



FARNHAM TOWN COUNCIL

Agenda Full Council

Time and date

Thursday 12th July 2012 at 7.00pm

Place

The Council Chamber, South Street, Farnham, GU9 7RN

TO: ALL MEMBERS OF THE COUNCIL

Dear Councillor

You are hereby summoned to attend a Meeting of **FARNHAM TOWN COUNCIL** to be held on **THURSDAY 12th July 2012, at 7.00PM**, in the **COUNCIL CHAMBER, SOUTH STREET, FARNHAM, SURREY GU9 7RN**. The Agenda for the meeting is attached

Yours sincerely

Iain Lynch
Town Clerk

Members' Apologies

Members are requested to submit their apologies and any Declarations of Interest to Ginny Gordon, the Mayor's Secretary, on the relevant form attached to this agenda by 5 pm on Wednesday 27th June 2012.

Recording of Council Meetings

This meeting is digitally recorded for the use of the Council only.

Questions by the Public

Prior to the commencement of the meeting, the Town Mayor will invite Members of the Public present to ask questions on any Local Government matter, not included on the agenda, to which an answer will be given or if necessary a written reply will follow or the questioner will be informed of the appropriate contact details. A maximum of 15 minutes will be allowed for the whole session.

Members of the Public are welcome and have a right to attend this Meeting. Please note that there is a maximum capacity of 30 in the public gallery.



FARNHAM TOWN COUNCIL

Disclosure of Interests Form

Please use the form below to state in which Agenda Items you have a interest.
 If you have a prejudicial or disclosable interest in an item, please indicate whether you wish to speak (refer to Farnham Town Council's Code of Conduct paragraph 12(2) for details)

Disclosure by a Member of a personal or a prejudicial interest in a matter under consideration at a meeting (S81 Local Government Act 2000 and the Parish Councils Model Code of Conduct)

As required by the Local Government Act 2000, **I HEREBY DISCLOSE**, that I have a personal interest or a prejudicial interest in the following matter(s).

Council/

Working Group

Date

Name of Councillor

Agenda Item No	Nature of interest (please tick)		Type of interest (personal or prejudicial and reason)
	I am a Waverley Borough Councillor	Other	

* Delete as appropriate



FARNHAM TOWN COUNCIL

Agenda Full Council

Time and date

7.00pm on Thursday 12th July 2012.

Place

The Council Chamber, South Street, Farnham

Prayers

Prior to the meeting, at 6.55pm, prayers will be said in the Council Chamber. Councillors and members of the public are welcome to attend.

Presentation by Farnham Alive

To receive a presentation on the proposed music and comedy festival Farnham

Questions by the Public

The Mayor will invite Members of the Public present to ask questions on any Local Government matter, not included on the agenda. A maximum of 15 minutes will be allowed for the whole session.

1 Apologies

To receive apologies for absence.

2 Minutes

- (i) To sign as a correct record the minutes of the Farnham Town Council meeting held on Thursday 28th June 2012

**Appendix A
and Exempt Appendix Ai**

3 Disclosure of Interests

To receive from members, in respect of any items included on the agenda for this meeting, disclosure of any personal or prejudicial interests in line with the Town Council's Code of Conduct, or of any gifts and hospitality in line with Government Legislation.

NOTES:

- (i) *Members are requested to make declarations of interest, on the form attached to this agenda to be returned to ginny.gordon@farnham.gov.uk by 5pm on the day before the meeting, or handed to the Town Clerk at the start of the meeting.*
- (ii) *Members are reminded that if they declare a prejudicial interest they must leave immediately after having made representations, given evidence or answered questions and before any debate starts unless dispensation has been obtained.*

4 Statements by the Public

The Town Mayor to invite members of the public present to make statements on any item on the agenda.

At the discretion of the Town Mayor, those members of the public, **residing or working** within the Council's boundary, will be invited to speak forthwith, in relation to the business to be transacted at the meeting for a maximum of 3 minutes per person or 15 minutes overall.

5 Town Mayor's Announcements

To receive the Town Mayor's announcements.

