

To: All Members and Substitute Members of
the Joint Planning Committee
(Other Members for Information)

When calling please ask for:
Ema Dearsley, Democratic Services Officer

Policy and Governance

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Calls may be recorded for training or monitoring

Date: 10 June 2016

Membership of the Joint Planning Committee

Cllr Peter Isherwood (Chairman)
Cllr Maurice Byham (Vice
Chairman)
Cllr Brian Adams
Cllr Mike Band
Cllr Carole Cockburn
Cllr Kevin Deanus
Cllr Brian Ellis
Cllr David Else
Cllr Mary Forsyszewski
Cllr Pat Frost
Cllr John Gray
Cllr Christiaan Hesse

Cllr Stephen Hill
Cllr Nicholas Holder
Cllr David Hunter
Cllr Anna James
Cllr Andy MacLeod
Cllr Stephen Mulliner
Cllr Jeanette Stennett
Cllr Stewart Stennett
Cllr Chris Storey
Cllr Nick Williams
Cllr John Williamson

Substitutes

Appropriate substitutes will be arranged prior to the meeting.

Dear Councillor

A meeting of the JOINT PLANNING COMMITTEE will be held as follows:

DATE: WEDNESDAY, 22 JUNE 2016

TIME: 7.00 PM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the Meeting is set out below.

Yours sincerely

ROBIN TAYLOR
Head of Policy and Governance

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Please note that spaces for the public in the Council Chamber are limited but their will be an opportunity to view proceedings via a live video link in an overflow room.

NOTES FOR MEMBERS

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc. in advance of the meeting with the appropriate officer.

AGENDA

1. **MINUTES**

To confirm the Minutes of the Meeting held on 1 June 2016 (to be laid on the table half an hour before the meeting).

2. **APOLOGIES FOR ABSENCE AND DECLARATIONS OF SUBSTITUTES**

To receive apologies for absence.

Where a Member of the Committee is unable to attend a meeting, a substitute Member from the same Area Planning Committee may attend, speak and vote in their place for that meeting.

3. **DECLARATIONS OF INTERESTS**

To receive from Members declarations of interests in relation to any items included on the Agenda for this meeting in accordance with the Waverley Code of Local Government Conduct.

4. QUESTIONS BY MEMBERS OF THE PUBLIC

The Chairman to respond to any questions received from members of the public of which notice has been given in accordance with Procedure Rule 10.

5. APPLICATIONS FOR PLANNING PERMISSION

5.1 A1 - WA/2016/0268 - LAND AT EAST STREET, FARNHAM (Pages 5 - 102)

Proposal

Application under Section 73 for the variation of Condition 3 (Plans) and Condition 61 (Sustainability Statement) and removal of Condition 60, (Combined Heat and Power Scheme) of WA/2012/0912 (East Street Redevelopment) to allow: 106 sq m increase in size of extension to Brightwell House, realignment of rear of Building D21, removal of Gostrey Centre community use from Building D20 resulting in space to be occupied by Use Class A1/A3 Retail/ Food and Drink, internal alterations and amendment to landscaping scheme; revision to heating strategy, omitting energy centre and changes to comply with current Building Regulation and other regulation requirements with subsequent revisions to Sustainability Statement; amendment to affordable housing provision to provide 100% shared ownership flats. This application is accompanied by an Addendum to the Environmental Statement (as amplified by emails and plans received 21/03/2016 and 01/06/2016 in relation to flood risk and as amended by email and viability information received 06/05/2016 in relation to the proposed affordable housing mix) at Land At East Street, Farnham

Recommendation

Recommendation A:

That, having regard to the environmental information contained in the application, the accompanying Environmental Statement and responses to it, together with mitigation of environmental effects, and subject to the consideration of the views of the infrastructure providers and any further representations by 17/06/2016, the completion of an amendment to the original legal agreement by 22/08/2016 and conditions, permission be GRANTED

Recommendation B:

That, if the requirements of Recommendation A are not met, permission be REFUSED

5.2 A2 - WA/2016/0456 - LAND AT EAST STREET FARNHAM (Pages 103 - 140)

Proposal

Application under Section 19 (Listed Building Consent) to vary Condition 6 of WA/2014/1926 (approved plan numbers) to allow a variation to the extensions and alterations permitted at Brightwells House, Brightwells Road, Farnham GU9 7SB

Recommendation

That, subject to conditions 1 to 6 as set out on the Report, Listed Building Consent be GRANTED

6. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman (if necessary):-

Recommendation

That pursuant to Procedure Rule 20, and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it is likely, in view of the nature of the business transacted or the nature of the proceedings, that if members of the public were present during the item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified at the meeting in the revised Part 1 of Schedule 12A to the Local Government Act 1972.

7. LEGAL ADVICE

To consider any legal advice relating to any application in the agenda.

**For further information or assistance, please telephone
Ema Dearsley, Democratic Services Officer, on 01483 523224 or by
email at ema.dearsley@waverley.gov.uk**

Agenda Item 5.1

WA/2016/0268
Crest Nicholson Regeneration Ltd &
Sainsbury's Supermarket
04/02/2016

Application under Section 73 for the variation of Condition 3 (Plans) and Condition 61 (Sustainability Statement) and removal of Condition 60, (Combined Heat and Power Scheme) of WA/2012/0912 (East Street Redevelopment) to allow: 106 sq m increase in size of extension to Brightwell House, realignment of rear of Building D21, removal of Gostrey Centre community use from Building D20 resulting in space to be occupied by Use Class A1/A3 Retail/ Food and Drink, internal alterations and amendment to landscaping scheme; revision to heating strategy, omitting energy centre and changes to comply with current Building Regulation and other regulation requirements with subsequent revisions to Sustainability Statement; amendment to affordable housing provision to provide 100% shared ownership flats. This application is accompanied by an Addendum to the Environmental Statement (as amplified by emails and plans received 21/03/2016 and 01/06/2016 in relation to flood risk and as amended by email and viability information received 06/05/2016 in relation to the proposed affordable housing mix) at Land At East Street, Farnham

Committee:
Meeting Date:

Joint Planning
22/06/2016

Public Notice:
Grid Reference:

Was Public Notice required and posted: Yes
E: 484270 N: 146934

Town:
Ward:
Case Officer:
16 Week Expiry Date:
Neighbour Notification Expiry Date:
Neighbour Notification Amended
Expiry Date:
Extended expiry date:

Farnham
Farnham Moor Park
Louise Yandell
25/05/2016
25/03/2016
17/06/2016
22/08/2016

RECOMMENDATION A

That, having regard to the environmental information contained in the application, the accompanying Environmental Statement and responses to it, together with mitigation of environmental effects, and subject to the consideration of the views of the infrastructure providers and any further representations by 17/06/2016, the completion of an amendment to the original legal agreement by 22/08/2016 and conditions, permission be GRANTED

RECOMMENDATION B

That, if the requirements of Recommendation A are not met permission be REFUSED

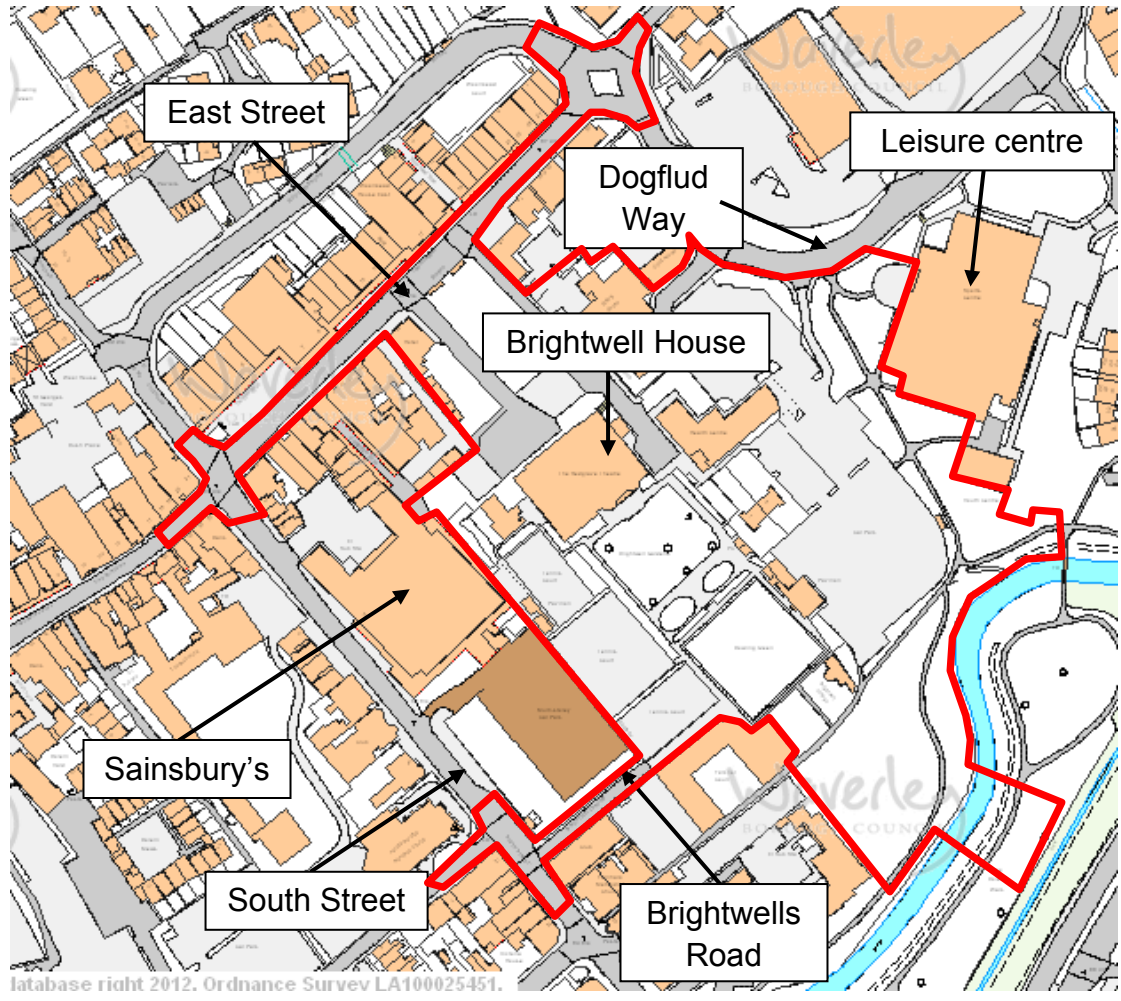
Introduction

This report concerns a proposal for minor material amendments to the planning permission for a major mixed use development of a site in Farnham Town Centre. For a number of years, the Council has regarded the East Street site as an area requiring regeneration.

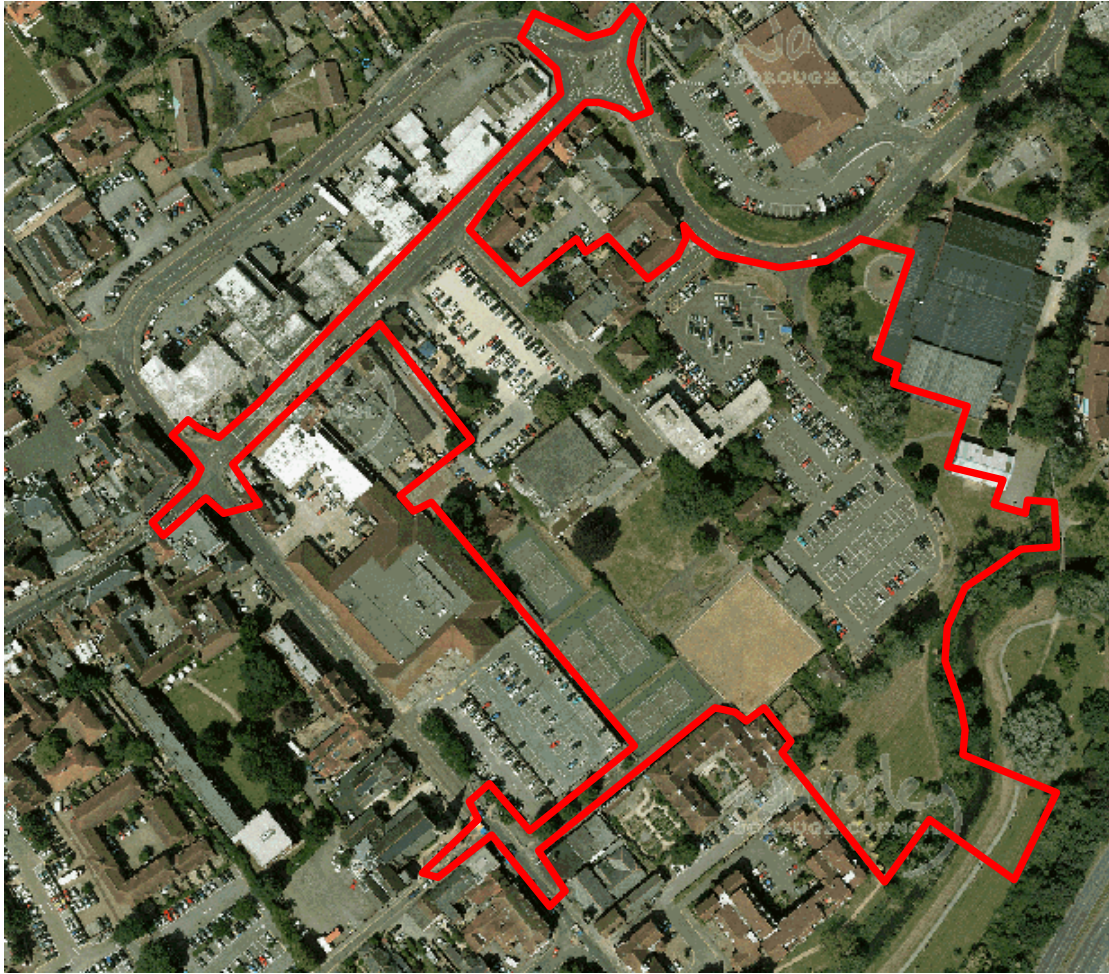
The application is one of a pair that relates to the redevelopment of land at East Street, Farnham. The second application is for Listed Building Consent under WA/2016/0456 and is reported as item A2 on the agenda.

This application has been brought before the Area Committee because the proposal does not fall within the Council's Scheme of Delegation.

Location or Layout Plan



Aerial Photograph of Site



Site Description

The application site extends to 3.95ha and contains a variety of buildings and land uses. Many of the buildings are vacant and boarded up and some have been demolished. Demolition has included the former Health Centre building, the bowling club building and bowling green.

The following describes the principal elements of the site and surrounding streets:

- The former Regal Cinema off East Street was a very substantial brick building constructed in the 1930s. It was demolished a number of years ago and is now used as a temporary car park.
- The two-storey Gostrey Centre is a functional 1960/70s building;
- Dogflud Car Park provides parking spaces for both the town centre and leisure centre.

- Brightwell House is a two-storey Grade II Listed Building to which was added the modern Redgrave Theatre in the 1970s. The buildings have been unused for a number of years and are boarded up.
- Brightwell Gardens and the former bowling green were originally part of the historic curtilage of Brightwell House. The former is a simple attractive green space to the south of Brightwell House.
- Four tennis courts and a clubroom located towards the western part of the site.
- Brightwell Cottage located towards the south-east of the site and is a Building of Local Merit (formally Locally Listed Building). This is an attractive single-storey dwelling built of random coursed chalkstone with brick quoins under a concrete tiled roof. It is in poor condition and is boarded up.
- The informal treed green space close to the River Wey which provides a backcloth to this part of the town.

The surrounding area is mixed in character. South Street is predominantly a one-way street and a principal route for traffic in the town centre. It has a variety of two and three storey buildings with the western side incorporating a number of older buildings all of which are in the Farnham Conservation Area. The Conservation Area includes nos. 2-8 on the east side of South Street and the Liberal Club and Methodist Church further down and alongside Brightwell Road. The spire of the United Reformed Church dominates the skyline of Farnham and is a key landmark. The junction between South Street and East Street has a number of small listed buildings. Sainsbury's is the largest single building and replaced buildings of a smaller stature. At the south end of the Street is the Methodist Church, which also has a tower and is a landmark feature in the area.

The wooded course of the River Wey lies on the southeast boundary of the site and is a major green space containing Borelli Walk, a recreational thoroughfare.

East Street is an historic route to and from the town centre. The south side comprises small-scale buildings of a variety of architectural styles and a number of buildings are either statutory Listed Buildings or Buildings of Local Merit (formerly known as Locally Listed Buildings). The south side and western end is also within the Conservation Area but that stops just short of the Marlborough Head public house. Land east of the pub is the cleared site of the former cinema.

The street as a whole is dominated by the Woolmead Centre on its northern side. This was constructed in the 1960s and is a two/three/four storey building containing retail uses at ground level with offices above. East Street is a one-

way street from east to west and has a number of mature trees at its eastern end.

Dogflud Way provides a principal vehicular access into the town from the east. It is characterised by larger building blocks compared with the historic core of the town.

On the corner of East Street and Dogflud Way is a two/three storey courtyard development of offices and residential apartments. That development reinforces the lines of the street and keeps car parking internally within the courtyard.

To the east of the site is Farnham Leisure Centre with swimming pool and sports facilities. To the east are other leisure facilities including the skateboard park and a youth centre building.

Brightwells Road provides vehicular access to Sainsbury's car park as well as cycle and pedestrian access to the Tennis Club, the former bowls club and the site in general. Faulkner Court and Home Park House on the southeast side provide accommodation for the elderly in two and three storey buildings. Adjacent to Faulkner Court is the very attractive Victoria Garden, behind an arched brick wall by the architect Faulkner.

The building occupied by the Farnham Town Council, designed by Lutyens, is within the Conservation Area facing South Street.

In terms of land and building use there is a broad mix of uses found within the vicinity of East Street, including shops, pubs/restaurant/cafe, commercial, community, leisure and residential uses. The retail uses on East Street and South Street, with the exception of Sainsbury's, are generally of a secondary and tertiary nature although they lie within the central shopping area.

Proposal

The application seeks minor material amendments to the planning permission granted under WA/2012/0912 for a mixed use development of the site. this permission is extant and was implemented by a start of work on site in 2015.

Permission currently is sought under Section 73 of the Town and Country Planning Act 1990 (as amended) for the variation of Condition 3 (Plans) and Condition 61 (Sustainability Statement) and removal of Condition 60, (Combined Heat and Power Scheme) of WA/2012/0912 for Mixed-use redevelopment comprising: 9,814 sq m of retail, restaurant and cafe-bar accommodation (Use Classes A1, A3 & A4, including the change of use of Brightwell House and

Marlborough Head); 239 residential units (Class C3); a multi-screen cinema (Class D2); multi-storey, surface and basement car parks providing a total of 426 spaces; associated highway and access works; provision of infrastructure and landscaping; replacement facility for the existing 'Gostrey Centre'; demolition and clearance of the site.

In varying the above conditions, this application seeks minor material amendments as follows:

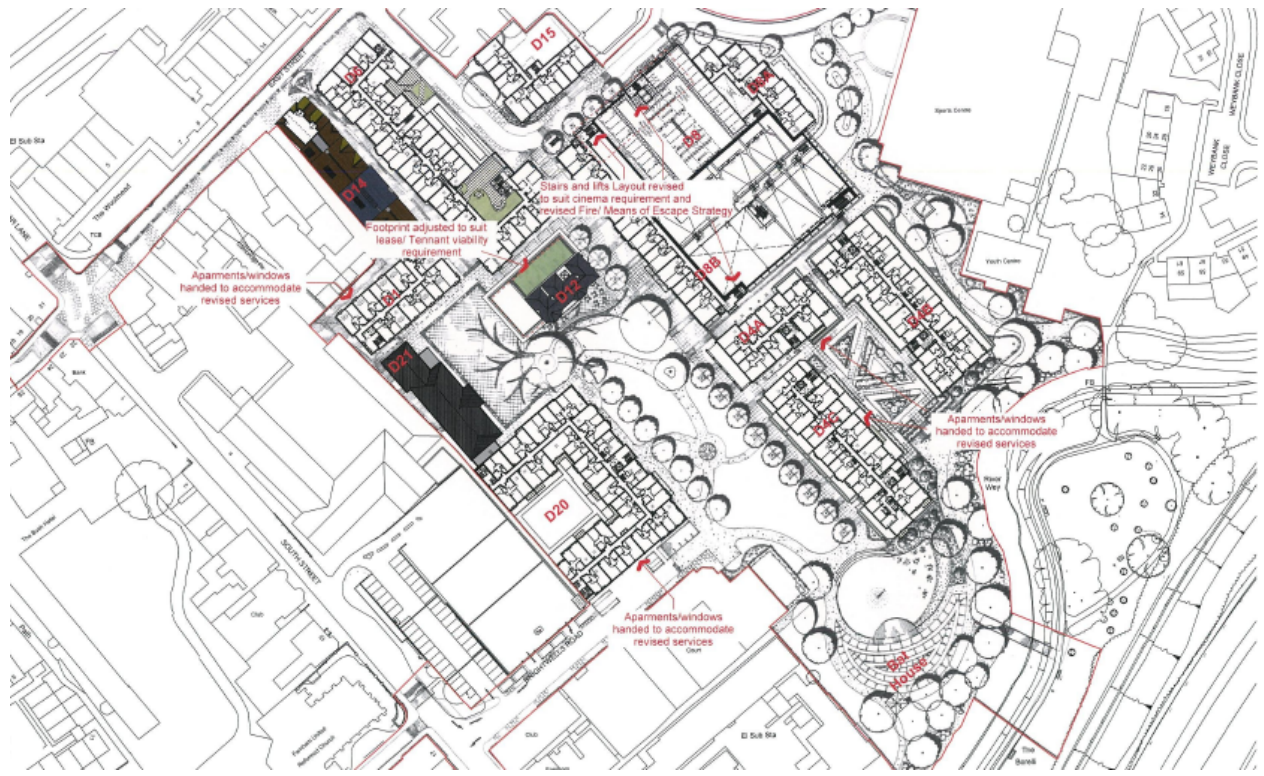
- Increase in the footprint of the extension of 113m² to Brightwell House;
- Removal of one stair and lift access to the car park serving the residential units;
- Realignment of the rear of building D21
- Replacement of 870m² community use with 870m² of Class A1 (Retail)/A3 (Food and Drink) use
- Removal of Combined Heat and Power (CHP) and revision of energy strategy.
- Alterations to internal flat layouts to ensure similar rooms are located above/below/next to each other.
- Alterations to fenestration as a result of the amended flat layouts
- Amendments to the Affordable Housing Mix to provide a tenure split of 100% Shared Ownership instead of a mix of Shared Ownership Units, Social Rented Units and Intermediate Housing.

