

PLANNING COMMITTEE

- * Councillor Fiona White (Chairman)
- * Councillor Colin Cross (Vice-Chairman)

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| * Councillor Jon Askew | * Councillor Liz Hogger |
| * Councillor Christopher Barrass | * The Mayor, Councillor Marsha Moseley |
| * Councillor David Bilbé | * Councillor Ramsey Nagaty |
| * Councillor Chris Blow | * Councillor Maddy Redpath |
| * Councillor Ruth Brothwell | * Councillor Pauline Searle |
| * Councillor Angela Goodwin | * Councillor Paul Spooner |
| * Councillor Angela Gunning | |

*Present

Councillors Tim Anderson, Guida Esteves, Susan Parker and John Redpath, were also in attendance.

PL1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

No apologies for absence were received.

PL2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

Councillor David Bilbé stated that he had a non-pecuniary interest in application 20/P/01148 – Land south of, Beech Lane, Normandy, GU3 2JH as he was acquainted with the residents of Beech Lane but that this would not affect his objectivity in the consideration of this application.

PL3 MINUTES

The minutes of the Planning Committee held on 16 June 2021 were approved and signed by the Chairman as a true record.

PL4 ANNOUNCEMENTS

The Committee noted the procedures for determining planning applications.

PL5 20/P/01148 - LAND SOUTH OF, BEECH LANE, NORMANDY, GU3 2JH

Prior to consideration of the above application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Mr Christopher Kelland (to object) and;
- Mrs Nicky Armstrong (to object)

The Committee considered the above-mentioned full application for proposed construction of 16 dwellings accessed via Hawthorn Close.

The Committee was informed by the Specialist Development Manager (Majors) John Busher that the proposal was for 16 affordable homes located in the Green Belt. The dwellings would

be arranged as an extension to the existing layout of Hawthorn Close. The development included six pairs of semi-detached dwellings, two storey maisonettes and four of the properties would have their own private garden. Parking would be provided adjacent to the dwellings. The proposed development would also be comprised of a mix of one, two and three-bedroom dwellings which would meet the identified local need in the Normandy parish. Because all of the 16 dwellings would be affordable the proposal was considered to be a rural exception site in Green Belt terms. Extant planning permission was already in place for 15 dwellings on the site approved in 2019. Although this proposal now included one additional dwelling, it would not result in any greater harm to the area. The properties were fairly modest in size and relatively traditional in their appearance.

It was the Specialist Development Manager's view that given the proposal was for 100% affordable housing the scheme was therefore considered to be acceptable under the rural exception policy. The provision of 16 affordable dwellings would go some way to meeting a locally identified need. The S106 would secure the tenure and nomination rights of housing in agreement with the Housing Strategy Manager. The site already had outline planning permission for 15 dwellings which was still extant, and the additional dwelling would add no further harm. No objections had been received by the statutory consultees and no harm had been identified to be caused to the character of the area or amenity of neighbouring properties.

In response to points raised by the public speakers, the Specialist Development Manager, confirmed that in relation to the planning history and the previous application, reference had also been made to a previously refused application in 2013 which was for mixed use, market and affordable. A different test was therefore applied in that case. This application was for 100% affordable housing and therefore fell within the rural exception test and was therefore judged to be appropriate development in the Green Belt. In addition, the net loss in biodiversity was outweighed by the provision of affordable housing. A Grampian condition had also been attached to the permission which would prevent commencement of the development until SANG capacity had become available.

The Committee considered the application and concerns raised that the site was not allocated in the Local Plan and there were already a number of affordable homes located within the vicinity of the site. A very narrow single-track lane led to a limited number of houses which already suffered from frequent flooding along Beech Lane and damaged people's properties and gardens. Normandy itself suffered from a very shallow water table which was exacerbated by ground surface water run-off from the Hogs Back. It was also important to maintain biodiversity and the provision of affordable homes should not be the overriding factor in determining to build in Green Belt locations. Beech Lane was also very busy with traffic and a dangerous junction at which there had been a number of accidents.

The Committee requested clarification regarding the planning history of the site and its rural exception status as 100% affordable housing was now proposed. The Development Management Applications Lead, Dan Ledger confirmed that a previous appeal decision related to a decision for a mix of market and affordable homes which was considered to be inappropriate development. The extant permission was for 100% x15 affordable homes. Sites in the Green Belt therefore allowed rural exception sites where they were identified to meet local affordable housing needs.

