

B1 WA/2018/0308 Erection of bat poles at Land At East Street,
Crest Nicholson Regeneration Ltd & Farnham GU9 7SB
Sainsbury's Supermarkets
19/02/2018

Committee: Joint Planning Committee
Meeting Date: 13/06/2018

Public Notice: Was Public Notice required and posted: N/A
Grid Reference: E: 484270 N: 146934

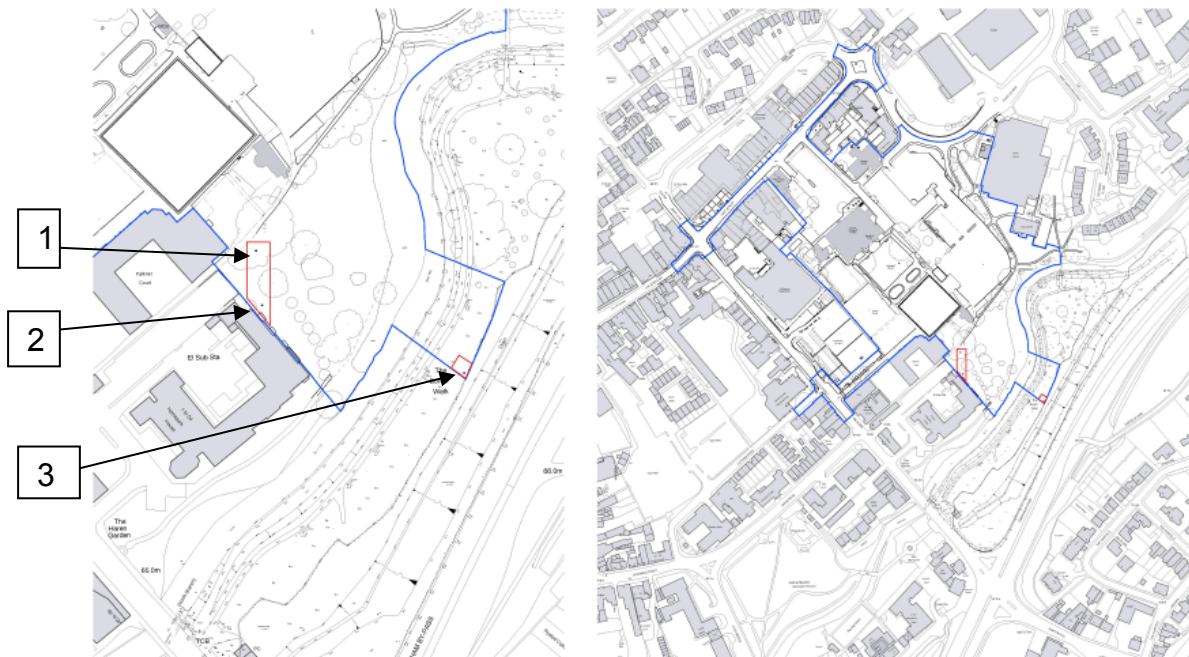
Town: Farnham
Ward: Farnham Castle
Case Officer: Ruth Dovey
Expiry Date: 15/04/2018
Time Extended Date: 15/06/2018
Neighbour Notification Expiry Date: 30/03/2018

RECOMMENDATION That, subject to conditions, permission be
GRANTED

Introduction

The application has been brought before the Joint Planning Committee at the request of a Farnham Councillor.

Location or Layout Plan



Site Description

The application relates to the East St redevelopment scheme (the area outlined in blue on the above plans). There are two separate areas of land that are included in the current application site. One comprises an area of land on the south western side of the East St redevelopment site, adjacent to Homepark House. This piece of land is grassed with a number of trees in the vicinity. The second comprises a small piece of land on the southern side of the River Wey and to the south of Borelli Walk which is grassed and lined by trees that screen the A31 from the River Wey.

Proposal

The proposal is for the erection of three bat poles. The bat poles would be 4m in height. At the top of each pole would be a bat box for bats to roost in. The poles would be aluminium and the boxes constructed of wood.

Two of the poles would be located in the area adjacent to Homepark House and the third would be located in the area to the south of the River Wey.

The provision of the bat poles is related to the extant East St redevelopment scheme as that permission requires bat mitigation measures to be put in place.

Relevant Planning History

Reference	Proposal	Decision
WA/2017/2028	Listed Building Consent for demolition of Redgrave Theatre and works to Brightwell House.	Consent granted 23.01.2018
WA/2016/0456	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 hereby permitted.	Consent granted 04/07/2016
WA/2016/0268	Application under S73 for the variation of Condition 3 (Plans) and removal of Condition 61 (Sustainability Statement) and Condition 60 (Combined Heat and Power Scheme) of WA/2012/0912 (East St Redevelopment) to allow 106 sq m increase in size of extension to Brightwell House, realignment of rear of Building D21, removal of Gostrey Centre community use from Building D20 resulting in space to be occupied by Use Classes 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 Regulations and other regulation requirements with subsequent revisions to Sustainability Statement; amendment to affordable housing provision to provide 100% shared ownership flats. This application is accompanied by an Addendum to the Environmental Statement (as amplified by emails and plans received 21/03/2016 and 01/06/2016 in relation to flood risk and as amended by email and viability information received 06/05/2016 in relation to the proposed affordable housing mix).	Full permission 09/09/2017 (Implemented – extant)
WA/2014/2420	Erection of building to provide a bat roost	Full permission 20.02.2015 (Not implemented - expired)
WA/2014/1926	Listed Building Consent for the demolition of the attached Redgrave Theatre, conversion of Brightwell House to form 2 no. restaurant units.	Consent granted 28/01/2015