Part 1 – Items for Decision

6 Adoption of the Power of General Competence

Appendix B

Farnham Town Council is eligible to adopt the Power of General Competence which means that it can do anything that an individual can do without having to rely on specific powers and permissions. The report at Appendix B sets out the details, and it is recommended that the council now adopts this new power

7 Planning Applications

To receive the minutes of the Planning Consultative Group held on 4th July 2012 **Appendix C**
(to follow)

Part 2 – Items to Note

8 Reports from other Councils

To receive from Councillors any updates on matters affecting Farnham from Waverley Borough Council and Surrey County Council

9 Reports from Outside Bodies

To receive from Members any verbal reports on Outside Bodies.

10 Date of next Meeting

To confirm the date of the next meeting.

The Mayor will close the meeting.

Membership:

Councillors Stephen Hill (Mayor), Patrick Blagden CBE (Deputy Mayor), David Attfield, David Beaman, , Carole Cockburn, Pat Frost, Carlo Genziani, Jill Hargreaves, Sam Hollins-Owen, Graham Parlett, Dr Jessica Parry, Julia Potts, Jennifer O'Grady, Stephen O'Grady, Susan Redfern, Jeremy Ricketts, Roger Steel, John Ward

Distribution: Full agenda and supporting papers to all Councillors (by post)

Note: The person to contact about this agenda and documents is Iain Lynch, Town Clerk, Farnham Town Council, South Street, Farnham, Surrey, GU9 7RN. Tel: 01252 712667



FARNHAM TOWN COUNCIL

A

Minutes Council

Time and date

7.15pm on Thursday 28th June 2012

Place

The Council Chamber, South Street, Farnham

Councillors

- * Stephen Hill (Mayor)
- * Patrick Blagden CBE (Deputy Mayor)
- A David Attfield
- * David Beaman
- * Carole Cockburn
- * Pat Frost
- A Carlo Genziani
- A Jill Hargreaves
- * Sam Hollins-Owen
- * Graham Parlett
- * Dr Jessica Parry
- A Julia Potts
- A Jennifer O'Grady
- A Stephen O'Grady
- A Susan Redfern
- * Jeremy Ricketts
- A Roger Steel
- * John Ward

- * Present
- A Apologies for absence

Officers Present:

Iain Lynch (Town Clerk)
Russell Reeve (Team Leader, Corporate Governance)

Presentation by Colin Giddings, Senior Environmental Health Officer, Waverley Borough Council

Mr Giddings gave an overview of the Defra-funded Air Quality project being undertaken by Waverley Borough Council which was a study of Farnham matters in Waverley's Air Quality Action Plan. He pointed out that in some areas Waverley was the lead authority and in others it was Surrey County Council (e.g. transport matters). The project was in two stages, the first to assess the data and the second to consider how to address the issues highlighted. There was a small steering group including representatives of Surrey highways and the Primary Care Trust.

Mr Giddings explained that as part of the survey, traffic assessments had been undertaken using number-plate recognition cameras to identify the type of vehicle and its journey pattern through Farnham. A separate car park survey was also being undertaken. It has been agreed that the issues raised by the study would be incorporated into the Surrey Transport Strategy.

Mr Giddings referred to two additional grant requests that had been submitted. One was to assess health impacts of the air quality and was submitted in association with Dr Baker of the health authority. The second was the outline bid in association with Farnham Town Council which was about behavioural change (rather than engineered solutions). If the outline bid is successful Waverley would work with Farnham in developing a detailed submission.

Cllr Ricketts thanked Colin Giddings for the update. He believed people wanted a lovely town to live in and work in and air quality was an important factor.

Cllr Parry asked when the results would be available and in response Mr Giddings said it was hoped they would be available in September.

Mrs Celia Sandars said she was very grateful to Colin Giddings and his staff who had always been very helpful. She asked whether having a freight diversionary route was part of the Strategy and Mr Giddings confirmed that it was not.

Mr Jerry Hyman was concerned that the Defra project was just fiddling at the edges and he was concerned about the impact of the proposal of Crest Nicholson to increase the pedestrian flows at the Royal Deer junction which would have the inevitable effect of increase pollution and emissions. He asked if the paramics modelling could be made available. Mr Giddings said that any comments from environmental health on the latest planning application would include scrutiny by the Air Quality Officer.

