

SCHEDULE "A1" TO THE AGENDA FOR THE  
JOINT PLANNING COMMITTEE  
26<sup>TH</sup> JANUARY 2015

Applications subject to public speaking.

Background Papers

Background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report are listed under the "Representations" heading for each planning application presented, or may be individually identified under a heading "Background Papers".

The implications for crime, disorder and community safety have been appraised in the following applications but it is not considered that any consideration of that type arises unless it is specifically referred to in a particular report.

- |    |   |   |
|----|---|---|
| A1 | WA/2014/1926<br>Crest Nicholson Regeneration Ltd<br>and Sainsbury's Supermarket<br>24/10/2014 | <u>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, Brightwells Road, Farnham, GU9 7SB (as amplified by letter dated 22/12/2014)</u> |
|----|---|---|

Committee:  
Meeting Date:

Joint Planning Committee  
26/01/2014

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

Town : Farnham  
Ward : Farnham Moor Park  
Case Officer: Tim Bryson  
8 Week Expiry Date 19/12/2014  
Neighbour Notification Expiry Date 28/11/2014

RECOMMENDATION That, subject to conditions, listed building consent be **GRANTED**

### Introduction

The application has been brought before the Joint Planning Committee at the request of the Local Member and due to the application's strategic importance to the Borough.

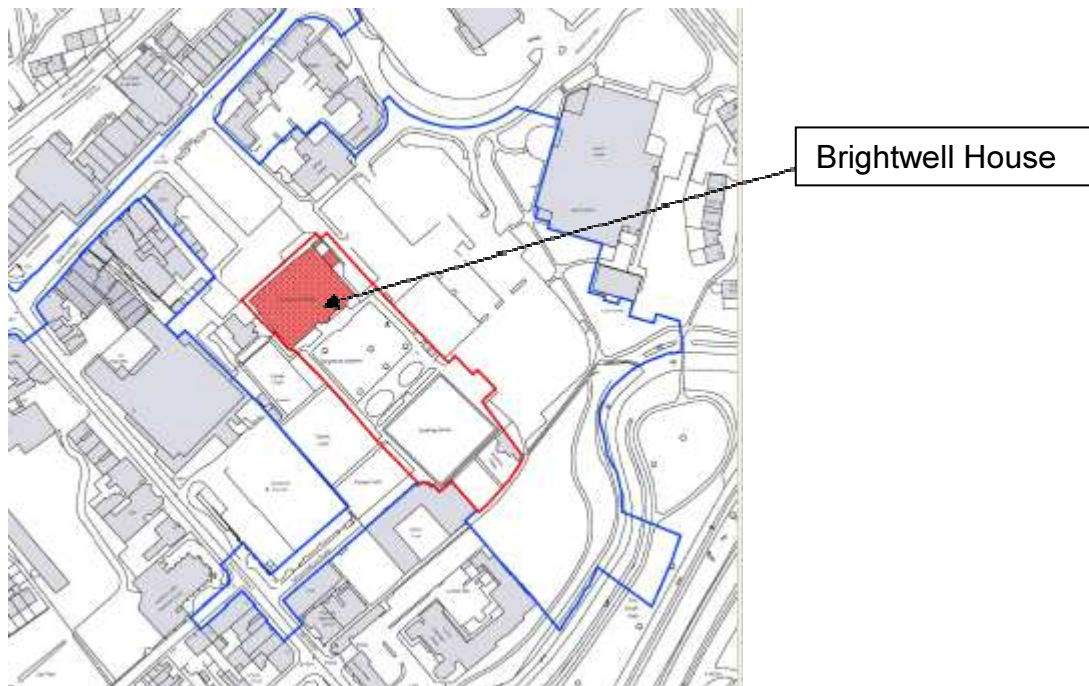
This report is concerned solely with Listed Building Consent issues regarding Brightwell House and the demolition of other associated structures and buildings.

This is a full application for Listed Building Consent. However, it follows a previous Listed Building Consent, based on an identical proposal, granted under WA/2011/1215, which expired on 13/09/2014.

The current proposal seeks consent for the same scheme as previously granted under WA/2011/1215.

Planning permission was granted for the associated East Street redevelopment scheme by permission reference WA/2012/0912 granted on 07/08/2012.

## Location Plan



## Site Description

The application site comprises Brightwell House, which is a two-storey Grade II Listed Building located outside the Farnham Conservation Area. Brightwell House was built between 1792-5 and was listed in 1972. The Redgrave Theatre was built in the early 1970s as a modern addition to Brightwell House. The theatre closed in the late 1990s and has been disused for over ten years.

Along the north east and south west boundaries of the application site are the remains of the former brick garden wall and a single storey cottage building associated with the original use of Brightwell House. Public conveniences (toilets) are attached to the north eastern boundary wall.

