

13 January 2015

**Planning Applications Committee
Update**

Item No.	App no. and site address	Report Recommendation
4 Page 11	15/0849 Frimhurst Farm	Refuse

UPDATE

Further response from Applicant to Committee Report

Following the Committee report, the applicant has submitted an 8 page response to that report. The matters raised are addressed in turn below:

- Policy CP1 - The applicant asserts that the development is in accordance with Policy CP1 because it utilises an existing developed site.

Officer comment: As stated in the report, the only areas that are under question are the D5-7 and E areas shown on the Enforcement notice which are those areas that extend beyond the original pig farm buildings and are considered as encroachment into the countryside.

- Policy CP2 - The applicant asserts that the development is also in accordance with this policy because it seeks to promote economic growth and there has been no land clearance to provide the area for the industrial centre.

Officer comment: The Council does not dispute that the site contributes towards the economy, however, some of the land was originally open and now is covered by containers and other structures, and the development has not just utilised existing buildings and structures. As such there has been encroachment into the countryside and the development therefore does not respect and enhance the quality of the natural environment contrary to CP2 (iv).

- Policy DM1 – The applicant asserts that this policy also supports the application because the site utilises the existing land and buildings for the new operations.

Officer comment: As stated in the report, and shown by aerial photos which will be in the presentation, the area of the site covered by buildings has significantly increased from when it was a pig farm. So while some buildings have been re-used, which is the only part of the site supported by the above policy, others have been added though many of these are now lawful through the passage of time. While the applicant asserts that only the pig farm area has been utilised, much of the pig farm was open land. The D5-7 and E areas represent further encroachment and the Council considers that a line has to be drawn.

- Policy DM9 - The applicant has felled a significant number of trees since the submission of the previous application so now asserts that it is in accordance with this policy as no trees need to be felled.

Officer comment: It is not considered that the planting would compensate for the loss of the mature trees as stated in paragraph 7.3.13 and despite the loss of trees, the urbanising effect of the new road is not considered to be in accordance with Policy DM9.

- Policies CP8 and DM13 – The applicant argues that no consideration has been given to these policies which have most significance given the level of employment and income generation.

Officer comment: The economic contribution of the site is discussed in paragraph 7.3.6 and 7.3.7 and Policy DM1 is a relevant economic policy which considers the rural economy. While Policy CP8 states that the Council will make provision for new jobs, and that on other employment sites outside Core Employment Areas, redevelopment to provide small flexible B1 units will be promoted; with the exception of two units that have a Certificate of Lawful Use, the site is not a lawful employment site, hence these policies not being discussed in the report however the refusal reason does not say they are contrary to these policies either. As stated in paragraph 7.3.7 the retention of Class B uses in the historic core of the site is likely to be acceptable, however the D5-7 and E areas do not constitute redevelopment of existing employment areas and as such are not supported by this policy. Again Policy DM13 was not discussed as the site is not lawfully in “employment use” and while it may support the historic core of the site being utilised as employment space, the D5-7 and E areas particularly are not supported by this policy as they do not form part of the historic core and buildings of the site.

- NPPF - The applicant argues that very little regard has been had to the NPPF

Officer comment: While the NPPF supports economic growth, including growth in rural areas this is addressed by Policy DM1 as set out in paragraph 7.3.3 of the report. The NPPF also supports conserving and enhancing the natural environment and recognising the intrinsic character of the countryside, and using brownfield land as set out in paragraph 7.3.1 and in this case the harm to the countryside by the continuing encroachment into the open space is not considered to be outweighed by the economic arguments, especially given that the only areas in question are the D5-7 and E areas and as such these do not contribute a significant amount to the site overall.

- Landscaping Scheme - The applicant states that there was no recognition of the landscaping scheme

Officer comment: This is set out in paragraph 7.3.13 and the Tree Officer concluded that the proposals do not go far enough to compensate for the loss of trees and a more comprehensive landscaping scheme would be required. It is clear in paragraph 7.3.14 that this has been taken into account however it was still considered that the new road would be too urbanising.

- Enforcement notice – The applicant states that the enforcement notice should not have been served given that a planning application had been submitted the previous week.

Officer comment: the previous application was refused on 18th November 2014 and as such the applicant had a significant amount of time to resubmit the application. Therefore serving the enforcement notices in October 2015 is not considered to be unreasonable. In any case the applicant was given six months to comply with these so still would have plenty of time to comply with these if the application was refused.

- E1-E4 compounds - The applicant argues that the officer has failed to take into account the evidence submitted for the E1-E4 compounds which shows these areas as lawful

Officer comment: See paragraph 7.3.10 of the report. While the applicant has submitted further evidence during the course of the application which amounts to invoices from the management company to various tenants, it was previously found in 2012 when information was submitted as a response to an Planning Contravention Notice at that time that the use of the E areas had been sporadic, and from the aerial photos it shows that use of these areas has intensified in the last few years. As such these invoices

alone is only one layer of evidence and are not considered to constitute enough evidence that the Council can be sure that they have been in continuous use for the last 10 years and, moreover, a Certificate of Existing Lawful Use would be the way to address this so the use can be fully investigated.