Presentation by Students of UCA Farnham. Sara Evans and Roxanne Ibbotson showed a short video which had been made by a group of five students from the University for the Creative Arts Farnham as part of Farnham's bid for a Portas Award. Members commended the students for the excellent work.

Questions by the Public

- i) Mrs Celia Sandars understood that at extraordinary Council Meeting held at Waverley on 8th May, an agreement was reached on discussing East Street matters with Farnham

Town Council. She asked if the meeting had yet taken place. Cllr Ward responded to say that there had been difficulties in getting a mutually convenient date and that the meeting had not yet taken place.

- ii) Mr Jerry Hyman asked how much Defra grant had been paid to Waverley Borough Council for the Air Quality project. As the detailed figure was not available, it was agreed to supply the figure to Mr Hyman after the meeting.
- iii) Mr John Spackman advised councillors of the sad death of Ralph Anwar, who had been an active member of the community and had stood for election as a labour party candidate at several elections. His family wanted advice in installing a bench in his memory. The Town Clerk said the Council would be pleased to provide advice if the family could contact the Town Council.

C016/12 Apologies

Apologies were received from Councillors D Attfield, C Genziani, J Hargreaves, J O'Grady, S O'Grady, J Potts, S Redfern and R Steel.

C017/12 Minutes

The Minutes of the Farnham Town Council meeting held on Thursday 10th May 2012 were agreed.

C018/12 Disclosures of Interests

- i) Cllr Pat Frost declared a personal and prejudicial interest in relation to Item 6 (i) (item 3) and 6 ii (item 11) as a member of Surrey County Council who were sponsors; a personal in relation to Item 6 (i -item 4) and 6 (ii - item 7) as a member of Surrey County Council and a prejudicial interest in (i -item 4) and 6 (ii - item 7) as her company BBS were sponsors; a personal interest in relation to Item 6 (ii item 4) as Chairman of the Chantry's Community Association; a personal interest in relation to Item 6 (iv item 9) as a member of Waverley Borough Council; a personal interest in relation to Item 6 (iv items 15) as Chairman of the Surrey County Council Farnham Traffic Task Group); a personal interest in relation to Item 6 (iv items 13 and 14).

C019/12 Statements by the Public

- i) Mr Stephen Cochrane made a statement about the Brighwells (East Street) development. Councillors had asked for air quality, traffic and parking to be addressed before further development; councillors have raised concerns over a new 'town centre' being created; councillors have worried about the viability of the scheme and whether the area will become a buy-to-let ghetto as predicted by a leading estate agent. Mr Cochrane said councillors are beginning to understand the problems of access and cost of providing services but asked whether anyone had considered the loss of car parking revenues from Dogflud Way which would probably be greater than the net income from other sources. Under the contract, either party could walk away after the long-stop date bearing only their own costs but Waverley has provided scant answers to detailed questions in relation to these matters following Freedom of Information requests.

Mr Cochrane said Waverley was a council that has effectively admitted it does not understand its contractual position with its own development partner and asked councillors to pursue a review of the scheme and object to the current application and seek a more appropriate solution.

C020/12

Mayor's Announcements

- i) The Mayor announced that he had had a very busy time since being elected as Mayor and was about to attend his 50th event as Mayor.
- ii) The Mayor highlighted a number of memorable events that had taken place so far including the Civic Service; the visit of friends from Andernach culminating in the Civic Reception at Farnham Castle for the signing of the 20th anniversary of the signing of the Deed of Friendship; the unveiling of the Jubilee Fountain in Gostrey Meadow celebrating the Diamond Jubilee of Queen Elizabeth II; the lunch for Councillors hosted by Sir Ray Tindle CBE DL of Tindle Newspapers; the Beating of the Retreat hosted by the Princess of Wales's Royal Regiment and the launch of the *Farnham Flyer* the latest Sailability boat at Frensham bought with a contribution from Farnham Town Council.
- iii) The Mayor had been pleased to host a civic reception to mark the achievements of athletes and torchbearers from Farnham ahead of the Olympic and Paralympic Games and also launch the Farnham Community Games.
- iv) The Mayor had been pleased to support the exchange between Weydon School and Dwabor in Ghana and meet with the teachers who were visiting Farnham.

