

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

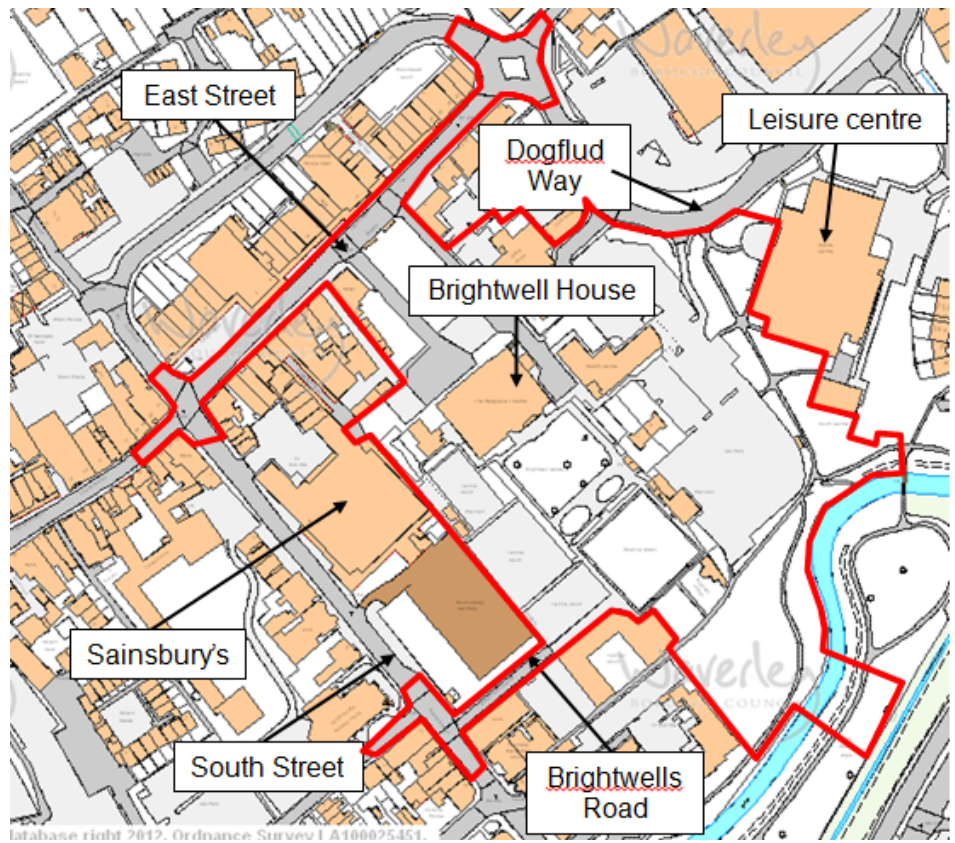
Introduction

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

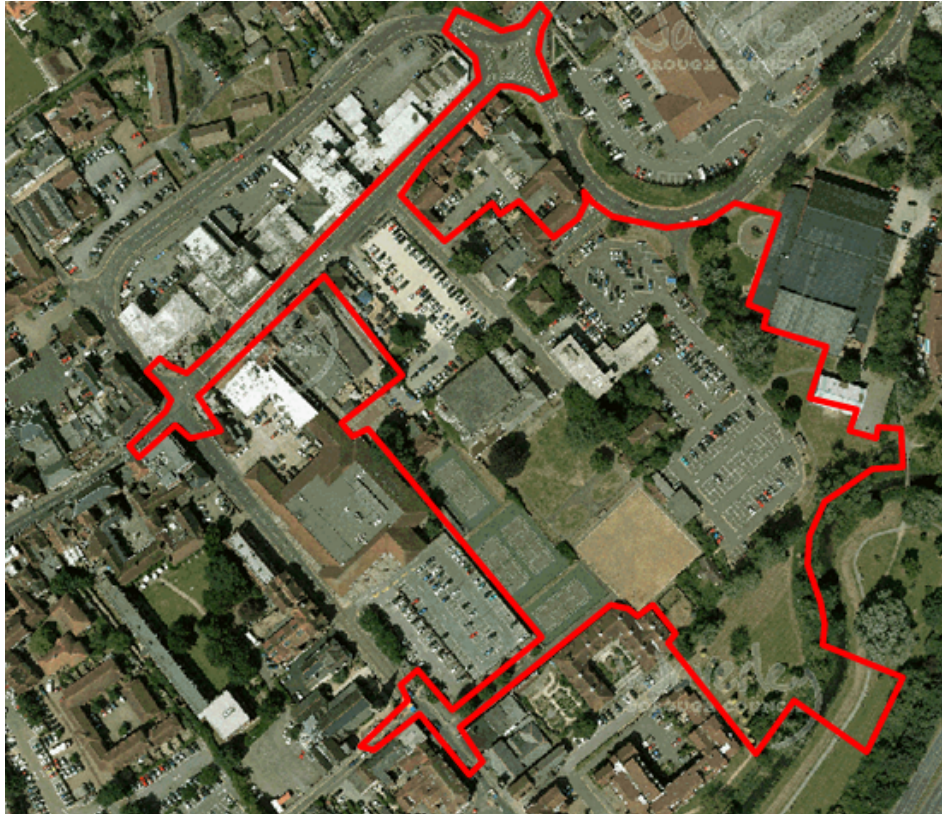
The application is one of a pair that relates to the redevelopment of land at East Street, Farnham. The second application is for minor material amendments to the planning application under WA/2016/0268 and is reported as item A1 on the agenda.

