

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE JOINT PLANNING COMMITTEE - 24 JUNE 2015

SUBMITTED TO THE COUNCIL MEETING – 21 JULY 2015

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

Present

Cllr Maurice Byham	Cllr Nicholas Holder
Cllr Brian Adams	Cllr David Hunter
Cllr Paddy Blagden	Cllr Anna James
Cllr Carole Cockburn	Cllr Andy MacLeod
Cllr Brian Ellis	Cllr Stephen Mulliner
Cllr Mary Forszewski	Cllr Stewart Stennett
Cllr John Gray	Cllr Chris Storey
Cllr Christiaan Hesse	Cllr Bob Upton
Cllr Stephen Hill	Cllr John Williamson

Apologies

Cllr Peter Isherwood, Cllr David Else, Cllr Pat Frost, Cllr Michael Goodridge
and Cllr Liz Wheatley

Also Present

Councillor Nabeel Nasir

15. MINUTES (Agenda item 1.)

The Minutes of the meeting held on 17 June 2015 were approved.

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

Apologies for absence were received from Cllrs David Else, Pat Frost, Michael Goodridge, Peter Isherwood, and Liz Wheatley.

17. DECLARATIONS OF INTERESTS (Agenda item 3.)

There were no declarations of interests in relation to items on the agenda.

PART I - RECOMMENDATIONS TO THE COUNCIL

There were no matters falling within this category.

PART II - MATTERS OF REPORT

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

18. APPLICATION FOR PLANNING PERMISSION - WA/2014/0125 - LAND TO THE EAST OF LOW LANE, BADSHOT LEA (Agenda item 5.)

Proposed Development

Outline application for residential development of up to 30 dwellings (all matters reserved) as amended and amplified by Flood Risk Assessment dated September 2014, Flood Risk Addendum dated January 2015, Second Flood Risk Addendum dated May 2015, SuDS Strategy dated May 2015 and ecology letter dated 29/04/2015.

With reference to the report circulated with the agenda, Officers presented a summary of the planning history of the site, and the plans and proposal. Officers showed pictures of the site and the applicant's illustrative layout of the proposed development demonstrating how 30 dwellings might be accommodated. Officers outlined the determining issues, including matters of technical judgement, and those matters of judgement. In particular, Officers explained how the Sequential Test had been applied in assessing the acceptability of the site for development in the context of it being located within Flood Zone 2, including Counsel's advice that consideration of alternative sites could be limited to those in the Farnham area, and to sites of comparable yield generation rather than sites of greater or lesser site generation.

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

Julie Flude and Cliff Watts – Objectors
Cllr John Fraser – Farnham Town Council
Steven Kosky – Agent

Cllr Nabil Nasir also addressed the Committee, in his capacity as Ward Councillor.

The Chairman invited Cllr Chris Storey, as Ward Councillor, to open the Committee's discussion on the application. Cllr Storey raised a number of concerns: the Badshot Lea Neighbourhood Plan team had identified a number of potential development sites in the village, but the application was not one of them; the site was prone to flooding, and it had been clear at the site visit earlier in the week that the boundary ditches had been full of water; the additional traffic generated by the development could not be accommodated on the village roads and would impact on the safety and amenity of local residents; whilst the site was located close to the village centre, there were no facilities such as a GP surgery or village shop to serve the residents - the nearest shop was Sainsbury's; consideration of the potential for odour from the sewage pumping station was needed before a reserved matters application. Cllr Storey felt that the cumulative effect of these concerns meant that he would not be supporting the recommendation to grant planning permission.

Cllr Mulliner challenged Planning Officers with regard to their approach to the Sequential Test, particularly the discount of sites in Flood Zone 1 that were larger or smaller than the application site; the weight to be put on the potential deliverability of alternative sites and whether they should be discounted on this basis; and whether the application site was required to help Waverley meet its 5-year housing land supply.

Whilst the Head of Planning and Development Control Manager elaborated on the justification set out in the agenda report for the approach taken on the Sequential Test and the assessment of the 5-year housing land supply, Committee Members were not convinced that the Sequential Test had been applied correctly and were generally inclined to be sympathetic to the objections articulated by the Ward Councillors.