WORKING GROUP NOTES

Tourism and Events Working Group

C021/12

Cllr Beaman introduced the notes of the Tourism and Events Working Group held on 15th May. He said the Working Group had had a racing start to the year with the success of the Jubilee weekend and the members were looking forward to the programme of events for Music in the Meadow.

The new Farnham Guide had been produced, paid for by advertising, and was an excellent publication. The Working Group had a heavy workload and was already planning for the Food Festival and Christmas.

Cllr Beaman paid tribute to the staff for their contribution and in particular Eleanor Bradfield.

Community Enhancement Working Group

C022/12

Cllr Frost introduced the notes of the Community Enhancement Working Group held on 30th and 27th June 2012.

The work of the Community Group, and in particular Martin Billett, in taking FIB forward was commended. Members noted the dates for the judging of Farnham in Bloom for 2012 (16th July for the Town Centre and 18th July for the Larger Town category). Cllr Frost encouraged Members to be available to litter pick and meet judges on the days of the visits and also to help with painting railings in the town on 9th July at 6.45pm.

Members noted the success in meeting the sponsorship target for the year but efforts were continuing.

Cllr Frost reported on the progress on the Jubilee Wharf plans at the Maltings and advised members that there were some further developments since the Working Group meeting with potential additional funding from the Farnham Institute and the Maltings for a specially commissioned piece of craft work instead of the benches proposed.

Cemeteries and Appeals Working Group

C023/12 Cllr Cockburn introduced the notes of the Cemeteries and Appeals Working Group held on 31st May. She highlighted the positive meeting with Stonemasons and undertakers and that the nature conservation work with Frances Halstead was ongoing.

Members noted the progress being made on proposals for the Cemetery Chapels and that there seemed to be some positive proposals to move forward. A further report would be brought to Council in due course.

C024/12 The amended Cemetery Regulations attached at Annex 1 to the Minutes of 31st May were discussed. Cllr Beaman asked for clarification about dogs in cemeteries. Cllr Cockburn said that dogs do mess up graves and they should not be in the cemeteries if it can be avoided.

RESOLVED to:

adopt the revised Regulations for the Management of Farnham Town Council's Cemeteries.

Strategy & Finance Working Group

C025/12 Cllr Ward introduced the notes of the Strategy and Finance Working Group held on 18th June.

Members noted that Cllr Ward had been elected as Lead Member of Strategy and Finance and consequently as Spokesperson for the Council for 2012/13. Members also noted the reappointment of the Infrastructure Planning Task Group and the Offices Working Group.

C026/12 Members noted the progress being made on the new financial system and discussed the proposal to contract a management accountant with experience of RBS and local councils to assist with month-end and year-end processes. Positive references had been received from Alton and Sandhurst Town Councils for the appointment of Claire Connell and it was

RESOLVED to

Contract with Claire Connell for management accountant services with costs met from the professional services budget.

C027/12 Cllr Ward said that the HR Panel had overlapping membership with the Strategy and Finance Working Group. A report would be prepared for the September meeting to review the way forward and some changes may be required to ensure sufficient councillors were available for different stages of any appeal process. It was proposed in the interim that the HR Panel should have the ability to co-opt two additional members with full voting rights if required. It was

RESOLVED that:

the HR panel co-opt two additional members if required.

C028/12 The Town Clerk reported on discussions with Waverley on community assets and in particular an invitation for the Town Council to manage the Memorial Hall. Members agreed that a wider conversation should take place. Cllr Ward advised members that a date for discussions with Waverley Borough Council concerning the East Street Development still needs to be agreed. It was

RESOLVED that:

the Town Clerk should arrange for further discussions with Waverley Borough Council on the Memorial Hall and other sites identified as being local community assets.

C029/12 Cllr Cockburn provided an update on the work of the Infrastructure Planning group. There had been a pause in the work on the Neighbourhood Plan whilst comments came in from the public on the early draft document.

