

Planning Committee

1 December 2021

Late Representations

Since the last date for the submission of views on applications/matters before the Committee this evening, representations in respect of the under mentioned applications/ matters have been received. The letters, copies of which will be available for inspection by councillors at the meeting, are summarised below.

Item 5 – Planning Applications

21/P/01582 - Land At Wisley Airfield

Amendments/Corrections/Updates

It is clear there are still significant concerns in relation to the prematurity of this development ahead of the DCO being approved, and it is therefore useful to share some relevant legal advice on this issue with Councillors prior to a decision being taken. The legal advice sought was in the context of the Wisley New Settlement proposal, (the application for which would include the same stub road and roundabout in full, as proposed in this application). Counsel advised as follows:

*“It is common for applications for planning permission to be subject to the requirement that development [to be] separately consented, be carried out before the development [the subject of the application] is commenced or occupied, and the PPG itself recognises this at Reference ID 21a-008-20140306 which makes clear that **conditions can be imposed to ensure that development proceeds in a certain sequence**. Indeed, requiring one development to be completed before a different development may be begun is a classic and entirely conventional use of the power to grant planning permission subject to conditions. Indeed, in *British Railways Board v Secretary of State* [1994] JPL 32, Lord Keith of Kinkel made clear at p.38 that **it is unlawful for a local planning authority to refuse to grant planning consent on the basis that further consents may be required to facilitate the development**, even where the land in question is outside the control of [the applicant], and the local authority regards the difficulties likely to be involved in securing those consents as serious. As the House of Lords held, the appropriate course of action is to grant planning permission conditionally.*

I am firmly of the view that it would be lawful to permit development subject to a Grampian Condition preventing the permission from being implemented, or restricting or preventing occupation, pending the delivery of an item of infrastructure pursuant to another consent (in this case the WLD DCO)”. (all emphasis added)

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1 additional objection from a resident relating to the application being premature before an application comes forward for the A35 strategic site.

An objection has also been received from RHS Wisley, reiterating their comments from their previous objection to 20/P/01708. These are summarised below:

- The RHS believe that the determination of the application at this point in time cannot be sound because of the delay to the M25 J10 DCO decision

- The rationale for the application determination at this point in time- one of timing and procurement - has gone.
- This issue of timing alone should be sufficient in its own right to seek a deferral of the application at this point in time.
- The Grampian condition cannot be reasonable in these circumstances since it is reliant on a decision yet to be taken.
- The Committee cannot reasonably consider the proposed conditions without having sight of any highway modelling for the outline planning application for the entire FWA site.
- The roundabout and stub road configuration are not based on the most up-to date TW highway modelling. [Officer note: SCC as Highway Authority are happy with the traffic modelling exercise undertaken, which sought to demonstrate that the proposed roundabout can satisfactorily accommodate traffic movements associated with the DCO scheme, and the future potential for traffic flows associated with adjacent site allocation]
- The application proposals may not be fit for purpose.

21/P/01658 – Pine Cottage, Send

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1 letter has been received in support of the application.

Officers report:

P189:

There is a sentence that reads “The proposal will introduce two new vehicular access points, which will be positioned opposite existing dwellings on the eastern side of Potters Lane”.

This is corrected to the following: “The proposal will introduce a new vehicular access point, which will be positioned opposite existing dwellings on the eastern side of Wharf Lane.”

Page 194 (Conclusion):

There is reference to the delivery of a net increase of “**eight new homes**”. However, the net uplift is **seven** new homes (existing demolished).

Conditions

The following conditions are amended to include reference to drawings and the latest version of the Tree Report which have been updated in relation to the revisions made to the site layout to accommodate the required refuse collection arrangements.

Condition 2:

The development hereby permitted shall be carried out in accordance with the following approved plans:

P201, P202, P207, P208, P209, P210, P214 and P215 received 16 July 2021

Amended plans: P205A, P206A, P213A received 19 October 2021

Amended plans: P203B, P204B received 11 November 2021

Amended plans: P212B received 1 December 2021

Reason: To ensure that the development is carried out in accordance with the approved plans and in the interests of proper planning.

Condition 5:

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plan, Drawing No. P204B, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

Condition 6:

The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans Drawing No. P204B, for the secure parking of bicycles within the development site. Thereafter the parking for bicycles shall be retained and maintained for their designated purposes.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

Condition 13:

The development must accord with the Arboricultural Survey and Planning Integration Report (including all recommendations) prepared by Quaife Woodlands AR/4086a/jq . No development shall start on site until the protective fencing and any other protection measures shown on the Tree Protection Plan in the Arboricultural Report have been installed. At all times, until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

No development shall commence until a pre-commencement site meeting has taken place with the site manager, the retained consulting arboriculturalist and the LPA Tree Officer.

Reason: To protect the trees on site which are to be retained in the interests of the visual amenities of the locality.