The purpose of this planning application is to consider the merits of the proposal; it is not a Certificate of Existing Lawful Use application which is different in that it looks at evidence only. The applicant was advised to submit a certificate to deal with the E areas separately but declined to do this.

- Boundaries – The applicant asserts that the industrial centre, including the expanded elements, have only ever utilised the areas previously used for the pig farm.

Officer comment: It is clear from aerial photos that although the site was a pig farm, part of that constituted hardstanding and buildings and part open fields. Much of these open fields are now covered with buildings/containers and other structures, as shown on the aerial photos as part of the presentation, and as such there has clearly been encroachment onto open land whether part of the original pig farm or not. There is still open land to the west of the site that is owned by the applicant and as such could be utilised in the future so a line has to be drawn.

- Access - The applicant argues that unlike the appeal decision the existing access would now be closed and is not as long as the original access road to the cottages

Officer comment: See paragraphs 7.3.11 – 7.3.16 of the report. While the new access does not extend as far as that refused under the Appeal, and the existing access is proposed to be closed and replanted, it is still considered that the access would have an intrusive and urbanising effect as discussed in the above paragraphs. The 2014 refusal also proposed closure of the existing access.

- Harm to the countryside - The applicant questions what actual harm there is to the countryside and states it has not been presented in the report.

Officer comment: The harm to the countryside is the incremental loss of open and undeveloped land as made clear at paragraph 7.3.7, in the reason for refusal and Paragraph 17 of the NPPF which states the countryside should be protected for its intrinsic beauty and character.

Response from Economic Development Officer

A response has been received since the report from Kevin Cantlon, who is the Council's Economic Development Officer. This reiterates the numbers of businesses on the site and states that businesses on the site that he spoke to said they were attracted by the low rents and would be unlikely to afford rents on other, more developed sites. It also states that the site under the Enforcement notice is occupied by 8 businesses (out of 42 total), comprising 33 employees (out of total 239).

Officer comment: Following this response, the applicant was asked whether all these employees are directly employed on the site, to which the following response was received:

"I can confirm that all the tenants you are referring to all use the site as their primary work base and all of the employees we listed on the spreadsheets were all full time employees of each business. Many of the compound tenants base themselves on site but due to the nature of their work, tree surgery, water way contractors, haulage companies etc their employees are often out on site elsewhere. However 95% of the time they will all start and finish work from the site. This of course means that during normal working hours the site is on average not too busy and normally fairly quiet. Please note that some of the compound tenants may have registered offices elsewhere, however the place of work will be Frimhurst Farm Industrial Centre."

When officers visited the site there was rarely anyone witnessed in the D or E compounds.

Further information from Local Resident

There has also been further information submitted from a local resident which has been distributed to Members. This comprises copies of the petition, e-petition and a document highlighting the availability of units in local industrial centres.

Correction

There are a few typos in the report where it says Policy CPA – this should say CP1

5 Page 29	15/0166 Land between 4 and 5 School Lane	Approve
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UPDATE

A member site visit took place on the 7th January 2016 and the following Councillors attended and therefore are entitled to vote.

Cllr Sturt, Cllr Perry, Cllr Brooks, Cllr Chambers, Cllr Gandhum, Cllr Sams, Cllr Allen, Cllr Wheeler, Cllr Jennings-Evans, Cllr Hawkins, Cllr Dougan and Cllr Malcaus-Cooper.

The site visit was also attended by a representative of the County Highways Authority. Some questions were put to the Highways Officer who has proved a formal response which is attached to this update.

6 Page 45	15/0641 The Mytchett Centre	Refuse
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UPDATE

Application withdrawn

7 Page 55	14/1136 125 Frimley Road	Approve
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UPDATE

Correction to the committee report – the application site abuts the ‘lanes’ character designation and not Edwardian / Victorian subdivisions – section 7 of the committee report refers.

The WUCA SPD advises that the development pressure on the lanes character area is that of unsympathetic development resulting in the loss of landscaping, period features and buildings of historic character. To mitigate this harm the SPD seeks to ensure that new development does not exceed 2 storey height, has a pitched roof form and that the elevations facing the lane is of high quality. Furthermore particular regard must be had to building scale, detailing and materials.

The development has not resulted in the loss of any buildings of historic merit, nor have any landscape features of merit been removed. The committee report acknowledges that the development as it stands is not appropriate; however officers remain of the opinion that the removal of the dormer window will sufficiently reduce the scale of the building. In addition it is accepted practice to impose planning conditions requiring agreement on the materials to be used in a development. It is therefore considered the application is, subject to the conditions set out in the report, acceptable and permission should be granted.

4 further objections have been received, in the main these reiterate previous concerns; however a further concern regarding a reduction in parking is made. While this is noted it remains that parking for the flats at 125 Frimley Road is retained and there has been no objection to the proposal from the Highways Team.

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