters) had been allocated up to 10 minutes to speak. The following representations were made in respect of the application and were duly considered:

Objectors

Chris Lindsay (on behalf of Catteshall Lane Area Residents' Association)
Peter Simpson (on behalf of Mr & Mrs Harrison, South Hill residents)
John Young
Peter Simpson

Supporters

Drew Blackman (Agent)

- 16.6 In considering the application the Committee members felt that the design was an improvement on previous applications, and had a better relationship with Victoria Road. Whilst there were some residual concerns regarding traffic and road safety, the Committee was also cognisant of the Planning Inspector's 2008 decision.
- 16.7 The Committee also raised concerns regarding public safety within, and in the vicinity of, the underground car park; the impact of additional traffic on the Godalming Air Quality Management Area (AQMA); and the absence of any affordable housing within the scheme, or a contribution towards affordable housing off-site.
- 16.8 On the public safety issue, on balance the Committee felt the proposed condition 27, which provided for details of lighting and surveillance in the underground car park to be approved by the Council, was adequate; and the increased number of residents living in the area would in itself increase public safety.
- 16.9 With regard to air quality and the impact of additional traffic generated by the development, it was noted that the Key Site was on the edge of the Godalming AQMA, and that the Council's Environmental Health Officer for Air Quality had recommended conditions to mitigate against exacerbating air quality issues.
- 16.10 The Committee was very disappointed with the lack of affordable housing in the scheme, or a contribution to affordable housing to be provided elsewhere. It was noted that the applicant's Viability Statement had been independently assessed by DVS (the commercial arm of the Valuation Office Agency), which had confirmed the applicant's case that any such direct provision or

contribution would render the scheme unviable. Members debated how this might be overcome, and discussed the inclusion of an overage clause in the S.106 agreement, or granting a permission for only 3 years in order to review the possibility of contributions for affordable housing in the light of, it was hoped, improved economic conditions.

16.11 As part of this discussion, Cllr Bryn Morgan proposed an amendment to Condition 1, that the development should be started before the expiration of three years from the date of the permission. The motion was seconded by Cllr Carole King.

16.12 As part of the debate of this proposal, at 8:49pm the Committee RESOLVED to go into Exempt session in order to explore fully the issues around the viability of the proposed scheme in relation to the possibility of requiring an overage clause to be included in the S106 Agreement, as set out in the applicant's viability report and DVS's independent assessment of it, provided to the Committee as an Exempt Annexe to the agenda report.

Members of the public left the Council Chamber, and the public webcast was suspended.

At 9:05pm the Committee resumed its deliberations in public, and the webcast was re-started.

16.13 Cllr Bryn Morgan withdrew his earlier motion to amend Condition 1, to require that the development should be started within 3 years from the date of the permission.

16.14 Cllr Nick Williams proposed an amendment to the recommendation, such that the S106 agreement should include an overage clause, to the satisfaction of the Local Planning Authority and DVS, to provide for a contribution towards affordable housing in Godalming, and that the legal agreement should be completed within 3 months of the date of the permission.

Cllr Liz Wheatley seconded the proposal.

The Committee voted to accept the amendment to the recommendation:

In favour	-	16
Against	-	0
Abstention	-	1

16.15 Having considered all relevant matters, the Committee considered the revised recommendation, including amendments to conditions outlined in the update sheet and unanimously RESOLVED that:-

Having regard to the environmental information contained in the application, the accompanying Environmental Statement and response to it, together with the proposals for the mitigation of environmental effects, and to the applicant entering into a legal agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) **within 3 months of the date of the**

permission, and to include an overage clause to the satisfaction of the Local Planning Officer and DVS to provide for a contribution towards affordable housing in Godalming, permission be GRANTED subject to the conditions and informatives set out in the agenda report, as amended in the update report and detailed below.

(Note: the amendments to the conditions are shown in bold and the original text, which no longer applies, struck out)

Conditions 1 – 3 as detailed on pages 76 – 78 of the agenda report.