All other elements of the extant planning permission remain the same in this current application.

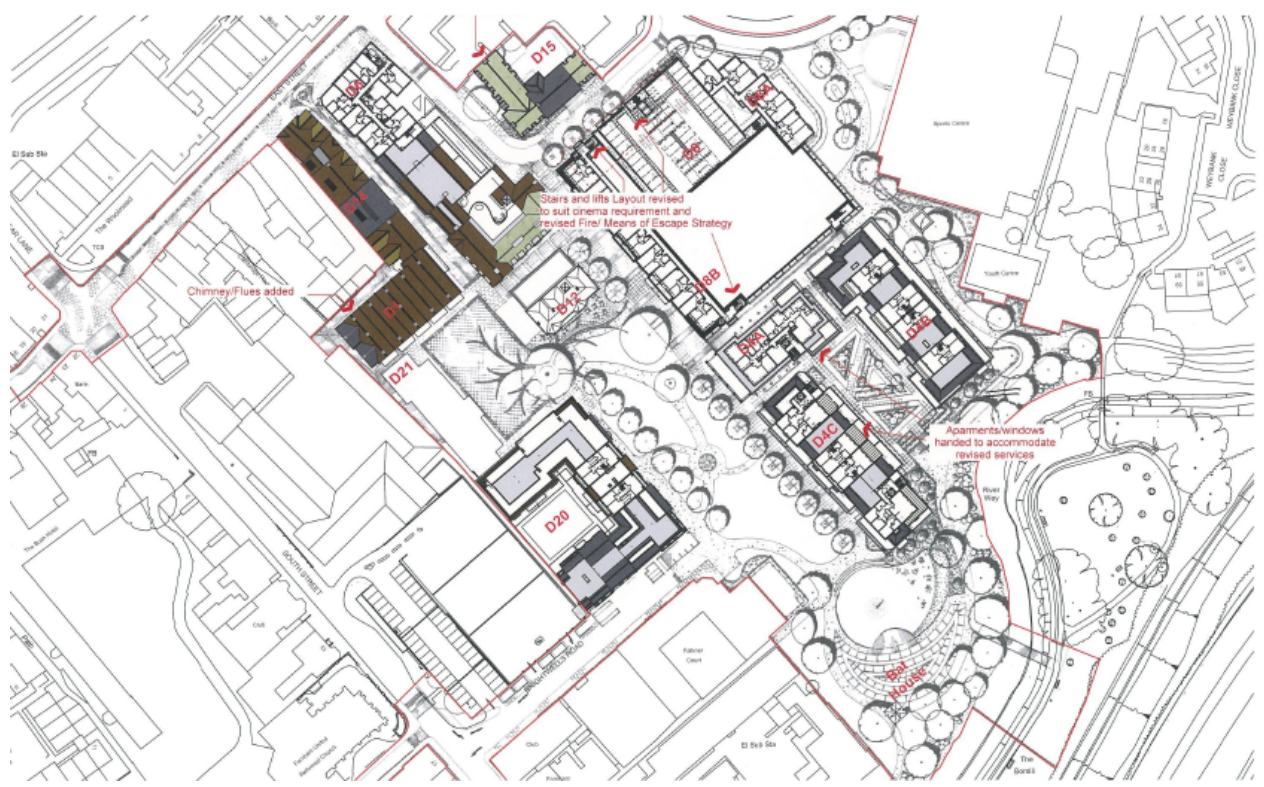
The application proposes the following Heads of Terms (variation to Section 106):

- Removal of references to the provision of community facilities
- Removal of references to Combined Heat and Power Plant (CHP)
- Specification of the affordable housing tenure as 100% shared ownership
- Additional financial contributions towards the replacement community facility at the Memorial Hall

Masterplan Second Floor



Masterplan Third Floor



WA/2014/1926	<p>Listed Building Consent for demolition of the attached Redgrave Theatre, conversion of Brightwell House to form 2no. restaurant units. Works to include single/two storey extensions to the north and west (containing additional ground floor restaurant space, kitchen areas, stores, toilets, staircase and plant room and first floor kitchens, stores, staff WC and plant room). Works to existing house to include reinstatement of 3no. original hipped roofs and roof light to the north elevation and hipped roofs over the existing bay windows and reinstatement of the glazed canopy in the southern elevation. Reinstatement of original chimneys, internal fireplaces and staircase. Partial unblocking of a first floor window on the west elevation. Removal of later partition walls and ground floor toilet; new openings through to first floor extension, installation of servery. Some blocking in of existing internal openings. Demolition of boundary walls, toilet block and cottage at Brightwells House, Brighwells Road, Farnham, GU9 7SB.</p>	<p>Listed Building Consent Granted 24/10/2014 (Not implemented – extant)</p>
NMA/2012/0025	<p>Amendment to WA/2008/0279 for changes to Building D20 comprising provision of an additional basement area and ventilation louvres, rearrangement of bin store and recycling stores, alterations to cafe entrance and provision of new entrance door to south west of building, installation of roller shutter and door to unit 01. Amendment to the area outside of the building comprising of an external seating</p>	<p>Non Material Amendment Granted 17/04/2012</p>

	area to cafe with resulting alterations to footpath, erection of a trolley bay and provision of a "collect by car" parking space.	
WA/2012/0912	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 the change of use of Brightwell House and Marlborough Head); 239 residential units (Class C3); a multi-screen cinema (Class D2); multi-storey, surface and basement car parks providing a total of 426 spaces; associated highway and access works; provision of infrastructure and landscaping; replacement facility for the existing 'Gostrey Centre'; demolition and clearance of the site. This application is accompanied by a supplementary Environmental Statement.	Full permission – subject to Section 106 Agreement - 07/08/2012 (Implemented - extant)
WA/2012/0911	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 from that approved under WA/2008/0279. This application is accompanied by an Environmental Statement.	Full permission 06/06/2012 (Implemented – extant)
WA/2012/0553	Certificate of Lawfulness under Section 192 for the proposed development of Unit D20-R-01 in accordance with planning permission WA/2008/0279 and the use of Unit D20-R-01 for Use Class A1 (retail), with an in-store cafe of up to 223 sqm	Certificate of Lawfulness granted 17/05/2012

	for use by visiting members of the public and use of an external area shown on drawing 13512-D20-001_B for seating associated with the café	
WA/2011/1215	Listed Building Consent for demolition of the attached Redgrave Theatre, conversion of Brightwell House to form 2 no. restaurant units. Works to include single/two storey extensions to the north and west (containing additional ground floor restaurant space, kitchen areas, stores, toilets, staircase and plant room and first floor kitchens, stores, staff wc and plant room). Works to existing house to include reinstatement of 3no. original hipped roofs and rooflight to the north elevation and hipped roofs over the existing bay windows and reinstatement of the glazed canopy in the southern elevation. Reinstatement of original chimneys, internal fireplaces and staircase. Partial unblocking of a first floor window on the west elevation. Removal of later partition walls and ground floor toilet; new openings through to first floor extension, installation of servery. Some blocking in of existing internal openings. Demolition of boundary walls, toilet block and cottage.	Listed Building Consent Granted 13/09/2011 (Not implemented - expired)
WA/2010/1650	Provision of temporary construction access to the A31, comprising bridge the River Wey, pedestrian underpass, other supporting infrastructure and re-instatement works including re-siting of the proposed footbridge across the River Wey from that approved under WA/2008/0279.	Full permission 21/03/2011 (Not implemented – expired)

WA/2010/0372	Variation of Condition 37 of Planning Permission WA/2008/0279 to omit the requirement for and provision of a temporary construction access from A31, but alternatively to require temporary construction access details and provision from alternative route prior to commencement of development.	Refused 08/06/2010
WA/2008/0280	Application for Listed Building Consent for the demolition of the attached Redgrave Theatre. Conversion of Brightwell House to form 2 no. restaurant units. Works to include single/two storey extensions to the north and west (containing additional ground floor restaurant space, kitchen areas, stores, toilets, staircase and plant room and first floor kitchens, stores, staff wc and plant room). Works to existing house to include reinstatement of 3 no. original hipped roofs and rooflight to the north elevation and hipped roofs over the existing bay windows and reinstatement of glazed canopy in the southern elevation. Reinstatement of original chimneys and other internal works. Demolition of boundary walls, toilet block, bowling pavilion and cottage.	Listed Building Consent Granted 09/10/2008 (Not Implemented – expired)
WA/2008/0279	Mixed-use redevelopment comprising: 9,814 sq m of retail, restaurant and cafe-bar accommodation (Use Classes A1, A3 & A4, including the change of use of Brightwell House and Marlborough Head); 239 residential units (Class C3); a multi-screen cinema (Class D2); multi-storey, surface and basement car parks providing a total of 426 spaces; associated highway and access works; provision of	Full Permission 06/08/2009 (Not Implemented – expired)

	infrastructure and landscaping; replacement facility for the existing 'Gostrey Centre'; demolition and clearance of the site.	
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Planning Policy Constraints

- Developed area of Farnham
- Countryside beyond the Green Belt (River Wey and its south bank)
- Public Footpaths Nos. 170 and parts of Nos.169 and 171
- Potentially contaminated land
- Flood Zones 2 and 3 (southern part of site)
- Listed Building Grade II (Brightwell House)
- Building of Local Merit (Brightwell Cottage)
- Listed curtilage walls and structures
- Within 20m of river bank
- Conservation Area (nearby)
- Gas Pipe Line (non-hazardous)
- Central Shopping Area (East Street frontage)
- Development within Town Centre
- Pedestrian Improvement Area in East Street
- East Street Opportunity Area
- Shared Pedestrian and Cycle Routes (Borelli Walk)
- Site and Area of High Archaeological Potential (adjacent)
- Area of Strategic Visual Importance (River Wey and its south bank)
- AQMA Buffer Zone
- Wealden Heaths I SPA 5km buffer zone
- Thames Basin Heath SPA 5km buffer zone
- Section 106 Agreement – WA/2008/0279 amendment WA/2012/0268

Development Plan Policies and Proposals

Saved Policies D1, D2, D3, D4, D5, D6, D7, D8, D9, D13, D14, C2, C5, C10, C11, C12, BE1, HE1, HE2, HE3, HE4, HE5, HE8, HE10, HE14, H4, H5, H10, CF1, CF2, S1, S6, S7, TC1, TC2, TC3, TC8, TC9, TC12, TC13, TC15, TC16, LT1, LT6, LT8, LT11, M1, M2, M4, M5, M6, M7, M9, M10, M14, M15, M17 of the Waverley Borough Local Plan 2002.

Saved Policy NRM6 of the South East Plan 2009.

The South East Plan 2009 was the Regional Spatial Strategy (RSS) for the South East region, the Plan was revoked on March 2013 except for Policy NRM6: Thames Basin Heaths Special Protection Area. This Policy remains in force.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The adopted Local Plan (2002) and the South East Plan 2009 (solely in relation to policy NRM6) therefore remain the starting point for the assessment of this proposal.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of this case. In line with paragraph 215 due weight may only be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The report will identify the appropriate weight to be given to the Waverley Borough Local Plan 2002.

The Council is in the process of replacing the adopted 2002 Local Plan with a new two part document. Part 1 (Strategic Policies and Sites) will replace the Core Strategy that was withdrawn in October 2013. Part 2 (Development Management and Site Allocations) will follow the adoption of Part 1. The new Local Plan will build upon the foundations of the Core Strategy, particularly in those areas where the policy/approach is not likely to change significantly. Public consultation on potential housing scenarios and other issues took place in September/October 2014. In the latest provisional timetable for the preparation of the Local Plan (Part 1), the Council is scheduled to approve the plan for publication in July 2016.

Other guidance:

- National Planning Practice Guidance (2014)
- Strategic Housing Land Availability Assessment (2014 update)
- West Surrey Strategic Housing Market Assessment (2015)
- Infrastructure Delivery Plan (2012)
- Settlement Hierarchy (Draft 2010 and factual update 2012)
- Climate Change Background Paper (2011)
- Open Space, Sport and Recreation (PPG17) Study 2012
- Statement of Community Involvement (2014 Revision)
- Strategic Flood Risk Assessment (2010)
- Affordable Housing Viability Assessment (Addendum 2010 and update 2012)
- Cycling Plan SPD (April 2005)
- Council's Parking Guidelines (2013)

- Density and Size of Dwellings SPG (2003)
- Residential Extensions SPD (2010)
- Vehicular and Cycle Parking Guidance (Surrey County Council 2012)
- Waverley Local Plan Strategic Transport Assessment (Surrey County Council, September 2014)
- Surrey Design Guide (2002)
- Employment Land Review (update 2011)
- Council's Economic Strategy 2015-2020
- Waverley Borough East Street Planning Brief 2000
- Waverley Borough Development Brief 2002
- Farnham Design Statement (2010) (Central Area)
- Farnham Conservation Area Appraisal SPD 2005
- Thames Basin Heaths Avoidance Strategy (2009)
- Town Centres Retail Study Update (2013)

Consultations and Town/Parish Council Comments

County Highway Authority	No objection
Farnham Town Council	<p>Objection:</p> <ul style="list-style-type: none"> • It does not seem that the relevant conditions exist in the application which can be varied to effect all of these amendments. • When taken together the amendments are substantial. • Removal of Gostrey Centre from building D20 and introduction of an A1/A3 use is a major matter. The provision of this facility was one of the main benefits in the bid by Crest Nicholson to win the initial contract to undertake the development. The fact that arrangements are underway to move the Gostrey Centre to the Memorial Hall, which presumably makes the project more viable and requires a new planning application. • Application states that there are changes to the footpath/cycleway access and landscaping in order to correct conflict with the Bat House. However, the application fails to provide any revised footpath/cycleway drawings showing the proposed changes to the route and

	landscaping. This information is required for the Council to comply with Regulation 3 of the EIA regulations and the overriding Directive in determining the application, and so must be requested by issuing a formal Regulation 22 Notice or the application must be refused.
Waverley Borough Council Environmental Health Officer – Waste	No objection
Waverley Borough Council Environmental Health Officer – Air Quality	No objection
Waverley Borough Council Environmental Health Officer – Contaminated Land	No further action required
Guildford Borough Council	No objection
Rushmoor Borough Council	No objection
Hart District Council	No objection
County Lead Local Flood Authority	<p>Original response dated 18/03/2016: One of the amendments is a minor increase in footprint of extension to Brightwell House (106m² GIA/13%). The flood risk and drainage documents state that the proposed minor amendments will not result in any change to flood risk or sustainable drainage considerations. However, no evidence to support this statement has been submitted. Therefore, to overcome this objection we require evidence of how this increase in impermeable area is incorporated into the proposed drainage scheme and flood risk calculations and that it will result in no change to the level of risk up to and including the 1 in 100 year (plus climate change) event.</p> <p>Additional response dated 03/06/2016 following the receipt of further clarification information:</p> <ul style="list-style-type: none"> The application includes information regarding how surface water drainage will be satisfactorily dealt with up to the 1 in 100 year event (including climate

	<p>change).</p> <ul style="list-style-type: none"> • No objection.
County Countryside Team	No objection in relation to Public Footpath 171 Farnham
County Archaeologist	No objection
Network Rail	No objection
The Theatres Trust	<p>Objection:</p> <p>The proposal includes the demolition of the Redgrave Theatre without a replacement cultural facility or a financial contribution set aside to support an existing cultural facility.</p> <p>Recognises the importance of investment and regeneration in Town Centres and takes a proactive role in encouraging the rejuvenation and reuse of existing theatre buildings as a catalyst for regeneration.</p> <p>The Local Authority should be satisfied that the building is surplus to the cultural requirements for the local community as once lost they are virtually impossible to replace.</p> <p>No recognition of the theatre needs of Farnham, nor any reasoned justification for the loss of the Redgrave Theatre as a cultural asset. None of the applications have included any Needs and Impact Assessment for theatre or cultural use in the Borough.</p> <p>The NPPF includes extensive directions and guidance on the importance of heritage assets. One of the core planning principles in Paragraph 17 notes that for cultural well being, planning decisions should “deliver sufficient community and cultural facilities and services to meet local needs.” Further paragraph 70 states that in “promoting healthy communities,” planning decisions should “plan positively for cultural buildings” and “guard against the loss of cultural facilities and services. The loss of a theatre that could potentially be reused by the community as a cultural facility would be contrary to the Framework.</p> <p>Recommends that the entire scheme is comprehensively reviewed and that a community needs assessment is prepared by the applicant</p>

	to determine community and cultural facilities that need to be retained or replaced as part of the wider redevelopment.
Environment Agency	<p>Original response dated 09/03/2016: The built footprint of Brightwell House will increase by 106m². The flood risk and drainage documents state that the proposed minor amendments will not result in any change to flood risk or sustainable drainage considerations. However, there is not enough evidence supplied to support this statement. Condition 63 of planning application WA/2012/0912 states that, "All floodplain compensation works shall not be carried out other than in accordance with calculations in the revised Flood Risk Assessment and the proposed levels and contours plan from addendum August 2008 plans as submitted by the applicant (Ref. 13512.TPN-M-024)." With the increase in built footprint of Brightwell House this may reduce the floodplain within the 1 in 100 with appropriate allowance for climate change flood extent. Request further information regarding whether this increase in footprint will impact on the agreed floodplain compensation scheme. If there is some impact, the agreed scheme may need to be altered to ensure that the increase in built footprint within the 1 in 100 with appropriate allowance for climate change flood extent will be entirely compensated for.</p> <p>Additional response dated 13/04/2016 following the receipt of additional clarification information:</p> <ul style="list-style-type: none"> • The applicant has demonstrated that Brightwell House is located in Flood Zone 1. Therefore the increase in built footprint of this building as part of the revision to the design of the development will not impact on the floodplain storage of the area. • Recommend approval
Natural England	No comment

NATS En-Route PLC (NERL) Safeguarding Office	Proposal does not conflict with safeguarding criteria.
Thames Water	No comments
Sport England	Not yet received – to be reported orally
Surrey Primary Care Trust	Not yet received – to be reported orally
Surrey Wildlife Trust	Not yet received – to be reported orally
Tag Aviation Ltd	Not yet received – to be reported orally
The Open Spaces Society	Not yet received – to be reported orally
Ramblers Association	Not yet received – to be reported orally
CPRE	Not yet received – to be reported orally
The Byways & Bridleways Trust	Not yet received – to be reported orally
South East Water	Not yet received – to be reported orally

Representations

In accordance with the statutory requirements and the “Reaching Out to the Community – Local Development Framework – Statement of Community Involvement – August 2014” the application was advertised in the newspaper on 04/03/2016 site notices were displayed around the site on 16/03/2016 and neighbour notification letters were sent on 24/02/2016.

61 letters have been received raising objection on the following grounds:

- Further loss of amenity
- Loss of Redgrave Theatre
- Relocation of Gostrey Centre
- Failure to build a bridge for construction traffic
- Entire plan should be subject to competitive retendering as bids on the original tender were not subject to relaxed conditions.
- Not right for Farnham
- Not minor amendment
- Removal of the bowling club and green and the tennis courts
- Enlargement of Brightwells House
- Increase in size of Brightwell House should be dealt with by a Listed Building Consent
- Change of use of building D20 changes the nature of the building as it would become commercial rather than a dedicated community asset
- Loss of Gostrey Centre changes the nature of the whole development as the scheme can no longer be described as containing community benefits.

- The Brightwells site was purchased by Farnham Urban District Council for community use on 1921 and will become predominantly commercial and privatised with no community input
- Application fails to deliver social, recreational and cultural facilities and services the community needs
- Should be presented as a full application requiring an updated EIA
- Should be considered alongside a traffic scheme for the town centre
- More than enough retail and restaurants in Farnham
- Already empty premises in Farnham
- No proper assessment on the impact on the town which is already a serious problem
- If Surrey County Council has invested in the East Street development, this should be challenged in the courts as there should be a full financial case for Surrey to use taxpayers' money in such a risky venture
- Heavy traffic movement during construction
- Brightwell House is a Listed Building and deserves proper restoration rather than further unsuitable modification
- Waverley Borough Council should protect the best interests of the community, not undermine them
- Use of NMAs is a duplicitous arrangement is the latest in a long series of unprincipled abuses that characterise a Council that has been systematically trashing the local democratic process for years
- EIA should be updated as the current one is very old
- How is it intended to transfer a publically owned building to a commercial entity – what kind of sale or lease is proposed and what material payment is being considered.
- Removal of the CHP which was to mitigate Climate Change
- Development agreement in 2008 stated that the Gostrey Centre was a required element.
- Since the 2003 contract was signed, many community assets have been systematically eroded and deleted from the contract to the financial advantage of Crest Nicholson. Waverley should reopen tendering for the whole development
- CPO decision was approved on the basis that the development was for the public good
- Refuse collection being located immediately beside the original formal entrance is unacceptable
- Omission of a staircase access and lift facility is not a minor material amendment
- Changing the energy strategy is not a minor material amendment

- Almost every drawing available to view has alterations annotated on them
- Environmental Statement incomplete and hence consent must be refused
- ES does not contain details of traffic and air quality impacts, the Bat House, the Bat surveys are not included, details of the expansion of the project to include Borelli Walk, the impacts of the removal of the Gostrey Centre and the expansion of the project to include the Memorial Hall, works for sewerage and drainage diversions and archaeological test pits without first constructing the construction access and bridge.
- The application also fails to provide detail of the main footpath/cycleway access and the emergency service/vehicle access to building D4
- Cinema only 12 minutes drive away in Aldershot
- Scheme out of date
- Brightwell Garden would be cut off from afternoon sun

1 letter has been received expressing support for the following reasons:

- Acceptable changes which are clearly minor and reflect the sensible decision to relocate the day centre to a better location
- Other changes are insignificant and in part reflect concerns of objectors at the CPO Inquiry
- Farnham needs investment in housing for its residents, regeneration of a sad under utilised area and improvements to East Street
- Farnham Town Centre currently exceeds EU pollution legislation

Submissions in support

In support of the application the applicant has made the following points:

- Minor amendments are required due to:
 - Tenant requirements
 - Technical requirements including services strategy revisions and compliance with current building regulations and other regulations
 - General planning amendments including relating to the compulsory purchase order and approval of WA/2015/1146 that will provide Gostrey Centre Services
- Sustainability
 - No adopted policy in respect of carbon reduction
 - Consented CHP and district heating strategy out of date with national policy and best practice

- Bring environmental benefits through securing greater reductions in greenhouse gas emissions
- Design
 - Minor increase in footprint of the extension to Brightwell House will not result in any elevational changes or changes in materials and will therefore have a neutral impact in visual terms
 - The replacement of the community use with A1/A3 use will not result in any elevational changes.
 - Revised heating strategy will not result in any unacceptable impacts in respect of noise. Proposed A1/ A3 use will be subject to restrictions in respect of hours of operation and noise in order to protect residential amenity
 - flues will be located within the ridge line of the residential units. The visual impact will be minimal
- Community Use
 - Replacement of 870 sq. m of community floor space with 870 sq. m of A1/ A3 floor space will result in a very small increase in A1/ A3 floor space within the overall scheme and the same decrease in community floor space
 - Planning permission has been granted for replacement Gostrey Centre facilities at the Memorial Hall
 - NPPF excludes community facilities from its definition of main town centre uses. The provision of 870 sq. m A1/ A3 use in this location is more policy compliant than the approved community use,
- Heritage
 - Proposed minor amendments will preserve and enhance the character and appearance of the area
 - Amendments in respect of the extension to Brightwell House are required in order to meet the requirements of an occupier for the units created in the redevelopment of Brightwell House
 - Condition of Brightwell House has deteriorated over time and planning permission reference WA/2012/0912 (together with associated listed building consent reference WA/2014/1926) seeks restoration of this heritage asset together with alterations and extensions. The proposed minor increase in foot print of the Brightwell House extension is necessary to meet tenant viability requirements to secure viable use. The increase in foot print will not impact on the external appearance of the extension.
- Transport
 - Additional traffic movements would lie within the day-to-day variation of traffic flows

- net changes in traffic flows during the peak periods would be negligible

Determining Issues

Principle of development and background to S.73 applications
Open space and recreation
Retail provision
Housing Land Supply
Housing Mix
Affordable Housing
Impact on visual amenity
Heritage
Impact on residential amenity
Leisure and community uses
Highways and Parking Issues
Standard of accommodation and provision of amenity space
Crime and Disorder
Financial considerations
Infrastructure Contributions
Climate Change and Sustainability
Biodiversity and compliance with Habitat Regulations 2010
Effect on the SPAs
Archaeology
Air Quality
Noise
Flooding
Contaminated Land
Accessibility and Equalities Act 2010
Human Rights Implications
Environmental Impact Regulations 2011 (as amended)
Farnham Town Council and third party representations
Pre Commencement Conditions
Working in a positive/proactive manner

Planning Considerations

Principle of development and background to S.73 applications

The principle of development was established by the granting of planning permission WA/2012/0912. This permission is extant in perpetuity by virtue of a material start on site having been carried out. Whilst the applicant is applying for a variation of condition 3 (Plans) and condition 61 (Sustainability Statement) and removal of condition 60 of that permission, under Section 73

of the Town and Country Planning Act 1990 (as amended), the proposal is, in effect, a fresh application for the entire development, albeit with a variation to those original conditions. In considering the current application the Council needs to have regard to any material changes in planning circumstances since the granting of that original permission. These include (i) site circumstances, (ii) application, (iii) changes in planning policy and (iv) further planning history.

