

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE JOINT PLANNING COMMITTEE - 30 OCTOBER 2018

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

**Present**

Cllr David Else (Chairman)	Cllr David Hunter
Cllr Peter Isherwood (Vice Chairman)	Cllr Jerry Hyman
Cllr Mike Band	Cllr Simon Inchbald
Cllr Maurice Byham	Cllr Anna James
Cllr Carole Cockburn	Cllr Denis Leigh
Cllr Kevin Deanus	Cllr Stephen Mulliner
Cllr Paul Follows	Cllr Nabeel Nasir
Cllr Mary Forszewska	Cllr Chris Storey
Cllr Michael Goodridge	Cllr Liz Townsend

**Apologies**

Cllr Brian Adams, Cllr John Gray, Cllr Val Henry, Cllr John Ward and Cllr Nick Williams

69. MINUTES (Agenda item 1.)

The minutes of the meeting which took place on 3 October 2018 were confirmed and signed.

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

Apologies for absence were received from Councillors Val Henry, John Gray, John Ward, Brian Adams and Nick Williams.

71. DECLARATIONS OF INTERESTS (Agenda item 3.)

Councillor Mike Band declared a non –pecuniary interest in the applications on the agenda as he was a member of Surrey Hills Area of Natural Beauty Board.

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

There were none.

73. QUESTIONS FROM MEMBERS (Agenda item 5.)

There were none.

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

The performance report was noted.

75. ITEM A1, WA/2018/0275 - LAND AT STURT FARM, STURT ROAD, HASLEMERE GU27 3SE (Agenda item 7.)

Proposed development

Approval of reserved matters for 132 dwellings (Appearance, Layout and Scale) for development for residential use pursuant to planning permission WA/2017/1346

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 then outlined the proposed development including site plans and the layout. Officers outlined the determining issues and those matters of a more subjective nature.

The Committee noted that since the agenda report had been published, there had been a response from Natural England, raising no objection to the reserved matters in light of the specific clauses within the S106. There had been further comments from the applicants/agent and officers had made a number of amendments to the conditions which were detailed in the update sheet.

The Committee was reminded that outline planning permission for the erection of a35 dwellings together with associated development including hard and soft landscaping, access roads including partial demolition of retaining walls, public open space, dedicated woodland and permanent footways and the upgrading of existing footpath to a pedestrian/cycle link (PROW No.35), had already been approved under lanning application WA/2014/1054 and that this was a material consideration.

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:

Robert Lane - Objector  
Andrew Stainsby - Applicant/Agent

Debate

The Committee considered the proposal and asked about the removal of trees which the public speaker had eluded to. Officers advised that trees had been removed, including an oak tree but none of these were subject to tree preservation orders.

There was concern expressed about the separation distances and the elevations to nearby properties. Officers advised that whilst there would be a minor shortfall with regard to distances between some dwellings, Officers were satisfied that overall the proposed dwellings would provide a good standard of accommodation for future residents having regard to proposed separation distances, light, outlook, privacy and size of accommodation. Officers were also satisfied that the harm to the setting of the near by Listed Buildings would be no greater than that previously accepted as part of the grant of outline permission and that the public benefits of the proposal would outweigh the less than substantial harm.

The Committee was pleased to note that the application provided 40% of affordable homes. Furthermore, the provision of car parking spaces for residents and visitors met the Council's guidelines.

At the conclusion of the debate, the Chairman moved to the recommendations in the update sheet. Recommendation A there were 15 in favour, 1 against and 2 abstentions so it was carried. The vote for recommendation was 17 in favour and 1 abstention so was also carried.

### Decisions

#### Decision A:

That the Reserved Matters of Layout, Scale and Appearance be Approved, subject to Conditions 2, 5-7, 9-12 and 14, as set out on pages 52-58 of the agenda report, amended Condition 1 as per the second update sheet, amended conditions 3, 4, 8 and 13, as set out on the first update sheet, and informatives 1-9, as set out on pages 58-60 of the agenda report.

#### Decision B:

That details pursuant to those noted on page 60 of the agenda report that details in respect of conditions 7, 8 and 10 of WA/2017/1346 be agreed and Affordable Housing, SANG, Play area and open space details required by specific clauses in the S106 Agreement be approved.