Condition 4 (amended to include details of the boundary treatment between properties):

No development shall take place until a detailed landscaping scheme to include hard and soft landscaping, street tree planting **and boundary treatment between residential properties** has been submitted to and approved by the Local Planning Authority in writing. The landscaping scheme shall be carried out strictly in accordance with the agreed details and shall be carried out within the first planting season after commencement of the development or as otherwise agreed in writing with the Local Planning Authority. The landscaping shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the Local Planning Authority, seriously damaged or defective. Such replacements to be of same species and size as those originally planted.

Reason

In the interest of the amenities of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

Conditions 5 – 21 as detailed on pages 78 – 83 of the agenda report.

Condition 22 on page 83 of the agenda report to be replaced by the following:

Prior to occupation of the development the applicant shall:

- (a) Submit for the written approval of the Local Planning Authority a Travel Plan statement in accordance with Surrey County Council's Travel Plan Good Practice Guide July 2010.
- (b) The applicant shall then implement the approved Travel Plan Statement upon commencement of development and for each subsequent occupation of the development, thereafter maintain and develop the Travel Plan Statement. No variation to the agreed details shall take place unless otherwise first agreed in writing by the Local Planning Authority.

Reason

The condition above is required in order that the development should accord with the National Planning Policy Framework 2012 and to promote sustainable modes of travel in compliance with Policies M1 and M2 of the Waverley Borough Council Local Plan 2002.

Conditions 23 – 25 as detailed on page 84 of the agenda report.

Condition 26 detailed on page 84 of the agenda report to be removed (repeats Condition 7).

Conditions 27 – 38 detailed on pages 84 – 87 of the agenda report to be re-numbered 26 – 37.

Condition 34 (re-numbered)

Notwithstanding the provisions of the Town & Country Planning (General Permitted Developed) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window other than those expressly authorised by this permission, shall be added to any property hereby approved unless expressly authorised by the Local Planning Authority.

Reason

In order to protect the residential amenities of nearby residents and to accord with policy **Policies D1 and D4 of the Local Plan 2002.**

Condition 35 (re-numbered)

Notwithstanding the provisions of the Town & Country Planning (General Permitted Developed) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no garages, outbuildings or other extensions or enlargement (including additions to roofs) to the dwelling houses shall be hereby permitted, or any detached building, unless expressly authorised by the Local Planning Authority.

Reason

The further extension of these dwellings or the erection of detached outbuildings requires detailed consideration to safeguard the amenities of the surrounding area, **in accordance with the requirements of Policies D1 and D4 of the Waverley Borough Local Plan 2002.**

Condition 36 (re-numbered)

Notwithstanding the provisions of the Town & Country Planning (General Permitted Developed) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no fences, gates or walls shall be erected within the cartilage of the dwelling houses hereby permitted unless expressly authorise by the Local Planning Authority.

Reason

In the interest of the visual amenities and character of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

Condition 37 (re-numbered)

Notwithstanding the provisions of the Town & Country Planning (General Permitted Developed) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no structures or means of enclosure shall be erected on the site / no hard surface shall be provided on the land the subject of this permission.

Reason

In the interest of the visual amenities and character of the area in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

Additional conditions 38 - 41 (as detailed on the Update report):

Condition 38

Before any other operations are commenced the proposed vehicular access to Catteshall Lane shall be designed and constructed and provided with vehicle visibility zones of 43 metres in both directions from a set back distance of 2.4 metres back along the middle of the exit in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority after consultation with the Highway Authority, all to be permanently maintained and the visibility zones shall be kept permanently clear of any obstruction between 0.6 metres and 2.0 metres high above the ground.

Reason

The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and Policy M2 (Movement Implications) of the Waverley Borough Local Plan 2002.

