

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE JOINT PLANNING COMMITTEE - 16 MAY 2018

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

Present

Cllr Peter Isherwood (Vice Chairman, in the Chair)	Cllr John Gray
Cllr Carole Cockburn	Cllr David Hunter
Cllr Mike Band	Cllr Jerry Hyman
Cllr Kevin Deanus	Cllr Anna James
Cllr Paul Follows	Cllr Stephen Mulliner
Cllr Mary Forszewski	Cllr Nabeel Nasir
Cllr Michael Goodridge	Cllr Nick Williams

Apologies

Cllr Brian Adams, Cllr Maurice Byham, Cllr David Else, Cllr Denis Leigh, Cllr John Ward and Cllr Liz Townsend

1. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN (Agenda item)

Councillor David Else was confirmed as the Chairman of the Joint Planning Committee for the Council Year 2018/19.

Councillor Peter Isherwood was confirmed as Vice-Chairman of the Joint Planning Committee for the Council year 2018/19.

2. MINUTES (Agenda item 1.)

The Minutes of the meeting held on 9 April 2018 were confirmed and signed.

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

Apologies for absence had been received from Councillors Brian Adams, Maurice Byham, David Else, Denis Leigh, Liz Townsend and John Ward.

There were no substitutes.

In the absence of Cllr Else, Cllr Isherwood chaired the meeting.

4. DECLARATIONS OF INTERESTS (Agenda item 3.)

Councillor Mary Forszewski declared a non-pecuniary interest in relation to Agenda Item 7, application WA/2017/1362. However, Cllr Forszewski added that as Cranleigh Parish Council had benefitted from the S106 agreement with the applicant in respect of the previous planning permission for this site whilst she was Chairman of the Parish Council, she would withdraw from the Chamber for the

determination of the current application to avoid any perception that her views might be in anyway influenced by anything other than the planning issues set out in the officer's report.

5. QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions from members of the public.

6. PERFORMANCE AGAINST GOVERNMENT TARGETS (Agenda item 5.)

The Committee noted the latest Planning performance on speed and quality of decisions, to 30 April 2018.

Performance against targets for speed of decision-making continued to be very good, and well above government targets.

Performance against targets for quality of decision-making was positive: performance on non-major applications was very good; performance on major applications had improved and was comfortably below the threshold.

In response to a question from Members, Officers confirmed that the assessment period was set by the government and related to the period when the Council determined the applications, The next assessment period had not been announced but the working assumption was that it would be 1 April 2017 to 30 April 2018, and Waverley's performance for this period was improving.

7. ARTICLE 4 DIRECTIONS (Agenda item 6.)

Matthew Ellis, Principal Planning Officer, outlined the proposal that the Council issue an Article 4 direction to remove permitted development (PD) rights for specific changes of use/development on specific sites, so that a planning application would be required and a formal determination by the Council.

Waverley's Town and Parish councils were concerned that a number of commercial properties had had been lost to housing, and there was a perception that this had a detrimental impact on commercial areas in town and local centres and impacted on other employment areas such as business parks.

The perception was exacerbated by the use of PD rights that allowed a change of use from business/shop use to residential without the need for a planning application. The PD rights meant that the Council as the Local Planning Authority was not able to consider the impact of the change of use against planning policies, nor mitigate against the impact of the change of use.

Both Cranleigh Parish Council and Haslemere Town Council had written to ask the Council to consider making Article 4 directions so that a full planning application would be required for a change of use from commercial to residential.

Officers outlined the process for making Article 4 directions, the arguments for and against, and the options available to the Council. Officers had considered the requests, and recognised that the Council's objectives around place-shaping and the importance of commercial areas to Waverley's communities needs to be

balanced with the uncertainty that Article 4 directions will protect commercial properties and areas from being lost to housing.

It was proposed that the Council prepared a non-immediate Article 4 direction for just one commercial area, part of Beacon Hill Road, Hindhead, as a pilot in order to assess the effectiveness of this approach when considering making other directions for the Borough. Whilst the power to make an Article 4 direction had been delegated to the Head of Planning Services, in view of the local interest and sensitivity, the views of the Joint Planning Committee were being sought.

Cllr Isherwood, as ward member for Hindhead, reiterated local concerns about the scale of the problem in Beacon Hill Road. There had been 19 conversions to residential use, many with no off-street parking and little in the way of amenity space. The street scene had been irrevocably changed. The Article 4 direction would give some control back to the Council and allow a conscious decision to be made on applications.