(i) Site Circumstances

Officers note that there has been a material change in site circumstances since that application as both the original permission to which this application refers (WA/2012/0912) and the permission for the temporary construction access to the A31 (WA/2012/0911) have commenced on site.

(ii) Application

Planning permission has been previously granted 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 the change of use of Brightwell House and Marlborough Head); 239 residential units (Class C3); a multi-screen cinema (Class D2); multi-storey, surface and basement car parks providing a total of 426 spaces; associated highway and access works; provision of infrastructure and landscaping; replacement facility for the existing 'Gostrey Centre'; demolition and clearance of the site.

The differences between the current proposal and that application are:

- Increase in the footprint of the extension to Brightwell House by 113m²;
- Removal of one stair and lift access to the car park serving the residential units;
- Realignment of the rear of building D21
- Replacement of 870m² community use with 870m² A1/A3 use
- Removal of CHP and revision of energy strategy.
- Alterations to internal flat layouts to ensure similar rooms are located above/below/next to each other.
- Alterations to fenestration as a result of the amended flat layouts
- Amendments to the Affordable Housing Mix to provide 100% Shared Ownership instead of a mix of Shared Ownership Units, Social Rented Units and Intermediate Housing.

(iii) Changes in Planning Policy

In relation to planning policy, since the original application was approved in 2012 the South East Plan in 2009 with the exception of Policy NRM6 has been revoked. The National Planning Practice Guidance, a government online resource was published in 2014. Furthermore the Core Strategy which was emerging at the time of the original report was withdrawn from examination and is no longer relevant. This was only given limited weight in the original decision given the stage in the process it was at.

(iv) Further Planning History

Following the original 2012 permission a non material amendment application was approved for certain works to be carried out prior to the construction of the temporary vehicular bridge and associated access works (NMA/2015/0039), an associated Listed Building Consent (WA/2014/1926) which was an effective renewal of WA/2011/1215 and a Bat roost (WA/2014/2420) pursuant to conditions upon WA/2012/0912.

Furthermore, a Compulsory Purchase Order has been approved on 28/05/2012 for the acquisition of 5 parcels of land on the site and additional rights over other parcels of land (see Compulsory Purchase Order for detail).

It is a highly material planning consideration that there is an existing permission has been implemented on site. Members are advised that it would be inappropriate and unreasonable to revisit the principle of the entire development.

The test for Members is whether having regard to the changes in planning circumstances, the current proposal is acceptable in its own right or whether a different decision should be taken upon the current proposal including whether any additional mitigation is required in respect of the proposal to offset any additional concerns or impact. The assessment will be made under the following material considerations.

Open space and recreation

On promoting healthy communities, paragraph 69 of the NPPF sets out that planning policies and decisions should aim to achieve places which promote safe and accessible developments, contain clear and legible pedestrian routes, and high quality public space which encourage the active and continual use of public areas. Paragraph 70 states that planning policies and decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of

communities and residential environments. Paragraph 73 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 75 states that planning policies should protect and enhance public rights of way and access.

Policy BE1 of the Local Plan states that within settlements, the Council will seek to retain green spaces which are important for their visual amenity, recreational or ecological value. The loss or reduction in size of such Important Green Spaces will not be permitted, other than for the essential needs of suitable outdoor sport and recreation.

Policy C12 of the Local Plan states that development will not be permitted where it would have a detrimental impact on the visual qualities, setting, amenities, ecological value, heritage interest or water quality of canals and waterways.

The increase in the footprint of the extension to Brightwell House would not impact upon the open space as the area where the building is proposed to be extended is enclosed by a canopy on the extant permission.

The stair and lift access to the car park serving the residential units which is proposed to be removed was proposed to be located in the centre of Brightwells Park. Whilst this will remove the opportunity for residents to access the park directly from the car park into the open space, the open space would still be directly accessible from the ground floor of this building. Furthermore, the removal of the building to provide direct access into the car park from the car park would enable a larger area of open space to be provided which would be of greater benefit to future users.

The realignment of the rear of Building D21, the replacement of 870m² community use with Classes A1 (Retail)/A3 (Food and Drink), the removal of CHP and revision of energy strategy, the alterations to internal flat layouts to ensure similar rooms are located above/below/next to each other, the alterations to fenestration as a result of the amended flat layouts and the amendments to the Affordable Housing Mix to provide 100% Shared Ownership instead of a mix of Shared Ownership and Social Rented Units would have no material impact on the provision of open space in the development.

There are considered to be no other material changes in circumstances that would warrant reaching a different conclusion in relation to open space than that which was reached in the original scheme. The provision for open space is welcome in the context of this town centre location and the planning need to

maximise the development potential of the site. The open space is of a form that would embrace a variety of uses and complement the development. As such the open space is considered to be acceptable.

The removal of the stair and lift access building and the provision of the Bat House (approved under planning permission WA/2014/2420 and shown on the amended plans) would necessitate an amended landscaping plan. This would be secured by condition if planning permission is granted. This would not alter the conclusions of the original permission that the loss of trees on site was acceptable, taking into consideration that an appropriate landscaping scheme could be achieved on the site to secure replacement planting.

The loss of the bowls club was established by the extant permission WA/2012/0912. There have been no material changes in circumstances to warrant reaching a different conclusion on this aspect of the scheme.

The extant planning permission was considered acceptable in relation to the River Wey corridor and the proposed open space would link directly to the open space adjacent to the River Wey. There have been no material changes in circumstances to warrant reaching a different conclusion on this aspect of the scheme.

Retail provision

On ensuring the vitality of town centres, paragraph 23 of the NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. It states that local planning authorities should:

- Recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- Define the extent of town centres and primary shopping areas;
- Promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, cultural community and residential development needed in town centres;
- Recognise that residential development can play an important role in ensuring the vitality of centres and encourage residential development on appropriate sites; and
- Where town centres are in decline, authorities should plan positively for their future to encourage economic activity.

Paragraph 24 states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an

existing centre and are not in accordance with up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Policy TC1 of the Local Plan seeks to maintain and enhance the role of the town centre as the focus of shopping, commercial and social life in the Borough. Policy TC3 encourages investment in town centre uses within the Town Centre and encourages development which will improve the attractions of the town centre. Where significant new development is proposed, the Council will seek a mixture of uses which generate activity during and beyond normal shopping hours.

Policy S1 of the Local Plan also sets out that town centres should remain the focus of retailing. Policy S6 states that proposals for food and drink uses provided they would not have a materially detrimental impact on the character and appearance of the area or residential amenity and that access and car parking facilities are appropriate.

The proposed amendments to the original scheme include the replacement of 870m² community use with Classes A1/A3 use in Building D20. The whole of the application site is within Farnham Town Centre, as defined in the Local Plan. As such the provision of new retail and restaurant uses is considered to be acceptable and are encouraged in this location. A Retail Impact Assessment examining the impact of the retail element of the proposal on the vitality and viability of Farnham and nearby centres is therefore not required. It is not necessary to investigate the 'need' for additional retail floorspace or to carry out any sequential test as to the suitability of the site because the site is located with the town centre. This is the approach adopted and accepted under the extant permission WA/2012/0912.

The realignment of the rear of building D21 would result in a minor decrease in retail floorspace to this unit. However, this is not considered to alter the overall acceptability in relation to retail provision.

In the extant scheme, WA/2012/0912 it was concluded that the development would enhance Farnham Town Centre and its overall retail and leisure offer; that it would claw back people and trade that currently travel elsewhere; and that there was no evidence to suggest that existing shopping and leisure provision within the town is vulnerable to competition from the proposal.

There are likely to have been some changes in retail provision of the town centre since the consideration of the 2008 original application. However, as set out in the more up to date Town Centres Retail Study Update (February

2013), Farnham Town Centre is a well performing Town Centre. Furthermore, this study recognises that there is a need to provide additional retail floorspace. As such, this conclusion is still considered to be valid for purposes of the current application.

There have been no other material changes in circumstances that would warrant reaching a different conclusion in relation to retail provision than that concluded in the previous scheme.

Housing Land Supply

Paragraph 47 of the NPPF states that to boost significantly the supply of housing, local planning authorities should ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area and to identify and update annually a supply of specific deliverable sites and broad locations for growth. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 50 states that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Paragraph 52 states that the supply of new homes can sometimes be best achieved through planning for larger scale development.

Since the 2012 permission, the Council's supply of housing position has altered. At the time of the 2012 permission, the Council could demonstrate a supply of specific deliverable sites with an additional 5% buffer as required by the NPPF. That was measured at the time against the South East Plan 2000, housing target. In comparison, pending the completion of the new Waverley Local Plan the latest evidence of housing need in the Strategic Housing Market Assessment (SHMA) is the starting point for considering the amount of housing that the Council is required to supply. The West Surrey Strategic Housing Market Assessment September 2015 indicates that 519 dwellings are needed per annum. The latest 5 year housing land supply assessment shows a supply of 4.66 years, based on the unvarnished housing need figure in the SHMA and includes the number of homes needed to meet the backlog of unmet need. This falls short of the 5 year housing land supply as required by the NPPF.

The current proposal would provide a material contribution to the housing land supply in the Borough. The extant permission contributes significantly to the current provision of 4.66. In comparison with WA/2012/0912 greater weight

should be afforded to the merit of this proposal for housing supply proposals. This is a significant material benefit which must be weighed against the other considerations for this application.

Housing Mix

Policy H4 of the Local Plan 2002, in respect of housing mix, is considered to be broadly consistent with the approach in the NPPF. It outlines the Council's requirements for mix as follows:

- a) at least 50% of all the dwelling units within the proposal shall be 2 bedroomed or less; and,
- b) not less than 80% of all the dwelling units within the proposal shall be 3 bedroomed or less; and,
- c) no more than 20% of all the dwelling units in any proposal shall exceed 165 square metres in total gross floor area measured externally, excluding garaging.

Since the 2012 permission the SHMA 2015 has been published which provides an updated likely profile of household types within Waverley. The SHMA sets out the need for the following housing mix:

Unit type	1 Bed	2 Bed	3 Bed	4+ Bed
Market	10%	30%	40%	20%
Affordable	40%	30%	25%	5%

Type	Affordable	Private	Overall Total
1 bed flat	32 (44%)	60 (36%)	92
2 bed flat	40 (56%)	86 (51%)	126
3 bed flat	0	21 (13%)	21
Total	72	167	239

Whilst the proposal would not meet the requirements of the up to date SHMA, it would comply with Policy H4 of the Local Plan. Furthermore, in this sustainable Town Centre location, it is considered that smaller flatted development would be a more efficient use of land. In addition, it is a material consideration that the 2012 permission is extant and delivers the same mix of housing as currently proposed. As such, in this instance the proposed mix is considered to be acceptable.

Affordable Housing

Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Policy H5 of the Local Plan states that on sites with a density of 40 units per hectare or more the Council will seek at least 25% affordable housing.

The 2002 adopted Planning Brief for the East Street site required the provision of at least 30% of all residential units to be affordable.

The SHMA 2015, which has been published since the 2012 permission, sets out that affordable housing should be provided on the basis of a tenure split between 30% shared ownership and 70% social or affordable rented.

Under the 2012 permission, and secured by the section 106 legal agreement, 30% affordable housing is required to be provided. This was proposed to be provided as 50% shared ownership and 50% affordable rented.

The current application proposes to amend the affordable housing provision to provide 30% affordable housing provision on the basis of 100% shared ownership. The reasoning behind this proposal is on viability grounds i.e the overall scheme would not be financially viable and therefore deliverable on the basis of the tenure split that was agreed under WA/2012/0912.

The Council's Housing Enabling Officer has assessed the proposed amendments to the tenure split. The extant permissions approved split of 50% shared ownership and 50% affordable rented would more accurately reflect the need in the Borough, as reflected in the SHMA, than 100% shared ownership. This is a dis-benefit that will need to be weighed into the planning balance.

Officers have sought the views of independent viability consultants who have assessed the viability information submitted with the application and have concluded that the profit level is below the normal target rates a developer would consider acceptable. The viability information submitted with the application demonstrates that in the scenario that 100% of the units are provided as shared ownership, the scheme is more financially viable than the policy compliant version. Overall, the viability consultants have found that the assumptions and inputs used in appraising the financial viability of the

proposed development to be fair and reasonable. As such, they have concluded that a scheme with an 100% shared ownership tenure split would make the scheme more viable and is more likely to be brought forward by a competent developer. They recommend that on financial viability grounds the applicants justification for changing the affordable housing requirement from a 70/30 split of rent/shared ownership to 100% shared ownership has been appropriately and robustly justified. The report from the viability consultants is contained within Exempt Appendix A. If members wish to discuss the viability of the proposal at the committee meeting, this should be as an exempt item.

As such, Officers consider that an objection to the affordable housing mix would not be justifiable.

Impact on visual amenity

The NPPF attaches great importance to the design of the built environment as a key part of sustainable development. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness. Policies D1 and D4 of the Local Plan 2002 accord with the NPPF in requiring development to have high quality design and to be well related in size, scale and character to its surroundings.

The increase in the footprint of the extension to Brightwell House would result in a similar overall appearance as the majority of the extended element would be under the approved canopy and part of the canopy would remain. The alterations at first floor level would be minimal and would reflect the design of the extant permission at first floor level. The proposal would therefore not appear significantly different to that previously approved and the visual impact of this element of the proposal would be acceptable.

One stair and lift access to the car park serving the residential units would be removed. Under the previous application this was proposed to be positioned in the centre of Brightwell Park. The removal of this structure and its replacement with landscaping will be an improvement visually, as it will enable uninterrupted views of the park from the proposed buildings to the main buildings beyond and will create a stronger vertical emphasis to the park ensuring the trees and landscape appear more effective.

The realignment of the rear of building D21 would bring the rear of the building away from the boundary and would result in a reduced width as it would no longer extend right up to the boundary. However, the overall appearance of the building would remain the same and the visual appearance of this element of the proposal would appear acceptable.

The replacement of 870m² community use with 870m² A1/A3 use (Building D20) would not result in any external changes to the appearance of the building and as such would have no impact on visual amenity over that already approved.

The removal of CHP and revision of energy strategy has resulted in a number of external changes to the appearance of the buildings including the addition of flues on each of the buildings except Brightwell House. The flues will be located within the ridge line of the residential units as shown in the accompanying drawings. The visual impact will be minimal and as such is considered to be acceptable.

All of these changes would be minor in nature and would not detract from the overall acceptable appearance of the buildings. The visual appearance of the buildings would therefore be acceptable as a result of these changes.

The alterations to internal flat layouts to ensure similar rooms are located above/below/next to each other would result in alterations to fenestration as a result of the amended flat layouts. As such, the size, height and position of some windows have been amended to enable the rooms in the amended layout to have a different window configuration to suit the room. All of the amended fenestration would be similar in appearance to that which has already been approved and would be appropriately positioned on the facades in order to retain the high quality visual appearance of the buildings.

The amendment to the affordable housing mix to provide 100% Shared Ownership, instead of a mix of Shared Ownership and Social Rented Units would not impact on the external appearance of the building.

All of the changes taken together with the remainder of the scheme that would not be altered would result in a development that fits together well and would have an acceptable relationship in scale, form and mass to its surroundings.

There would not be any other material changes in circumstances that would warrant reaching a different conclusion in relation to visual amenity than that reached in the extant scheme. As such, the visual amenity of the current proposal is considered to be acceptable.

Heritage

The statutory test for the assessment of proposals affecting listed buildings and their settings is contained in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that in considering

applications which affect Listed Buildings, Local Planning Authorities must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering applications within a Conservation Area, Local Planning Authorities must pay special attention to the desirability of preserving, or enhancing the character and appearance of the area.

Paragraph 128 of the NPPF 2012 states that 'Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'.

The NPPF 2012 defines 'significance' as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

Before deciding on whether there is harm to the significance of a heritage asset or its setting as a result of the proposal, and if so, whether it is substantial or less than substantial harm, paragraph 129 of the NPPF 2012 first advises that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 131 of the NPPF 2012 states that, 'in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness'.

Paragraph 132 of the NPPF 2012 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or

lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building... should be exceptional’.

Paragraph 133 of the NPPF 2012 states that ‘Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 of the NPPF 2012 states that ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.’

Policies HE1, HE3 and HE5 of the Waverley Borough Local Plan 2002 state that development should preserve or enhance the character and setting of Listed Buildings.

Policy HE1 of the Waverley Borough Local Plan 2002 outlines that consent will not be granted for the demolition of a listed building, other than in the most exceptional circumstances and where conclusive evidence is provided that the building is incapable of being repaired and maintained for a use compatible with its special architectural or historic interest.

Policy HE3 of the Waverley Borough Local Plan 2002 outlines that where development is proposed that will affect a listed building or its setting, high design standards will be sought to ensure that the new development is appropriate and compatible in terms of siting, style, scale, density, height, massing, colour, materials, archaeological features and detailing.

Policy HE5 of the Waverley Borough Local Plan 2002 outlines that proposals to alter or extend listed buildings, including curtilage buildings, must be based

upon full information about the special interest of the building and applicants must show why works which would affect the character of a listed building are desirable or necessary. High design standards will be sought.

The NPPG 2014 provides guidance under the Section titled 'Conserving and Enhancing the Historic Environment'. Whilst not a policy document, it does provide further general advice to policies in the NPPF 2012.

In the case of East Northants District Council v Secretary of State [2014] – the Barnwell Manor case – the Court of Appeal said that Local Planning Authorities should give “considerable importance and weight” to the desirability of preserving the listed building and its setting, when carrying out the balancing exercise in determining a planning application that affects such a building and its setting. Members should therefore approach the present applications on that basis

Brightwells House and the attached former theatre are Grade II Listed. The site is also located just outside of Farnham Conservation Area (to the west of the site) Both Listed Buildings and Conservation Areas are considered to be designated heritage assets.

The significance of Brightwells House is that it is a locally important example of a substantial 19th century house built in a semi rural location. It gives historic context to the development of the eastern side of Farnham. The historic qualities of the house and garden have been compromised by the construction of the Redgrave Theatre and surrounding development.

The Redgrave Theatre was added to Brightwell House in the early 1970s. Although this was added as an extension to the building, it does not form part of the special interest of the historic building. Officers consider the physical form of the existing theatre, which was added to Brightwell House in the early 1970s, is un-sympathetic and makes little aesthetic and architectural contribution to the setting of Brightwell House. The scale of this element further dominates the listed building. This element of the existing building is considered not to be of any significance to the heritage asset (Brightwell House). Officers raise no objection to the demolition of this element of the building.

From a listed building point of view, it is still held that the demolition of the theatre would allow Brightwell House to be enhanced and brought back into use.

The proposed extension would extend off two elevations of Brightwell House, with a contemporary design approach. The table below identifies the

differences between the Listed Building Consent granted under WA/2014/1962 and the current proposal:

	Internal Ground Floor Area	Internal First Floor Area	Total Internal Floor Area	Increase in Internal Floor Area
WA/2014/1926	232.15m ²	88.23m ²	320.38m ²	-
Current Proposal	281.46m ²	152.40m ²	433.86m ²	+113.48 m ² 35.4%

	Ground Floor Width	First Floor Width	Ground Floor Depth	First Floor Depth	Overall Height
WA/2014/1926	31.12m	17.7m	18.8m	5.94	6.32m
Current Proposal	31.75m	20.4m	19.1m	7.92	6.71m
Increase	+0.063m	+2.7m	+0.3m	+1.98m	+0.039m

In comparison to the extension granted under WA/2014/1962, the current scheme would extend the full width of the north elevation of Brightwell House, resulting in the east elevation of the proposed extension extending closer to the eastern flank entrance elevation of Brightwell House. This increase in width appears to conflict with the status of the main entrance to Brightwell House.

The proposal is therefore considered by Officers to cause less than substantial harm to the significance of the designated heritage asset.

In accordance with paragraph 134 of the NPPF 2012, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposal would secure a sustainable long term future for Brightwell House, by enhancing its historic fabric and bringing it back into a financially secure and active use, as well as becoming a focal point that would strongly contribute to the regeneration of this area which, which would enhance public social life for residents within the Borough.

