

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE JOINT PLANNING COMMITTEE - 25 SEPTEMBER 2019

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

**Present**

Cllr Richard Cole (Chairman)	Cllr George Hesse
Cllr David Beaman (Vice Chairman)	Cllr Daniel Hunt
Cllr Peter Clark	Cllr Peter Isherwood
Cllr Carole Cockburn	Cllr Anna James
Cllr Martin D'Arcy	Cllr Jacquie Keen
Cllr Sally Dickson	Cllr John Neale
Cllr Brian Edmonds	Cllr Peter Nicholson
Cllr David Else	Cllr Liz Townsend
Cllr Paul Follows	Cllr George Wilson
Cllr John Gray	
Cllr Peter Martin (Substitute)	

**Apologies**

Cllr Brian Adams, Cllr Steve Cosser, Cllr Val Henry and Cllr Penny Rivers

**Also Present**

Councillor Andy MacLeod, Councillor Mark Merryweather and Councillor Anne-Marie Rosoman

12. MINUTES (Agenda item 1.)

The Minutes of the Meeting held on 26 June 2019 were confirmed as a correct record and signed.

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

Apologies for absence were received from Cllrs Brian Adams, Steve Cosser, Val Henry and Penny Rivers.

Cllr Peter Martin attended as a substitute.

14. DECLARATIONS OF INTERESTS (Agenda item 3.)

Cllr Paul Follows declared a non-pecuniary interest in item A2 as he is one of two ward councillors for Godalming Central and Ockford, and had met (alongside officers and other members) the applicant to discuss this application on two occasions and he had also met with individual residents and residents groups that are present at the meeting to speak in objection. Having met with both supporters and objectors he took part in the debate and voted on the application.

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

There were none.

16. QUESTIONS FROM MEMBERS (Agenda item 5.)

There were none.

17. ANY RELEVANT UPDATES TO GOVERNMENT GUIDANCE OR LEGISLATION SINCE THE LAST MEETING (Agenda item 6.)

There were no relevant updates to government guidance or legislation since the last meeting.

18. QUARTERLY PLANNING ENFORCEMENT REPORT (Agenda item 7.)

The Committee RESOLVED to note the performance of the Planning Enforcement Service for the quarter of April to June 2019.

19. QUARTERLY APPEALS REPORT (Agenda item 8.)

The Committee received the report setting out appeal decisions for the quarter April to June 2019. Officers clarified that the appeal relating to Green Lane Farm was not at the same site as the application under consideration at this meeting.

The Committee RESOLVED to note the quarterly appeals report.

20. ITEM A1, WA/2018/2196 - LAND AT GREEN LANE FARM GREEN LANE BADSHOT LEA (Agenda item 9.)

Proposal

Outline application for erection of up to 50 dwellings (15 affordable) with access from Badshot Lea Road (access only to be determined) (as amplified by additional access plans received 28/05/2019 and amended indicative layout plan received 22/08/2019).

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. Officers advised that a minor amendment was proposed to condition 3 to correct the plan numbers.

Officers also provided some clarification about the status of the Farnham Neighbourhood Plan (FNP), particularly given that the Farnham Neighbourhood Plan review was scheduled for 1 October and how this has been assessed in the context of this application. Officers confirmed that whilst the review could only be given a certain level of weight, the FNP in its original form was given full weight in the balancing exercise. The Committee also heard that the proposed allocations and changes to the FNP review would not alter the recommendation on this application, as none of the proposed changes specifically related to this site. While the site was not allocated in the FNP, this did not preclude its consideration as a windfall site.

Additionally, the Committee was reminded that in relation to the adjacent appeal site, the Inspector had not identified any harm to the countryside or conflict with the FNP or Waverley Local Plan, and 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:

Cliff Watts – Objector  
Paula Dunsmore – Farnham Town Council  
Ken Dijksman – Agent

Cllr Mark Merryweather had registered to speak on this item as the local Ward Member. He felt that this development would have a detrimental impact on the openness of the local area, and cautioned against giving too much weight to the fact that the site was enclosed on three sides. Additionally, he suggested that windfall sites would normally be previously developed land not, open green space.