The council had prepared in a very short timescale a bid for support from the Portas Review Scheme. The focus was on Farnham as a distinctive craft town, and support had been provided from a number of quarters. The UCA students had done an excellent professional job and Cllr Cockburn was thrilled about the video they had prepared. She proposed that the Council make a small gift of vouchers to the five students. It was

RESOLVED that :

- 1) the application for a Mary Portas Award be agreed for submission;**
- 2) gift vouchers be bought to thank the students for the work on the video.**

C030/12 Cllr Frost said that there were normally notes of Panels and Working Groups and asked whether notes could be circulated. The Town Clerk said that task groups created by working groups had tended to be more informal and he was concerned about the staffing requirement if formal notes were required.

It was agreed to refer the matter to the Strategy and Finance Working group for consideration.

C031/12 Cllr Ricketts asked that Revd Andrew Tuck be thanked for inaugurating prayers. He felt energised by the arrangement.

Year End Accounts 2012/13

C032/12

The Town Clerk introduced the series of appendices attached to the Agenda relating to the 2011/12 Accounts. .

The Strategy and Finance Working Group had given detailed consideration to the papers which had been circulated to all councillors. They had considered the variances in the comparison papers (actual against budget). Members noted that the Outturn for the year was £22,770.08 which has been transferred to balances. This was accounted for by reduced expenditure such as of management of vacancies and contract savings; and additional income from events and higher than expected cemetery income in the last quarter. Members had also reviewed the Asset Register, the Council's general and earmarked reserves and the Intermediate Audit Questionnaire.

Cllr Beaman asked for clarification on the valuation of assets. The Town Clerk confirmed that the asset valuations were undertaken in accordance with the requirements set out by the auditors.

The Mayor said that the accounts were a good result for the Council. There was a good system in place and he thanked Russell Reeve for the work he had put in and wished him well as he moved to a new Council.

The documents prepared for the External Auditor were agreed. It was **RESOLVED to:**

- 1) **Agree the financial outturn as set out in the Report and Statement of Accounts at Appendix G;**
- 2) **Agree the Trial Balance for 2011/12 at Appendix H;**
- 3) **Accept the Internal Auditor's report for the year ended 31st March 2012 at Appendix I and agree the Council's response to the issues raised therein at Appendix J.**
- 4) **Agree the earmarked reserves at 31st March 2012.**
- 5) **Approve the Annual Governance Statements as set out at Appendix K; and**
- 6) **Approve, for the Mayor's signature, the Annual Return, and notes on the accounts for the year ended 31st March 2012.**

Planning Consultative Group

C033/012

Cllr Blagden introduced the minutes of the Planning Consultative Group held on 17th May 2012, 31st May 2012, and 21st June 2012. He advised that there was concern over quarrying activities and that there seemed to be no control by Surrey County Council over the quarry and associated activities.

Cllr Blagden advised that new applications had been received for the East Street area and that the Consultative Group felt that these should receive the observations of Full Council before the Council's views were submitted to Waverley Borough Council. Cllr Genziani had said there were a number of areas that should be reviewed and had suggested that some advisors be invited to address the council prior to a decision being made. It was suggested that the Planning Consultative Group consider these applications at a meeting to which all councillors were invited and that the recommendation of the Planning Consultative Group would then be agreed at a Special Meeting of Council. It was

RESOLVED that:

- 1) the initial comments of Council should be referred back to the Planning Consultative Group on 5th July for consideration;
- 2) a special meeting of Council should be held on Thursday July 12th to finalise the Council's response on the East Street applications.

Cllr Beaman noted that there had been two applications for a change of use from business to residential. He was concerned by the worrying trend that seemed to be developing. Cllr Cockburn noted that the Waverley policy had been to support the retention of employment land but that the new National Planning Framework was not so supportive.

C034/12

Reports from Other Councils

- i) Cllr Frost reported that:
 1. the Leader of Surrey County Council had approved more funding for road improvements in the Waverley area;
 2. the rebuild of Potters Gate School would take 15 months and involve Potters Gate becoming one way;
 3. Surrey has a Community Infrastructure Fund which is supporting two groups in Farnham, and the next round is open for further bids.
- ii) Cllr Beaman noted that Surrey County Council had concluded its bus review and that Farnham seemed to have survived this round which was a positive result. Cllr Frost thanked Cllr Beaman for the contribution he had made.

C035/12

Reports from Outside Bodies

None.

Part 3 – Confidential Items

RESOLVED to exclude members of the public and press from the meeting at Part 3, Item 13 of the agenda in view of the confidential items under discussion

Staffing Matters Update

C036/12

Members received an update on staffing matters.

