

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE JOINT PLANNING COMMITTEE - 22 JUNE 2016

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

Present

Cllr Maurice Byham (Vice Chairman)	Cllr Christiaan Hesse
Cllr Brian Adams	Cllr Stephen Hill
Cllr Carole Cockburn	Cllr Nicholas Holder
Cllr Kevin Deanus	Cllr David Hunter
Cllr Brian Ellis	Cllr Anna James
Cllr David Else	Cllr Andy MacLeod
Cllr Pat Frost	Cllr Stewart Stennett
Cllr John Gray	Cllr Chris Storey

Apologies

Cllr Peter Isherwood, Cllr Mike Band, Cllr Mary Forszewski, Cllr Stephen Mulliner, Cllr Nick Williams and Cllr John Williamson

19. MINUTES (Agenda item 1.)

The Minutes of the meeting held on 1 June 2016 were confirmed as a correct record and signed.

20. APOLOGIES FOR ABSENCE AND DECLARATIONS OF SUBSTITUTES (Agenda item 2.)

Apologies were received from Councillors Peter Isherwood, Mike Band, Mary Forszewski, Stephen Mulliner, Nick Williams and John Williamson.

Councillors Patricia Ellis, Simon Inchbald, John Fraser and Jim Edwards were in attendance as substitutes.

21. DECLARATIONS OF INTERESTS (Agenda item 3.)

A disclosure of non-pecuniary interest was received from Councillor John Williamson in both items A1 and A2 because he was involved with a potential judicial review for East Street. Consequently, he sent his apologies for the evening.

Councillor Andy McLeod declared a non-pecuniary interest in that he had pre-determined his decision and so removed himself from the Chamber and took no part in the discussion or the vote on either item A1 or A2.

Councillors Pat Frost and Carole Cockburn also declared non-pecuniary interests in A1 and A2 as they are both members of Farnham Town Council.

22. APPLICATIONS FOR PLANNING PERMISSION (Agenda item 5.)

22.1 A1 - WA/2016/0268 - LAND AT EAST STREET, FARNHAM (Agenda item 5.1)

Proposal

Application under Section 73 for the variation of Condition 3 (Plans) and Condition 61 (Sustainability Statement) and removal of Condition 60, (Combined Heat and Power Scheme) of WA/2012/0912 (East Street Redevelopment) to allow: 106 sq m increase in size of extension to Brightwell House, realignment of rear of Building D21, removal of Gostrey Centre community use from Building D20 resulting in space to be occupied by Use Class A1/A3 Retail/ Food and Drink, internal alterations and amendment to landscaping scheme; revision to heating strategy, omitting energy centre and changes to comply with current Building Regulation and other regulation requirements with subsequent revisions to Sustainability Statement; amendment to affordable housing provision to provide 100% shared ownership flats. This application is accompanied by an Addendum to the Environmental Statement (as amplified by emails and plans received 21/03/2016 and 01/06/2016 in relation to flood risk and as amended by email and viability information received 06/05/2016 in relation to the proposed affordable housing mix) at Land At East Street, Farnham

Officers Presentation

Officers introduced the Committee to the application. They explained that the East Street redevelopment had a long planning history culminating in the grant of planning permission in 2009 for a mixed use development of retail, cinema, and residential uses, the relocation of the Gostrey Centre and all associated works.

That permission was effectively renewed in 2012 by further grant of permission and, importantly, that permission had been implemented by a material start on site – the demolition of the former tennis pavilion. That meant that the permission could be built out at any time in that it was extant in perpetuity.

The principle of the redevelopment had therefore been established by the extant permission. Most aspects of the plans before the Committee had already got planning permission and were not changing and could not reasonably be re-evaluated.

The current application had been submitted under section 73 of the Town & Country Planning Act. Officers explained that section 73 was a long standing legal provision to enable applicants to seek variation to an existing permission by way of their variations to conditions on an original consent.

Successive governments had recognised that many permitted developments, through the construction process or over time, often required relatively minor refinement as implementation took place. Since 2009, the Government had indicated that minor material amendments could be dealt with by way of section 73 and planned variations in order to assist the speedy delivery of development. There was nothing unusual about the use of section 73 to seek to modify existing conditions. However, the Local Planning Authority did have to have regard to any

material changes in circumstances and there had to be planning justification for the changes to deviate from the original scheme.

