



FARNHAM TOWN COUNCIL

Resolution of Farnham Town Council 12th July 2012

Brightwells, Land at East Street, Farnham

Consultations on Applications for Extension of Time – WA12/0912 and WA/12/0911

Applications under Town and Country Planning (General Development Procedure) (Amendment No.3) (England) Order (SI 2009 / 2261)

Resolution

At its meeting on Thursday 12th July 2012 and after discussion and consideration of the applications, informed by presentations, by Jim Duffy, Architect and Geoff Reeve of Wadham and Isherwood, Chartered Surveyor at the Planning Consultative Group on 5th July, **Farnham Town Council resolved to:**

a) Object to Application Waverley WA/12/0912

On the grounds that there is substantial doubt and uncertainty as to the suitability of the current scheme to meet the future needs of Farnham and is not sustainable development. Whilst strongly of the view that positive proposals are needed to secure the timely regeneration of the East Street Area with an appropriate scheme, Farnham Town Council would wish to work cooperatively with Waverley Borough Council, landowners and developers to achieve this. Farnham Town Council regards the uncertainties of viability, design and traffic as set out in the report of the

Planning Consultative Group to render the proposed development flawed and not justifying the extension of the previous permission.

b) Support Application Waverley WA/12/ 0911

On the grounds that the option of securing of a proper means of access into the site is important for any regeneration of the East Street Area

Proposals for EAST STREET DEVELOPMENT, FARNHAM

The current applications for consideration were referred to Council from the Planning Consultative Group

WA/2012/0911	Farnham Moor Park	Provision of temporary construction access to the A31, comprising bridge across the River Wey, pedestrian underpass, other supporting infrastructure and re-instatement works including re-siting of the proposed footbridge across the River Wey	LAND TO THE SOUTH OF EAST STREET, FARNHAM
WA/2012/0912	Farnham Moor Park	Application for a new planning permission to replace extant permission WA/2008/0279 (time extension). Mixed-use redevelopment comprising: 9,814 sq m of retail, restaurant and cafe-bar accommodation (Use Classes A1, A3 & A4, including changes of use	LAND AT EAST STREET, FARNHAM

1) Background

1.1 Councillors were aware:

- Of the long planning history of schemes for the comprehensive redevelopment of site from at least early 2001 culminating in a consent granted in 2008.
- That the status of these schemes is not recognised as a priority in any designated Development Plan for the Area,
- From initial consultations carried out for the Farnham Neighbourhood Plan that there is widespread support (and also reservations) for a new initiative for the East Street area and to remove delay and uncertainty for this area having a depressing effect on this and other parts of the Town Centre
- That a new National Planning Policy Framework has now been published in 2012 for which material regard needs to be taken.

1.2 The Town Council's Planning Advisor explained that the procedures for the consideration of the proposals as they stand, by Waverley Borough Council as local planning authority, are relatively new, as explained in the Guidance in October 2010 by the Department for Communities and Local Government on the various expedited procedures that were brought into force on 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261) and the Planning (Listed Buildings and Conservation Areas)(Amendment) (England) Regulations 2009 (SI 2009 No. 2262).

1.3 The intention of these changes was the use of measures, introduced following consultation, to give greater flexibility for planning permissions and covering such matters as amendments to existing planning permissions and extensions of time for applications that were granted before October 2009. This was to take into account the unusually difficult economic climate first arising around 2008 where it was believed schemes that otherwise had every reasonable prospect of advancing were caught by funding difficulties and should not be frustrated by overly fussy planning stipulations as there was reasonable prospect that given a longer time period the planning benefits of carrying out these schemes would be realised.

1.4 The applicant's agent has pointed out that under this streamlined process where schemes wishing to exercise such flexibility under the new regulations have previously been judged to be acceptable, the presumption is that

extensions in time should be granted – unless there are any material changes in policy or circumstances that have occurred since the grant of approval that would suggest otherwise.

- 1.5 In this case the extant consent for the scheme (not including the bridge to the A31), is under WA/2008/0279. The developer has already been given leave by the local planning authority to carry out amendments to the scheme, which were judged by the planning authority to be Non Material Amendments. The merits or otherwise of these amendments was not the subject of consideration at this meeting and as the local planning authority as decision taker had already approved these they need to be regarded as part of the extant consent.

2. Evidence as material planning considerations.

- 2.1 Councillors had received an initial presentation on design and layout considerations from Jim Duffy, an experienced architect in historic centre regeneration, and on commercial property considerations from Geoff Reeve of Wadham and Isherwood, retail and commercial property surveyors and with longstanding and practical experience of the local property market in Farnham.