C/037/12

Members agreed i) that additional training would be arranged for councillors on the new Code of Conduct and declarations of interests, and on the Council's role as a consultee in planning; ii) the Member/Officer working protocol should be revised; iii) an addendum to the minutes of the Annual Town Meeting

The Town Mayor closed the meeting at 9.28

Date

Chairman



FARNHAM TOWN COUNCIL

B

Report to Council

Time and date: 12th July 2012

Adoption of Power of General Competence

1. Local authorities, including town and parish councils, are creatures of statute and so can only do what they are allowed to do by statute. This means that before undertaking any activity, members must be satisfied that the town council has the power under some statute to undertake the activity. Town and Parish councils have many specific powers, for example to provide open spaces and recreational facilities, and there is also the general power in section 137 Local Government Act 1972 to spend up to a certain limit for 'purposes not otherwise authorised'.
2. Since 2007 parish councils satisfying certain conditions have also had a 'power to promote wellbeing'.
3. Despite the wide range of powers local authorities are always at risk of being challenged, especially if they undertake unusual activity. In the Localism Act 2011, the Government included a 'general power of competence' with the intention that local authorities would no longer have to identify a specific power, and that the risk of challenge would be further reduced.
4. The general power of competence is the 'power to do anything that individuals generally may do'. It is specifically stated that this includes things that are unlike anything else the local authority does, or unlike anything that other public bodies do. The authority can use the general power of competence inside or outside the town/parish area and it need not show that the action benefits the authority or its area or its residents. There is no limit on expenditure under the general power of competence. The general power of competence has replaced the power of well-being, which is no longer available to local authorities in England.
5. The only real limitation is that the general power of competence cannot be used to get round a restriction or limitation in an existing specific power – they will still remain. The general power cannot be used, for example, to pay allowances to members because there is already specific legislation restricting what allowances may be paid. The general power cannot be used where the primary purpose of an activity is to raise money but it could be used to invest (subject to government guidance) in a company or a co-operative society where there may be an investment return. Governance requirements and other legislation (eg employment, health and safety etc) still apply.

6. The Government has not given any guidance on what sort of activities might be undertaken under the general power but some examples could be:
 - Running a community shop or post office;
 - Investing in a local co-operative society;
 - Setting up a company to provide a service such as a bus service;
 - Cutting highways verges but this would need permission from the Highways Authority;
 - Providing a grant to an individual, e.g. an Olympic or Paralympic athlete.

7. As with the power of well-being the general power is available automatically to principal councils but only to 'eligible' parish councils. The conditions for eligibility are:
 - The parish council must pass a resolution stating that it is eligible to use the general power;
 - When the council passes the resolution at least two thirds of the membership of the council must have been elected (i.e. not co-opted);
 - The clerk must hold the Certificate in Local Council Administration (the recognised qualification for clerks) and must also pass the new 2012 CiLCA module on the use of the general power.

8. Eligibility lasts until the annual meeting of the council immediately after the next ordinary elections (i.e. in May 2015) but can be renewed at that meeting provided the conditions are still met. Parish councils which are eligible to use the general power are no longer need to keep a separate record of any section 137 expenditure.

9. Farnham Town Council satisfies all the conditions as:
 - All 18 councillors were elected at the last election;
 - The Clerk holds CiLCA;
 - The Clerk has passed the 2012 CiLCA module on the Power of General Competence

Recommendation:

It is recommended that the Council agree to adopt the general power of competence as a power of first resort and pass a resolution stating that it is eligible to use the general power of competence.



FARNHAM TOWN COUNCIL



Minutes

Planning Consultative Group
to which all Members of council were invited

Time and date

7.00pm on Thursday 5 July 2012

Place

Council Offices, South Street, Farnham

Planning Consultative Group

Members Present

Cllr C G Genziani
Cllr D Beaman
Cllr P Blagden
Cllr J Ricketts
Cllr R Steel

Other Members Present

Cllr C Cockburn
Cllr J Ward

Officers in attendance: Ginny Gordon, Iain Lynch, Philip James

NOTE: The comments and observations from Waverley Borough Councillors are preliminary ones prior to consideration at Borough Council level and are based on the evidence and representations to the Town Council.