Condition 39

No new development shall be occupied until the proposed lay-by on south east side of the Flambard Way junction with Woolsack Way for the purposes of servicing, deliveries and refuse collections to and from the site has been designed and constructed and provided with parking restrictions in accordance with the approved Russell Giles Partnership drawing numbered 2011/1402/004 Rev B dated March 2012.

Reason

The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and Policy M2 (Movement Implications) of the Waverley Borough Local Plan 2002.

Condition 40

No new development shall be occupied until one trickle charging point has been provided for each of the 37 town houses and 20 trickle charging points have been provided for the 100 flats in accordance with a scheme (incorporating the manufacturers maintenance regime) to be submitted to and approved in writing with the Local Planning Authority after consultation with the Highway Authority. The development shall be completed in accordance with the agreed details and retained and maintained in perpetuity.

Reason

The condition above is required in order that the development accords with the National Planning Policy Framework 2012.

Condition 41

The development shall be carried out in strict accordance with the recommendations set out in the submitted Ecological Survey and Protected Species Assessment by the Adam Loxton Partnership Ltd dated July 2012.

Reason

In the interests of the ecology of the site and to accord with the Wildlife and Countryside Act 1981 and Regulation 40 of the Conservation of Species and Habitats Regulations 2010 and to comply with Policies D3 of the Local Plan 2002, Policy NRM5 of the South East Plan 2009 and the guidance contained within the NPPF 2012.

Additional informatives 6 - 14 (as detailed on the Update report):

6. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that it must enter into a Section 278 Agreement with the Highway Authority under Section 278 Agreement before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
7. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence must be obtained from the Highway Authority Local Transportation Service before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
8. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
9. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may

require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

10. The applicant is advised that it must meet the cost of the County Highway Authority in obtaining the necessary Traffic Regulation Orders for the lay-by on the southeast side of the Flambard Way junction with Woolsack Way.
11. The applicant's attention is drawn to the letter from Surrey Wildlife Trust dated 02/08/2012 which is attached to this decision notice.
12. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.
13. On 6 April 2008 a new fee was introduced by the Town and Country Planning (Fees of Applications and Deemed Applications) (Amendment) (England) Regulations 2008. This fee relates to requests to discharge a condition on a planning consent. The fee payable is £85.00 or a reduced rate of £25.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site.

Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.

14. This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR, telephone 01483 523029 or e-mail waverley.snn@waverley.gov.uk

SUMMARY OF REASONS FOR GRANTING PERMISSION

The development hereby granted has been assessed against policies CS1, CS2, CS4, CS5, CS7, CS14, CS16, CS17, CS19, CS20 and CS21 of the Pre-Submission Core Strategy (July 2012), policies CC1, CC6, CC7, H3, H4, H5, T4, T5, NRM5, NRM11, BE6, TC2, S6 of the South East Plan (2009), policies D1, D2, D3, D4, D8, D9, D13, D14, C12, H4, H5, H10, HE8, HE15, CF1, CF2, IC2, TC6, M2, M4, M5, and M149 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework. It has been concluded that the development would represent the redevelopment of this contaminated site

in a sustainable location, in a quality design, which would assist in meeting the supply of housing required in the area at a density commensurate with the location of the site near to the Town Centre. Officers also consider that the proposal would bring broader regeneration and infrastructure benefits. It is acknowledged that there would be some impact on amenities during the construction phase of the development; however it is considered that any harm caused could be mitigated by way of appropriate conditions and is therefore considered to comply with Policies D1 and D4 of the Waverley Borough Local Plan 2002. The development would not cause material harm to residential amenity, or highway or pedestrian safety and is considered to be compliant with Policy M2 of the Local Plan. Regard has been had to the environmental information contained in the application (including upon, noise and vibration, air quality, flood risk, ecology and likely effect upon the Special Protection Area) and the Environmental Statement and responses to it, together with proposals for mitigation of environmental effects and material planning considerations, including consultee responses and third party representations. It has been concluded that the proposal would not result in any harm that would justify refusal in the public interest.

The meeting commenced at 7.00pm and concluded at 9.18pm

Chairman