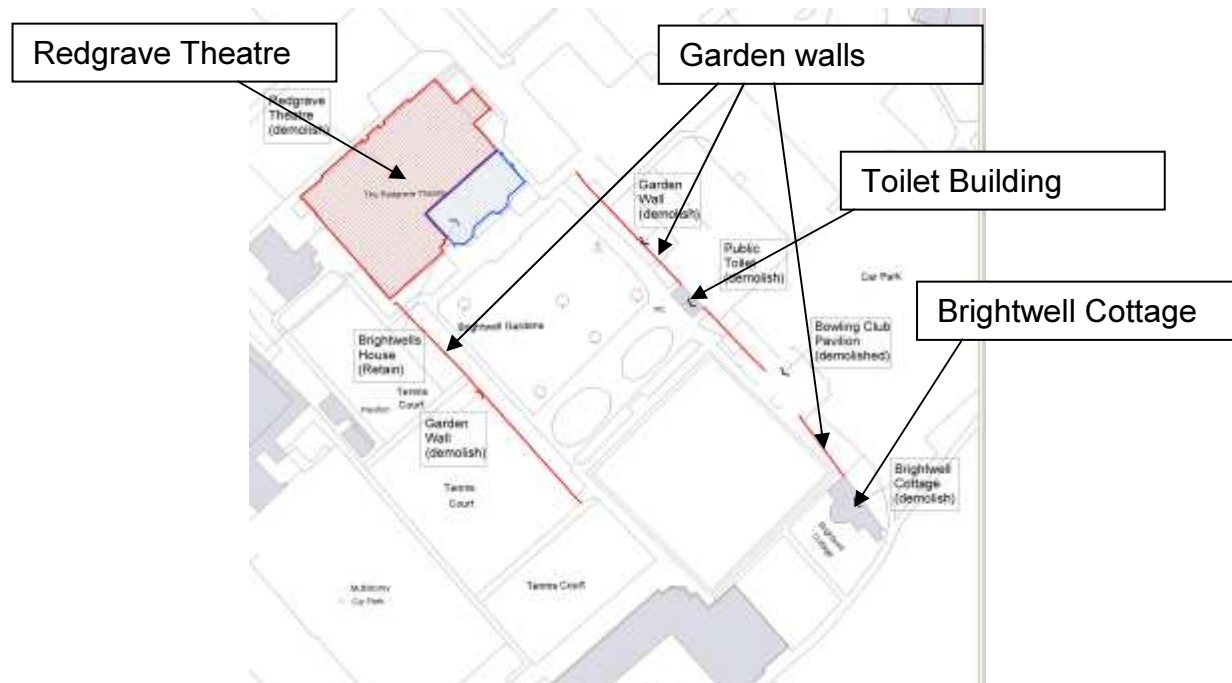
Neither the garden walls nor the cottage are specifically listed, but as they are located within the curtilage of the listed building (Brightwell House) and pre-date 1948, they are covered by the Brightwell House listing.

Brightwell House, the Redgrave Theatre and Brightwell Cottage are all in a dilapidated condition internally and externally. All of these buildings have been boarded up for security reasons.

## Proposal

Listed Building Consent is sought for extensions and alterations to the listed Brightwell House to form 2 restaurant units following the demolition of the rear extension (which formerly housed the Redgrave Theatre), the old garden walls, the toilet block and Brightwell Cottage.

## Proposed Demolition Plan



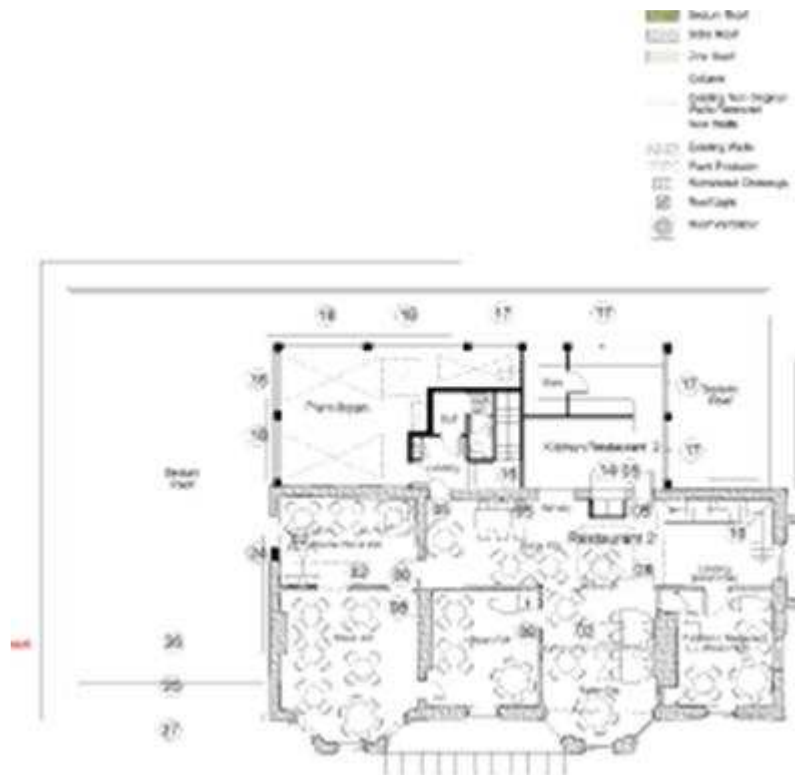
The proposed extensions and alterations to the original Brightwell House building would comprise a contemporary single / two-storey extension containing additional ground floor restaurant space, kitchen areas, stores, toilets, staircase and plant room and first floor kitchens, stores, staff wc and plant room.

The proposed extensions would extend off the north and west elevations, creating a 'wrap-around' extension. The extensions would have external materials of timber cladding, timber columns, full height glass, exposed timber rafters and louvres and bronze metal fascia to surround. The roof for the extension would overhang to allow for useable outdoor area for seating to the restaurant use and would have a sedum surface.