1. Apologies for absence from Planning Consultative Group Members

Apologies for absence were received from Councillors S O'Grady and J Parry.

2. Apologies received from other Members

Apologies were received from Councillors D Attfield, P Frost, J Hargreaves, S Hill, S Hollins-Owen, J O'Grady, G Parlett, J Potts and S Redfern

3. Disclosure of Interests

Name of Councillor	Planning Application Number	Subject	Type of Interest	Reason
Cllr J Ward	WA/12/0911		Personal	Member of WBC planning
Cllr J Ward	WA/12/0912		Personal	Member of WBC planning
Cllr R Steel	WA/12/0911		Personal	WBC Councillor
Cllr R Steel	WA/12/0912		Personal	WBC Councillor

Applications Considered By The Planning Consultative Group On Thursday 5 July 2012

4. EAST STREET DEVELOPMENT, FARNHAM

These applications for consideration were referred from full Council

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 reinstatement works including re-siting of the proposed footbridge across the River Wey	LAND TO THE SOUTH OF EAST STREET, FARNHAM
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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
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4.1 Councillors 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 in Farnham for over thirty five years. Cllr Genziani had discussed the residential market in Farnham with five residential agents and provided an overview of the views received. The comments and recommendations of the Consultative Group are attached at Annex 1, with the comments from the external advisors attached at Annex 2.

4.2 **Recommendation**

At the meeting on Thursday 5 July 2012 and after discussion and consideration of the applications aided by presentations, by Jim Duffy, Architect and Geoff Reeve of Wadham and Isherwood, Chartered Surveyor **the Planning Consultative Group 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 at Annex 1 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

5. Applications On Thursday 5 July 2012

CA/2012/0064	Farnham Bourne	GREAT AUSTINS FARNHAM CONSERVATION AREA. 1x Conifer - fell.	3 GREENHILL ROAD, FARNHAM GU9 8JN
		Approved after consideration on 05.07.2012	
WA/2012/0949	Farnham Castle	Erection of pool house and construction of swimming pool following demolition of existing pool and outbuildings (revision of WA/2011/1517).	DIPPENHALL GRANGE, DIPPENHALL ROAD, FARNHAM GU10 5ED
		Approved after consideration on 05.07.2012	
WA/2012/0928	Farnham Shortheath and Boundstone	Erection of detached double garage.	PEAR TREE COTTAGE, GARDENERS HILL ROAD, FARNHAM GU10 4RL
		Approved after consideration on 05.07.2012	
TM/2012/0101	Farnham Bourne	Application for removal of trees subject to Tree Preservation Order 21/99.	60 BURNT HILL ROAD, FARNHAM GU10 3LN
		Approved after consideration on 05.07.2012	
CA/2012/0068	Farnham Bourne	GREAT AUSTINS FARNHAM CONSERVATION AREA. Works to trees.	10 MIDDLE AVENUE, FARNHAM GU9 8JL
		Approved after consideration on 05.07.2012	
CA/2012/0065	Farnham Bourne	OLD CHURCH LANE, FARNHAM CONSERVATION AREA. 1x Norway maple - reduce upper canopy by 2m.	10 VICARAGE LANE, FARNHAM GU9 8HN
		Approved after consideration on 05.07.2012	
WA/2012/0983	Farnham Hale and Heath End	Erection of single storey extension following demolition of existing conservatory.	17 OAST HOUSE CRESCENT, FARNHAM GU9 ONP
		Approved after consideration on 05.07.2012	