With no further comments from Members, the Chairman moved to the revised recommendation, as set out on the Update report, to grant planning permission subject to the completion of a Section 106 agreement to secure the provision of 37% affordable housing; highway and transport improvements; infrastructure contributions including education, environmental improvements and recycling; the setting up of a Management Company to manage open spaces and the SuDS scheme; and to secure SPA contributions; and subject to conditions set out in the agenda report.

The recommendation to grant planning permission failed, with 16 Members voting against and 2 Members abstaining.

Cllr Mulliner then proposed an alternative recommendation, to refuse planning permission on the grounds that the application failed to satisfy the Sequential Test; was contrary to Waverley's Local Plan 2002 policies C2 (environmental protection) and C4 (protection of the Aldershot/Farnham Strategic Gap); and would adversely impact on residential amenity due to the potential odour from the adjacent Thames Water Sewage Pumping Station.

In addition to these reasons, the Development Control Manager advised the Committee that as the applicant had not yet signed the Section 106 agreement, there should be additional reasons for refusal due to failure to sign a legal agreement to secure infrastructure contributions, SPA contribution, and affordable housing.

The Chairman then put the proposed recommendation to refuse planning permission to the Committee, which was agreed unanimously.

DECISION

RESOLVED that permission be REFUSED for the following reasons:

1. Reason

The proposal, by virtue of the number of dwellings, scale, urbanising impact and harm to the landscape character, would cause material and detrimental harm to the character and setting of the existing settlement and the intrinsic character, beauty and openness of the countryside contrary to Policies C2, D1, and D4 of the Waverley Borough Council Local Plan 2002 and paragraph 17 of the National Planning Policy Framework 2012. The adverse impact would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the National Planning Policy Framework 2012 taken as a whole.

2. Reason

The application site lies within the Farnham/Aldershot Strategic Gap where Policy C4 of the Waverley Borough Local Plan 2002 seeks its protection from inappropriate development. The proposal, by reason of its position, scale and encroachment into open countryside, would result in a significant coalescence of the landscape. The proposal would be contrary to Policy C4 of the Waverley Borough Local Plan 2002 and paragraph 17 of the National Planning Policy Framework 2012. The adverse impact would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the National Planning Policy Framework as a whole.

3. Reason

The application lies within Flood Zone 2 and as the proposal seeks new residential development, the flood risk Sequential Test is applied. The aim of the Sequential Test is to steer new development to areas with the least probability of flooding. The Council considers that, based on an assessment of other sites in the Farnham area, it is not satisfied that there are no other reasonably available alternative sites at a lower risk of flooding for this development. The proposal would therefore fail to comply with paragraphs 17 and 101 of the National Planning Policy Framework 2012 and would not constitute a sustainable form of development as required by the Framework.

4. Reason

In the absence of a modelled odour assessment to demonstrate that the proposal would not result in adverse amenity impacts on future residents of the development by way of odour from the adjacent Sewage Pumping Station, the proposal would be likely to give rise to an adverse residential living environment to the detriment of the health and well being of future occupiers, contrary to Policy D1 of the Waverley Borough Local Plan 2002 and paragraph 120 of the National Planning Policy Framework 2012.

5. Reason

The applicant has failed to enter into an appropriate legal agreement to secure contributions towards secondary education, highway improvements, environmental improvements and recycling/refuse and therefore the proposal conflicts with Policies D13 and D14 of the Waverley Borough Local Plan 2002.

6. Reason

The Local Planning Authority considers that the proposals (in combination with other projects) 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 Regulation 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 and PPS9 (Biodiversity and Geological Conservation).

7. Reason

Notwithstanding the objection in principle to the proposal under Reason for Refusal 1 and taking into account the absence of a signed legal agreement, the proposal would fail to provide affordable housing within the meaning of the National Planning Policy Framework 2012, appropriate to meet Waverley Borough Council's housing need. The proposal is therefore contrary to paragraph 50 of the National Planning Policy Framework 2012 as the development does not provide a mix of housing need on current and future demographic trends, market trends and the needs of different groups in the community.

The meeting commenced at 7.00 pm and concluded at 8.25 pm

Chairman