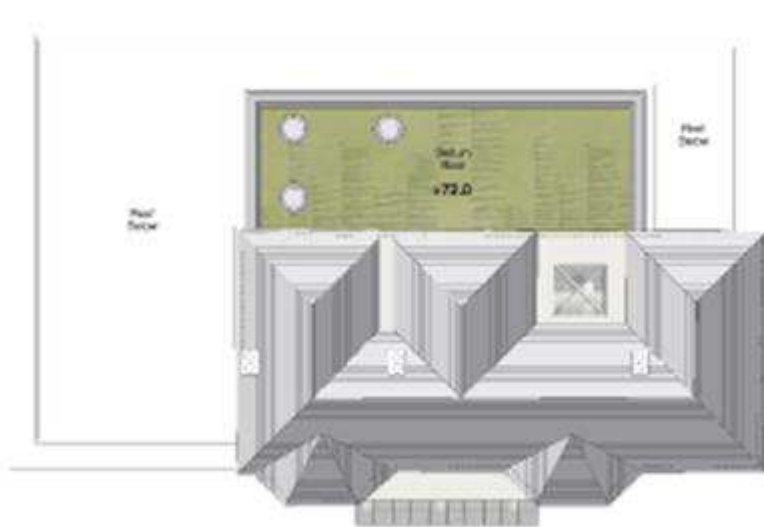
## Proposed Ground Floor Plan



## Proposed First Floor Plan



## Proposed Roof Plan



The proposal also includes the following restoration / reinstatement of historic features and alterations:

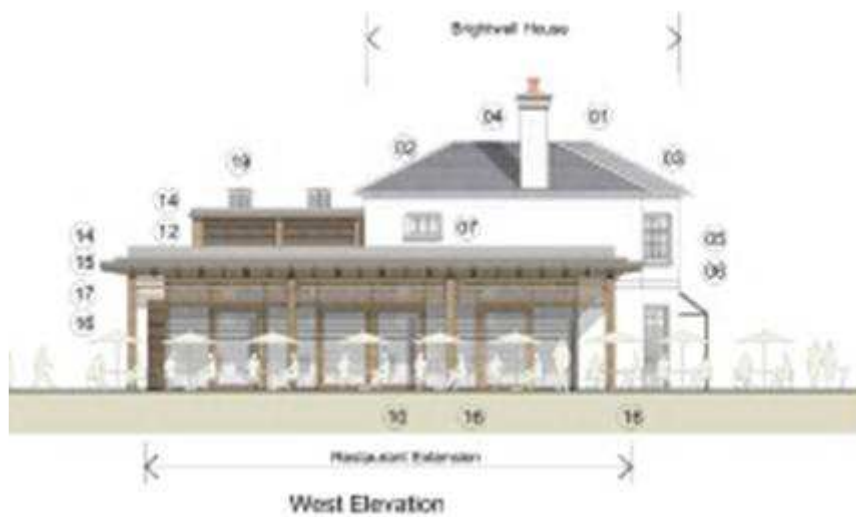
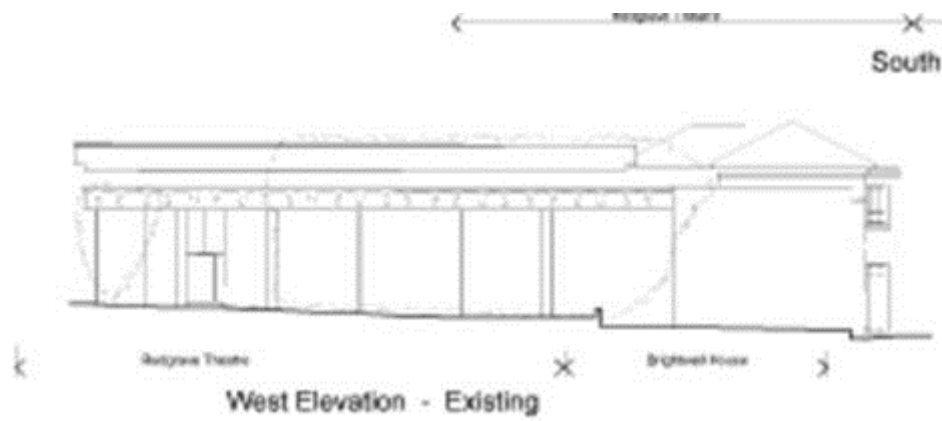
- Reinstatement of 3 no. original hipped roofs and rooflight to the north elevation,
- Reinstatement of hipped roofs over the existing bay windows and reinstatement of the glazed canopy in the southern elevation,
- Reinstatement of original chimneys, internal fireplaces and staircase,
- Partial unblocking 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,
- Retention of the existing basement / cellar and upgrading of access hatch, ladder and ventilation,
- Replacement of roof tiles with new slate roof tiles