### Debate

The Committee considered the application and sought clarification on a number of points, particularly in relation to the Farnham Neighbourhood Plan. Members highlighted the amount of work that had been put into developing the FNP and Cllr Cockburn added that the residents of Badshot Lea had been particularly active in the process of identifying sites. The Committee heard that this site had been intentionally not allocated in the FNP and not simply omitted; the intention was for it to remain as open green space. There were also concerns about the impact on the Farnham-Aldershot Strategic Gap. Cllr Hunt added that with the sites already allocated, Badshot Lea was due to grow by 80% over the next five years which would put significant pressure on the local infrastructure.

The Committee acknowledged that the adjacent appeal was a material consideration that had to be balanced against the other issues relating to this application. Members also noted that there had been a number of other appeal decisions on nearby sites, however officers emphasised that the appeal decision highlighted in the report was of particular significance as it was very close to the site and there were similarities in form. The test for the Committee was whether the proposal before it caused more harm than the development granted at appeal. Additionally, while the cumulative highways impact was a consideration, the Committee was informed that Surrey County Council had undertaken a very comprehensive assessment and had proposed measures to address any issues.

There was also concern about the loss of hedgerow in order to accommodate the new, wider access. Cllr Townsend also raised some issues in regard to ecological surveys, highlighting that the bat survey had been carried out in March, which was not the peak season for bats. Officers responded that a specialist ecological survey had been carried out, and a condition was proposed to require further surveys.

Additionally, Cllr Follows noted that there was an allocation within the Local Plan for 130 windfall sites across the whole borough and asked how many sites had now been allocated as windfalls. Officers agreed to provide this figure in future.

Following the debate, the Committee moved to the recommendation and this was lost with none in favour, 17 against and 2 abstentions. Cllr Else had arrived late to the meeting and therefore did not take part in the vote on this application.

It was proposed by Cllr Cockburn and seconded by Cllr Isherwood that permission be refused and this was carried unanimously. The reasons for refusal are noted below.

### Decision

RESOLVED that permission be REFUSED for the following reasons.

#### 1. Reason

Due to the quantum of development proposed and the urbanising impact of the proposed access and the resulting hedgerow loss, the proposal would fail to enhance the landscape value or protect the intrinsic character and beauty of the Countryside and would contribute to the coalescence of settlements and the erosion of the landscape character of the strategic gap. Furthermore, the applicant has failed to demonstrate that that proposal would deliver ecological benefits. The proposal would therefore be contrary to Policies FNP1, FNP10 and FNP11 of the Farnham Neighbourhood Plan (2017), Policies RE1 and RE3 of the Local Plan Part 1 (2018), retained policy C4 of the Waverley Borough Local Plan (2002), the Farnham Design Statement (2010) and the NPPF 2019.

#### 2. Reason

In the absence of an appropriate legal agreement the proposals (in combination with other projects) would have a likely significant effect on the integrity of the Thames Basin Heath Special Protection Area (SPA). Accordingly, since the planning authority is not satisfied that Regulation 62 of the Conservation of Habitats and Species Regulations 2010 (as amended) (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 NE1 and NE3 of the Local Plan (Part 1) 2018, Policies FNP12 and FNP13 of the Farnham Neighbourhood Plan (2017) and the National Planning Policy Framework 2018.

#### 3. Reason

The applicant has failed to enter into an appropriate legal agreement to secure the provision of on site affordable housing, such 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 paragraph 64 of the NPPF 2019.

21. ITEM A2, WA/2018/1675 - WOODSIDE PARK, CATTESHALL LANE, GODALMING (Agenda item 10.)

### Proposal

Reserved matters application pursuant to outline consent granted under WA/2016/1418 (as amended by consents WA/2018/1336 and WA/2018/1614) for the erection of 100 dwellings (including 17 affordable units) together with the

erection of a building to provide a community use (Use Class D1) at ground floor level with office (Use Class B1) above together with associated works.

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 was reminded that this application had been deferred at the last meeting, and officers summarised the key changes that had been made to the application since then. These included additional parking spaces, changes to the front elevations of blocks A and B, more detail about the lake and drainage, and provision of EV charging points.

Since the report had been published, one further objection had been received, however this did not raise any new points separate from those already detailed in the report.

Officers also advised that there were a number of proposed amendments to conditions, plus an additional condition and informative recommended by Thames Water.