Committee members had some questions about the reasons for proposing a non-immediate Article 4 direction rather than an immediate direction, and how the impact of the 'pilot' would be tested. Officers explained that the non-immediate direction allowed for a period of consultation with property owners. The effectiveness of the direction would be assessed by monitoring the planning applications submitted to see if this was an effective way of controlling the character of a place. An example of success would be a refusal upheld on appeal of a change of use that would otherwise have been carried out under PD. A key part of the pilot would be data gathering in order to build up evidence about the use of PD rights for change of use, and the impact of an Article 4 direction.

Overall, the Committee was supportive of the approach proposed, but reiterated the importance of gathering robust evidence to support implementing it in other locations.

The Joint Planning Committee RESOVLED that:

- 1) An Article 4 direction be prepared to withdraw permitted development rights for a change of use from commercial to residential for just one commercial area that has been requested by a town/parish council, to allow Waverley to assess its success in protecting the vitality and viability of the commercial area;
- 2) the commercial area that the Article 4 direction is to be prepared for is an area located around Beacon Hill Road, Beacon Hill, Haslemere - the specific area to be determined by the Head of Planning Services in conjunction with the gathering of specific evidence on the impact of the loss of commercial premises to residential on the vitality and viability of the commercial area; and
- 3) the preparation is for a non-immediate Article 4 direction.

At 7.10pm, Cllr Mary Forszewska withdrew from the Chamber.

8. ITEM A1 - APPLICATION FOR PLANNING PERMISSION - WA/2017/1362 - AMLETS, AMLETS LANE, CRANLEIGH GU6 7DH (Agenda item 7.)

Proposal

Erection of 33 new dwellings and associated garaging (including 5 additional affordable dwellings) following the omission/alteration of 22 dwellings on part of the previously consented site giving a net gain of 11 dwellings

With reference to the report circulated with the agenda, Officers presented a summary of the planning context for making a decision on the application, and the proposed development including site plans of the layout.

Officers drew attention to the corrections detailed on the update report, in relation to the S106 contribution towards education and the floor area of house type 33.

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:

Gary Worsfold – on behalf of the Applicant

In response to questions from Members, officers provided the following information:

- Compared to the layout of the original planning permission, two bungalows would be lost in the new layout.
- The overall percentage of affordable housing proposed met with Waverley's policy; the housing mix (50% shared ownership, 50% affordable rent) had been reviewed by the Housing Strategy & Enabling Team and they had confirmed they were content with the proposal.

Whilst Members were disappointed that the bungalows had been lost from the scheme, and unhappy about the increase in housing numbers, generally they felt that the proposed housing mix was better than that originally permitted for this parcel of land and were able to support the recommendation on balance.

Members were disappointed that the local ward members from Cranleigh had been advised to declare interests and not take part in the determination of the planning application.

Members were also concerned that the application was described only in terms of the sub-plot within the Amlets Lane scheme, an increase from 22 to 33 dwellings, rather than as an amendment to the scheme as a whole increasing the number of dwellings from 125 to 133, which would automatically trigger a referral to the Joint Planning Committee. Members asked that the Constitution be reviewed by the Standards Committee to ensure it captured the principle that if there is an increase proposed in the number of dwellings on a planning permission granted by the Joint Planning Committee, the proposal must come back to Joint Planning Committee for decision.

Decision

Recommendation A:

RESOLVED that, subject to completion of a 106 agreement within 6 months of the date of the committee resolution to secure Management and Maintenance of Play space and SuDS, provision of 40% affordable housing and financial contributions towards: Education, Transport and Environmental Improvements, permission be GRANTED subject to Conditions and Informatives as detailed in the agenda report.

Recommendation B:

RESOLVED that if the requirements of Recommendation A are not met, permission be REFUSED for the following reasons:

1. The applicant has failed to enter into an appropriate agreement to secure the provision of affordable housing within the meaning of the NPPF, appropriate to meet Waverley Borough Council's housing need. The proposal would therefore fail to create a sustainable, inclusive and mixed community, contrary to Policy AHN1 of the Local Plan Part 1 (2018) and the requirements of paragraph 50 of the NPPF.
2. The applicant has failed to enter into an appropriate legal agreement to secure contributions towards education, leisure and environmental improvements. The proposal therefore conflicts with Policy ICS1 of the Local Plan Part 1 (2018), and paragraphs 7 and 17 of the NPPF.

9. ITEM B1 - APPLICATION FOR PLANNING PERMISSION - WA/2017/0920 - 5 - 21 WEY HILL, HASLEMERE (Agenda item 8.)

The application was withdrawn from the agenda prior to the meeting to enable Planning Officers to investigate the implications of the recent ruling by the European Court of Justice (C-323/17 - People Over Wind and Sweetman 2018) relating to the Habitats Directive, and to ensure that the recommendation is sound in the light of this judgement.

The meeting commenced at 6.30 pm and concluded at 7.45 pm

Chairman