## Existing and proposed south elevation

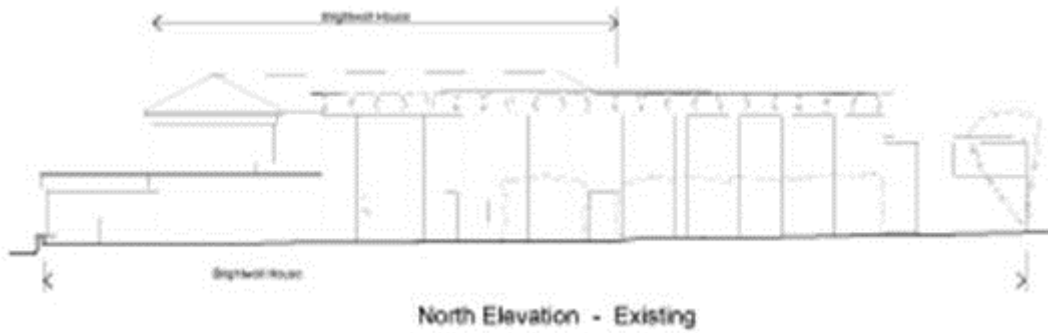




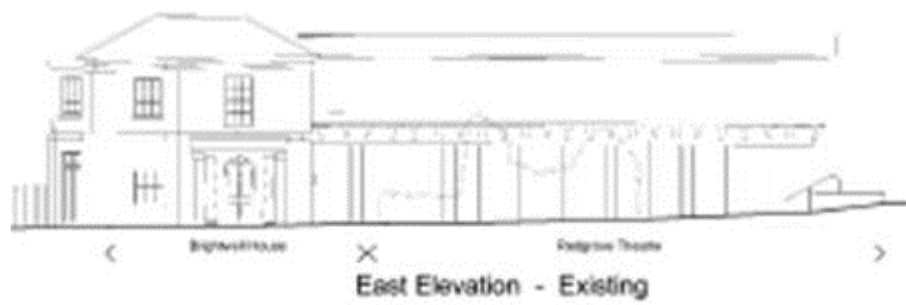
Existing and proposed west elevation



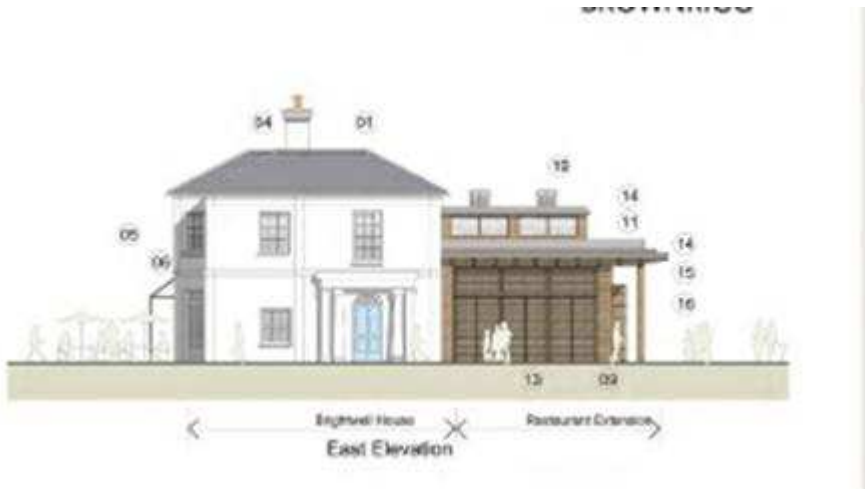
Existing and proposed north elevation



Existing and proposed east elevation

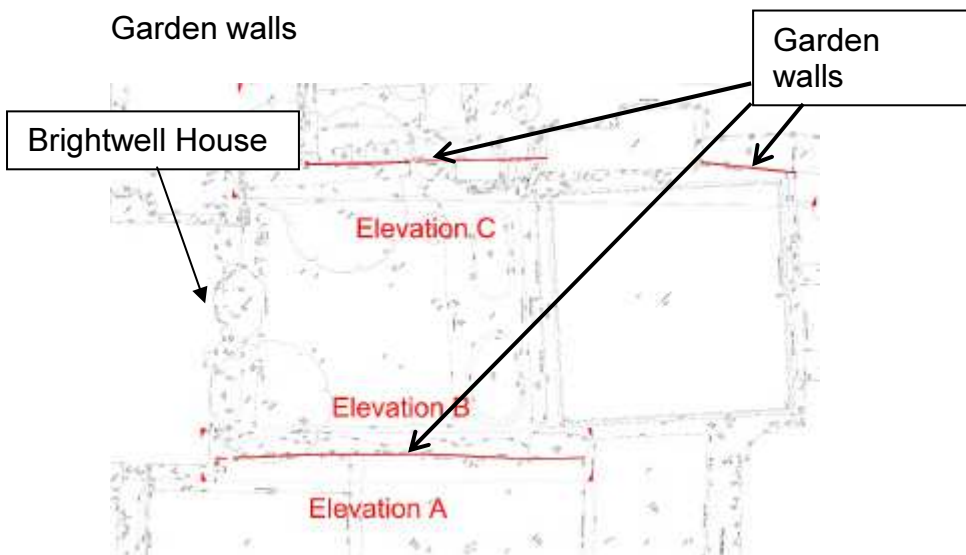






The theatre was added to Brightwell House circa 1970 and comprises a large flat roof brick extension, which is proposed to be demolished. The following plan shows the extent of demolition:

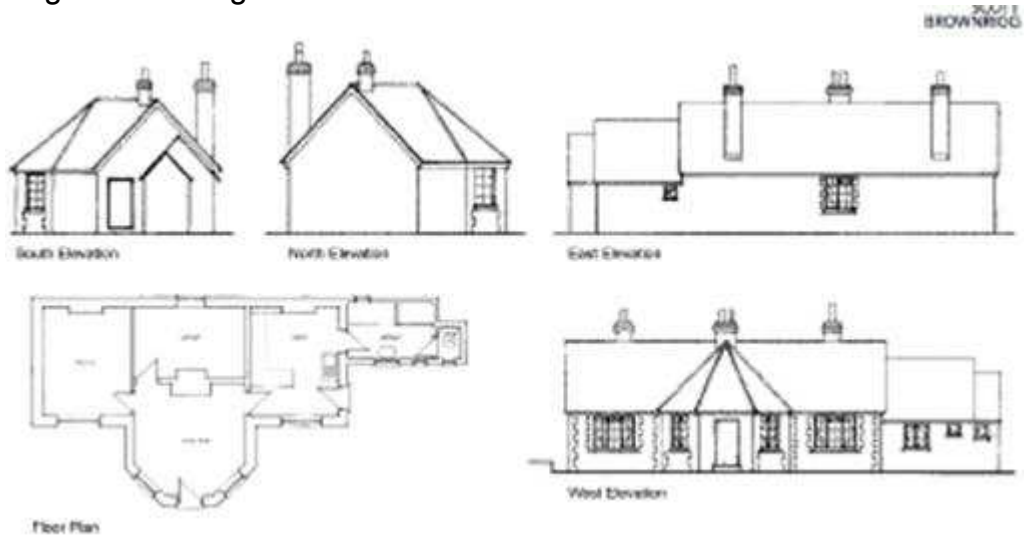
The proposal also includes the demolition of the former garden walls, toilet block and Brightwell Cottage.