The proposal would also provide valuable economic benefits, as it would provide employment in the area and attract visitor footfall, both during and beyond normal shopping hours, to the town centre.

Therefore, whilst the harm overall to the significance of the designated heritage asset would be less than substantial, Officers consider that the

significant public benefits afforded by the proposal would outweigh the less than substantial harm caused to the significance of the heritage asset to justify the granting of Listed Building Consent on this occasion.

The significance of Farnham Conservation Area lies in the relationship of medieval route ways and street layout with the medieval and later historic buildings giving a unique grain and depth of settlement.

Whilst some of the amendments would alter the appearance of the buildings, the changes would be well separated from the Conservation Area boundary and the impact of the proposal on the Conservation Area would be similar to that in the extant scheme. None of the changes are to be significant enough to alter the original conclusions that the proposal would preserve the character of the Conservation Area and would not harm its significance.

There are considered to be no changes in circumstances that would alter the conclusions on any other elements of the scheme in relation to heritage.

Impact on residential amenity

The NPPF identifies that within the overarching roles that the planning system ought to play, a set of core land use planning principles should underpin both plan-making and decision making. These 12 principles include that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings. These principles are supported by Policies D1 and D4 of the Local Plan and guidance contained within the Council's SPD for Residential Extensions.

The nearest residential properties are situated towards the southern end of the site with flats at Faulkner Court and Homepark House and towards the north eastern corner of the site with flats at Clockhouse. There are also some residential units in Cambridge Place.

The alterations to the fenestration would result in some smaller windows being replaced with larger ones. However, all of the proposed windows are sufficiently well separated from all nearby residential properties to prevent any adverse overlooking or loss of privacy.

Brightwell House would have an increased footprint as a result of the amended proposals. However, the increase is already covered by a canopy under the existing consent with only a small portion at first floor. Furthermore, Brightwell House is located in the centre of the site, a significant separation from all nearby residential properties. As such, this amendment would not

have any increased impact on neighbouring properties by reason of loss of light, loss of outlook or visual intrusion.

None of the other proposed amendments would have any material impact upon residential amenity.

There have been no other material changes in circumstances that would warrant reaching a different conclusion that taken to permission WA/2012/0912. As such, the impact of the proposal is considered to be acceptable in relation to residential amenity.

Leisure and community uses

On promoting healthy communities, paragraph 70 of the NPPF states that planning policies and decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and guard against the unnecessary loss of valued facilities and services.

Policy LT1 of the Local Plan states that the Council will seek to retain leisure facilities where a clear need still exists for those facilities. For the purposes of LT1, the term leisure facilities relates to those uses that fall within Class D2 (Assembly and Leisure) of the Use Classes Order. These uses include a cinema, concert hall, dance hall and areas for indoor or outdoor sport or recreations. The use of a building as a theatre is regarded as sui generis, which is a use on its own.

Policy LT6 of the Local Plan states that permission will be granted for development for leisure and tourism related purposes within the main towns and settlements. Such facilities should be of a scale, character and form appropriate to the surrounding area and which do not harm residential amenities. Appropriate access and parking should also be provided.

Policies CF1 seeks to retain existing community facilities and the change of use of land or buildings providing community facilities will not be permitted unless it can be demonstrated that the need for the facility no longer exists and no other community facility can be accommodated on the site or that adequate alternative facilities are provided at locations accessible to the population served.

A key amendment to this proposal is that the 870m² community use is no longer proposed and would instead be replaced with a Class A1 (Retail)/A3 (Food and Drink) Use. The Gostrey Centre, a community use, exists on site and currently offers a wide variety of services and activities for older people in

the community, including those with mild dementia. Permission has recently been granted under WA/2015/1146 for the extension of the Memorial Hall on Babbs Mead, Farnham to improve the existing facilities and extend the building by 500m². This includes providing a community facility for older people in Farnham. The Memorial Hall is located on Babbs Mead, 260m to the east of the Town Centre boundary and is therefore considered to be in close proximity to the use which would be lost. As part of the current proposal an £800,000 financial contribution under the proposed section 106 variation towards the provision of the new facility at the Memorial Hall would be provided. As such, and subject to the implementation of the Memorial Hall consent it is considered that adequate alternative facilities would be provided at locations accessible to the population served. Notwithstanding the position of Council as landowner, which provides separate control over the provision of this facility, in order to ensure that from a planning view point, the community facilities are not lost prior to the provision of the new facilities at the Memorial Hall, it is considered that if planning permission is granted, a condition should be included requiring the Memorial Hall permission to be completed and made ready for occupation, prior to the demolition of the Gostrey Centre.

At the time of the original planning application (WA/2012/0912), the provision of a multi-screen cinema, cafes, bars and restaurants together with the ability to hold outdoor events in the town square were considered to represent valuable additions to Farnham's leisure facilities. These were considered to off-set the relocation of the tennis club and loss of the bowls club. There has been no material change in circumstance to warrant reaching a different conclusion.

The proposal would involve the removal of the former Redgrave Theatre. The Theatre was built in the early 1970s as an extension to Brightwell House. The demise of the Redgrave Theatre started many years ago and culminated in its closure in 1998. The principle of the loss of the Redgrave Theatre and the provision of other leisure and community facilities within the scheme were given careful consideration as part of the original planning permission. However, it was concluded at that time there was no planning policy basis for its retention within the scheme and that the Council's established corporate policy over the years has been to support theatre activities in the Borough as a whole. It was noted that the 'Farnham Healthcheck' identified that provision of a cinema was a higher priority for leisure in the town. It was also noted that alternative cultural facilities are now available in Farnham, most notably at The Maltings. Whilst officers note the continued concerns expressed on this issue, it is considered that there has not been any material changes in circumstances sufficient to warrant reaching a different conclusion upon the current application.

Highways and Parking Issues

The National Planning Policy Framework 2012 outlines that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. In considering developments that generate significant amounts of movements local authorities should seek to ensure they are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Plans and decisions should take account of whether improvements can be taken within the transport network that cost-effectively limit the significant impact of the development.

Paragraph 32 states: “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

As a result of the amendments proposed as part of this application, particularly the replacement of the community use facility with a new A1/A3 Use and the extension to the Brightwells building, the transport impacts of the proposal have changed from that originally approved in 2012. The Transport Assessment submitted with this application takes into consideration the amendments.

The assessment concludes that whilst there will be a small increase in traffic flow and car parking demand, the impacts of these will be insignificant in the context of the whole development.

The transport assessment does not include detail on up to date information in terms of traffic flows and junction capacities within the town centre. However, having regard to the negligible transport impacts of the proposal in relation to the approved scheme and considering that the 2012 scheme has been implemented and is extant, this information was not considered necessary to fully assess the impacts on the surrounding highway network of the proposal.

The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The Highway Authority are satisfied that the transport mitigation package already secured by the development, which would remain unchanged by the proposal, adequately addresses the small additional impacts.

Since the approval of the original scheme in 2012 the Waverley Parking Guidelines have been published. At the time of the application the application was assessed against Surrey County Council Vehicular and Cycle parking Guidance.

It is recognised that the Waverley Parking Guidelines would generate a higher requirement for car parking, particularly for the residential elements of the scheme, than the Surrey County Council Vehicular and Cycle Parking Guidelines. However, taking into consideration that the 2012 consent has been implemented and is extant, it would be unreasonable to reassess the elements of the scheme that remain unaltered by the proposal.

The changes to the proposal would increase the size of the A3 unit in Brightwell House by 113.48m². Under both the Waverley Parking Guidelines and the Surrey County Council Vehicular and Cycle Parking Guidelines there is no parking level for A3 uses within Town Centres

The floorspace proposed in the 2012 application for a community use would be replaced by an A1/A3 use. Both community uses and A1/A3 uses do not have a specific parking level in the guidelines and as such require an individual assessment. Having regard to the negligible difference in demand for car parking for either the community use or an A1/A3 use, the total level of car parking across the entire scheme, which is considered to provide an adequate level of car parking for the development as a whole, the sustainable town centre location which is well positioned to access public transport links by both train and bus it is considered that an acceptable level of car parking for the scheme has been provided overall.

Standard of accommodation and provision of amenity space

Policy H10 of the Local Plan addresses amenity and play space in housing developments. Although there are no set standards for garden sizes, the policy requires that a usable 'outdoor area' should be provided in association with residential development and that 'appropriate provision for children's play' is required.

None of the proposed amendments alter the provision of amenity space for the proposed residential units, provided through balconies, terraces and roof gardens which is acceptable.

Since the extant permission was granted in 2012 Fields in Trust have published up to date guidance, Guidance for Outdoor Sport and Play Beyond the Six Acre Standard England (2016). For a scheme including 239 residential units the FIT guidance recommends that a Local Area of Play (LAP), a Local Equipped Area for Play (LEAP), a Multi-Use Games Area (MUGA) are provided, along with a contribution to a Neighbourhood Equipped Area of Play (NEAP).

None of these have been provided as part of the proposal. However, it is noted that a large area of public open space has been provided in the centre of the site. It is not considered that this area would be appropriate for formal play equipment given its size and relationship with surrounding uses. Furthermore, it would affect the character of this area and its intended use. Having regard to the large proportion of smaller units proposed which is less likely to contain families and that the extant permission that did not have any formal play equipment secured as part of the proposal, it would not be considered reasonable to raise an objection to the proposal on this basis.

Since the 2012 decision, the government has published the Technical housing standards – nationally described space standard. The optional new national standards should only be required through any new Local Plan policies, if they address a clearly evidenced need and where their impact on viability has been considered. The Council does not have a current Local Plan Policy that allows it to require compliance with these standards. Nevertheless, the standards provide useful guidance which assists in the assessment of new development.

Some of the flats would not meet the minimum gross internal floor areas set out in the Government's Technical Housing Standards – Nationally Described Space Standard (2015). However, having regard to the consideration that the 2012 permission is implemented and extant, and that the Council do not have a policy to require compliance with these standards, it is not considered that an objection to this scheme on this basis would be considered reasonable.

Crime and Disorder

S17(1) of the Crime and Disorder Act 1998 places a duty to consider crime and disorder implications on local authorities. In exercising its various functions, each authority should have due regard to the likely effect of those functions on, and the need to do all that it can to prevent, crime and disorder in its area.

This requirement is reflected in paragraph 69 of the NPPF which states that planning decisions should achieve places which promote safe and accessible environments where crime and disorder, and fear of crime, do not undermine quality of life or community cohesion.

Policy D8 of the Local Plan states that new development should contribute to a safe and secure environment which reduces the incidence and fear of crime.

None of the proposed amendments would alter the conclusions of the previous permission (WA/2012/0912) that the layout of the development with properties facing the site would mean that a good level of natural surveillance would be achieved.

Officers are therefore satisfied that the development would contribute to both the prevention of crime as well as reducing the fear of crime.

Financial Considerations

Section 70 subsection 2 of the Town and Country Planning Act 1990 (as amended) states that any local financial considerations are a matter to which local planning authorities must have regard to in determining planning applications; as far as they are material for the application.

The weight to be attached to these considerations is a matter for the Committee.

Local financial considerations are defined as grants from Government or sums payable to the authority under the Community Infrastructure Levy (CIL). This means that the New Homes Bonus (NHB) is capable of being a material consideration where relevant. In the current case, the approval of the application would mean that the NHB would be payable for the net increase in dwellings from this development. The Head of Finance has calculated the indicative figure of £1,450 per net additional dwelling (total of £346,550) per annum for six years. A supplement of £350 over a 6 year period is payable for all affordable homes provided for in the proposal.

There is no change to this position when compared with the extant permission.

Infrastructure Contributions

The three tests as set out in Regulation 122(2) require s106 agreements to be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Since the 2012 permission, CIL Regulation 123 has been inserted into the legislation. This means that the use of pooled contributions under Section 106 of the Town Country Planning Act will be restricted. No more may be collected in respect of a specific infrastructure project or a type of infrastructure through a Section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6th April 2010 and it is a type of infrastructure that is capable of being funded by CIL.

Policy D13 of the Local Plan states that “development will only be permitted where adequate infrastructure, services and facilities are available, or where the developer has made suitable arrangements for the provision of the infrastructure, services and facilities directly made necessary by the proposed development. The Council will have regard to the cumulative impact of development, and developers may be required to contribute jointly to necessary infrastructure improvements”. Local Plan Policy D14 goes on to set out the principles behind the negotiation of planning obligations required in connection with particular forms of new development.

The following contributions were secured as part of the extant permission (WA/2012/0912):

Infrastructure	Payment	Project
Education	£715,720.82 (& £35,786.04 monitoring fee)	Not specified
Highways	£75,000	New and improved bus stops/passenger waiting facilities at bus stops in the vicinity of the site
	£120,000	Real time passenger information intelligent bus priority and printed public transport information in the vicinity of the site
	Not specified	Commuted payments for the increase in future maintenance

		requirements of all signal installations over and above the current maintenance costs of signals affected by the development
	£275,000	Park & Ride Scheme
	£100,000	Town Centre Traffic Reduction Contribution
	£47,800	Travel Vouchers
Libraries	£35,484.40 (& £1,774.22 monitoring fee)	Not specified
Leisure	£307,017.20 (& £15,350.86 monitoring fee)	Not specified
Public Art	£100,000	Public art in the East Street site

The Council is currently in discussion with the infrastructure providers to ensure that the contributions meet the tests of the amended CIL legislation. An oral report will be made at the meeting. However, no overriding objection to the development is likely to be raised on this ground. Some variation on bespoke contributions may be appropriate.

As described above, an additional contribution of £800,000 would be secured towards the provision of facilities at the Memorial Hall.

A deed of variation is currently being drafted to alter the legal agreement that was secured as part of the 2012 permission. However, it is expected that the amended section 106 agreement will be appropriately concluded to achieve the proposed variations but also compliant with the relevant tests for section 106 agreements. At the time of writing this report, the applicant has yet to complete the Deed of Variation. An oral report will be made at the meeting.

Climate Change and Sustainability

On meeting the challenge of climate change, paragraph 93 of the NPPF states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability to and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.

This is central to the economic, social and environmental dimensions of sustainable development.

Paragraph 96 of the NPPF states that, in determining planning applications, local planning authorities should expect new development to:

- Comply with Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that it is not feasible or viable;
- Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 99 of the NPPF states that Local Plans should take account of climate change over the longer term, including factors such as flood risk, and changes to biodiversity and landscape.

Policy D3 of the Local Plan relates to the minimisation in the use of non-renewable resources.

Since the 2012 permission and with the demise of the South East Plan in 2009, the Council no longer has any up to date policies requiring developments to meet specific renewable energy or carbon reduction targets.

One of the amendments as part of this application includes the removal of Combined Heat and Power (CHP). The application proposes the use of advanced fabric measures and high efficiency gas boilers, to replace the consented CHP and district heating strategy. A shift away from policies designed to stimulate the market for building integrated renewables and low carbon technologies to a more structured approach towards reducing energy demand has resulted in a wider range of advanced performance building materials and products being available in the market, and the previous strategy has been revised in line with this. The revised strategy results in a 6% reduction in carbon emissions from the development, when compared to the consented scheme, and a 29% reduction compared against the baseline. This is considered an acceptable approach.

Taking into consideration the current policy position, it would not be reasonable for the Council to require the developer to meet specific renewable energy or carbon reduction targets. Nevertheless, the proposal would satisfactorily comply with the aspirations of the NPPF to contribute to reductions in greenhouse gas emissions.

Biodiversity and compliance with Habitat Regulations 2010

The NPPF requires that when determining planning application, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for then planning permission should be refused.

In addition, Circular 06/2005 states 'It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted.'

The 2012 permission concluded that a development of this size would clearly have some impact on ecological interests on the site. However, it considered that with the mitigation measures in place which would be secured by condition, together with biodiversity enhancement measures, the development would not be likely to have any unacceptable impact upon ecological interests on the site. Furthermore in order to discharge Conditions 42 and 69, additional details and up to date surveys and reports relating to ecology (including bats, reptiles and water voles and otters) were submitted and approved. These conditions would need to be reapplied to the to the current application if granted.

None of the alterations proposed as part of the development would affect biodiversity on the site and it is considered that the conclusions and recommendations of the ecological report are sufficient to conserve and enhance biodiversity on the site, subject to the inclusion of appropriate conditions carried forward from WA/2012/0912.

Effect on the SPAs

The proposal is within the 5km buffer zone of the Wealden Heaths SPA. Having regard to the distance to the Wealden Heaths SPA and the standing advice from Natural England, it is considered that there would be no likely significant effect on this SPA due to the availability of alternative recreational opportunities in the area to divert people from its use.

The proposal is within the 5km of the Thames Basin Heaths SPA and a SSSI and therefore, in combination with other development, could have a potentially significant effect on the SPA and SSSI.

In order for the development to be acceptable in planning terms, a S106 agreement is required as part of any subsequent planning approval to secure a financial contribution (£474,694.40, including monitoring fee) towards a SANG, in line with the Waverley Borough Council Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy (December 2009).

The Council has been advised by Natural England and Counsel that the pooling of contributions towards SANG, which is for the ongoing maintenance and enhancement of the SANG at Farnham Park, rather than the provision of new SANG as such, is lawful and necessary in order to comply with the Conservation of Habitats and Species Regulations 2010 and to avoid a likely significant effect upon the Thames Basin Heaths SPA.

Natural England has raised no objection to the proposal.

A Deed of Variation to the original legal agreement which commits to provide SPA monitoring fees is currently being drafted. At the time of writing this report, the applicant has yet to complete the Deed of Variation. An oral report will be made to the meeting.

It is considered that, with the mitigation measures in place the development would not cause any likely significant effect upon ecological interests of the SPA and therefore accords with the NPPF 2012 and policy D5 of the Local Plan.

Archaeology

The NPPF sets out that, as a core principle, planning should take account of the different roles and character of different areas and heritage assets, in a manner appropriate to their significance should be conserved. In considering proposals for development on sites above 0.4ha, Policy HE15 of the Local Plan requires that appropriate desk based or field surveys should be submitted with an application and appropriate measures taken to ensure any important remains are preserved.

An archaeological desk-based assessment was conducted in 2006. The proposed amendments would not conflict with the archaeological conclusions reached in the 2012 and there are no other material alterations to circumstances that would warrant reaching a different conclusion.

Air Quality

The site is within an Air Quality Management Area (AQMA). The Council's air quality monitoring in Farnham Town Centre has shown that there are high NO₂ concentrations in Farnham.

Paragraph 124 of the NPPF states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

Policy D1 of the Local Plan sets out that development will not be permitted where it would have a materially detrimental impact to the environment by virtue of potential pollution of air.

The provision of residential development in the town centre would reduce the reliance of the private car and there is a clear planning policy preference to locate new residential development close to essential services and more sustainable locations.

There have been no material changes in circumstances and none of the amendments proposed as part of this application would alter the conclusions of the original scheme that subject to the inclusion of conditions, including a Method of Construction Statement, that the development would be acceptable on air quality either in isolation or in combination with other schemes. The Council's Environmental Health Officer has raised no objection to the proposal.

Noise

Paragraph 123 of the NPPF states that planning decision should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development but should also recognise that development will often create some noise.

Policy D1 of the Local Plan states that the Council will have regard to the environmental implications of development and will promote and encourage enhancement of the environment. Development will not be permitted where there is a loss of general amenity, including from the emission of noise.

It is not considered that any of the amendments to the proposal would alter the original conclusions of the 2012 application that the proposal would have an acceptable noise impact.

Flooding

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Development should only be considered appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant.

Since the approval of the 2012 application, decisions on planning applications relating to major developments should ensure that SuDS for the management of run-off are put in place, unless demonstrated to be inappropriate. Under these arrangements, local planning authorities should consult the relevant Lead Local Flood Authority (LLFA) on the management of surface water; satisfy themselves that the proposed minimum standards of operation are appropriate and ensure through the use of planning conditions or planning obligations that there are clear arrangements in place for ongoing maintenance over the lifetime of the development. The SuDS should be designed to ensure that the maintenance and operation requirements are economically proportionate. The LLFA in respect of surface water drainage and SuDS will be Surrey County Council.

The NPPG states that whether SuDS should be considered will depend on the proposed development and its location, for example where there are concerns about flooding. SuDS may not be practicable for some forms of development. New development should only be considered appropriate in areas at risk of flooding if priority has been given to the use of SuDS. When considering major development, SuDS should be provided unless demonstrated to be inappropriate. Whether a SuDS system is appropriate to a particular development proposal is a matter of judgement for the Local Planning Authority and advice should be sought from relevant flood risk management bodies, principally the LLFA.

The Department for Environment, Food and Rural Affairs (DEFRA) has published non-technical standards for SuDS (March 2015) which will be taken into account by the LLFA and local planning authorities in assessing the acceptability of SuDS schemes.

The extant permission was considered satisfactory in relation to flood risk and surface water drainage. The floor area of Brightwell House would be increased by 113m². It is noted that the area of this extension is located in Flood Zone 1 and as such the extended building will not impact on the floodplain storage of the area. Furthermore, the application includes information regarding how surface water drainage will be satisfactorily dealt with up to the 1 in 100 year event (including climate change). Both the Environment Agency and the Lead Local Flood Authority have raised no objection to the proposal.

Contaminated Land

Paragraph 120 of the NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy D1 of the Local Plan sets out that development will not be permitted where it would have a materially detrimental impact to the environment by virtue of potential pollution of air, land or water and from the storage and use of hazardous substances. The supporting text indicates that development will not be permitted unless practicable and effective measures are taken to treat, contain or control any contamination. Wherever practical, contamination should be dealt with on the site.

The conditions attached to the original consent are considered to be sufficient to address contamination on site. The amendments to the proposal are not considered to impact on contaminated land issues.

The Councils Environmental Health Officer has raised no objection to the proposal.

Accessibility and Equalities Act 2010

The proposed amendments do not alter the conclusions on the previous report that there would be good permeability throughout the scheme. The scheme embraces a number of pedestrian routes and a town square with satisfactory access and appropriate surfaces for all users.

Access through the proposed shop fronts is generally flat at ground level and no steps provided for access. Lifts would be provided in parts of the

development where access is required to upper floors of both residential and non-residential land uses.

Officers consider the proposal would not discriminate against disability, with particular regard to access.

Human Rights Implications

There are no implications for this application.

Environmental Impact Regulations 2011 (as amended)

An Environmental Impact Assessment (EIA) is required to ensure that the likely significant effects (both direct and indirect) of a proposed development are fully understood and taken into account before development is allowed to go ahead. An EIA must describe the likely significant effects (including where appropriate impacts on air, water and or soil quality before during and after the proposed development) mitigating measures envisaged, an outline of the main alternatives studied, and the reasons for the applicant's choice.