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

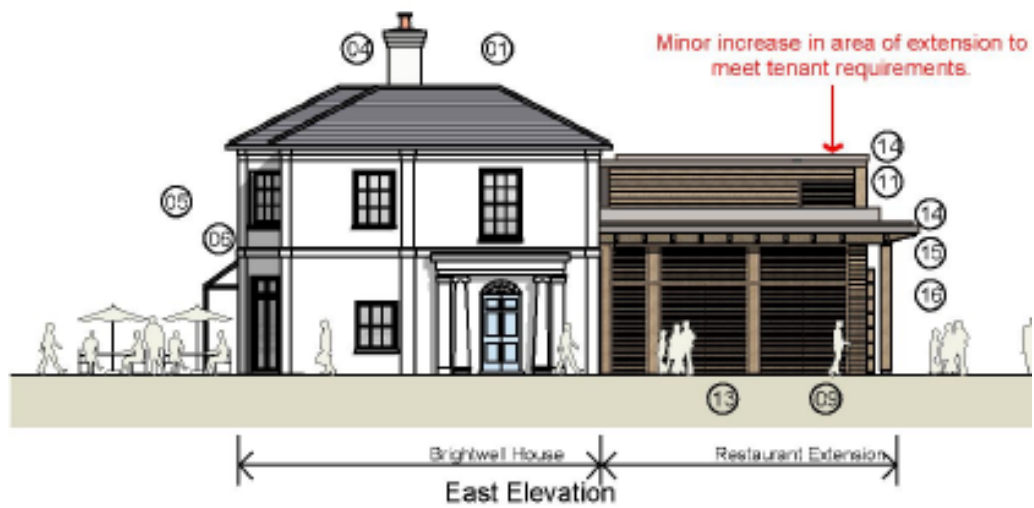
elevation and hipped roofs over the existing bay windows and reinstatement of the glazed canopy in the southern elevation. Reinstatement of original chimneys, internal fireplaces and staircase. Partial unblocking of a first floor window on the west elevation. Removal of later partition walls and ground 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.