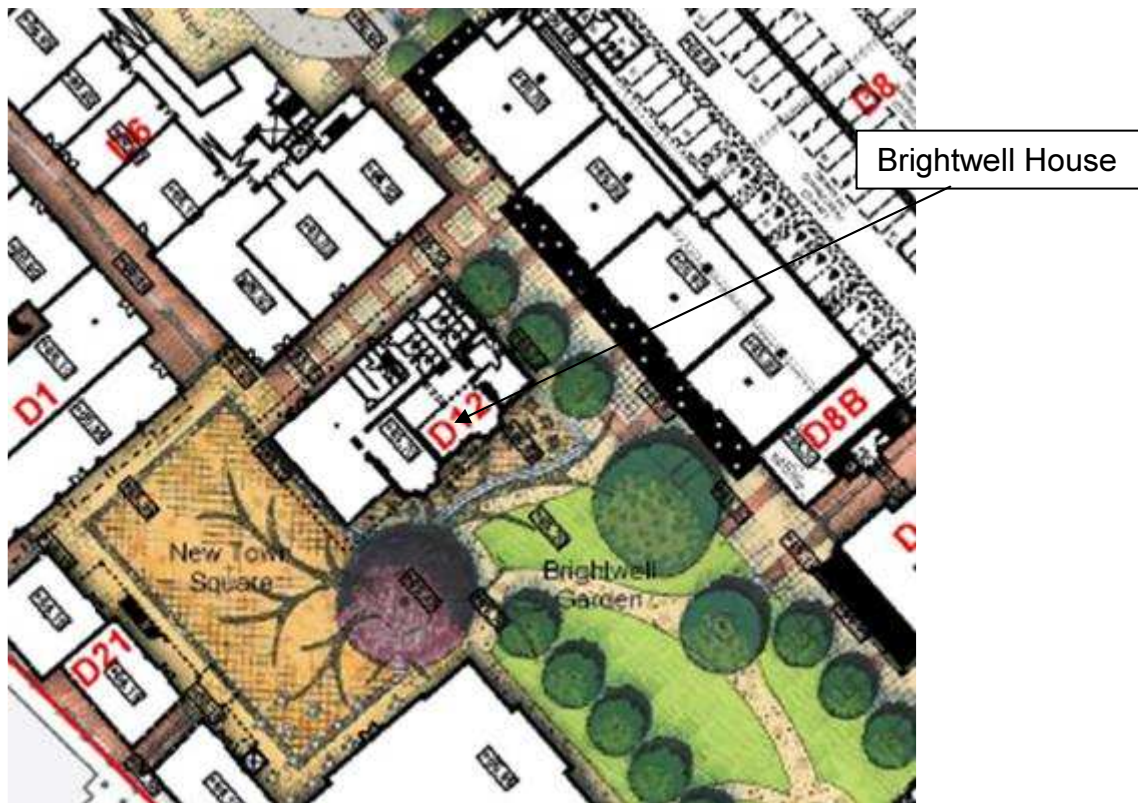
## Toilet Block



## Brightwell Cottage



Proposed site plan in context with extant planning permission WA/2012/0912



Relevant Planning History

REFERENCE	PROPOSAL	DECISION
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 (as	Full permission – subject to Section 106 Agreement - 07/08/2012 (Not implemented - extant) expires 06/08/2015

	amplified by letter dated 04/07/2012).	
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 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 (as amplified by email dated 13/09/2011).	Listed Building Consent Granted 13/09/2011 (Not implemented - expired)
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	Listed Building Consent Granted 09/10/2008 (Not Implemented - expired)

	works. Demolition of boundary walls, toilet block, bowling pavilion and cottage. (As amended by plans and documents received 15/08/2008).	
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'; demolition and clearance of the site. (as amended by plans and documents received 20/8/08).	Full Permission 06/08/2009 Extant (Not Implemented – expired)

#### Planning Policy Constraints

Developed Area of Farnham  
 Listed Building Grade II  
 Thames Basin Heaths SPA 5km Buffer Zone  
 East Street Opportunity Area  
 Town Centre  
 Wealden Heaths I SPA 5km Buffer Zone  
 Neighbourhood plan designation (Farnham)  
 AQMA Buffer Zone  
 Gas Pipe Line  
 Potentially contaminated land  
 Flood Zones 2 and 3 (Brightwell garden and Brightwell Cottage)

#### Development Plan Policies and Proposals

Saved Policies HE1, HE2, HE3, HE4, HE5, HE10 of the Waverley Borough Local Plan 2002.