Development will not be permitted where it would result in material detriment to the environment. The Council will seek, as part of a development proposal, to resolve or limit environmental impacts. This may include the submission of assessments (e.g. flood-risk, archaeology, ecology) to determine the risk to the development, the likely effects of the development on risk to others, whether mitigation is necessary, and if so, whether it is likely to be effective and acceptable.

The original Environmental Statement (originally submitted in 2008 as part of WA/2008/0279 along with an addendum submitted in 2012 as part of WA/2012/0912, in relation to the application this scheme seeks to vary) was comprehensively addressed and was considered to satisfactorily address the environmental impacts of the scheme.

This application is accompanied by an addendum to the original Environmental Statement. This addendum provide a summary of the consideration of the Environmental Impact Assessment prepared in relation to the main permission and of the assessment of whether the proposed minor amendments would give rise to a greater environmental impact than those for the consented main scheme.

The addendum to the Environmental Statement concludes the following:

Chapter	Consideration
1) Introduction	Site location and description unchanged; development overview unchanged with exception of replacement facility for existing "Gostrey Centre"; Structure of ES unchanged.
2) Scheme Description	Minor alteration.
3) Site Context	No change. Chapter 2 of the Supporting Statement to the Section 73 application provides recent photographs of the site.
4) EIA Scoping and Methodology	No change.
5) Policy Context	Largely unchanged. A summary of current planning policy is provided in the Supporting Statement to the Section 73 application.
6) Alternatives	No change to conclusions of EIA.
7) Landscape and Visual Assessment	Proposed minor amendments include minor amendment to landscaping. EIA conclusions remain unchanged.
8) Built Heritage	EIA conclusions remain unchanged.
9) Noise and Vibration	Any impacts from the new heating strategy and from servicing to building D20 will be mitigated as per the original EIA. EIA conclusions remain unchanged.
10) Air Quality	The Farnham AQMA has been extended. However, EIA conclusions remain unchanged.
11) Ecology	An Ecological Management Plan has been prepared as part of the discharge of condition process and further survey work has taken place prior to implementation of the scheme. The proposed amendments do not change EIA conclusions.
12) Transportation and Accessibility	The proposed minor amendments to the scheme would have very little effect on traffic flows. Nevertheless, for completeness the implications have been appraised in detail within the Transport Review Report prepared by Abley Letchford Partnership Ltd. The Transport Review Report demonstrates that such increases are substantially below the threshold where any effects can be considered to be significant in environmental terms, even in sensitive locations. There would not therefore be any changes to the predicted effects and hence the EIA conclusions remain unchanged.
13) Microclimate	The proposed minor amendments will not significantly affect daylight, sunlight, shade and glare. EIA conclusions

	remain unchanged.
14) Hydrogeology, Geology and Contamination	EIA conclusions remain unchanged. The necessary design measures and prevention are being undertaken.
15) Hydrology and Flood Risk	EIA conclusions remain unchanged.
16) Socioeconomics	EIA conclusions remain unchanged.
17) Archaeology	EIA conclusions remain unchanged. An archaeological written scheme of investigation has been prepared and will be implemented.
18) Construction Method and Effects	Construction programme dates have changed. EIA conclusions remain unchanged.
19) Inter-relationships and Cumulative Effects	Riverside car park scheme now built therefore no cumulative effects anticipated.
Overall Conclusion:	The environmental impacts will be no greater than that which has been consented in the original permission or has been mitigated.

It is considered that the review of the Environmental Statement has adequately explained the environmental implications of the proposed amendments to the development and the originally proposed mitigation measures are acceptable.

With regards to flood risk, additional information was sought from the applicants during the course of the application. This was clarification information and did not seek to amend the information submitted as part of the original Environmental. As such it was not considered that it was necessary to re-advertise the application under Regulation 22 of the EIA Regulations.

With regards to air quality, the proposed amendments are considered to have no greater significant effect on air quality over and above that considered as part of the original Environmental Statement and addendum submitted with application WA/2012/0912.

Cumulative Impacts

With regards to the cumulative impact of the proposal combined with other developments in the surrounding area, it is considered that the addendum to the Environmental Statement submitted with WA/2012/0912 adequately addressed the in combination effects of the proposal with developments that had been approved at that time. This included the development at Riverside for the provision of additional public car parking spaces, 5 tennis courts with associated pavilion, 3 metre chain link fencing, combined pedestrian/cycleway and associated drainage, landscaping and access works under WA/2007/1967. The Council has considered the proposal in combination with other development that has subsequently been approved in close proximity to the proposal. This includes the proposal for the construction of an additional car park for a temporary period together with associated works at Riverside, for the construction of a car park for a temporary period together with associated works under WA/2014/1603, the erection of a building to provide 50 sheltered flats with communal facilities including formation of a new vehicular access together with car parking, landscaping and associated works following demolition of unlisted buildings in a conservation area at Farnham Police Station under WA/2014/0394 and subsequently amended under WA/2015/0494 and the outline application for the erection of up to 120 dwellings together with associated access, parking, public open space and landscaping at Crondall Lane under WA/2014/1565.

It is considered that the review of the Environmental Statement has adequately explained the environmental implications of the proposed development and the proposed mitigation measures set out in the original Environmental Statement approved as part of WA/2008/0279 and the addendum approved as part of WA/2012//0912 are acceptable. As noted above, the additional information clarified existing information and did not require re-advertisement under Regulation 22 of the EIA Regulations.

It is considered overall that the proposal would not have any significant environmental effects.

Farnham Town Council and third party representations

All of the issues and concerns raised by the Town Council and the third parties have been carefully considered by Officers. The acceptability of the East Street redevelopment scheme, which considered impacts upon the Town Centre and the loss of the Redgrave Theatre, has already been established by the implemented and extant planning permission granted under WA/2012/0912. The wider East Street mixed-use scheme under the extant

planning permission is not required to be re-assessed under the current application.

Concerns that the proposal should be considered under a full planning application, the loss of a community, technical highway matters and matters relating to climate change have been addressed in the relevant sections of the above report.

In respect of the need for a new Environmental Statement, the principle of the demolition of, and erection of the proposals were considered as part of the overarching planning permission for the site under WA/2012/0912, for which the Environmental Statement concluded that, subject to mitigation, there would be no unacceptable environmental impact. The environmental implications of the proposed minor material amendments are considered under the addendum to the Environment Statement accompanying this planning application.

The impact of the proposal upon European protected species has been addressed in the Environmental Statement addendum accompanying this planning application.

Matters relating to the transfer or lease particulars of the buildings are not material planning considerations and have therefore not been considered as part of this application.

Pre Commencement Conditions

Article 35 of the DMPO 2015 requires that for any application for planning permission, the Notice must state clearly and precisely the full reasons, in the case of each pre-commencement condition, for the condition being a pre-commencement condition. This is in addition to giving the full reason for the condition being imposed.

“Pre commencement condition” means a condition imposed on the grant of permission which must be complied with: before any building/ other operation/ or use of the land comprised in the development is begun.

Where pre commencement conditions are justified, these are provided with an appropriate reason for the condition.

Development Management Procedure Order 2015 - Working in a positive/proactive manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:-

- Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;
- Have suggested/accepted/negotiated amendments to the scheme to resolve identified problems with the proposal and to seek to foster sustainable development.
- Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

Conclusion

The proposal seeks amendments to planning application WA/2012/0912. A thorough review of the proposals has been carried out, taking into account the changes in circumstances that have taken place since the 2012 planning permission.

The proposal would provide open space in a Town Centre location which is a benefit that weighs in favour of the proposal. Furthermore, the proposal would be acceptable and link in with open space on the River Wey Corridor. This was established as part of the extant permission.

The proposal would be acceptably located in a town centre location and would provide acceptable town centre uses of residential, retail and restaurants. It would be of benefit to the existing town centre by increasing the retail and restaurant offer and adding footfall. The amendments would increase the provision of retail/restaurant offer but the principle of the acceptability of these uses was established as part of the extant permission.

The proposal would provide a material contribution to the housing land supply in the Borough. This is a significant material benefit to be given more weight than in the extant permission as the Council can no longer demonstrate a 5 year housing land supply.

The housing mix is considered to be acceptable and appropriate to its town centre location. The principle of the acceptability of the mix was established as part of the extant permission.

Following independent scrutiny of the financial viability of the scheme, the amendment to affordable housing to provide 100% affordable housing is considered to be acceptable.

The visual impact of the proposal is considered to be acceptable.

Whilst the alterations to the Listed Building would result in less than substantial harm to the Listed building, this harm is considered to be minor in nature and would be significantly outweighed by the economic and social benefits resulting from the scheme. As such, the tests of paragraph 134 of the NPPF are met.

The amendments would have an acceptable impact on residential amenity.

The loss of the Gostrey Centre, a community use, is considered acceptable as an alternative community use is being provided at Memorial Hall.

The provision of the cinema, cafes, bars and restaurants would be a leisure benefit to Farnham that would offset the loss of the tennis club and bowls club. The principal of this was established as part of the extant permission.

The amendments would have an acceptable impact on the surrounding highway network and an appropriate level of car parking would be provided.

The proposal would provide an acceptable standard of accommodation and acceptable levels of amenity space. The principal of this was established as part of the extant permission.

The proposal would have an acceptable impact on crime and disorder.

The proposal would secure contributions towards education, highways, libraries, leisure, public art and community facilities and the proposal would secure government financial payments as part of the New Homes Bonus.

The proposed amendments would have an acceptable impact on climate change and sustainability.

The proposal would have an acceptable impact on ecology and biodiversity. Appropriate contributions would be secured to ensure the proposal would not have a likely significant effect on the SPA. The principal of this was established as part of the extant permission.

The proposal would have an acceptable impact on archaeology, accessibility and equalities and human rights. The principal of these was established as part of the extant permission.

Overall, the proposed scheme is considered to be acceptable and the amendments sought to Conditions 3 and 61, the removal of Condition 60 and the amendment to the affordable housing tenure is considered to be acceptable.

Officers therefore consider that the adverse impacts of the development, including the loss of the existing uses and the less than substantial harm to the Listed Building, would not significantly and demonstrably outweigh the benefits of the proposal, particularly with regards to the regeneration of this area of Farnham and the provision of new housing, retail, restaurant and leisure uses, when assessed against the policies in the NPPF taken as a whole and specific policies in the NPPF.

Recommendation

That permission be GRANTED subject to the following conditions:

1. Condition
The development shall be carried out in accordance with the agreed Phasing Programme 2 and 4-15 inclusive approved on 21/04/2015 and Phasing Programme 1 and 3 approved on 29/07/2015 in accordance with application WA/2012/0912, unless otherwise first agreed in writing by the Local Planning Authority.

Reason

To ensure the proper and effective development of the site in the interests of the amenity of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

2. Condition
The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policy D1 and D4 of the Waverley Borough Local Plan 2002.

3. Condition
Before the first occupation of dwellings within each phase (as identified in the phasing plan approved under Condition 1), the residential car parking spaces for that phase shall be constructed and fully provided as shown on the phasing plan. Thereafter they shall be permanently maintained in a condition allowing their use for the parking of vehicles and shall be used for that purpose only.

Reason

To ensure that adequate provision is made and maintained within the development for the parking of vehicles clear of existing or proposed highways in order to maintain the free flow of traffic and in the interests of highway safety, in accordance with Policies M2 and M14 of the Waverley Borough Local Plan 2002.

4. Condition
Within six months of the commencement of the appropriate phase of development as agreed under Condition 1 above, the arrangements for the provision and future maintenance of the open space and amenity areas of that phase of development where appropriate as shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in accordance with the Programme of Phased Implementation under condition 2. Such a scheme shall provide for a maintenance period of not less than 10 years from the final laying out of those areas.

Reason

To secure the long term provision of the open space and amenity areas, in accordance with Policies BE1 and H10 of the Waverley Borough Local Plan 2002.

5. Condition
Before commencement of construction of the appropriate phase of development, details of the existing and proposed ground levels in the vicinity of the proposed new access off Dogflud Way and land adjacent to the Leisure Centre shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that a satisfactory relationship results between the new development and adjacent buildings or public areas, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

6. Condition

Before construction above the ground floor slab level or above the suspended ground floor slab dpc level where over a basement area of the appropriate phase of development as agreed under Condition 1 above, samples of the materials to be used in the construction of the external surfaces of the development within that phase, including the surface materials for public spaces, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the materials used in the construction of the development harmonise with its surroundings, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

7. Condition

Before construction above the ground floor slab level or above the suspended ground floor slab dpc level where over a basement area of the commencement of the appropriate phase of development as agreed under Condition 1 above, details of all proposed gates, railings, walls, fences, or similar structures for the residential amenity areas for that phase shall be submitted to and approved in writing by the Local Planning Authority. Such gates, railings, walls, fences or similar structures as may be approved by the Local Planning Authority shall be erected before the occupation of the last dwelling unit is occupied. These means of enclosure shall thereafter be maintained to the satisfaction of the Local Planning Authority.

Reason

To ensure an appropriate standard of privacy and visual amenity in the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

8. Condition

The development shall be carried out in accordance with the agreed strategy for bringing into use the public car parking provision to serve the non-residential elements of the proposal (Drawing titled Car Park Strategy) approved on 23/06/2015 in accordance with application WA/2012/0912, unless otherwise first agreed in writing by the Local Planning Authority.

The non-residential elements within each phase shall not be occupied (for the purposes of this condition, this amounts to the unit having been fully fitted-out and trading) prior to the public car parking spaces

shown on the approved plans having been laid out in accordance with the approved strategy. Those public car parking spaces shall thereafter be made available and subsequently maintained for that purpose at all times.

Reason

To ensure that adequate areas are provided for the parking of cars clear of the highway in the interests of maintaining the free flow of traffic and safety on the highway, in accordance with Policies M2 and M14 of the Waverley Borough Local Plan 2002.

9. Condition

Before the first occupation of commercial units within each phase (as identified in the phasing plan to be approved under condition 1), provision shall be made within the site for cycle storage which will, when the development is complete, result in a cumulative minimum of 96 cycle stands across the scheme. For the purposes of this condition, 'occupation' amounts to the unit being fully fitted-out and trading. The development shall be carried in accordance with the agreed details and thereafter be retained and maintained.

Reason

To ensure that adequate provision is made for cycle storage and to encourage cycle use in the interests of sustainable development, in accordance with Policy M5 of the Waverley Borough Local Plan 2002.

10. Condition

No work to any shopfront or bar/restaurant front shall commence until a planning application including full detailed plans showing the design and external appearance of the front elevation including fascia has been submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the visual appearance of the area is not detrimentally affected and because these details were not considered as part of this application, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

11. Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the use of those parts of the ground and first floor premises in buildings D4A, D8 and D12 as shown on the submitted plans for cafes, bars and

restaurants shall be for uses within Use Class A3 and A4 of the Town and Country Planning Use Classes Order 1987 (as amended) only.

Reason

To ensure that the development is occupied for the purposes applied for and to comply with Policy S6 of the Waverley Borough Local Plan 2002.

12. Condition

Within one month of the commencement of any works to fit out any of the premises referred to in condition 11 above details of any equipment to be installed, which shall include an odour neutralizer plant, shall be submitted to and approved in writing by the Local Planning Authority. None of the said premises shall be occupied prior to such approved measures having been implemented. The odour neutralizing plant shall be operated in a manner, which will effectively suppress the emission of fumes or smell from the premises, as long as the use continues.

Reason

To ensure that the occupiers of the nearby residential properties are not adversely affected, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

13. Condition

Prior to basement excavations within the appropriate phase of development as agreed under Condition 2, final details shall be submitted to and approved in writing by the Local Planning Authority showing the provision for the disposal of both foul and surface water emanating from this development for the appropriate phase. Provision for the disposal of surface water shall be made at the initial stage of development of the phase and no impermeable drained area shall be created on the site prior to such approved provision having been completed and operational or suitable temporary arrangement provided. No building on the site for the appropriate phase shall be occupied prior to approved.

Reason

To ensure that adequate provision for the drainage of the development is made, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

14. Condition
By phase, no building shall be occupied until the foul sewage disposal works and the surface water drainage works for that phase have been completed in accordance with the submitted and approved plans agreed pursuant to Condition 14.

Reason

To ensure that adequate provision for the drainage of the development is made, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

15. Condition
The development shall be carried out in accordance with the agreed 'Working Method Statement' approved on 28/07/2015 in accordance with WA/2012/0912 unless otherwise first agreed in writing by the Local Planning Authority.

Reason

To ensure that potential environmental impact arising from the development does not give rise to an unacceptable intrusion on the amenities of nearby residential property, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

16. Condition
Before construction above the ground floor slab level or above the suspended ground floor slab dpc level where over a basement area of the appropriate phase of development as agreed under Condition 1, a scheme for protecting the proposed dwellings within that phase from noise generated by the commercial uses on the lower or same floor and the public and residents' parking area shall be submitted to and approved in writing by the Local Planning Authority. None of the permitted dwellings shall be occupied prior to completion of such works unless agreed beforehand in writing by the Local Planning Authority.

Reason

To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

17. Condition
The development shall be carried out in accordance with the agreed 'Access Statement Phase 1' approved on 01/07/2015 in accordance with WA/2012/0912, unless otherwise first agreed in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied prior to the approved measures having been implemented. Such approved measures thereafter must be retained and maintained.

Reason

To ensure that adequate access arrangements are made to the development for disabled and less mobile persons, in accordance with Policy D9 of the Waverley Borough Local Plan 2002.

18. Condition

Before construction above the ground floor slab level or above the suspended ground floor slab dpc level where over a basement area of the appropriate phase of development as agreed under Condition 1, a scheme shall be prepared and submitted to and approved in writing by the Local Planning Authority for the collection and disposal of litter in the public spaces of that phase of development including the design and siting of litterbins. No commercial unit shall be occupied prior to the approved scheme having been implemented.

Reason

In the interests of the environment and to assist in maintaining the clean appearance of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

19. Condition

The development shall be carried out in accordance with the following approved method of works details approved on 01/07/2015 in accordance with WA/2012/0912, unless otherwise first agreed in writing by the Local Planning Authority:

- Drawing No's G21127-PH1A, G21127-PH2A, G21127-PH39, G21127-PH4, G21127-PH5A, G21127-PH6A, G21127-PH7A and G21127-PH8A

The approved measures shall thereafter be adhered to during construction works.

Reason

To maintain the integrity and the character of the building, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

20. Condition
No trees other than those shown to be felled shall be removed from the site except with the prior permission in writing of the Local Planning Authority.

Reason

In the interests of visual amenity, in accordance with Policies D1 and D7 of the Waverley Borough Local Plan 2002.

21. The development shall be carried out in accordance with the following agreed plans and documents approved on 27/07/2015 in accordance with WA/2012/0912, unless otherwise first agreed in writing by the Local Planning Authority:

- Arboricultural Method Statement by Ian Keen dated 17 July 2015
- Site Set Up G21127/SK20 by Thomasons
- Preliminary Surface Water Design G11939/SK1000 Rev B by Scott Brownrigg
- Tree Protection Plan 6021/03 by Ian Keen
- Tree Protection Plan 6021/04 Rev A 1 of 2 and 2 of 2 by Ian Keen
- Construction Access Tree Removal 1005/120 Rev D
- Tree Protection Plan 13512 TPN-MP-103 by Scott Brownrigg

The agreed method statement shall be implemented and adhered to at all times during the construction process.

Reason

To ensure the protection of existing trees from damage during construction works and in the interests of the visual amenity and character of the locality, in accordance with Policies D1 and D7 of the Waverley Borough Local Plan 2002.

22. Condition
Before construction above the ground floor slab level or above the suspended ground floor slab dpc level where over a basement area, in the appropriate phase of development as agreed under Condition 1, and before any felling or other alteration of the existing condition of the site within that agreed phase takes place, cross sections/details indicating the proposed finished ground levels, surface materials including sub-base and depth of construction and method/materials used for edging, within the protected zone around retained trees and hedges shall be submitted to and approved in writing by the Local Planning Authority, and thereafter adhered to.

Reason

To safeguard the existing trees and/or hedges in the interests of the visual amenity and character of the locality, in accordance with Policies D1 and D7 of the Waverley Borough Local Plan 2002.

23. Condition

Prior to basement excavations in the appropriate phase of development as agreed under Condition 1, and before any felling or other alteration of the existing condition of the site within that agreed phase takes place, details of the layout, including depths or height, of all foul and surface water drains, soakaways (including capacity), all underground and overhead cables including telecommunications, electrical and cable TV, gas mains together with any associated plant and equipment showing their relationship to existing and proposed trees shall be submitted to and approved in writing by the Local Planning Authority and thereafter adhered to.

Reason

To ensure that the services proposed and the retained and proposed trees and shrubs are compatible in the interests of amenity and character of the area, in accordance with Policies D1 and D7 of the Waverley Borough Local Plan 2002.

24. Condition

Prior to basement excavations in the appropriate phase of development as agreed under Condition 1 and before any felling or other alteration of the existing condition of the site within that agreed phase takes place, space shall be provided and clearly identified within the site or on other land controlled by the applicant to accommodate:

1. Parking of vehicles of site personnel, operatives and visitors.
2. Loading and unloading plant and materials.
3. Storage of plant and materials including demolition arisings.
4. Cement mixing.

The spaces referred to above and access routes to them to be a minimum of 8m away from mature trees or as may otherwise be agreed in writing by the Local Planning Authority.

Reason

To safeguard the existing trees and/or hedges in the interests of the visual amenity and character of the locality, in accordance with Policies D1 and D7 of the Waverley Borough Local Plan 2002.

25. Condition
Within six months of the commencement of the appropriate phase of development as agreed under Condition 1, a detailed landscaping scheme including the species and position of all proposed trees and hedges, plant sizes, planting distances, numbers and provisions for maintenance of the trees and shrubs, and showing areas to be grass seeded or turfed has been submitted to, and approved in writing by, the Local Planning Authority and thereafter adhered to.

Reason

In the interests of the visual amenity and character of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees, in accordance with Policies D4 and D7 of the Waverley Borough Local Plan 2002.

26. Condition
All hard and soft landscape works shall be carried out in accordance with the approved details in accordance with condition 26 above and to a reasonable standard in accordance with the relevant parts of appropriate British Standards or other recognised codes of good practice. To be carried out prior to the occupation of any part of the development or in accordance with a timetable of phasing to be first agreed in writing with the Local Planning Authority. Any trees or plants which, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason

To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs, in accordance with Policy D4 of the Waverley Borough Local Plan 2002.

27. Condition
The landscaping scheme agreed in condition 26 above shall be implemented in the first planting season (October - February) following the occupation of the first building or in the case of phased development in accordance with a timetable submitted to and approved in writing by the Local Planning Authority, before the first building is occupied.

Reason

In the interests of the visual amenity and character of the locality, in accordance with Policy D4 of the Waverley Borough Local Plan 2002.