WA/2012/0969	Farnham Hale and Heath End	Certificate of Lawfulness under section 192 for erection of single storey rear and infill extensions.	OAK COTTAGE, 9 BROOKLANDS CLOSE, FARNHAM GU9 9BT
		Approved after consideration on 05.07.2012	
TM/2012/0096	Farnham Moor Park	Application for works to a tree subject of Tree Preservation Order 24/06.	ROWAN HOUSE, THE CLOSE, FARNHAM GU9 8D
		Approved after consideration on 05.07.2012	
WA/2012/1002	Farnham Moor Park	Erection of dwelling and detached garage and outbuilding following demolition of existing dwelling and garage.	4 THE CLOSE, FARNHAM GU9 8DR
	x	Approved after consideration on 05.07.2012	
TM/2012/0100	Farnham Moor Park	Application for works to tree subject of Tree Preservation Order 34/06.	HEADON COURT, THE CLOSE, FARNHAM
		Approved after consideration on 05.07.2012	
WA/2012/1009	Farnham Shortheath and Boundstone	Erection of a conservatory.	31 GREENHILL WAY, FARNHAM GU9 8SZ
		Approved after consideration on 05.07.2012	
TM/2012/0097	Farnham Upper Hale	Application for works to a tree subject of Tree Preservation Order 21/00.	23 HAMPTON ROAD, FARNHAM GU9 0DQ
		Approved after consideration on 05.07.2012	
NMA/2012/0082	Farnham Weybourne and Badshot Lea	Amendment to WA/2011/1393 to provide a glass door in west elevation and to replace 2 windows in south elevation with 2 french doors.	10 THE GREEN, BADSHOT LEA GU9 9LB
		Approved after consideration on 05.07.2012	
WA/2012/0922	Farnham Castle	Erection of extensions and alterations to bungalow to form a chalet bungalow.	1 THREE STILES ROAD, FARNHAM GU9 7DE
		Approved after consideration	

		on 05.07.2012	
WA/2012/0950	Farnham Castle	Listed Building Consent for erection of pool house and construction of swimming pool following demolition of existing pool and outbuildings (revision of WA/2011/1518).	DIPPENHALL GRANGE, DIPPENHALL ROAD, FARNHAM GU10 5ED
		Approved subject to the approval of the Listed Buildings Officer	
WA/2012/0927	Farnham Moor Park	Erection of first floor extension and alterations.	27 WESTBURY GARDENS, FARNHAM GU9 9RN
		Concerned about the possible adverse impact on the residential amenities of the neighbouring properties	
WA/2012/0939	Farnham Upper Hale	Erection of single storey and two storey extensions.	15 DERWENT CLOSE, FARNHAM GU9 0DD
		Approved after consideration on 05.07.2012	
PC/2012/0024	Farnham Wrecclesham and Rowledge	Consultation from a neighbouring authority for two storey side extension following demolition of utility room, single rear extension with first floor balcony following demolition of conservatory, dormer/ 3 roof lights to front, 6 roof lights to rear	TANGLEWOOD, CHURCH LANE, ROWLEDGE GU10 4EL
		No comment possible as no plans available to review.	
WA/2012/0943	Farnham Wrecclesham and Rowledge	Erection of detached dwelling together with alterations to existing car parking for use by Ashton Manor Nursing Home.	LAND ADJACENT TO 1 BRYN ROAD, WRECCLESHAM GU10 4PZ
		Concerned at the possible loss of parking due to the size of the lower grass area which would have to be used following loss of present car park.	

WA/2012/0984	Farnham Castle	Installation of 16 solar panels.	DIPPENHALL GATE, DIPPENHALL ROAD, DIPPENHALL GU10 5DP
		Approved after consideration on 05.07.2012	
WA/2012/0999	Farnham Hale and Heath End	Erection of single storey extension (revision of WA/2012/0397).	14 HOPE LANE, FARNHAM GU9 0HZ
		Approved after consideration on 05.07.2012	
WA/2012/0991	Farnham Wrecclesham and Rowledge	Erection of two storey extension together with alterations and conversion of existing habitable space into garage following demolition of existing porch (revision of WA/2012/0234).	42 GARDENERS HILL ROAD, FRENHAM GU10 3AL
		Approved after consideration on 05.07.2012	

The meeting closed at 10.10pm



Annex I

FARNHAM TOWN COUNCIL

Report

Planning Consultative Group

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)

Recommendation

At the meeting on Thursday 5 July 2012 and after discussion and consideration of the applications aided by presentations, by Jim Duffy, Architect and Geoff Reeve of Wadham and Isherwood, Chartered Surveyor **the Planning Consultative Group 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 from full Council to 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 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 The Planning Consultative Group 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, the Planning Consultative Group 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. The Planning consultative Group 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 The Planning Consultative Group 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.

- 4.2 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.
- 4.3 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 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.