On the 27 March 2012, the Government adopted its National Planning Policy Framework (NPPF). This document has superseded the majority of previous national planning policy guidance/statements (with the exception of PPS10: Planning for Sustainable Waste Management) and condensed their contents into a single planning document.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of this case. Paragraph 215 states that where a local

authority does not have a development plan adopted since 2004, due weight may only be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The NPPF introduces some different tests for the protection of heritage assets in comparison with Policies in the Local Plan. The NPPF must therefore be afforded weight in this assessment.

The Council is in the process of replacing the 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. The current (provisional) timetable for the preparation of the Local Plan indicates the publication of the Part 1 draft plan in March 2015, with its submission for examination in June 2015. Adoption is scheduled for early 2016.

Other guidance:

- National Planning Policy Framework (2012 )
- National Planning Policy Guidance (2014)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- PPS5: Planning for the Historic Environment Practice Guide 2012

Consultations and Town Council Comments

County Authority	Highway	No objection
English Heritage (EH)		<p>Letter dated 28<sup>th</sup> November 2014:</p> <ul style="list-style-type: none"> <li>• Brightwell House is empty, in a poor condition and considered to be 'At Risk'. Its future has remained uncertain since the closure of the Theatre in 1998.</li> <li>• EH has previously provided comments on the conversion and extension of the Brightwell House. It further states that it was supportive in principle, subject to refinement of a number of design issues.</li> <li>• EH remains supportive in general of the proposal which represents an opportunity to save this building which is both vacant and vulnerable.</li> <li>• The proposal will secure a viable future for the building, the repair of its deteriorating fabric and the restoration of historic features.</li> <li>• However, in relation to the extension, EH considers the design of the plant on the</li> </ul>

roof is very bulky and at odds with the design intention to create a lightweight elegant roof for the restaurant.

- EH recommends amendments are sought in respect of this element to reduce its height and bulk.
- EH further recommends use of conditions to ensure high quality materials and detailing are used.
- The walls, gardens and cottage are part of the setting of the house and contribute to its significance as they provide its historic context and help in understanding its function as a country house for a person of some status.
- Paragraph 129 of the NPPF advises that the effect of a proposal on the particular significance of a heritage asset must be assessed, including by development affecting the setting of a heritage asset.
- EH therefore advises that a better East Street regeneration scheme could be achieved, if the historic features that contribute to the setting of the Brightwell House are retained, as otherwise the house will become isolated within a modern development, losing its historic context.
- EH advises that, if possible, further consideration is given to retaining these features and restoring the garden, which could provide a visitor attraction in their own right.
- EH recommends the application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

Letter dated 8<sup>th</sup> January 2015:

- EH clarifies that its original letter dated 28<sup>th</sup> November did not constitute a formal objection to the scheme, but sets out EH's position and offered some general advice.
- If the LPA grants consent then it is not necessary to notify the Secretary of State.
- The original letter recognised that the proposal would deliver the significant benefit of bringing back into use a vacant and vulnerable grade II listed building.
- EH confirms that it provided advice in its

	<p>original letter about how the design of the restaurant/café extension could be improved and suggested possible enhancements to the setting of the building that might be sought as part of the overarching proposals for this part of Farnham.</p> <ul style="list-style-type: none"> <li>• These included further consideration being given to retaining and repairing curtilage listed structures, including boundary walls and cottage.</li> <li>• EH would support the re-instatement of boundary walls, which we understand were dismantled because of public safety concerns.</li> </ul>
The Georgian Group	No comments received in statutory consultation period.
The Twentieth Century Society	No comments received in statutory consultation period.
Ancient Monuments Society	No comments received in statutory consultation period.
Council for British Archaeology	No comments received in statutory consultation period.
The Victorian Society	No comments received in statutory consultation period.
Society for Protection of Ancient Buildings	No comments received in statutory consultation period.
Surrey Archaeological Society	No comments received in statutory consultation period.
Council's Environmental Health Officer	No objections – recommend conditions seeking Construction Environmental Management Plan and noise emissions plan.
Farnham Town Council	No objections subject to the approval of the Listed Buildings Officer

\*English heritage and the amenity societies are statutory consultees for this application.

### Representations

In accordance with “Reaching Out to the Community – Local Development Framework – Statement of Community Involvement – August 2014” the application was advertised in the newspaper on 07/11/2014, site notices were displayed around the site from 04/11/2014 and neighbour notification letters were sent on 28/10/2014 to statutory neighbouring occupiers to the site.

323 letters, including signed petitions, and objections from the Theatres Trust, Farnham Theatre Association and the Farnham Society, have been received raising objection on the following grounds:



- This application does not stand in isolation as it is part of the wider East Street/Brightwells development scheme WA/2012/0912 which, due to its size, requires an up-to-date Environmental Impact Assessment.
- Application cannot be determined until the Environmental Statement is complete.
- The creation of two new restaurants will not offer the public anything that is not already available elsewhere in the town.
- Grade II listed Brightwell House and its attached theatre building have been requested to be listed as an Asset of Community Value and these buildings have been subject to 16 years of dereliction due to the lack of a viable scheme from the developers for their restoration.
- The demolition of the Redgrave Theatre is in conflict with NPPF policies for Heritage Assets.
- The setting of the Grade II listed building will also be adversely affected in contravention of NPPF Policy HE10.1.
- No replacement facility or financial contribution provided to take account of the loss of the theatre.
- Contrary to paragraphs 17 and 70 of the NPPF.
- Applicants have not demonstrated on all counts that the substantial public benefits of the proposal outweigh the loss of the heritage asset.
- Applicant has not made reasonable endeavours to seek grant funding for a charitable organisation to take on the buildings as a working theatre.
- Theatre is a valuable community asset.
- Have more than enough restaurants in Farnham already.
- Council should reduce business tax rates to help independent shops.
- The Maltings is not a suitable venue for anything other than music and the Redgrave is still a perfect theatre building.
- Theatre was built and funded by the people of Farnham.
- Theatre has important architectural merit.
- There is no theatre or cinema in Farnham.
- Theatre could be a valuable experience for young people.
- Suggest application be deferred until an inquiry into the alternative proposals for its future has been carried out.
- Potential loss of a prominent tree.
- Farnham needs a theatre.
- A working theatre would increase the tourism and shopping visitor potential of the town.
- To re-apply for listed building consent in isolation from a complete review of the wider scheme is inappropriate.
- Material harm to the setting of the listed building.
- Proposal will cause substantial harm to the principal building Redgrave Theatre that incorporates Brightwell House a Grade II listed building.
- Proposal is contrary to the policies for heritage assets as sited in the NPPF and NPPG.