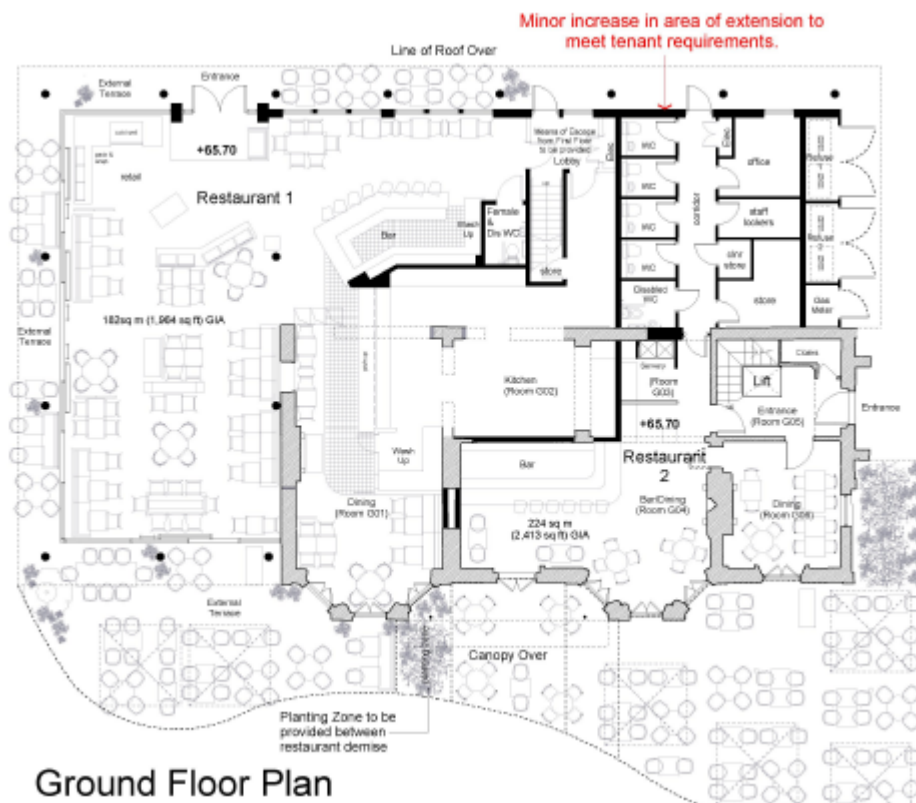
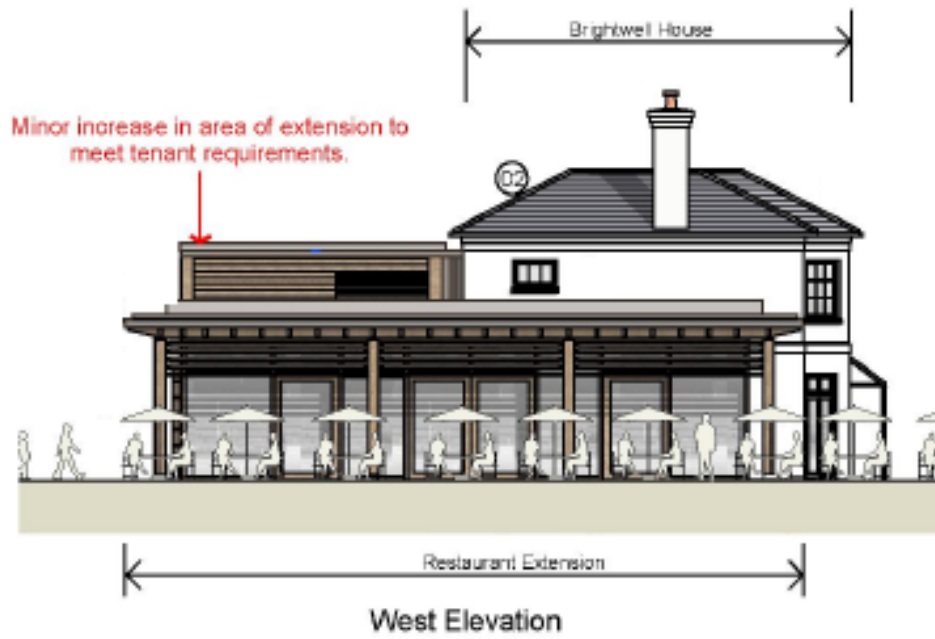
In varying the above condition, this application for Listed Building Consent seeks minor material amendments to planning permission WA/2014/1926 in the form of:

- 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





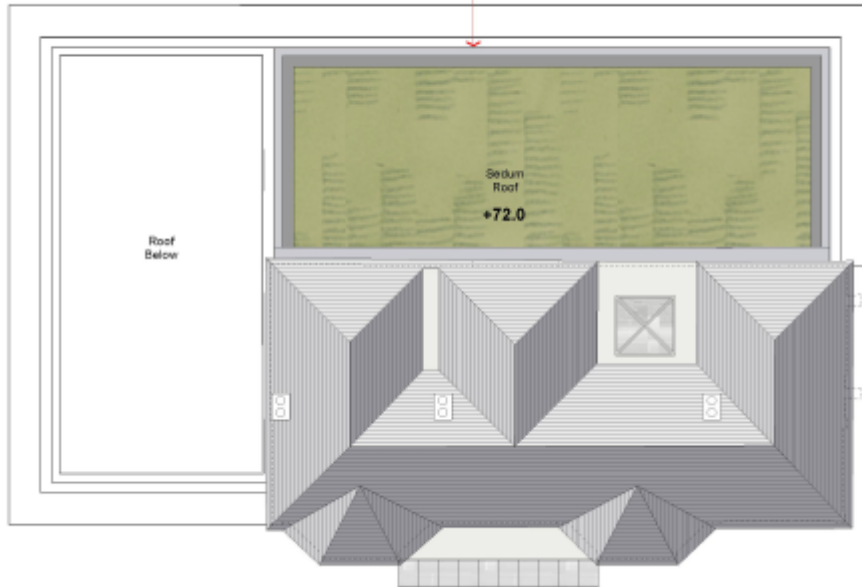


Minor increase in area of extension to meet tenant requirements.



First Floor Plan

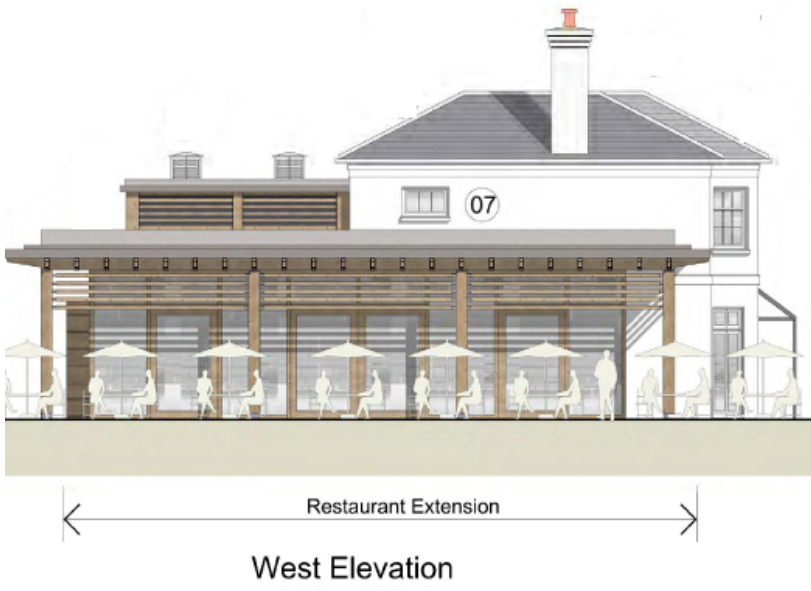
Minor increase in area of extension to meet tenant requirements.



Roof Plan

Extension Granted Consent under WA/2014/1926



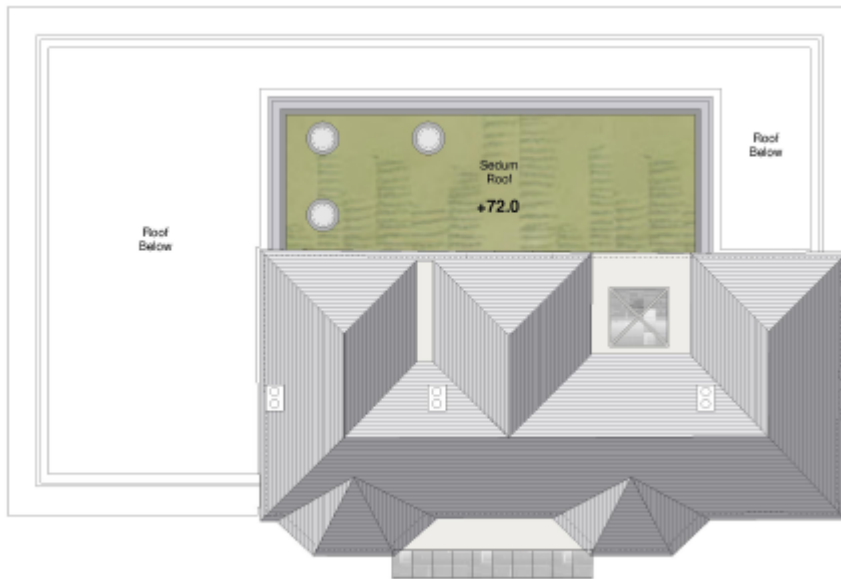




Ground Floor Plan



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 afford 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.