76. ITEM B1, WA/2018/1230 - LAND AT GREEN LANE FARM, GREEN LANE, BADSHOT LEA GU9 9JL (Agenda item 8.)

#### Proposed development

Application under Section 73 to vary Conditions 2, 3, 5 & 8 of WA/2016/2456 (conditions relate to approved plan numbers, access, turning and parking) to allow change to affordable housing provision, addition of conservatories to Plots 1, 3, 38, 40 and 43, alterations to layout and amendments to Plots 34 and 35 to alter from semi-detached to detached 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 then outlined the proposed development including site plans and the layout. Officers outlined the determining issues and those matters of a more subjective nature.

The Committee noted that the application had been brought to the Committee at the request of the Head of Planning. It was noted that the principle of development had been established by the granting of planning permission WA/2016/2456 at appeal. And, whilst the applicant is applying for a variation of Conditions 2, 3, 5 and 8 of that permission, under Section 73 of the Town and Country Planning Act 1990 (as amended), the proposal was, in effect, a fresh application for the entire development, albeit with a variation to Conditions 2, 3, 5 and 8.

The Committee noted that the appeal decision was issued the day after the adoption of the Waverley Borough Local Plan Part 1 2018 (although the decision notice was corrected 05 March 2018) and it was not recognised in the Inspectors decision that this did not form part of the Development Plan. He did, however

recognise that significant weight should be given to the Local Plan Part 1 and in any event, he found that the proposal was in accordance with this document.

### Debate

The Committee considered the application and was very disappointed with the amendments to the provision of affordable housing. Members noted that In allowing the appeal, whilst the Inspector acknowledged the provision of 18 affordable dwellings on the site exceeded the requirements of Policy H5 of the Local Plan 2002 and Policy ANH1 of the Draft Local Plan (Part 1) 2018, he did not attach any material weight to this, nor did he consider this excess a benefit to the scheme that would otherwise outweigh any harm, as he considered the proposal to accord with the Development Plan in all other respects. It therefore follows that the Inspectors decision to allow the scheme would not have differed if 30% affordable housing was secured (in accordance with the draft Local Plan Policy), rather than 43%. Furthermore, the Council's current Local Plan (Part 1) 2018 sought 30% affordable housing on all development sites and the proposal complies with this requirement.

Members felt that a new application should be submitted as felt that this was materially different. Officers did advise Members against this, as it was a highly material planning consideration that there was an existing permission which could be implemented on site. It would be inappropriate and unreasonable to revisit the principle of the entire development.

At the conclusion of the debate, the Chairman moved to the recommendations in the update sheet. Recommendation A there were 7 in favour, 10 against and 1 abstentions so the motion was not carried. Therefore an alternative motion for refusal was put that was 10 in favour, 6 against and 2 abstentions.

### Decision

RESOLVED that the application be refused for the following reasons:

1. Reason

The proposed amendment is not considered to be a minor material amendment because the reduction in affordable housing would be substantially different in nature to the approved scheme and as such, the proposal would not be in accordance with Section 73 of the Town and Country Planning Act 1990.

2. Reason

In the absence of a completed legal agreement, the proposal would fail to secure contributions towards education, leisure, recycling containers and highway works and, as such, would fail to mitigate the effects of the proposal upon infrastructure. It would therefore conflict with Policies ICS1 and ST1 of the Local Plan Part 1: Strategic Policies and Sites 2018 and Policies FNP30 and FNP32 of the Farnham Neighbourhood Plan 2017.

3. Reason

In the absence of a completed legal agreement, the proposal would fail to provide appropriate on site affordable housing and as such, the development would fail to provide a sustainable, inclusive and mixed community. The proposal would be contrary to Policy ANH1 of the Local Plan Part 1: Strategic Policies and Sites 2018 and paragraphs 62 and 64 of the NPPF 2018.

4. Reason

In the absence of a completed legal agreement, the proposal would have a likely adverse effect on the integrity of the Thames Basin Heaths Special Protection Area (SPA) in that it is now widely recognised that increasing urbanisation of the area around the SPA has a continuing adverse effect on its interest features, namely Nightjar, Woodlark and Dartford Warbler, the three internationally rare bird species for which it is classified. Accordingly, since the planning authority is not satisfied that Regulation 62 of the Conservation of Habitats and Species Regulations 2010 (The Habitats Regulations) applies in this case, it must refuse permission in accordance with Regulation 61(5) of the Habitats Regulations and Article 6(3) of Directive 92/43/EE. The proposal conflicts with Policy NRM6 of the South East Plan, Policies NE1 and NE3 of the Local Plan Part 1: Strategic Policies and Sites 2018 and Policies FNP12 and FNP13 of the Farnham Neighbourhood Plan 2017.

**Chairman**