28. Condition

Concurrent with the details required by the above conditions and within six months of works commencing a landscape management plan, including a maintenance schedule indicating proposals for the long-term management of landscape areas, other than small, privately-owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in its entirety.

Reason

To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historical significance, in accordance with Policy D4 of the Waverley Borough Local Plan 2002.

29. The foundation design arrangement and the new groundworks that may impact on archaeological remains, shall be carried out in accordance with the following agreed documents, approved on 29/06/2015 in accordance WA/2012/0912, unless otherwise first agreed in writing by the Local Planning Authority:

- Archaeological Impact Assessment
- Archaeological Written Scheme of Investigation for an Evaluation and Watching Brief
- Drawing no G21127/SK02 Rev A

Reason

The site is of potential archaeological importance and it is therefore important to control ground disturbance and that the development is carried out in a manner for which an archaeological mitigation strategy has been designed and agreed. in accordance with Policy HE14 of the Waverley Borough Local Plan 2002.

30. Condition

The development shall be carried out in accordance with the agreed 'Method of Construction' statement approved on 28/07/2015 in accordance with WA/2012/0912, unless otherwise first agreed in writing by the Local Planning Authority.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy M2 of the Waverley Borough Local Plan 2002.

31. Condition

Before any of the operations which involve the movement of materials in bulk to or from the site are commenced, facilities shall be provided as shall have been agreed in writing with the Local Planning Authority, in order that the public highway be kept reasonably clean and to prevent the creation of a dangerous surface on the public highway. The agreed measures shall thereafter be retained and used whenever the said operations are carried out.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy M2 of the Waverley Borough Local Plan 2002.

32. Condition

Before the first occupation of the units within each phase (as identified in the phasing plan to be approved under Condition 1), space must be laid out within the site in accordance with plans to be submitted to and approved in writing by the Local Planning Authority (under condition 1 provisions) for a maximum of 426 car parking spaces and 240 secure, undercover cycle spaces for residential use, and a further 96 publicly available cycle parking spaces, and for the loading and unloading of service vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. All such approved parking/turning areas shall thereafter not be used for other than their designated purposes and shall be maintained thereafter.

Reason

In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policies M2 and M14 of the Waverley Borough Local Plan 2002.

33. Condition

Before the first occupation of the units within each phase (as identified in the phasing plan to be approved under Condition 1), such measures for the management and use of the proposed parking shall be implemented as per details which shall have been submitted to

and approved in writing beforehand by the Local Planning Authority. Only the approved measures shall be implemented.

Reason

In the interests of public safety in accordance with Policy M2 of the Waverley Borough Local Plan 2002.

34. Condition

Prior to basement excavations, a drainage strategy detailing any on- and/or off-site drainage works in relation to the agreed phase shall first be submitted to and approved in writing by the Local Planning Authority in consultation with the appropriate sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

35. Condition

Mitigation measures shall be carried out in accordance with the agreed 'Bat Survey Report dated June 2013', as approved on 12/01/2015 as part of WA/2012/0912. These mitigation measures shall be carried out prior to any demolition works taking place or development commencing, unless otherwise first agreed in writing by the Local Planning Authority.

Reason

In the interests of ecology and the terms of the application and in accordance with Policy D5 of the adopted Waverley Borough Local Plan 2002.

36. Condition

There shall be no light spill into the watercourse or adjacent river corridor habitat. To achieve this, and to comply with sustainability, artificial lighting should be directional and focused with cowlings to light sources in close proximity to the river corridor.

Reason

Artificial lighting disrupts the natural diurnal rhythms and night time migration behaviour of a range of wildlife using/inhabiting the river and

its corridor habitat and in accordance with Policies D1 and D5 of the Waverley Borough Local Plan 2002.

37. Condition

The development shall be carried out in accordance with the accepted remediation scheme 'Scoping Proposal for Further Geo-Environmental Testing' approved on 21/04/2015 as part of WA/2012/0912, unless otherwise first agreed in writing by the Local Planning Authority.

Prior to the first occupation of the development:

- (a) the accepted remediation scheme shall be fully implemented in relation to the relevant phase, (as appropriate); and
- (b) a completion report and certification of completion shall be provided to and approved in writing by the Local Planning Authority stating that remediation has been carried out in accordance with the accepted remediation scheme and the site is suitable for the permitted end use.

38. Condition

If during development, contamination not previously identified, is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a written addendum to the original remediation scheme and such additional measures as the approved addendum specifies have been carried out. This addendum to the scheme must detail how this unsuspected contamination shall be dealt with.

Reason

To ensure that the development adequately deals with any contaminated land or water found during the development, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

39. Condition

Notwithstanding that such measures may not require express planning permission no sound reproduction or amplification equipment (including public address systems, tannoy, loudspeakers, etc), designed to be audible outside buildings constructed within the permission, shall be installed or operated on the site.

Reason

In the interests of protecting the local residents from unreasonable noise levels, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

40. Condition

The service yards shall not be used other than between the hours of 06.30 to 22.00 Mondays to Fridays, and 06.30 to 20.00 on Saturdays, and 09.30 to 16.30 on Sundays and Bank or Statutory Holidays.

Reason

In the interests of the amenities of adjoining residents and to limit noise disturbance, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

41. Condition

All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise coming from it does not at any time, increase the ambient equivalent continuous noise level as measured according to British Standard BS4142:1997 at any adjoining or nearby residential property.

Reason

In the interests of protecting the local residents from unreasonable noise levels which would be detrimental to the residential character of the area, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

42. Condition

Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment, compressors, generators or plant or equipment of a like kind installed within the site, shall be submitted to and approved in writing by the Local Planning Authority before installation and thereafter such installations/items shall not be operated or maintained other than in accordance with manufacturer's instructions and in accordance with the approved scheme.

Reason

To ensure that the industrial use hereby approved remains an acceptable use in or adjacent to this residential area, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

43. Condition

Before construction above the ground floor slab level or above the suspended ground floor slab dpc level where over a basement area in the appropriate phase of development as agreed under Condition

2, a full detailed scheme for insulating Block D8a from traffic noise from the surrounding road network (South Street/East Street/Dogflud Way) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with such approved scheme which shall be completed before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

Reason

To protect the occupants of the new development from noise disturbance, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

44. Condition

Before construction above the ground floor slab level or above the suspended ground floor slab dpc level where over a basement area in the appropriate phase of development as agreed under Condition 1, a fully detailed scheme for insulating Blocks D4c, D8 and D6 from noise and vibration from the adjacent and nearby commercial premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise such works as are necessary to ensure compliance in general terms with (Planning and Noise). Thereafter, the development shall not be carried out other than in accordance with such approved scheme which shall be completed before any part of the accommodation hereby approved is occupied, unless the Local Planning Authority otherwise agrees in writing.

Reason

To protect the occupants of the new development from noise disturbance, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

45. Condition

Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/or smell created from the A3 uses and any other ancillary cooking activities or catering operations (e.g. in the cinema) on the site. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to fit out of the development or conversion works. The details to include outlet height, which in general should be at least 1m above ridge height of the nearest building. The approved equipment for any such use/operation shall be installed and in full working order prior to

the fit out and thereafter it shall be operated and maintained in accordance with the manufacturer's instructions for as long as such use/operation takes place.

Reason

To ensure that the use has adequate ventilation equipment to ensure that neighbouring properties are not unreasonably polluted by odours from the use, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

46. Condition

Prior to the commencement of the appropriate phase of development as agreed under Condition 1, details of the equipment for venting the underground car park area shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed and in full working order prior to the commencement of use of the underground car park area and thereafter it shall be operated and maintained in accordance with manufacturer's instructions.

Reason

To ensure that neighbouring properties are not unreasonably polluted by odours from the use and that operators are also protected from potential harmful fumes and protect the users of the car park, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

47. Condition

Before construction above the ground floor slab level or above the suspended ground floor slab dpc level where over a basement area of the appropriate phase of development as agreed under Condition 1, details of facilities to be provided for the storage of refuse bins and recycling containers within the site within that phase shall first have been submitted to and approved in writing by the Local Planning Authority. No part of the development in that phase shall be occupied until the facilities have been provided in accordance with the approved details such approved facilities shall be thereafter be permanently retained and maintained.

Reason

To ensure a satisfactory appearance and in the interests of the amenities of the occupiers and adjoining residents, in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

48. Condition
Prior to the commencement of the appropriate phase of development as agreed under Condition 2, details of any external floodlighting of the site within that phase shall be submitted to and approved in writing by the Local Planning Authority. Any floodlighting that is permitted shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.
- Reason
To protect the appearance of the area and to protect local residents from light pollution, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002.
49. Condition
No development shall take place until the design and construction details of the proposed shared use cycleways are agreed with the County Highway Authority.
- Reason
To ensure that proper arrangements are made in the interests of highway safety, in accordance with Policy M2 of the Waverley Borough Local Plan 2002.
50. Condition
That no development take place until cycle routes are legally defined, linking the development site with South Street at Borelli Walk, Brightwells Road and with the proposed cycleway at Hatch Mill.
- Reason
To ensure that proper arrangements are made in the interests of highway safety, in accordance with Policy M2 of the Waverley Borough Local Plan 2002.
51. Condition
Before construction above the ground floor slab level or above the suspended ground floor slab dpc level where over a basement area of the appropriate phase of development as agreed under Condition 2, details shall first be submitted to and approved in writing by the Local Planning Authority of a long-term management plan for the maintenance of all voids for the lifetime of the development. The approved details shall be carried out and thereafter complied with.

Reason

To ensure voids do not become blocked and cause increased flood risk to the development and surrounding area and in accordance with Policy D1 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework 2012.

52. Condition

All floodplain compensation works shall not be carried out other than in accordance with calculations in the revised Flood Risk Assessment and the proposed levels and contours plan from addendum August 2008 plans as submitted by the applicant (Ref. 13512.TPN-M-024).

Reason

To ensure ground levels and consequent flow paths for the submitted compensation scheme are maintained and the designated flood storage areas are kept free-filling and free-draining and in accordance with Policy D1 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework 2012.

53. Condition

The development works shall be implemented in accordance with the agreed Programme of Works (Flood Plain Compensation Document) approved on 22/07/2015 in accordance with WA/2012/0912, unless otherwise first agreed in writing by the Local Planning Authority.
All flood compensation storage works as specified in the Flood Risk Assessment Appendix F shall be completed prior to the occupation of any buildings located within the 1 in 100 year plus climate change flood extent (up to 64m AOD(N)).

Reason

To ensure the development does not result in the increased risk of flooding at any stage during construction and in accordance with Policy D1 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework 2012.

54. Condition

The end of building D4 shall be constructed with underfloor voids. The voids shall be constructed such that the openings extend from the ground level to 300mm above the 1 in 100 year plus climate change level of 64m AOD(N) and have a total width of at least 1000mm, or 20% of the length of the wall (whichever is greatest).

Reason

To prevent the increased risk of flooding due to impedance of flood flows and reduction of floodwater storage capacity and in accordance with Policy D1 of the Waverley Borough Local Plan 2002 and the National Planning Policy Framework 2012.

55. Condition

The surface water drainage system shall not be constructed other than in accordance with the calculations and drawings as submitted in Appendix H of the Amended Environmental Statement dated 5 August 2008.

Reason

To ensure the development does not increase the risk of surface water flooding and in accordance with Policy D1 of the adopted Waverley Borough Local Plan 2002 and the National Planning Policy Framework 2012.

56. Condition

The permanent cycle/footbridge shall be a clear spanning structure that will not impede the river corridor, in accordance with drawing no. G11939/G/SK10'A'. It shall be a maximum 2.5m wide with gaps in the timber deck of minimum width of 2cm, as advised by the Environment Agency.

Reason

To maintain a continuous buffer strip to provide a corridor for the passage of wildlife and reduce the amount of shading of the channel and in accordance with Policies D1 and D5 of the Waverley Borough Local Plan 2002.

57. Condition

The buffer zone alongside the River Wey shall be established in accordance with the agreed plan, 'Drawing No G11939/PL25', approved on 01/07/2015 unless otherwise first agreed in writing by the Local Planning Authority.

Reason

To maintain the character of the watercourse and provide undisturbed refuges for wildlife using the river corridor and in accordance with Policies D1 and D5 of the Waverley Borough Local Plan 2002.

58. Condition

The ecological management of the development shall be carried out in accordance with the following agreed documents approved on 02/06/2015 in accordance with WA/2012/0912, unless otherwise first agreed in writing by the Local Planning Authority.

- Ecological Management Plan (July 2013)
- Ecology Construction Method Statement (June 2013)
- Bat Survey Report (June 2013)
- Reptile Survey Report (May 2013)
- Water Vole and Otter Survey Report (May 2013)
- Badger Survey Report (March 2013)
- Invasive Weeds Method Statement (March 2013)
- Your letter dated 22/12/2014
- Phasing details submitted in respect of Condition 2

Reason

To protect, conserve and enhance the natural features of importance for biodiversity across the site and in accordance with Policies D1 and D5 of the Waverley Borough Local Plan 2002.

59. Condition

There shall be no new development including no hardstanding or fences within a buffer 8m wide alongside the River Wey.

Reason

To maintain the character and value of the watercourse and provide undisturbed refuges for wildlife using the river corridor and in accordance with Policies D1 and D5 of the Waverley Borough Local Plan 2002.

60. Condition

There shall be no storage of materials within 8m of the River Wey unless otherwise first agreed in writing with the Local Planning Authority in consultation with the Environment Agency. This must be suitably marked and protected during development, ideally with fencing erected on the landward side of the buffer zone, and there shall be no access during development within this area unless first agreed with the Local Planning Authority in consultation with the Environment Agency. There shall be no fires, dumping or tracking of machinery within this area.

Reason

To reduce the impact of the proposed development on wildlife habitats upstream and downstream, including bankside habitats and in

accordance with Policies D1 and D5 of the Waverley Borough Local Plan 2002.

61. Condition

No other alterations shall be made to the basement hereby approved, including pathways (such as service pipes and ducts) without the prior written permission of the Local Planning Authority.

Reason

In order to prevent the increased risk of flooding in accordance with Policy D1 of the Waverley Borough Local Plan 2002.

62. Condition

Before construction above the the ground floor slab level or above the suspended ground floor slab dpc level where over a basement area of the appropriate phase of development as agreed under Condition 2, details of the number and location of vehicle charging points within that phase, shall be submitted to and for the approval of the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

In order to meet sustainability policy objectives in relation to transport, in accordance with the National Planning Policy Framework 2012.

63. Condition

Prior to the demolition of the Gostrey Centre on site, the Memorial Hall extensions permitted under WA/2015/1146 shall be completed and made ready for occupation.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Agenda Item 5.2

WA/2016/0456
Crest Nicholson Regeneration Ltd &
Sainsbury's Supermarket
01/03/2016

Application under Section 19 (Listed Building Consent) to vary Condition 6 of WA/2014/1926 (approved plan numbers) to allow a variation to the extensions and alterations permitted at Brightwells House, Brightwells Road, Farnham GU9 7SB

Committee: Joint Planning
Meeting Date: 22/06/2016

Public Notice: Was Public Notice required and posted: Yes
Grid Reference: E: 484231 N: 146954

Town: Farnham
Ward: Farnham Moor Park
Case Officer: Louise Yandell
8 Week Expiry Date: 26/04/2016
Neighbour Notification Expiry Date: 22/04/2016
Extended Expiry Date: 22/08/2016

RECOMMENDATION That, subject to conditions, Listed Building Consent be GRANTED

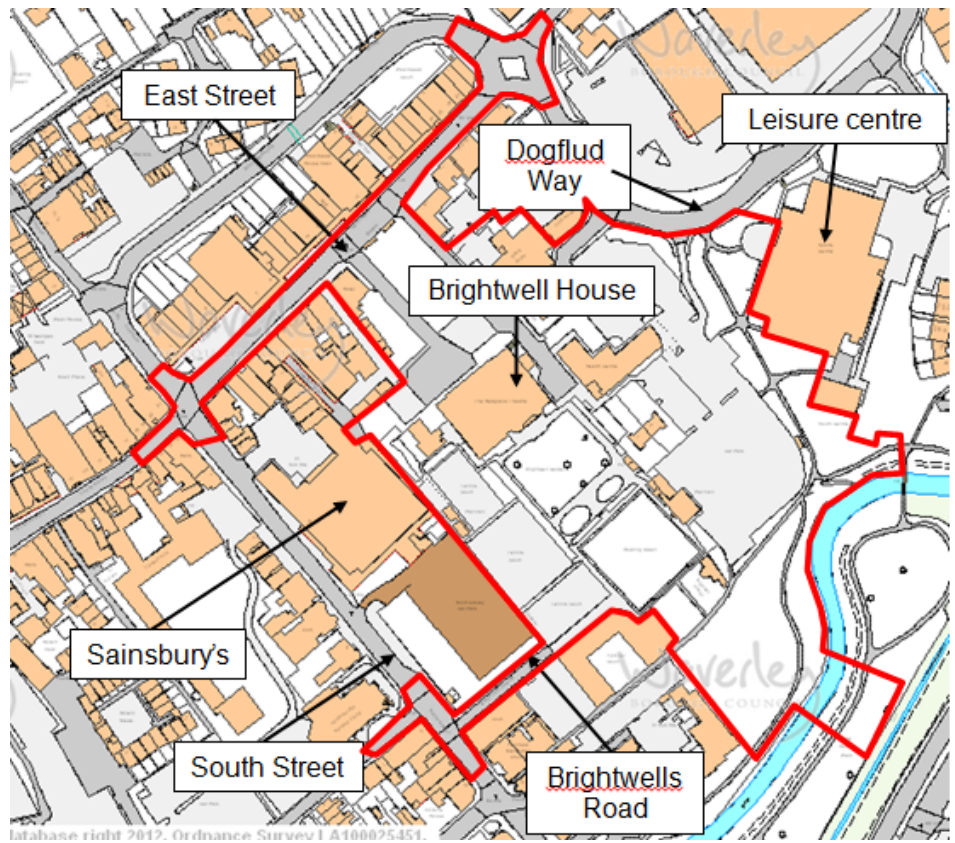
Introduction

This report concerns a proposal for minor material amendments to the listed building consent at Brightwell House.

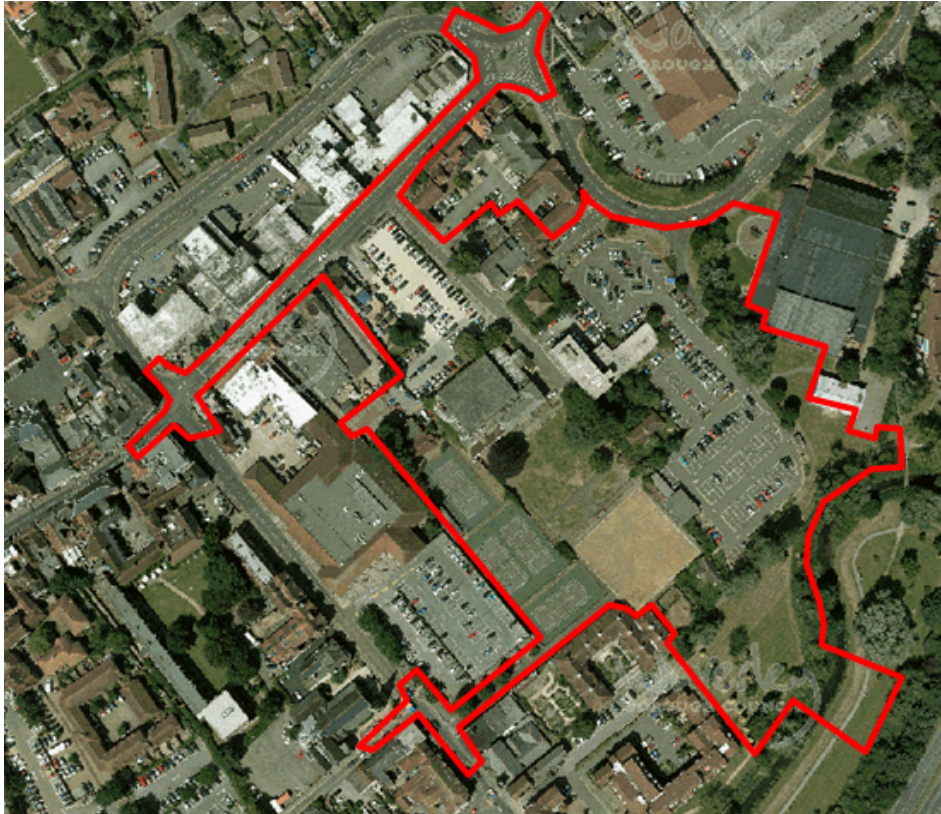
The application is one of a pair that relates to the redevelopment of land at East Street, Farnham. The second application is for minor material amendments to the planning application under WA/2016/0268 and is reported as item A1 on the agenda.

This application has been brought before the Area Committee because the proposal does not fall within the Council's Scheme of Delegation.

Location Plan



Aerial Photograph of Site



Site Description

The application site extends to 3.95ha and contains a variety of buildings and land uses. Many of the buildings are vacant and boarded up and some have been demolished. Demolition has included the former Health Centre building, the bowling club building and bowling green.

The following describes the principal elements of the site and surrounding streets:

- The former Regal Cinema off East Street was a very substantial brick building constructed in the 1930s. It was demolished a number of years ago and is now used as a temporary car park.
- The two-storey Gostrey Centre is a functional 1960/70s building;
- Dogflud Car Park provides parking spaces for both the town centre and leisure centre.
- Brightwell House is a two-storey Grade II Listed Building to which was added the modern Redgrave Theatre in the 1970s. The buildings have been unused for a number of years and are boarded up.

- Brightwell Gardens and the former bowling green were originally part of the historic curtilage of Brightwell House. The former is a simple attractive green space to the south of Brightwell House.
- Four tennis courts and a clubroom located towards the western part of the site.
- Brightwell Cottage located towards the south-east of the site and is a Building of Local Merit (formally Locally Listed Building). This is an attractive single-storey dwelling built of random coursed chalkstone with brick quoins under a concrete tiled roof. It is in poor condition and is boarded up.
- The informal treed green space close to the River Wey which provides a backcloth to this part of the town.

The surrounding area is mixed in character. South Street is predominantly a one-way street and a principal route for traffic in the town centre. It has a variety of two and three storey buildings with the western side incorporating a number of older buildings all of which are in the Farnham Conservation Area. The Conservation Area includes nos. 2-8 on the east side of South Street and the Liberal Club and Methodist Church further down and alongside Brightwell Road. The spire of the United Reformed Church dominates the skyline of Farnham and is a key landmark. The junction between South Street and East Street has a number of small listed buildings. Sainsbury's is the largest single building and replaced buildings of a smaller stature. At the south end of the Street is the Methodist Church, which also has a tower and is a landmark feature in the area.