- 2.2 A summary of these expert opinions is provided in a separate Annex and which indicate in planning terms:

- In retailing terms the mix of retailing units envisaged would detract rather than reinforce the vitality and viability of the town centre given the retailers now likely to be seeking a presence in the town in the future.
- The location of types of marginal shopping which might locate in the proposed development is away from the cohesive core retailing area of the town centre and will dilute and disperse the retail offer and make character retailing, sympathetic to the character of historic Farnham and which is essential to the continuing prosperity of the centre, harder to achieve
- The design of the retail components is poorly thought out and is compromised by the scale and design of the residential components and thus cannot be regarded as likely to attract investors and suitable operators, post 2008, as in the current and likely future.

- There is little to suggest that the vision behind the scheme is not backward and regressive, reflecting a failure of the scheme to evolve beyond shopping centre design practices of the previous decades
- As a result of this scheme, it was considered that shopper pedestrian flows in the town centre would become disrupted and less commodious.
- There are doubts from the evidence seen that the funding mechanisms are in place to ensure long term viability of the scheme and that extraordinary and unrealistic assumptions are made about tenant mix, future rents and yields. The retail market is significantly different to when the original application was approved and significant discounts, rent free deals and capital contributions are now required to generate occupants in these types of schemes severely impacting on funding provisions.
- The housing elements are sub-optimal and fail to meet the potential of the site to meet recognised housing needs in the area as these are now emerging post 2008

2.3 Cllr Genziani explained to the Planning Consultative Committee that he had discussed the residential market in Farnham with five residential agents and provided an overview of the views received to the Planning Consultative Group. Four of the five agents consulted were pessimistic as to the composition, mix and suitability of the residential components and that the large number of units appearing on the market in one go would depress prices and potential rental income.

2.4 Councillors raised questions about perceived design flaws in the details of delivery vehicles accessibility and backups affecting the town's road network, poorly considered vehicle circulation, waste collection facilities, inconvenient levels and potential for inundations from the adjacent river and water table.

2.5 This additional evidence, not available at the time that the Local Planning Authority considered the "parent" application WA/2008/0279, indicates that the reasonable prospect of the scheme as envisaged going ahead and providing the basis for the secure and orderly prosperity of the town centre is rendered in doubt and that the creativity of the scheme in

contributing to the future prosperity and to secure the pride of place and local distinctiveness of Farnham is compromised.

- 2.6 The Town Council recognises that there are benefits from the proposed scheme, if it were to go ahead (although this is in doubt in the foreseeable future given the lack of viability in current economic climate) but the adverse impacts set out would, significantly and demonstrably outweigh these benefits.
- 2.7 Farnham Town Council wished to make it clear that they believed that in cooperation with the developer, the landowners and the Borough and County Councils, together with the Farnham community, and through the exercise of development plan making powers, significant improvements are readily achievable which would improve the prospects of timely and suitable development of this key site. Extending the time period as contemplated under the current application under consideration, Farnham Town Council believed, would not assist but instead frustrate the achievement of these mutual objectives.
- 2.8 Concern was expressed over the scheme as it now stands which has unresolved issues in relation to traffic movement which appear to be ill-thought out and potentially dangerous.
- 2.9 Farnham Town Council having been alerted to the need to reconsider the evidence on changing market conditions and viability would urge Waverley Borough Council to consider such matters as relevant when determining this current application. It is apparent to Farnham Town Council based on the evidence it had available that the current application promulgates an unsuitable and unrealistic scheme, and thus does not meet the requirement for sustainable development.
- 2.10 Waverley Borough Council should take this evidence on housing, and retail business, supplemented by any other up to date additional independent and realistic viability investigations that Waverley Borough Council deems appropriate, to consider whether the current application has the ability to deliver an optimal scheme for the East Street area and Farnham Town Centre as a whole.