The Committee also raised concerns regarding whether the houses would be relatively small owing to the need to be affordable. Who had identified the affordable need and whether that affordability would be retained in perpetuity for the local people who lived in Normandy.

The Specialist Development Manager confirmed that the affordable identified housing need in Normandy had been established by the housing department. In terms of what was meant by affordable, affordable rents and reduced prices would be managed by a housing company.

The Committee also considered that the increase by one dwelling to the already approved extant scheme was fairly tight on the site. The Committee remained concerned about the risk of flooding and noted conditions 9 and 10 which would assist with the management of surface water drainage. The Committee wanted to know how those conditions compared with the previously approved scheme?

In relation to concerns regarding road safety with the additional forty residents using Beech Lane, it was noted that Surrey Highways had no concerns regarding the scheme subject to the inclusion of a road safety scheme condition requiring the installation of new signage. Further clarification was also sought on what date the Housing Assessment Need report was carried out on.

The Development Management Applications Lead confirmed that Surrey County Council were the lead flood authority for drainage matters. There were two technical options they proposed to examine once they had a better understanding of the ground conditions. Condition 9 required those detailed to be submitted to the Council and Condition 10 required a verification report detailing the work to be agreed to be undertaken both before and after the development. It was not known on what date the Housing Assessment Need report was carried out on however it was also important to note that the housing officer would have reviewed the existing 2020 housing register.

The Committee considered that the rural exception site in the Green Belt was acceptable given the provision of 100% affordable homes which was much needed. The concerns raised regarding flooding had been adequately addressed through conditions 9 and 10 as well as appropriate road safety mitigation measures put in place by Surrey Highways. The additional dwelling proposed would not adversely harm the character of the surrounding area or the neighbour's enjoyment of their amenities.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Ruth Brothwell	X		
2	Fiona White	X		
3	David Bilbé		X	
4	Angela Gunning	X		
5	Ramsey Nagaty	X		
6	Colin Cross			X
7	Liz Hogger	X		
8	Jon Askew	X		
9	Angela Goodwin	X		
10	Maddy Redpath	X		
11	Pauline Searle	X		
12	Chris Blow		X	
13	Chris Barrass	X		
14	The Mayor, Cllr Marsha Moseley	X		
15	Paul Spooner	X		
	TOTALS	12	2	1

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 20/P/01148:

- (i) Subject to a Section 106 Agreement securing:
- Provision of 100% affordable housing in accordance with the Council's approved tenure split
 - Nomination rights of housing in agreement with the Housing and Strategy Manager
 - Provision of SANG mitigation in accordance with the Thames Basin Heaths SPA Avoidance Strategy 2017;
 - A contribution towards SAMM;
 - A contribution towards early years, primary and secondary education
 - A contribution towards open space in accordance with the tariff.

If the terms of the S106 or wording of the planning conditions are significantly amended as part of ongoing S106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.

- (ii) That upon completion of the above, the application be determined by the Director of Service Delivery.

PL6 20/P/02067 - MANOR FARM, EAST LANE, WEST, HORSLEY, LEATHERHEAD, KT24 6HQ

Prior to consideration of the above application, the following persons addressed the Committee in accordance with Public Speaking Procedure Rules 3(b):

- Parish Councillor Catherine Young (on behalf of West Horsley Parish Council);
- Mr Guy Murray (to object);
- Mr Tristan Robinson (Agent) (in support) and;
- Ms Lisa Probyn (Agent) (in support)

The Committee considered the above-mentioned hybrid application for a) Outline planning application for 7 self-build/custom build dwellings with access from Long Reach and b) Full planning application for the erection of 139 dwellings alongside provision of Suitable Alternative Natural Greenspace (SANG), together with new Junior Sports Hall, two Padel Tennis Courts and Nursery School Facility with associated accesses, car parking, refuse/re cycling storage, landscaping, earthworks and infrastructure following demolition of existing bungalow and agricultural buildings.

The Committee received a presentation from the Specialist Development Management (Majors), John Busher. The Committee noted the supplementary late sheets which included some amendments and corrections to the report. The site was allocated in the Local Plan for 135 dwellings. The site also included a woodland which was currently private but as part of the proposal would be permitted for public use. The Green Belt wrapped around the western and northern boundaries of the site and to the south and east was a settlement area mainly characterised by residential development. The site contained a number of TPO trees and a Grade II listed Manor Farmhouse.