2 letters of support have been received raising the following:

- The Maltings is a perfectly adequate alternative venue for arts activities.
- The building is an eyesore and dilapidated.
- Proposed extensions a vast improvement.
- Potentially save Brightwell House.
- Respects the scale of the house in a sensitive manner

### Submissions in support

The application has been accompanied with a Design and Access Statement and a Heritage Statement. The following provides a summary of key points drawn out from these documents:

- Brightwell House is a locally important example of a substantial 19<sup>th</sup> Century house and garden built in a semi-rural location.
- The design of the proposal has evolved over time.
- The principle of the proposed works has been established by previous listed building consents granted by the Council in 2008 and 2011.
- The proposals has given careful consideration to the context; the significance of the heritage assets; the desirability of new development making a positive contribution to local character and distinctiveness in accordance with national and local policy.
- The proposals seek to secure a long-term, viable and appropriate future of Brightwell House within the context of the wider East Street regeneration scheme.

### Determining Issues

Principle of development

Planning history and changes in circumstances

Impact on listed building and designated heritage asset

Working in a positive/proactive manner

Third party representations

### **Planning Considerations**

#### Principle of development

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.

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.

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

Policy HE1 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 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 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 Local Plan Policies HE3 and HE5. Policies HE3 and HE5 state that the Council will seek high design standards in order to ensure the special architectural or historic interest of the building is preserved or enhanced and that all new work is appropriate to its character in terms of its siting, style, scale, height, massing, colour, materials, archaeological features and detailing.

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 is a material consideration in the determination of this case. Paragraphs 214 and 215 of the NPPF make clear that where a local authority does not possess a development 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 states that 'Local Planning Authorities should require and 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'. Paragraph 129 of the NPPF states 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 assets conservation and any aspect of the proposal.

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

The NPPF 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.

Paragraph 131 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 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 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 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.

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 PPS5 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.

The principle of the proposed works and demolition has been established by the Listed Building Consent WA/2011/1215.

The WA/2011/1215 Listed Building Consent is a highly material consideration when determining this application. Copies of the WA/2011/1215 Decision Notice and officer report are attached to **Appendix 1**.

#### Planning history and changes in circumstances

Listed Building Consent has been previously granted under WA/2011/1215 and WA/2008/0280. Both these consents have expired. The current proposal seeks consent for exactly the same scheme as that approved under WA/2011/1215. Although this consent expired on 13/09/2014, it remains a highly material consideration in the assessment of the current application. The test for Members is whether there have been any material changes in circumstances (policy, on site or in relation to the proposal itself) to warrant making a different decision on this current application, in comparison with the previously consented scheme WA/2011/1215. Clearly, since this is an identical application to WA/2011/1215, there have been no changes to the proposal itself. There have been no material changes in site circumstances. Part of the garden wall which is sought to be demolished under the current

scheme has already been partly demolished due to health and safety reasons. Further to this, the wider East Street mixed-use planning permission under WA/2012/0912 remains extant and has not been implemented. Overall, there are no material changes in site or surrounding circumstances since the granting of the 2011 Listed Building Consent. However, there have been a number of changes to national, regional and local policy since the granting of WA/2011/1215 which are relevant in the assessment of the current application. These are as follows:

- Publication of the NPPF 2012 and revocation of PPS documents
- Publication of the NPPG 2014
- Retention of PPS 5 Practice Guidance (updated 2012)
- Revocation of the South East Plan 2009 (except for Policy NRM6)

The current application therefore needs to be assessed in terms of whether, taking into account the Heritage Policies in the NPPF and guidance in the NPPG published since 2011, it is an acceptable proposal in listed building terms.

#### 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.”

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. 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.

Under Listed Building Consent WA/2011/1215, the Council concluded that an identical application to the current proposal satisfactorily preserved the character and setting of the listed building. Taking into account the expert views of the Council's Historic Buildings Officer, officers consider that this conclusion remains valid in relation to this application.

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 not considered 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 proposed extensions would extend off two elevations of Brightwell House, with a contemporary design approach. The height and scale of the proposed extensions are considered to respect the listed building and would allow the main building to be enhanced in comparison to the existing situation. The combination of the materials to be used, design, overhanging roof and position set back from front elevation allow the listed building to remain the dominant feature, particularly when viewed from the south side.

Officers remain satisfied that, the proposed extensions are of a sympathetic design and scale which would enhance the setting of the listed building. Consistent with the Consent under WA/2011/1215, officers recommend a number of conditions to ensure high quality materials and detailing are achieved for the construction.