3. National Planning Policy Framework (NPPF).

- 3.1 Since the "parent" application WA/2008/0279 was determined, the National Planning Policy Framework has been provided by Government, in 2012, as a basis for decision taking by local planning authorities and others involved in the statutory planning process.
- 3.2 The Planning Advisor pointed out to the Planning Consultative Committee that the NPPF provides a basis for their consideration of this matter, as no up-to-date development plan has existed in their area for some time.
- 3.3 Whilst it is highly desirable that local planning authorities should have up-to-date development plans in place, in the absence of an up-to-date and relevant development plan the NPPF now provides a basis of guidance upon which planning decisions should be made. This was not available to the Local Planning Authority when they previously considered the "parent" application in 2008.
- 3.4 It was important, as had been pointed out by the Courts, that a selective or partial approach towards Government Guidance should not be adopted. The spirit and intent of the NPPF is important as well as precise turns of phrase.
- 3.5 As is explained in the Ministerial foreword to the NPPF, the purpose of planning is to help achieve sustainable development where sustainable means change for the better including for our historic environment that includes towns being better cherished to ensure their spirit of place thrives rather than withers.
- 3.6 The NPPF points out that development that is sustainable should go ahead without delay should be the basis for every plan and every decision but also sets out what could make a development unsustainable. Farnham Town Council consider that this development, that is not likely to go ahead without any more than a short delay as envisaged under the recently changed regulations, does not meet the test of sustainable development.
- 3.7 The NPPF is emphatic that planning is not just about scrutiny but instead a creative exercise in finding ways to enhance and improve the places in which we live our lives. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, to respond positively to wider opportunities for growth and to take account of market signals, to seek to ensure high quality design and to take account of the different roles and character of areas and promoting the vitality of urban areas.

4 Other Concerns

4.1 Farnham Town Council is very concerned about the lack of a masterplan for the site and that some important details in the application are still missing relating to changes necessary for the implementation of the application. These include legally required flood risk assessments and modelling of traffic flows especially at important junctions in the Town Centre where air quality is poor and which will be exacerbated by additional congestion and waiting times. The traffic modelling for the A31 bridge access already shows increased congestion in the town centre at off peak times, and this will be significantly worse at peak times.

4.2 Conditions

Farnham Town Council is very concerned about the requested amendments to conditions which would see the development built over a six year period rather than three years. It is further concerned of a request for a 'phased development' and the partial occupation of the site before the whole development is completed which gives Farnham protection. The Town Council believes that the proposed changes to the conditions, whilst being beneficial to the developer, would have an extremely detrimental effect on the economic, social and environmental well-being of the town which is in direct contrast to agreements previously made. The Town Council believes there are no good reasons given for changing the original timescale.

4.4 Farnham Town Council believes there is real concern that if the application is approved, it will have a detrimental impact on opportunities to support sustainable development as retailers might avoid Farnham rather than go to a location, which would not be viable. This is a matter that also requires further consideration in the production of an up to date development plan framework for the Town Centre.

4.5 Under application WA/2008/0279 a retail impact assessment was provided in support of the retail proposals. The Planning Advisor explained that now, under the NPPF, the East Street area would be regarded as a "sustainable location" (i.e in a town centre and therefore as set out in Section 2 of the NPPF) and would meet the sequential tests and any requirement to provide a new retail impact assessment would not be reasonable in planning terms. In the context of overall viability Waverley

Borough Council as a development partner may wish to consider providing an updated retail impact assessment beyond the normal requirement in order to satisfy disquiet in the Town on this point.

- 4.6 The proposals for the relocation and replacement of the tennis courts and bowling green were also a cause for concern. There is a need for equally suitable replacement provision for these leisure facilities and this does not appear to be assured in accordance with the NPPF.

5 Conclusions

- 5.1 Waverley Borough Council needs to be satisfied, as local planning authority that by granting this application for an extension of time, that there is a ready prospect that significant enhancement and improvement would now be achieved notwithstanding the evidence that suggests this scheme as currently formulated be now regarded as sub-optimal and a wasted opportunity to enhance the Town.
- 5.2 Waverley also needs to be satisfied that by granting this extension of time that the funding and financial viability of the scheme is in place to ensure that these planning advantages can be secured given that there are material doubts as shown by the expert evidence considered by Farnham Town Council.
- 5.3 The evidence considered by the Planning Consultative Group and Farnham Town Council, presented by acknowledged experts, should be sufficient to alert Waverley Council of substantial concerns that there has been a change to material circumstances.
- 5.4 Farnham Town Council would be happy to share and jointly investigate as appropriate with others these matters further in the context of planning applications for the East Street Area, the Waverley Core Strategy and the Farnham Neighbourhood Plan.
- 5.5 As has been set out in this report there are clearly new policy circumstances against which the current application needs to be assessed and over which Farnham Town Council considers the application fails to meet the new requirement in the NPPF to achieve sustainable development

5.6 The Town Council is committed to working with Waverley Borough Council and others in securing development that is viable, will be sustainable, and will enhance the economic social and environmental roles of Farnham as a vibrant community.