The existing built form was centred in the middle of the site and included a large agricultural barn and a single storey shed as well as commercial premises and a bungalow which were located closer to East Lane, all of which would be demolished. To the north was Horsley Football Club and to the south-west were residential properties accessed from Longreach. There was no vehicular connection between the northern and southern parcels of the site however pedestrians and cyclists would be able to use the existing track which currently ran past the listed building. The existing access would be used for the site, to the south were the

proposed two-storey apartment buildings and then off the main spine road were two cul-de-sacs. In the centre of the site was the extension to the existing children's nursery and the proposed sports hall facility including the padel tennis courts. A collection of apartment buildings and dwellings wrapped around the sports hall forming a courtyard development. To the south of the public open space was a proposed large, detached dwelling.

The scheme also included a SUDS attenuation basin. The existing access from East Lane would be widened slightly and landscaped on either side. The scheme would also deliver 40% affordable housing which were spread out throughout the development. Bens Wood which was publicly accessible could have access rights removed at any time. The woods were therefore being re-designated as a SANG and retained as a public open space so to mitigate against the impact of the development upon the SPA. The existing tracks within the woodland would be retained but supplemented by new cross paths and a looped path down the eastern edge. A management plan for the site had already been submitted and agreed by Natural England. The total number of parking spaces for the SANG had also been increased recently from 4 to 7 in total.

Through the application process, the proposed height of the dwellings had been reduced and reflected a modest two-storey house that was traditional in appearance. The apartment buildings would have their own individual doors. Guildford Borough Council's Conservation Officer had concluded that the relationship between the Grade II Listed Manor Farmhouse and the proposed apartment building was acceptable and no concerns were raised in that regard. The Sports Hall in the centre of the site had been designed to reflect the existing agricultural use of the site and would provide a real sense of community for the development. The Sports Hall would also include a small ancillary coffee bar and studio therapy rooms with changing facilities. The hall was conditioned to secure its use for community events as well.

The proposal would have an open and spacious feel and appearance and officers had worked closely with the applicant to ensure that traditional materials would be used that were reflective of the local area. The site was allocated in the Local Plan which provided for 135 dwellings and whilst the proposal was for 4 more dwellings, the principle of residential development was deemed to be acceptable. Planning officers were also content that the proposed open space area and the sports and community facilities were also acceptable in principle.

The report acknowledged that harm would be caused to the setting of the Grade II Listed Manor Farmhouse by virtue of its proximity to the development, but it was considered by Guildford Borough Council's Conservation Officer to cause less than substantial harm. Concerns had also been raised by the Parish Councils and local residents regarding the design and layout of the development as well as the quantum of dwellings proposed. However, it was also acknowledged that the applicant had worked hard with planning officers and the Council's Urban Design Consultant to produce a scheme which was policy compliant and a good example of design incorporating mixed uses which would help generate a sense of place and community in a spacious development that would not be harmful to its surroundings.

No objections to the proposal had been raised by Surrey Highways Authority or the Lead Local Flood Authority. The provision of 40% affordable homes, sports and community facilities, children's play area and proposed extension of the existing nursery was perceived to be a significant benefit as well as securing public access to the open space area. The development would also achieve a 41% reduction in carbon emissions as well as providing 5 net zero carbon homes. Contributions had also been secured of £2.3 million which would be used to improve highways, local infrastructure, healthcare facilities, policing, existing community facilities such as the Village Hall, the waiting room facilities at Horsley train station and the village tennis courts.

The harm identified to the heritage assets had been carefully balanced against the public benefits gained by the proposal and planning officers had concluded that the Council would

deliver an exemplar development helping to protect the five-year land supply position. It was a site allocated in the Local Plan under Policy 37 and was therefore recommended for approval subject to the S106 Agreement.