The wooded course of the River Wey lies on the southeast boundary of the site and is a major green space containing Borelli Walk, a recreational thoroughfare.

East Street is an historic route to and from the town centre. The south side comprises small-scale buildings of a variety of architectural styles and a number of buildings are either statutory Listed Buildings or Buildings of Local Merit (formerly known as Locally Listed Buildings). The south side and western end is also within the Conservation Area but that stops just short of the Marlborough Head public house. Land east of the pub is the cleared site of the former cinema.

The street as a whole is dominated by the Woolmead Centre on its northern side. This was constructed in the 1960s and is a two/three/four storey building containing retail uses at ground level with offices above. East Street is a one-way street from east to west and has a number of mature trees at its eastern end.

Dogflud Way provides a principal vehicular access into the town from the east. It is characterised by larger building blocks compared with the historic core of the town.

On the corner of East Street and Dogflud Way is a two/three storey courtyard development of offices and residential apartments. That development reinforces the lines of the street and keeps car parking internally within the courtyard.

To the east of the site is Farnham Leisure Centre with swimming pool and sports facilities. To the east are other leisure facilities including the skateboard park and a youth centre building.

Brightwells Road provides vehicular access to Sainsbury's car park as well as cycle and pedestrian access to the Tennis Club, the former bowls club and the site in general. Faulkner Court and Home Park House on the southeast side provide accommodation for the elderly in two and three storey buildings. Adjacent to Faulkner Court is the very attractive Victoria Garden, behind an arched brick wall by the architect Faulkner.

The building occupied by the Farnham Town Council, designed by Lutyens, is within the Conservation Area facing South Street.

In terms of land and building use there is a broad mix of uses found within the vicinity of East Street, including shops, pubs/restaurant/cafe, commercial, community, leisure and residential uses.

The retail uses on East Street and South Street, with the exception of Sainsbury's, are generally of a secondary and tertiary nature although they lie within the central shopping area.

Proposal

The application seeks minor material amendments to the Listed Building Consent granted under WA/2014/1926. This permission is extant, but has not been implemented on the site.

Listed Building Consent is sought under Section 19 (Listed Building Consent) to vary Condition 6 (approved plan numbers) of WA/2014/1926 for the demolition of the attached Redgrave Theatre and conversion of Brightwell House to form 2 no. restaurant units. Works to include single/two storey extensions to the north and west (containing additional ground floor restaurant space, kitchen areas, stores, toilets, staircase and plant room and first floor kitchens, stores, staff WC and plant room). Works to existing house to include reinstatement of 3 no. original hipped roofs and roof light to the north

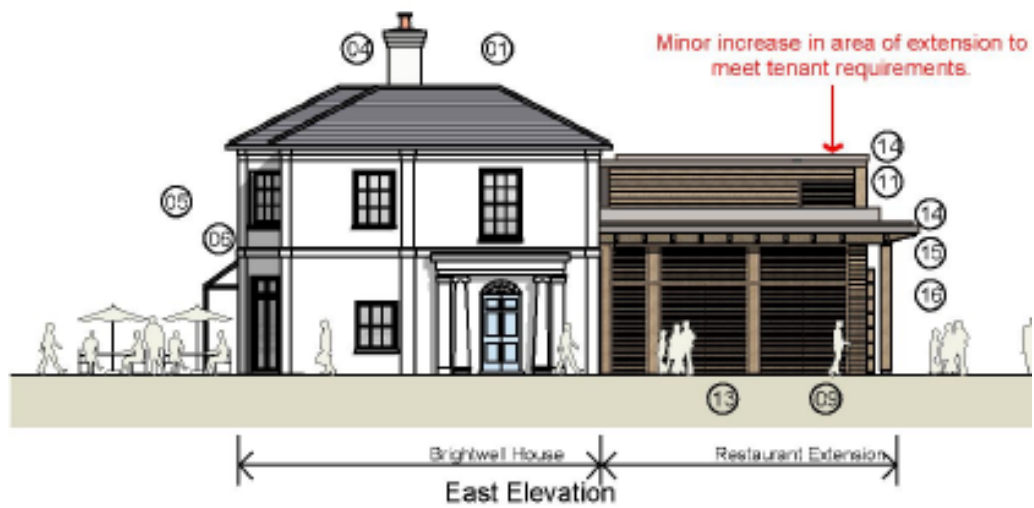
elevation and hipped roofs over the existing bay windows and reinstatement of the glazed canopy in the southern elevation. Reinstatement of original chimneys, internal fireplaces and staircase. Partial unblocking of a first floor window on the west elevation. Removal of later partition walls and ground floor toilet; new openings through to first floor extension, installation of servery. Some blocking in of existing internal openings. Demolition of boundary walls, toilet block and cottage.

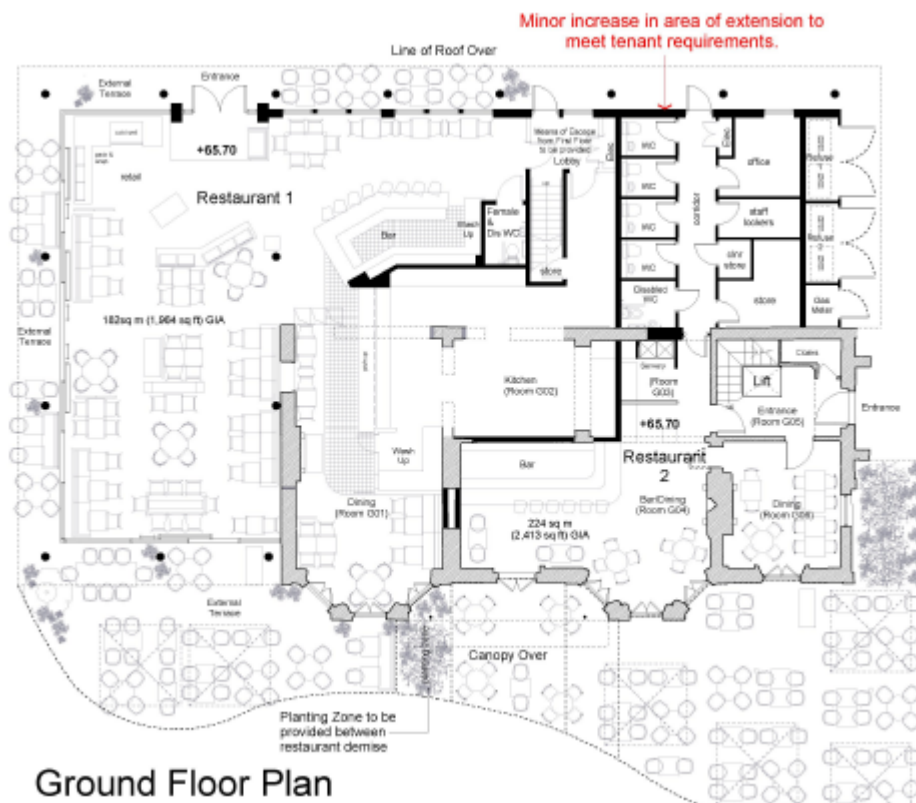
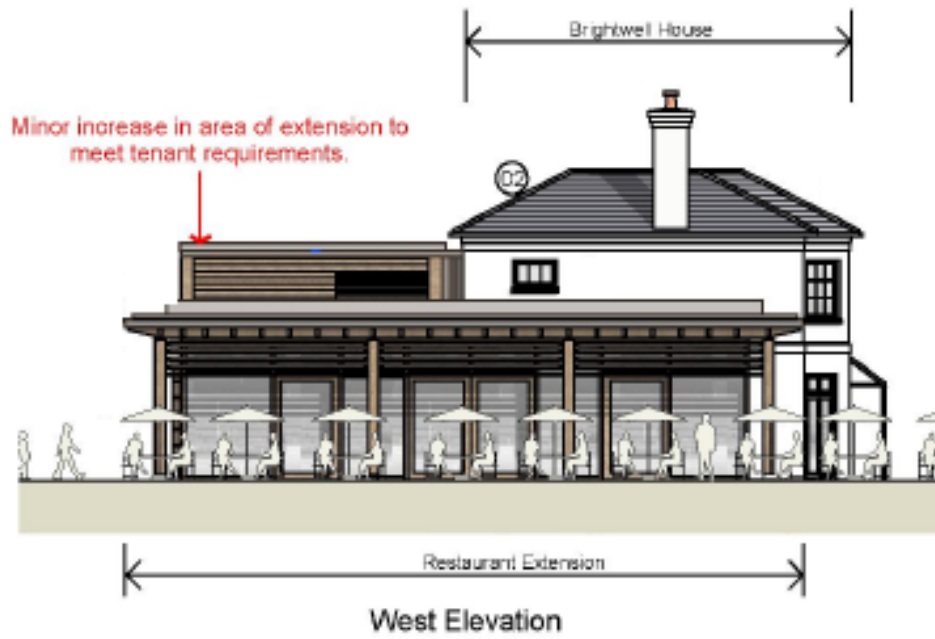
In varying the above condition, this application for Listed Building Consent seeks minor material amendments to planning permission WA/2014/1926 in the form of:

- A 113.48m² (35.4%) increase in the gross internal floor area of the proposed single storey/two storey extension to Brightwell house
- Amended internal works to Brightwell House comprising
 - Existing walls removed
 - New openings created
 - New partition walls created
 - Installation of lift at ground and first floor
 - Modern doors removed

Current Proposal





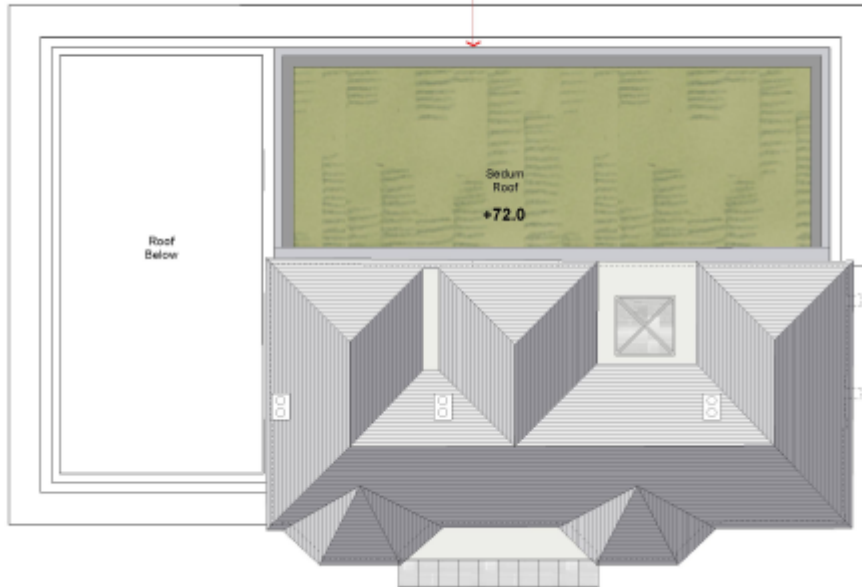


Minor increase in area of extension to meet tenant requirements.



First Floor Plan

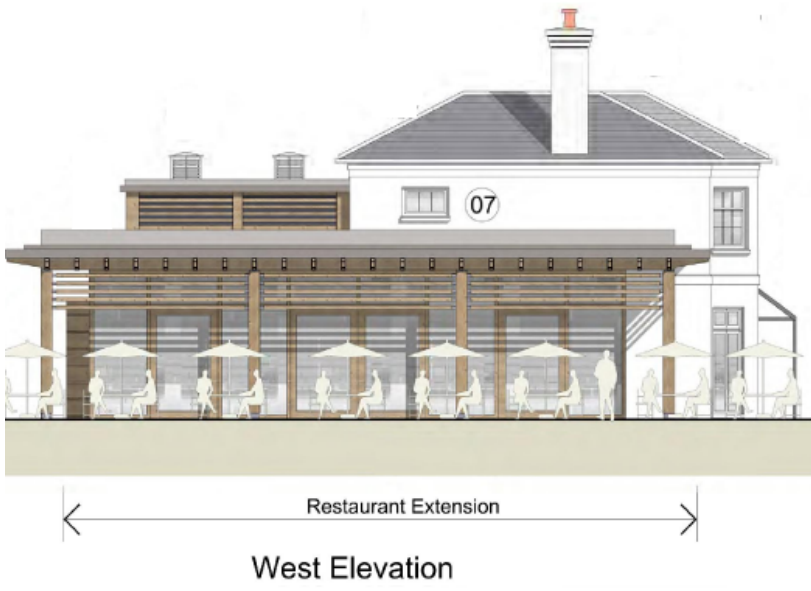
Minor increase in area of extension to meet tenant requirements.



Roof Plan

Extension Granted Consent under WA/2014/1926



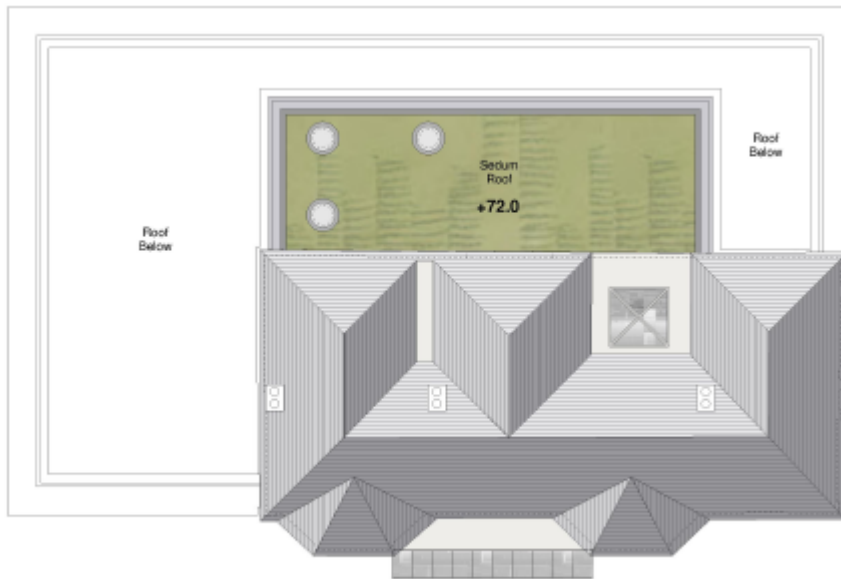




Ground Floor Plan



First Floor Plan



Roof Plan

Relevant Planning History

Reference	Proposal	Decision
WA/2016/0286	Application under Section 73 for the variation of condition 3 (Plans) and condition 61 (Sustainability Statement) and removal of condition 60, (Combined Heat and Power Scheme) of WA/2012/0912 (East Street Redevelopment) to allow: 106 sq m increase in size of extension to Brightwell House, realignment of rear of Building D21, removal of Gostrey Centre community use from Building D20 resulting space to be occupied by Use Class A1/A3 Retail/ Food and Drink, internal alterations and amendment to landscaping scheme; revision to heating strategy, omitting energy centre and changes to comply with current Building Regulation and other regulation requirements with subsequent revisions to Sustainability Statement; amendment to affordable housing provision to provide 100%	Pending decision

	shared ownership flats. This application is accompanied by an Addendum to the Environmental Statement.	
NMA/2015/0039	Non Material Amendment application for Amendment to Condition 16 of WA/2012/0911 in order to allow certain works identified to take place under planning permission WA/2012/0912 for the main site, prior to the construction of the temporary vehicular bridge and associated access works granted under planning permission WA/2012/0911.	Non Material Amendment Allowed 17/06/2015 (Implemented)
WA/2014/2420	Erection of a building to provide a bat roost.	Full permission 20/02/2015 (Not implemented – extant)
WA/2014/1926	Listed Building Consent for demolition of the attached Redgrave Theatre, conversion of Brightwell House to form 2no. restaurant units. Works to include single/two storey extensions to the north and west (containing additional ground floor restaurant space, kitchen areas, stores, toilets, staircase and plant room and first floor kitchens, stores, staff WC and plant room). Works to existing house to include reinstatement of 3no. original hipped roofs and roof light to the north elevation and hipped roofs over the existing bay windows and reinstatement of the glazed canopy in the southern elevation. Reinstatement of original chimneys, internal fireplaces and staircase. Partial unblocking of a first floor window on the west elevation. Removal of later partition walls and ground floor toilet; new openings through to first floor extension,	Listed Building Consent Granted 24/10/2014 (Not implemented – extant)

	installation of servery. Some blocking in of existing internal openings. Demolition of boundary walls, toilet block and cottage at Brightwells House, Brighwells Road, Farnham, GU9 7SB.	
NMA/2012/0025	Amendment to WA/2008/0279 for changes to Building D20 comprising provision of an additional basement area and ventilation louvres, rearrangement of bin store and recycling stores, alterations to cafe entrance and provision of new entrance door to south west of building, installation of roller shutter and door to unit 01. Amendment to the area outside of the building comprising of an external seating area to cafe with resulting alterations to footpath, erection of a trolley bay and provision of a "collect by car" parking space.	Non Amendment 17/04/2012 Material Granted
WA/2012/0912	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 the change of use of Brightwell House and Marlborough Head); 239 residential units (Class C3); a multi-screen cinema (Class D2); multi-storey, surface and basement car parks providing a total of 426 spaces; associated highway and access works; provision of infrastructure and landscaping; replacement facility for the existing 'Gostrey Centre'; demolition and clearance of the site. This application is accompanied by a supplementary Environmental Statement.	Full permission – subject to Section 106 Agreement - 07/08/2012 (Implemented - extant)

WA/2012/0911	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 from that approved under WA/2008/0279. This application is accompanied by a supplementary Environmental Statement.	Full permission 06/06/2012 (Implemented – extant)
WA/2012/0553	Certificate of Lawfulness under Section 192 for the proposed development of Unit D20-R-01 in accordance with planning permission WA/2008/0279 and the use of Unit D20-R-01 for Use Class A1 (retail), with an in-store cafe of up to 223 sqm for use by visiting members of the public and use of an external area shown on drawing 13512-D20-001_B for seating associated with the café	Certificate of Lawfulness granted 17/05/2012
WA/2011/1215	Listed Building Consent for demolition of the attached Redgrave Theatre, conversion of Brightwell House to form 2 no. restaurant units. Works to include single/two storey extensions to the north and west (containing additional ground floor restaurant space, kitchen areas, stores, toilets, staircase and plant room and first floor kitchens, stores, staff wc and plant room). Works to existing house to include reinstatement of 3no. original hipped roofs and rooflight to the north elevation and hipped roofs over the existing bay windows and reinstatement of the glazed canopy in the southern elevation. Reinstatement of original chimneys, internal fireplaces and staircase. Partial unblocking of a first floor	Listed Building Consent Granted 13/09/2011 (Not implemented - expired)

	<p>window on the west elevation. Removal of later partition walls and ground floor toilet; new openings through to first floor extension, installation of server. Some blocking in of existing internal openings. Demolition of boundary walls, toilet block and cottage.</p>	
WA/2010/1650	<p>Provision of temporary construction access to the A31, comprising bridge the River Wey, pedestrian underpass, other supporting infrastructure and re-instatement works including re-siting of the proposed footbridge across the River Wey from that approved under WA/2008/0279.</p>	<p>Full permission 21/03/2011 (Not implemented – expired)</p>
WA/2010/0372	<p>Variation of Condition 37 of Planning Permission WA/2008/0279 to omit the requirement for and provision of a temporary construction access from A31, but alternatively to require temporary construction access details and provision from alternative route prior to commencement of development.</p>	<p>Refused 08/06/2010</p>
WA/2008/0280	<p>Application for Listed Building Consent for the demolition of the attached Redgrave Theatre. Conversion of Brightwell House to form 2 no. restaurant units. Works to include single/two storey extensions to the north and west (containing additional ground floor restaurant space, kitchen areas, stores, toilets, staircase and plant room and first floor kitchens, stores, staff wc and plant room). Works to existing house to include reinstatement of 3 no. original hipped roofs and roof light to the north elevation and hipped roofs over the existing bay windows and</p>	<p>Listed Building Consent Granted 09/10/2008 (Not Implemented – expired)</p>

	reinstatement of glazed canopy in the southern elevation. Reinstatement of original chimneys and other internal works. Demolition of boundary walls, toilet block, bowling pavilion and cottage.	
WA/2008/0279	Mixed-use redevelopment comprising: 9,814 sq m of retail, restaurant and cafe-bar accommodation (Use Classes A1, A3 & A4, including the change of use of Brightwell House and Marlborough Head); 239 residential units (Class C3); a multi-screen cinema (Class D2); multi-storey, surface and basement car parks providing a total of 426 spaces; associated highway and access works; provision of infrastructure and landscaping; replacement facility for the existing 'Gostrey Centre'	Full Permission 06/08/2009 (Not Implemented – expired)

Planning Policy Constraints

- Developed area of Farnham
- Countryside beyond the Green Belt (River Wey and its south bank)
- Public Footpaths Nos. 170 and parts of Nos.169 and 171
- Potentially contaminated land
- Flood Zones 2 and 3 (southern part of site)
- Listed Building Grade II (Brightwell House)
- Building of Local Merit (Brightwell Cottage)
- Listed curtilage walls and structures
- Within 20m of river bank
- Conservation Area (nearby)
- Gas Pipe Line (non-hazardous)
- Central Shopping Area (East Street frontage)
- Development within Town Centre
- Pedestrian Improvement Area in East Street
- East Street Opportunity Area
- Shared Pedestrian and Cycle Routes (Borelli Walk)
- Site and Area of High Archaeological Potential (adjacent)
- Area of Strategic Visual Importance (River Wey and its south bank)
- AQMA Buffer Zone

- Wealden Heaths I SPA 5km buffer zone
- Thames Basin Heath SPA 5km buffer zone
- Section 106 Agreement – WA/2008/0279 and amended under WA/2012/0912

Development Plan Policies and Proposals

Saved Policies HE1, HE4 and HE5 of the Waverley Borough Local Plan 2002.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The adopted Local Plan (2002) therefore remains the starting point for the assessment of this proposal.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of this case. In line with paragraph 215 due weight may only be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The report will identify the appropriate weight to be given to the Waverley Borough Local Plan 2002.

The Council is in the process of replacing the adopted 2002 Local Plan with a new two part document. Part 1 (Strategic Policies and Sites) will replace the Core Strategy that was withdrawn in October 2013. Part 2 (Development Management and Site Allocations) will follow the adoption of Part 1. The new Local Plan will build upon the foundations of the Core Strategy, particularly in those areas where the policy/approach is not likely to change significantly. Public consultation on potential housing scenarios and other issues took place in September/October 2014. In the latest provisional timetable for the preparation of the Local Plan (Part 1), the Council is scheduled to approve the plan for publication in July 2016.