#### 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:

Abby Fenner – Objector  
Ruth Beard – Agent

Cllr Anne-Marie Rosoman had registered to speak on the application as the local Ward Member. She highlighted that there were no other buildings in the local areas as large as the blocks proposed to be fronting Catteshall Lane, adding that other developments had moved the larger blocks to the middle of the site in order to be more sympathetic to the streetscene. She also expressed further concerns relating to traffic flow on Catteshall Lane, overlooking from the proposed balconies, and access to the play area for the wider public.

#### Debate

The Committee considered the application and sought clarification on a number of points. Members were disappointed that the design was so fundamentally different from the indicative layout provided at outline stage, with a cramped layout being proposed in order to accommodate 100 dwellings.

Cllr Follows queried whether the affordable housing element was guaranteed in perpetuity. Officers confirmed that this was guaranteed in perpetuity, although shared ownership properties could be 'staircased' up to full ownership. In these cases the profit was put back into affordable housing.

Members also considered the policies in the Godalming Neighbourhood Plan (GNP), noting that it specifically excluded the Prime Place development as

precedent for developments with large blocks. The Committee felt that the proposed development was larger in terms of bulk and mass than other properties in the vicinity, contrary to policy GOD5. Members were also disappointed that following the deferral, the applicant had not taken the opportunity to make more significant changes which could have had a positive effect on the streetscene. Cllr Cockburn stated that while this was an allocated site in the Local Plan, the development still needed to fit in with the existing buildings along Catteshall Lane. Cllr Hesse added that he also felt that more could also be done to make the properties more sustainable.

In relation to overlooking, the Committee commented that simply because a neighbouring property was already overlooked, this didn't justify increased overlooking. Officers advised that the balconies in the proposed development would be 17m from the windows on the opposite side of the highway. Additionally officers concluded that there would be a low impact on the amenity areas of properties in Scizdons Climb; none of the proposed windows adjacent to these properties served habitable rooms, and therefore could be obscurely glazed.

Following the debate, the Committee moved to the revised recommendation and this was lost with 1 in favour, 17 against and 2 abstentions.

It was proposed by Cllr Follows and seconded by Cllr Cockburn that permission be refused and this was carried with 18 in favour none against and 2 abstentions. The reasons for refusal are noted below.

### Decision

RESOLVED that permission be REFUSED for the following reasons:

#### 1. Reason

Due to the scale, mass and bulk of the proposed buildings the development would be detrimental to the visual amenity of the area. The development would thereby be contrary to Policy GOD5 of the Godalming and Farncombe Neighbourhood Plan (2019) and Policy TD1 of the Local Plan (Part 1) 2018.

#### 2. Reason

The proposed development would be detrimental to the residential amenity of adjoining occupiers by reason of overlooking. It would thereby be contrary to Policy GOD5 of the Godalming and Farncombe Neighbourhood Plan (2019) and Policy TD1 of the Local Plan (Part 1) 2018.

#### 3. Reason

In the absence of an appropriate legal agreement, the proposed development fails to make satisfactory provision for an offsite Locally Equipped Area of Play. The proposed development is therefore contrary to Policies LRC1 and ICS1 of the Local Plan (Part 1) 2018 and Policy GOD16 of the Godalming and Farncombe Neighbourhood Plan (2019).

22. ITEM B1, WA/2019/0316 - WOODSIDE PARK, CATTESHALL LANE, GODALMING (Agenda item 11.)

Proposal

Development of a Locally Equipped Area for Play including associated hard and soft landscaping.

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.

By way of update to the report, officers advised the Committee of a proposed amendment to one condition regarding tree protection, and a further three conditions relating to arboricultural method statement, hours of construction, and land levels.

Debate

The Committee considered the application on the basis of it being a stand alone application that could be determined in its own right. Members raised some questions in regarding safety in relation to the lake and proximity to neighbouring properties.

It was proposed by Cllr Follows and seconded by Cllr Townsend that determination of the application be deferred to allow the safety concerns to be explored further.

The Chairman then put the motion for deferral to the vote and it was carried unanimously.

Decision

RESOLVED that the application be DEFERRED to enable further clarification to be provided in relation to safety.

**The meeting commenced at 6.30 pm and concluded at 8.54 pm**

**Chairman**