The Chairman reminded the Committee that the following officers were in attendance to provide specialist advice if required:

- Paul Fineberg, Principal Urban Design Officer and Architect
- Hossein Amirhoseini, Transport Development Planning Officer

The Committee considered concerns raised that the application failed to meet the key promises outlined in the West Horsley Neighbourhood Plan and the Guildford Local Plan. The development proposed did not maintain the transitional edge around the village to the countryside. The proposal was out of character with the existing settlement pattern due to the scale, mass, and height of the dwellings. No protection was afforded to the wildlife corridor or its biodiversity. There was inadequate surface water management as well as a prolific amount of street lighting being introduced to what was defined as a Dark Skies village as per the West Horsley Neighbourhood Plan. There was a lack of infrastructure to support the scheme with the local schools remaining over-subscribed, capacity at the doctor's surgery was at its maximum and the pharmacy was frequently flooded. The development did not respond to the distinctive development pattern of the village and its important relationship between the built environment and the surrounding landscape. Insufficient weight was given to the current climate emergency with just 5 net zero homes, equating to just 4% of the overall development with still the installation of gas boilers which were being phased out. The NPPF, paragraph 149 stated that a proactive approach should be taken to protect the local area and our climate.

The Committee considered concerns that the West Horsley Neighbourhood Plan was not given enough weight when assessing the scheme. The original land assessment carried out for the site was 8.4 hectares for 135 homes. Since the land assessment had been carried out, concerns were raised that a large area of land had since been taken out such as land around the Grade II Listed Farmhouse as well as around numerous other buildings and on the other side of the nursery school which could have been used for housing. In addition, the owner had retained a large piece of land on which to build his own property and retain his privacy. The land also allocated for the implementation of the SuDs as well as the sports and community facilities had also not been factored into the original land assessment undertaken. On that basis a total of 83 homes as opposed to 135 homes should now be proposed. The scheme did not reflect its local environment or community.

The Committee considered comments that the quality of the building materials were of a high standard. The density of the development equated to 17.6 hectares per 28 dwellings and was therefore not extreme. Development could not be easily achieved in a dark skies area. The statutory authorities such as the Surrey Highways Authority and those representing schools had not objected. It was disappointing that only 5 net zero carbon homes had been incorporated into the scheme but was good to see different designs such as bungalows. The lack of a transitional edge to the countryside was concerning and therefore the views of Mr Paul Fineberg, Principal Urban Design Officer and Architect was sought.

The Committee considered that the scheme represented a disappointing response to the Council's commitment to mitigating against climate change particularly with the planned installation of gas boilers into the proposed properties. The installation of electric vehicle charging points was acknowledged as a positive benefit to the scheme. In relation to the installation of the LEAP and LAP, who was ultimately responsible for their ongoing maintenance in perpetuity? Who was also responsible for ensuring that sustainable transport measures were implemented through the monies given via the S106 scheme such as improving the frequency of the bus route? The scheme would also undoubtedly increase traffic in the local

area owing to the significant mitigation measures the County Highway Authority had put in place to ensure that the development would not be detrimental to the local area.

The Specialist Development Management, was invited to comment on the queries raised by the Committee. In relation to the energy and sustainability concerns raised, the Council's requirement was to achieve a 20% reduction in carbon emissions and that this proposal had gone above and beyond that by achieving a 31% decrease. The provision of 5 net zero carbon homes was a benefit of the development given it was not a requirement of the Local Plan. Additionally, there was no policy requirement which would prevent the applicant from installing gas boilers however the scheme overall would deliver a reduction in carbon emissions that was above policy requirements. In terms of flooding, the scheme had been assessed by the Lead Local Flood Authority and found that the proposal would actually improve the management of rainfall which had not been managed as effectively previously. Silt would be removed from the inlet to the ponds to restore storage capacity as well as the construction of a bund along the eastern boundary to help prevent flooding. The maintenance of the site would be undertaken by a management company set up with the residents on the estate.

Paul Fineberg, Principal Urban Design Officer and Architect was asked to comment regarding the concerns raised in relation to density and design. The Committee noted that the first designs proposed were of concern particularly its relationship to the Grade II Listed Farmhouse. The applicant therefore worked closely with the Council to successfully overcome those concerns. The materials to be used were of a high quality which weathered well over time. The developer was a local house builder and not a national company which meant they were invested in building a quality scheme with a refined design. The sports hall originally was proposed to be clad in a powder coated aluminium which was removed following further discussions with the Council as being out of character with the local area. The density of the scheme of 17.6 hectares was considered to be low with up to 25 dwellings per hectare. In terms of the design, the approach was to create a hamlet that looked like it had grown around the farmhouse. The open and spacious community spaces respected the principles of placemaking and was a positive addition to the area.