The proposed re-instatement of some of the original features (rear hipped roof structures, front hipped roof structures, chimneys and front glazed canopy) to the listed building are considered to enhance the buildings setting. The re-roofing with new slate roof tiles would further enhance the building's appearance, setting and make a significant contribution toward securing the long-term future of the building.

The internal works to the building 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.

The basement / cellar remains an important discovery and its protection and retention in order to fully understand the building's history should be recorded via conditions, as per the 2011 scheme.

It is therefore considered that the proposed demolition of the theatre and extensions and alterations would enhance the setting of the Listed Building and would satisfy the statutory tests.

The proposal also includes the loss of Brightwell Cottage, public toilet building and garden wall. The public toilet building is a late 20<sup>th</sup> Century structure and officers consider that its demolition raises no significant heritage issues. The acceptability of the demolition of these structures were established by the

2011 consent. The garden walls and Brightwell Cottage are attractive features, but are of no special architectural or historic interest in their own right. The Brightwell Cottage, along with the garden wall, would be demolished as part of the proposal but their loss raises no objections from officers. In relation to the garden wall and Brightwell Cottage, the loss of these structures / buildings is unfortunate, but is outweighed by the long term and wider benefits of the East Street redevelopment scheme for the site and surrounding area, which will also financially secure the future for Brightwell House.

Taking into account the view of the Historic Buildings Officer, overall the proposals are considered to satisfactorily preserve the character and setting of the listed building. The proposal would not cause harm to the significance of the heritage assets, within the meaning of the NPPF.

The formal views of English Heritage received on 8<sup>th</sup> January conclude that EH does not object to this application and that the proposals do not cause overall harm to the significance of the heritage assets for purposes of the NPPF.

As no harm to a designated heritage asset has been identified, the tests of paragraphs 133 and 134 of the NPPF are not engaged and it is not necessary to consider whether the proposal represents the optimum viable use for the heritage asset. Notwithstanding this, English Heritage outline that they are supportive in general of the scheme and that the proposal will secure a viable future for the building, the repair of its deteriorating fabric and the restoration of historic features.

However, EH does make some suggestions regarding potential improvements that could be made to the proposal namely; reduce the height and bulk of the plant at first floor and that a better East Street regeneration scheme could be achieved if historic features are retained. Officers consider that the proposed plant room has been designed to respect the listed building by retaining its height below the eaves level of the building and being set back from the single storey element below. The ventilators too have a limited height projection.

Notwithstanding these comments, the application remains identical to that approved by the Council in 2011. At that time, EH raised no objection to the proposal and EH has confirmed that it does not formally object to the current proposal, nor does it require the Council to refer the application to the Secretary of State under Circular 08/2009. The policies in the NPPF have been taken into account in assessing this proposal and it is concluded, with the support of English Heritage, harm is not caused. Therefore, whilst EH suggestions are aspirational, they could not be reasonably used to raise any overriding objection to the current listed building application, taking into account the previous grant of consent in 2011.



Article 2(3) Development Management Procedure (Amendment) Order 2012  
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.

Third party representations

All of the issues and concerns raised by 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 extant WA/2012/0912 permission. The wider East Street mixed-use scheme under this 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. The loss of the theatre use can not be taken into account under the current application which is concerned with an assessment under Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of the proposed works upon the character, fabric and setting of the building taking into account its special interest. The principle of the loss of the theatre as a use is a matter for consideration under a planning application. Extant permission WA/2012/0912 has agreed to the loss of the theatre as a facility.

The application is not likely to have a significant environmental effect for purposes of EIA Regulations 2011. The same 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 and extensions 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. An Environmental Statement is therefore not required to be submitted with this application for Listed Building Consent.

The Redgrave Theatre and Brightwell House are not designated Assets of Community Value. Notwithstanding this, Assets of Community Value designations are not material considerations under a Listed Building Consent application.

## Conclusion/ planning judgement

The principle of the proposed works and demolition has been established by the previous consent WA/2011/1215, 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/2011/1215.

Following the expert opinion of the Council's Historic Buildings Officer, the proposal would satisfactorily preserve the character, appearance and setting of the Listed Building in accordance with Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed contemporary extensions, alterations and works to Brightwell House to allow its reuse are considered to enhance the fabric, character, appearance and setting of the Listed Building and demolition of Brightwell Cottage, garden wall and public toilet building are considered to be entirely appropriate by officers, subject to safeguarding conditions, consistent with the Consent under WA/2011/1215.

Furthermore, in accordance with paragraph 132 the proposal would not cause harm to the significance of the heritage assets. Paragraphs 133 and 134 of the NPPF are not therefore engaged which require an assessment of any public benefits of the scheme in the event of harm being caused. Nevertheless, the proposal is considered to strike a reasonable balance between the aims and objectives of national and local listed building policies / advice and the substantial long term and wider benefits of the East Street redevelopment scheme for the site and surrounding area. The proposal would also financially secure the future for Brightwell House and contribute to the regeneration of this area which is a public benefit.

In view of the above, officers consider that the proposal to be acceptable, subject to the inclusion of relevant conditions.

## **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-D12-050, TPN-D12-004 B, TPN-D12-001, TPN-D12-056, TPN-D12-051 A, TPN-D12-002 A, TPN-D12-003, TPN-MP-071, TPN-MP-070, TPN-MP-071, TPN-D12-005, TPN-D12-007 A, TPN-D12-010 A, TPN-D12-012, TPN-D12-013, TPN-D12-014. 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 HE3 and HE5 of the Waverley Borough Local Plan 2002.

#### Informatives

1. The Council confirms that in assessing this listed building consent application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.