Other Guidance:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Farnham Conservation Area Appraisal SPD (2005)
- Farnham Design Statement (2010) (Central Area)

Consultations and Town Council Comments

<p>Farnham Town Council:</p>	<p>Objection:</p> <p>It is the Council's understanding that Section 19 of the Planning (Listed building and Conservation Areas) Act 1990 enables an application to be made by persons with an interest in the building which simply seeks a change in the conditions without re-opening the entire question as to whether consent should have been granted and than in dealing with such an application it is also open to Waverley to add consequential new conditions to the consent.</p> <p>The application seek a minor [amendment] to the previously consent extension, comprising an approximately 106s.q.m (13%) increase in the GIA of the extension to Brightwell House due to the occupier's need for minor revision to the internal layout including plant room location with associated natural coloured timber louvres and minor changes to glazing on the north and east elevations. The Town Council maintain that this change is significant when viewed in conjunction with the numerous other amendments made to this permission, which cumulatively result in such significant changes that a new planning application should be made.</p> <p>In addition to this argument, in 2015, Historic England encouraged the further consideration of the retention of the curtilage listed structures, including the boundary walls and cottage, which contribute to the significance of the 18th Century Brightwell House. This would</p>
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	seem to be the opportune time to consider these expert opinions
Historic England	Specialist staff have considered the information received and Historic England do not wish to offer any comments on this occasion. This application should be determined in accordance with national and local policy guidance and on the basis of the Council's expert conservation advice.
The Georgian Group	Not yet received – to be updated orally
Conservation Committee	Not yet received – to be updated orally
The Twentieth Century Society	Not yet received – to be updated orally
Ancient Monument Society	Not yet received – to be updated orally
Council for British Archaeology	Not yet received – to be updated orally
The Victorian Society	Not yet received – to be updated orally
Society For Ancient Buildings	Not yet received – to be updated orally

Representations

In accordance with the statutory requirements and the “Reaching Out to the Community – Local Development Framework – Statement of Community Involvement – August 2014” the application was advertised in the newspaper on 01/04/2016 site notices were displayed around the site 01/04/2016 and neighbour notification letters were sent on 22/03/2016

28 letters have been received raising objection on the following grounds:

- The proposal has been submitted to avoid the need for an updated Environmental Impact Assessment
- The proposal removes the last community asset (the Gostrey Centre) in the scheme
- The proposal requires the demolition of the Redgrave Theatre
- The planned restaurant does not compensate for the demolition of a community asset (the Redgrave Theatre)
- The proposal is part of the East Street/Brightwell scheme which seeks to undertake major sewerage works without building a construction traffic access bridge

- The proposed bin stores located next to the entrance, the expansive flat roofs, the proposed extension external walls of glass and timber cladding are all totally out of keeping with Brightwell House
- 13% increase of the extension floor area and the other revisions are not minor variations and a new application should be submitted for the proposed works
- The demolition and alteration works considerably reduce the proportion of the existing structure, increasing the likelihood of damage to Brightwell House
- The revised proposal further decimates the elevational excellence of 19th Century refurbished classical villa Style Brightwell house and are unacceptable.
- The two storey extension now spans the full width of the north elevation, extending up to and abutting the roof, completely dominating the elevations of the existing Brightwell House building
- The scheme in its present form is not relevant or located usefully to the existing town centre
- The application advises that the proposals are based on the needs of unnamed restaurant companies. These details should be made public and a guarantee that no further needs requiring a further increase in footprint will be made
- The extension shows much more than a 13% increase of size of gross internal area as it is on two stories, amounting to an increase of approximately 37%. The drawings appear to show a 75% increase in the floor area of the first floor extension and a 23% increase of the ground floor extension. Together these equate to a 37% increase in the gross internal area of the extension
- The glass restaurant extension is an unsuitable and unnecessary addition to Brightwell House as Farnham already contains too many restaurants.
- Proposed internal changes include the removal of a substantial section of rear wall of the existing house to accommodate more dining room in Restaurant 1. Such a change would be harmful to the heritage asset as it would subordinate the Georgian scale and proportion of the rooms in this part of Brightwell House

- Granting planning permission could lead to an offence being committed as there is a risk that the proposed development could lead to the disturbance of bats present on the site.

Submissions in support

In support of the application the applicant has made the following points:

- The proposed amendments solely relate to the extension to Brightwell House and do not seek to amend other aspects of the listed building consent. The amendments are required in order to meet the requirements of an occupier for the units created in the redevelopment of Brightwell House.
- The extension to the building would continue to respect the scale of the listed building and would continue to be of a high quality contemporary design which reflects the quality of the detail seen on the listed building.
- The proposed amendments would continue to create a vibrant and contemporary interior within the new restaurant extension.
- The 106 sq.m (13%) increase in the GIA would not impact significantly on the external appearance of the extension.
- There would be no change in the proposed materials for the extension and it is considered that there will be a neutral impact in visual terms.
- The proposed minor amendments would also preserve and enhance the character and appearance of the area in accordance with the NPPF and policy HE8 of the adopted Local Plan.
- The proposed minor amendments have had regard to the desirability of preserving the building and its setting and any features of special architectural or historic interest which it possesses.

Determining Issues

- Principle of development and background to S.73 applications
- Planning history and changes in circumstances
- Impact on listed building and designated heritage asset
- Working in a positive/proactive manner
- Town Council and third party representations

Planning Considerations

Principle of development and background to S.73 applications

In accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses.

In the case of *East Northants District Council v Secretary of State* [2014] – the *Barnwell Manor* case – the Court of Appeal said that Local Planning Authorities should give “considerable importance and weight” to the desirability of preserving the listed building and its setting, when carrying out the balancing exercise in determining a planning application that affects such a building and its setting. Members should therefore approach the present applications on that basis

Policies HE1, HE3 and HE5 of the Waverley Borough Local Plan 2002 state that development should preserve or enhance the character and setting of Listed Buildings.

Policy HE1 of the Waverley Borough Local Plan 2002 outlines that consent will not be granted for the demolition of a listed building, other than in the most exceptional circumstances and where conclusive evidence is provided that the building is incapable of being repaired and maintained for a use compatible with its special architectural or historic interest.

Policy HE3 of the Waverley Borough Local Plan 2002 outlines that where development is proposed that will affect a listed building or its setting, high design standards will be sought to ensure that the new development is appropriate and compatible in terms of siting, style, scale, density, height, massing, colour, materials, archaeological features and detailing.

Policy HE5 of the Waverley Borough Local Plan 2002 outlines that proposals to alter or extend listed buildings, including curtilage buildings, must be based upon full information about the special interest of the building and applicants must show why works which would affect the character of a listed building are desirable or necessary. High design standards will be sought.

In this instance, consideration is given to the impact of the proposal on the setting and special architectural merits of this Grade II Listed Building (*Brightwell House*) in accordance with Policies HE3 and HE5 of the Waverley Borough Local Plan 2002.

The Redgrave Theatre was added to Brightwell House in the early 1970s. Although this was added as an extension to the building, it does not form part of the special interest of the historic building.

The NPPF 2012 is a material consideration in the determination of this case. Paragraphs 214 and 215 of the NPPF 2012 make clear that where a local authority does not possess a development plan adopted since 2004, due weight may only be given to relevant policies in existing plans according to their degree of conformity with the NPPF.

Paragraph 128 of the NPPF 2012 states that 'Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made to their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'.

Before deciding on whether there is harm to the significance of a heritage asset or its setting as a result of the proposal, and if so, whether it is substantial or less than substantial harm, paragraph 129 of the NPPF 2012 first advises that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Great weight should be given to the asset's conservation, the more important the asset, the greater the weight should be. This guidance reflects the judgment in the Barnwell Manor case.

The definition of 'heritage asset' in the NPPF 2012 includes listed buildings. The site contains a Grade II listed building which is therefore considered to be a designated heritage asset.

The NPPF 2012 defines 'significance' as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For this particular application, the heritage interest is Brightwell House and not the Redgrave Theatre attached to it. The theatre is therefore not considered to form part of the significance when assessing the impact of its loss.

The significance of the Brightwell House is that it is a locally important example of a substantial 19th century house built in a semi rural location. It gives historic context to the development of the eastern side of Farnham. The historic qualities of the house and garden have been compromised by the construction of the Redgrave Theatre and surrounding development.

Paragraph 131 of the NPPF 2012 states that, 'in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness'.

Paragraph 132 of the NPPF 2012 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building... should be exceptional'.

Paragraph 133 of the NPPF 2012 states that 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 of the NPPF 2012 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated

heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

The NPPG 2014 provides guidance under the Section titled 'Conserving and Enhancing the Historic Environment'. Whilst not a policy document, it does provide further general advice to policies in the NPPF 2012.

The Practice Guidance (2010) which accompanied PPS5 was updated by the government in 2012 and is extant. The Practice Guidance is relevant and consistent with the NPPF 2012, and it therefore remains a material consideration at this present time.

Paragraph 7 of Planning Policy Statement 5 outlined that heritage assets should be conserved for future generations, in a manner appropriate to their significance by ensuring that, wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation. This test is reflected in paragraph 126 of the NPPF 2012.

Policy HE9.4 of the Practice Guidance to PPS5 states that where a proposal has a harmful impact on the significance of a designated heritage asset, which is less than substantial harm, LPAs should a) weigh the public benefit of the proposal, e.g. it helps to secure the optimum viable use of the heritage asset in the interests of its long term protection, against the harm caused by the development, and b) recognise that the greater the harm to the significance, the greater the justification will be needed for any loss.

This test has been carried forward into paragraphs 132-134 of the NPPF 2012.

In accordance with Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990 In accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, any person interested in a listed building with respect to which listed building consent has been granted subject to conditions may apply to the Local Planning Authority for the variation or discharge of the conditions.

The principle of development was established by the granting of planning permission WA/2014/1926. Whilst the applicant is applying for a variation of condition 6 (Plans) under with Section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposal is, in effect, a fresh application for the entire development, albeit with a variation to that original condition. In considering the current application officers have been mindful of any material changes in planning circumstances since the granting of that

original permission. These include (i) site circumstances, (ii) application, (iii) changes in planning policy and (iv) further planning history.

(i) Site Circumstances

Officers note that there has been a material change in site circumstances since that application as both the original permission to which this application refers (WA/2012/0912) and the permission for the temporary construction access to the A31 (WA/2012/0911) have commenced on site.

(ii) Application

Listed Building Consent has previously been granted for the demolition of the attached Redgrave Theatre and the conversion of Brightwell House to form 2 no. restaurant units, which included internal works and the erection of a single/two storey extensions to the north and west.

Works to Brightwells House involved:

- Reinstatement of 3 no. original hipped roofs
- Reinstatement roof light to the north elevation
- Reinstatement hipped roofs over the existing bay windows and
- Reinstatement of the glazed canopy in the southern elevation
- Reinstatement of original chimneys,
- Reinstatement of internal fireplaces and staircase
- Partial unblocking of a first floor window on the west elevation,
- Removal of later partition walls and ground floor toilet
- Installation of New openings through to first floor extension,
- Installation of servery
- Blocking in of existing internal openings
- Demolition of boundary walls, toilet block and cottage

The differences between the current proposal and that application are:

Amended internal works to Brightwell House:

Ground Floor:

- New openings created in Rooms G01 and G02
- New partition walls created between Kitchen (Room G02), Servery (Room G03) and Bar/Dining (Room G04)
- Installation of lift in Entrance (Room G05)

First Floor:

- New partition walls created in Rooms F02 and F03 to provide staff room, staff W.C and Office
- New partition walls created in Room F05 to create lobby
- Existing walls removed in Room F04
- Modern doors removed in Function Room/Restaurant (Room F07)
- Installation of lift in Landing (Room F08)

The external fabric of Brightwell House would remain as granted Listed Building Consent under WA/2014/1926.

Amendments to single storey/two storey extension approved under WA/2014/1926 involve:

- The width of the proposed extension at first floor increasing from 17.7 to 20.4m
- The depth of the proposed extension at ground floor increasing from 18.8m to 19.1m
- The depth of the proposed extension at first floor increasing from 5.9m to 7.9m
- The overall height of the proposed extension increasing from 6.3m to 6.7m
- The internal floor area of the proposed extension at ground floor increasing from 232.15m² to 281.46m²
- The internal floor area of the proposed extension at first floor increasing from 88.23m² to 152.40m²

The materials of the proposed extension would remain as those granted permission under WA/2014/1926, namely natural colour timber cladding, louvers, windows and a sedum roof.

(iii) Changes in Planning Policy

The National Planning Practice Guidance, a government online resource was published in 2014. Furthermore the Core Strategy which was emerging at the time of the original report was withdrawn from examination and is no longer relevant. This was only given limited weight in the original decision given the stage in the process it was at.

(iv) Further Planning History

Following the original 2012 permission a non material amendment application was approved for certain works to be carried out prior to the construction of

the temporary vehicular bridge and associated access works (NMA/2015/0039), an associated Listed Building Consent (WA/2014/1926) which was an effective renewal of WA/2011/1215 and a Bat roost (WA/2014/2420) pursuant to conditions upon WA/2012/0912.

Furthermore, a Compulsory Purchase Order has been approved on 28/05/2012 for the acquisition of 5 parcels of land on the site and additional rights over other parcels of land (see Compulsory Purchase Order for detail).

It is a highly material planning consideration that there is an existing Listed Building Consent which could be implemented on site. Members are advised that it would be inappropriate and unreasonable to revisit the principle of the entire development.

It is a highly material planning consideration that there is an existing Listed Building Consent which could be implemented on site. As such, it would be inappropriate and unreasonable for Officers to revisit the principle of the entire development.

The test for Members is whether having regard to the changes in planning circumstances, the current proposal is acceptable in its own right or whether a different decision should be taken upon the current proposal including whether any additional mitigation is required in respect of this proposal to offset any additional concerns or impact. The assessment will be made under the following material considerations.

Impact on listed building and designated heritage asset

The statutory test for the consideration of applications for Listed Buildings consent is contained in Section 16 Listed Buildings and Conservations Areas Act 1990 as follows:

“In considering whether to grant listed building consent for any works the Local Planning Authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses.”

In accordance with this, the NPPF and Policies HE1, HE3 and HE5 of the Local Plan 2002 state that development should preserve or enhance the character and setting of Listed Buildings and the impact upon the significance of a heritage asset must be considered.

Officers consider the physical form of the existing theatre, which was added to Brightwell House in the early 1970s, is un-sympathetic and makes little

aesthetic and architectural contribution to the setting of Brightwell House. The scale of this element further dominates the listed building.

This element of the existing building is considered not to be of any significance to the heritage asset (Brightwell House). Officers raise no objection to the demolition of this element of the building.

The Redgrave Theatre is attached to the heritage asset (Brightwell House), but it is not a part that contributes to its national interest. Therefore, it would not be reasonable from a heritage point of view to prevent the demolition of the theatre.

From a listed building point of view, it is still held that the demolition of the theatre would allow Brightwell House to be enhanced and brought back into use.

The internal works proposed to the designated heritage asset respects the existing layout with the retention of a number of principal internal walls. Officers are satisfied that the repairs and internal works would preserve the special character of the Listed Building. Conditions seeking further details of precise methods and detailing of the internal works are recommended by Officers in the event consent is granted.

The proposed extension would extend off two elevations of Brightwell House, with a contemporary design approach. The table below identifies the differences between the Listed Building Consent granted under WA/2014/1962 and the current proposal:

	Internal Ground Floor Area	Internal First Floor Area	Total Internal Floor Area	Increase in Internal Floor Area
WA/2014/1926	232.15m ²	88.23m ²	320.38m ²	-
Current Proposal	281.46m ²	152.40m ²	433.86m ²	+113.48 m ² 35.4%

	Ground Floor Width	First Floor Width	Ground Floor Depth	First Floor Depth	Overall Height
WA/2014/1926	31.12m	17.7m	18.8m	5.94	6.32m
Current Proposal	31.75m	20.4m	19.1m	7.92	6.71m
Increase	+0.063m	+2.7m	+0.3m	+1.98m	+0.039m

In comparison to the extension granted under WA/2014/1962, the current scheme would extend the full width of the north elevation of Brightwell House, resulting in the east elevation of the proposed extension extending closer to the eastern flank entrance elevation of Brightwell House. This increase in width appears to conflict with the status of the main entrance to Brightwell House.

The proposal is therefore considered by Officers to cause less than substantial harm to the significance of the designated heritage asset.

In accordance with paragraph 134 of the NPPF 2012, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The proposal would secure a sustainable long term future for Brightwell House, by enhancing its historic fabric and bringing it back into a financially secure and active use, as well as becoming a focal point that would strongly contribute to the regeneration of this area which, which would enhance public social life for residents within the Borough.

The proposal would also provide valuable economic benefits, as it would provide employment in the area and attract visitor footfall, both during and beyond normal shopping hours, to the town centre.

Therefore, whilst the harm overall to the significance of the designated heritage asset would be less than substantial, Officers consider that the significant public benefits afforded by the proposal would outweigh the less than substantial harm caused to the significance of the heritage asset to justify the granting of Listed Building Consent on this occasion.

Historic England has been consulted on this application and do not object to the proposed amendments to WA/2014/1926.

Pre Commencement Conditions

Article 35 of the DMPO 2015 requires that for any application for planning permission, the Notice must state clearly and precisely the full reasons, in the case of each pre-commencement condition, for the condition being a pre-commencement condition. This is in addition to giving the full reason for the condition being imposed.

“Pre commencement condition” means a condition imposed on the grant of permission which must be complied with: before any building/ other operation/ or use of the land comprised in the development is begun.

Where pre commencement conditions are justified, these are provided with an appropriate reason for the condition.

Development Management Procedure Order 2015 - Working in a positive/proactive manner

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:-

- Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered;
- Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

Farnham Town Council and third party representations

All of the issues and concerns raised by the Town Council and the third parties have been carefully considered by Officers. The relevant Listed Building issues and changes in circumstances have been assessed in the above report. The acceptability of the East Street redevelopment scheme has already been established by the implemented and extant WA/2012/0912 permission and the extant Listed Building Consent WA/2014/1926. The wider East Street mixed-use scheme under the extant planning permission is not required to be re-assessed under the current application.

A number of third party representations have objected to the loss of the theatre as a facility. Notwithstanding that the loss of the theatre use cannot be taken into account under the current application which is concerned with an assessment under Planning (Listed Buildings and Conservation Areas) Act 1990, the principle of the loss of the theatre as a use was fully accepted under the implemented and extant permission WA/2012/0912.

In respect of the need for a new Environmental Statement, the principle of the demolition of, and erection of the proposals were considered as part of the overarching planning permission for the site under WA/2012/0912, for which the Environmental Statement concluded that, subject to mitigation, there would be no unacceptable environmental impact. The demolition proposed

under this Listed Building Consent application have already been assessed, along with the wider East Street mixed-use scheme, under the extant planning permission WA/2012/0912 in terms of its effects on the environment and the environmental implications of the proposed amendments are considered under the addendum to the Environment Statement accompanying pending planning application WA/2016/0268. An Environmental Statement is not required to be submitted with an application for Listed Building Consent.

The impact of the proposal upon European protected species cannot be taken into account under the current application which is concerned with an assessment under Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion/ planning judgement

The principle of the proposed works and demolition has been established by the previous consent WA/2014/1926, which is a highly material consideration in the determination of this application.

The above assessment, which takes into account relevant local and national planning policy, concludes that there have not been any changes in circumstances to warrant making a different decision on this current application compared with the Listed Building Consent WA/2014/1926.

Officers have concluded that as a result of its overall width, the proposal would fail to preserve the character of the listed building. However, the proposal would secure a sustainable long term future for Brightwell House and provide significant economic and social public benefits to the residents of Waverley.

It is therefore considered that the less than substantial harm caused to the designated heritage asset and its setting would be clearly outweighed by the benefits of the scheme. Although considerable importance and weight must be given to the desirability of preserving the listed building and its setting, planning permission is justified in the present case, for the reasons given in this report.

Recommendation

That consent be GRANTED subject to the following conditions:

1. Condition
Before the relevant work begins, detailed plans and information in respect of the following shall be submitted to and approved in writing by

the Planning Authority. The work shall be carried out in full in accordance with such approved details:

- (a) joinery at a scale of 1:5
- (b) sections through roof ridge, hips, valleys, eaves & verges at a scale of 1:5
- (c) internal drainage routes, noting all necessary cutting, chasing and other alteration to historic fabric at a scale of 1:5
- (d) samples of external materials and surface finishes..
- (e) schedule of all doors, windows, joinery, fireplaces, decorative plasterwork and other architectural features that are to be altered, relocated, concealed or removed, fully describing the work proposed.

Reason

To ensure that special regard is paid to the interests of protecting the special character and architectural integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies HE3 and HE5 of the Waverley Borough Local Plan 2002.

2. Condition

Before any work begins details of the following steps in relation to the retained portion of Brightwell House shall have been submitted to and approved in writing by the Planning Authority and then undertaken to secure the safety and stability of that part of the building to be retained. Such steps to relate to:

- (a) strengthening any wall or vertical surface
- (b) support for any floor, roof or horizontal surface, and
- (c) provision of protection for the building against the weather

Reason

To ensure that special regard is paid to the interests of protecting the special character and architectural integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies HE3 and HE5 of the Waverley Borough Local Plan 2002.

3. Condition

The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been awarded and planning permission has been granted for the redevelopment for which the contract provides. A copy of this contract shall be submitted to the Planning Authority for verification before any works commence

Reason

To ensure that special regard is paid to the interests of protecting the special character and architectural integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies HE3 and HE5 of the Waverley Borough Local Plan 2002.

4. Condition

Before any work begins, a building record and analysis of the basement / cellar shall be made by a suitably qualified person approved by the Local Planning Authority. A copy of the information shall be offered for deposit with Farnham Museum or The Surrey History Centre.

Reason

To ensure that special regard is paid to the interests of protecting the special character and architectural integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies HE3 and HE5 of the Waverley Borough Local Plan 2002

5. Condition

Before any works begins, a specification for the protection and future maintenance of the basement / cellar must be submitted to, and approved in writing by, the Local Planning Authority. The approved measures must thereafter be fully implemented. They must cover the structural protection of the basement / cellar during adjacent ground works, the permanent protection of surviving cellar doors, provision of ventilation to the basement / cellar, the installation of access for future access for inspection and maintenance

Reason

To ensure that special regard is paid to the interests of protecting the special character and architectural integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies HE3 and HE5 of the Waverley Borough Local Plan 2002.

6. Condition

The plan numbers to which this permission relates are TPN-MP-071, TPN-D12-001 01, TPN-D12-004 01, TPN-D12-050 01, TPN-D12-052 01 and TPN-D12-053 01. The development shall be carried out in accordance with the approved plans. No material variation from these

plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

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