Hossein Amirhoseini, Transport Development Planning Officer was asked to comment regarding the concerns raised in relation to how the contributions being made towards travel were being managed. A total of £250,000 was to be put towards the in-house bus service that would be payable upon first occupation and another contribution of £100,000 would be secured towards improving passenger accessibility at East Horsley Station particularly the installation of a lift. The total cost of the lift installation was in the region of £5-£6 million pounds. In addition, the bus transport team would manage the enhancements to be made to its services.

The Committee again considered concerns raised regarding the density of the site. The land designated in the Local Plan equated to 8.4 hectares for 135 homes when this development proposed 139 dwellings on 5.2 hectares of land. The fact that the applicant had partitioned off a large parcel of land for his own development, the growing demand for school places locally and the positioning of the dwellings was imposing owing to the land rising steeply up to the Green Belt. It was also concerning regarding installation of gas boilers and council's commitment to climate emergency.

The Committee noted that the roads to be built as part of the development would not be adopted and wanted to confirm if a maintenance company would therefore undertake that work. The Committee also wanted assurance that accessible parking spaces would be provided at the Sports Hall and what measures would be put in place to encourage walking, cycling and car sharing.

The Committee considered concerns raised again regarding the layout and design of the development particularly its impact upon the listed building. There was a perceived lack of a

transitional edge and the hedge was not enough to maintain that given the apartment block was only 13 metres away.

The Specialist Development Management confirmed that the size of the allocated site was 7.9 hectares and not 5.2 hectares as referred to in the debate. The existing track and hedgerow would be retained which facilitated the transitional edge with only 4-5 dwelling proposed on that boundary. In terms of the dark skies policy, the roads within the site would not be adopted and therefore the applicant had committed to the use of bollard lighting along the roads with potentially some taller light stands around the nursery building which would help maintain the dark skies. The large, detached dwelling and garden proposed by the applicant was not unacceptable, even if it was a feature of the site, and was not contrary to policy. The installation of boilers and lack of air source heat pumps was raised by planning officers with the applicant, however the additional loading required for the heat pumps would not be met by the existing substation and would require a new or expanded substation which affected the viability of the scheme. It was also confirmed that the unadopted roads would be managed by a management company onsite and accessible parking spaces would be provided at the Sports Hall. Active travel would be encouraged and facilitated by the travel plan. Lastly, the Council's Conservation Officer was satisfied that the relationship between the listed building and development was acceptable and had been improved significantly throughout the application process.

In response to concerns raised regarding climate change, the Development Management Applications Lead, Dan Ledger confirmed that the sustainability measures put forward as part of this application exceeded policy requirements. The infrastructural contributions towards education, roads, travel, and healthcare were also significant, so a proportionate approach needed to be taken. The height of the proposed dwellings was also considered to be acceptable acknowledging concerns raised that the pitch of the roofs proposed was too steep.

The Committee also received confirmation that the Parish Councils in the area were Statutory Consultees who had all objected to the application. The Planning Solicitor confirmed that those objections were included in the report and had been assessed by the Committee.

The Committee considered that given the site was allocated in the Local Plan the principle of development was accepted. Less than substantial harm would be caused to the setting of the Listed Building and that harm was outweighed by the significant public benefits afforded by the proposal. A total of 139 dwellings would be created of which 56 were affordable therefore contributing towards meeting the Council's housing need and delivery commitments. The significant contributions secured of 2.3 million pounds would also help to mitigate against the impacts of the development.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Colin Cross		X	
2	Pauline Searle	X		
3	Angela Gunning	X		
4	David Bilbé (had left the meeting)			
5	Chris Blow	X		
6	Maddy Redpath		X	
7	Fiona White	X		
8	Chris Barrass		X	
9	Angela Goodwin	X		
10	Paul Spooner	X		
11	Ruth Brothwell		X	
12	Jon Askew	X		
13	Liz Hogger		X	
14	Ramsey Nagaty		X	
15	The Mayor, Cllr Marsha Moseley	X		
	TOTALS	8	6	0

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 20/P/02067:

Subject to a Section 106 Agreement securing:

- provision of 40% affordable housing in accordance with Council's approved tenure split;
- provision of 5% self / custom build plots;
- provision of the sports uses (sports hall and padel tennis courts) and arrangements for their management and maintenance for the lifetime of the development;
- provision of SANG mitigation in accordance with the Thames Basin Heaths SPA Avoidance Strategy 2017;
- a contribution towards SAMM;
- a contribution for travel plan auditing fee;
- a contribution towards an enhanced bus service payable upon first occupation of the development.
- a contribution is required in order to improve passenger accessibility at and to Horsley Station.
- a contribution to amend the existing TRO and extend the 30mph speed limit north on Ockham Road North to the point where Green Lane and Ockham Road North.
- a contribution to install traffic calming measures for approximately 750m on Ockham Road North.
- a contribution to improve pedestrian facilities on Station Parade, on the east side of the zebra crossing.
- a contribution to provide two road tables in Ockham Road South on either side of its junction with Forest Road.
- a contribution to install a raised table for the existing zebra crossing south

of the train station.

- a contribution to provide signs, road markings and VASs on Ockham Road North from the point where School Lane and Ockham Road North meet up until the A3 junction.
- retention of the pedestrian / cycle access which runs between the two parcels of the development (i.e. between Manor Farmhouse and Barnside Cottage) in perpetuity.
- a contribution to early years, primary and secondary education.
- provision of the expanded facilities for the existing nursery school.
- a contribution towards primary healthcare.
- a contribution towards secondary healthcare.
- a contribution towards policing infrastructure.
- provision and maintenance of public open spaces for the lifetime of the development.
- a contribution towards improvements to the Parish Council owned tennis court.
- a contribution towards improvements to West Horsley Village Hall.
- a contribution towards improvement to the toilet facilities and waiting room at Horsley train station.

If the terms of the S106 or wording of the planning conditions are significantly amended as part of ongoing S106 or planning condition(s) negotiations any changes shall be agreed in consultation with the Chairman of the Planning Committee and lead Ward Member.

(ii) That upon completion of the above, the application be determined by the Director of Service Delivery.

Approve subject to the conditions and reasons as detailed in the report.

PL7 21/P/00978 - 9 MARLYNS DRIVE, GUILDFORD, GU4 7LS

The Committee considered the above-mentioned full application for construction of a two-storey side extension and single storey rear extension following demolition of existing garage and utility room.

The Committee considered the ward councillors view that the lack of parking spaces proposed to accommodate the additional bedroom was in fact acceptable and would not contravene the Burpham Neighbourhood Plan.

A motion was moved and seconded to approve the application which was carried.

RECORDED VOTE LIST				
	COUNCILLOR	FOR	AGAINST	ABSTAIN
1	Paul Spooner	X		
2	Chris Blow	X		
3	Ruth Brothwell	X		
4	Angela Gunning	X		
5	David Bilbé (had left the meeting)			
6	Liz Hogger	X		
7	Jon Askew	X		
8	Ramsey Nagaty	X		
9	Fiona White	X		
10	Pauline Searle	X		
11	Maddy Redpath	X		
12	Chris Barrass	X		
13	Colin Cross	X		
14	Angela Goodwin	X		
15	The Mayor, Cllr Marsha Moseley	X		
	TOTALS	14	0	0

In conclusion, having taken account of the representations received in relation to the application, the Committee

RESOLVED to approve application 21/P/00978 subject to the conditions and reasons as detailed in the report.

PL8 PLANNING APPEAL DECISIONS

The Committee noted the appeal decision, Land read of Catherine, Frimley Road, Ash Vale, GU12 5NS which was allowed and concerned whether the development was acceptable in terms of its proximity to the Thames Heath Basin. Planning officers did explore with legal colleagues the potential to challenge the decision and the advice received was that the Inspector had made a mistake in law but was not significant enough to overturn the decision.

The planning solicitor confirmed that the applicant had another planning permission which the owners offered to surrender or promise not to implement in the S106 Agreement. The implication was that the Inspector was misled into accepting that when he shouldn't have. However, the likelihood of having another case like that was very slim whereby the applicant would have another planning permission to hand to surrender. On that basis legal action was not taken and the Council avoided the risk of losing the case and the possibility of having to pay costs.

The meeting finished at 9.31 pm

Signed

Chairman

Date