The original permission had been subject to an Environmental Impact Assessment. Appropriately, the current section 73 had been subject to an addendum to assess whether the proposed changes, in combination with the approved development, would have had a significant environmental effect. Taking into account expert advice, the conclusions from officers were that the scheme, subject to mitigation, would not have any significant environmental effects.

In addition to the proposed changes to the planning permission, there were additional changes proposed to the section 106 agreement. One key change was the proposed change to the affordable housing mix. The original section 106 agreement required a mix of tenures and the planning permission provided for 50% shared ownership and 50% affordable rent. Having regard to the viability and deliverability of the scheme, the applicant proposed to change the type of affordable housing to 100% shared ownership. That remained affordable housing but a different type of affordable housing. The overall percentage of affordable housing upon the site would remain 30%.

Consistent with normal practice, officers had sought expert advice on the viability of information submitted to support the applicants case. Their conclusions, taking into account the view of the expert opinion, was that a 100% shared ownership tenure position would make the scheme more viable and the applicants case was therefore justified on viability grounds.

Officers reminded the Committee that at this particular meeting, they were deciding as the Local Planning Authority and all matters relating to the land owning side were not material to Members assessment of the two applications presented.

Summarising the proposals, Officers explained that they were minor material amendments.

Public Speaking

In accordance with the Council's arrangements for public participation at meetings, the following made representations in respect of the application, which were duly considered:

Mr Jerry Hyman – Objector
Councillor Kika Mirylees – Farnham Town Council
Mr Bruce McArthur - Applicant

Councillor Discussion

The majority of the Committee were positive about the changes requested and remarked that many residents were excited about the significant benefits the redevelopment of East Street would bring to Farnham.

One Member expressed concern about the plans and proposed an amendment to reject the application, however, this was not seconded.

Some Members expressed their frustration at the time it had taken to deliver the scheme and were eager for the redevelopment to begin soon.

Officers were asked to confirm that expert advice received regarding the addendum to the original Environmental Impact Assessment met legal requirements and would not be subject to any kind of legal action. It was confirmed by officers and the lawyer that the review of the EIA had adequately explained the environmental implications of the proposed amendments to the development and the originally proposed mitigation measures were acceptable. Members thanked officers for that clarification and explained that they were satisfied officers had done all they could to meet all legal requirements. Many also remarked that the Committee was not sitting to re-debate the whole scheme, but only to decide on the minor material amendments presented.

Decision

Recommendation A

RESOLVED that, having regard to the environmental information contained in the application, the accompanying Environmental Statement and responses to it, together with mitigation of environmental effects, and subject to the completion of an amendment to the original legal agreement by 22/08/2016 and conditions 1 and 3 to 62 on the agenda report and amended conditions 2 and 63 on the Update Sheet, plus amendment of conditions 48 and 51 on page 83 of the Report to refer to phasing in condition 1 rather than condition 2, permission be GRANTED

Of the 20 Members present, 19 voted for the recommendation and one voted against.

Recommendation B

RESOLVED that, if the requirements of Recommendation A are not met permission be REFUSED

Of the 20 Members present, 19 voted for the recommendation and one voted against.

22.2 A2 - WA/2016/0456 - LAND AT EAST STREET FARNHAM (Agenda item 5.2)

Proposal

Application under Section 19 (Listed Building Consent) to vary Condition 6 of WA/2014/1926 (approved plan numbers) to allow a variation to the extensions and alterations permitted at Brightwells House, Brightwells Road, Farnham GU9 7SB

Public Speaking

In accordance with the Council's arrangements for public participation at meetings, the following made representations in respect of the application, which were duly considered:

Abigail McKern – Objector
Councillor Kika Mirylees – Farnham Town Council
None - Applicant

Decision

RESOLVED that, subject to conditions 1 to 6 as set out on the Report, Listed Building Consent be GRANTED

Of the 20 Members present, 19 voted for the recommendation and one voted against.

The meeting commenced at 7.14 pm and concluded at 8.44 pm

Chairman