	<p>Works to include 2 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 kitchen, stores, staff WC and plant room). Works to existing house to include reinstatement of 3 no. original 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 of boundary walls, toilet block and cottage at Brightwell House.</p>	
WA/2012/0912	<p>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 amplified by letter dated 04/07/2012).</p>	<p>Full permission – subject to Section 106 Agreement - 07/08/2012 (Implemented - extant)</p>
WA/2012/0553	<p>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 café of up to 223 sq m 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 cafe.</p>	<p>Certificate of Lawfulness granted 17/05/2012</p>

WA/2012/0052	Construction of new shopfronts	Full permission 09/03/2012 (Not implemented - expired)
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/2010/0372	Variation of Condition 37 of planning permission WA/2008/0279 to omit the requirement for and provision of a temporary construction access from A31, but alternatively to require temporary construction access details and provision from alternative route.	Refused 08/06/2010
WA/2008/0280	Application for Listed Building Consent for the demolition of the attached Redgrave Theatre. Conversion of Brightwell House to form 2 no. restaurant units. Works to include single/two storey extensions to the north and west (containing additional ground floor restaurant space, kitchen areas, stores, toilets, staircase and plant room and first floor kitchens, stores, staff wc and plant room). Works to existing house to include reinstatement of 3 no. original	Listed Building Consent Granted 09/10/2008 (Not Implemented – expired)

	hipped roofs and rooflight to the north elevation and hipped roofs over the existing bay windows and reinstatement of glazed canopy in the southern elevation. Reinstatement of original chimneys and other internal works. Demolition of boundary walls, toilet block, bowling pavilion and cottage. (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 (Not Implemented – expired)

Planning Policy Constraints

Developed Area of Farnham

Built Up Area Boundary (Farnham Neighbourhood Plan)

Town Centre Area

Farnham Town Centre Boundary (Farnham Neighbourhood Plan)

Ancient Woodland 500m Buffer Zone

Wealden Heaths I SPA 5km Buffer Zone

Thames Basin Heath 5km Buffer Zone

AQMA Buffer Zone

Flood Zone 2 and 3

Green Corridor Land (Farnham Neighbourhood Plan)

Natural/Semi Natural Green Space (Farnham Neighbourhood Plan)

East Street Opportunity Area

Development Plan Policies and Proposals

The Development Plan includes:

- Waverley Borough Local Plan, Part 1, Strategic Policies and Sites (adopted February 2018)

- Waverley Borough Local Plan 2002 (retained policies February 2018)
- South East Plan (Saved Policy NMR6)
- Farnham Neighbourhood Plan (made May 2017)

In accordance with paragraph 215 of the National Planning Policy Framework (NPPF) due weight has been given to relevant retained policies in the Waverley Borough Local Plan 2002

Other guidance:

- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)

The relevant policies to this application are:

Local Plan, Part 1, Strategic Policies and Sites 2018: SP1, SP2, TD1, HA1, NE1, NE2, NE3 and CC4.

Farnham Neighbourhood Plan (made May 2017): FNP1, FNP12, FNP13 and FNP27

Local Plan 2002: D1, D4, D6, D7, HE3, TC3 and TC11.

South East Plan: Policy NMR6.

Consultations and Town Council Comments

Town Council	Welcomes the protection of wildlife subject to the provision being made available for the three species of bat identified in the survey. The Natural England certificate only includes 2 species.
Surrey Wildlife Trust	Defer to Natural England for comment
Natural England	Refer to standing advice

Representations

In accordance with the statutory requirements and the “Reaching Out to the Community – Local Development Framework – Statement of Community Involvement – August 2014” neighbour notification letters were sent on 22nd February 2018.

No letters of representation have been received on the application.

Support for application

In support of the application, the applicant states that:

- The bat poles are designed to be unobtrusive and discreet yet wholly appropriate to accommodate the roosting of bats.
- They have been sensitively located on the site and do not interrupt any main visual focal points within the East St redevelopment masterplan area.
- The poles provide acceptable habitats for the bats and are in full accordance with the guidelines set by Natural England

Determining Issues

Principle of development

Planning history and differences with previous proposal

Impact on visual amenity

Listed Building

Impact on designated Green Corridor and Natural/Semi-Natural Green Space

Impact on residential amenity

Impact on trees and ancient woodland

Air Quality

Flood risk

Effect on the SPAs

Biodiversity and compliance with Habitat Regulations 2017

Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights

Implications

Environmental Impact Regulations 2017

Working in a positive/proactive manner

Planning Considerations

Principle of development

Policy SP1 of the Local Plan (Part 1) 2018 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development.

The principle of the proposal is acceptable as it constitutes structures for ecological mitigation relating to an approved development. The principle for such mitigation was also established by the previous grant of permission under WA/2014/2420 detailed below.

Planning history and differences with previous proposal

The planning history is a material consideration and provides important background to this application.

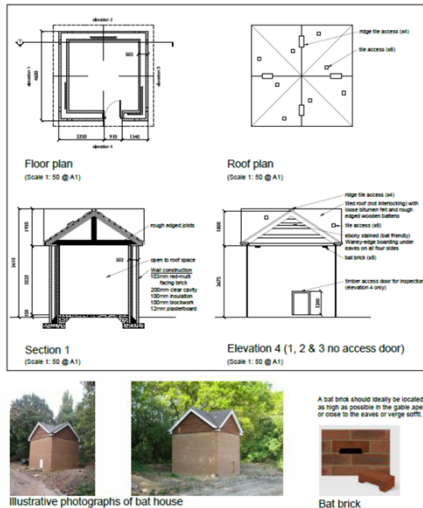
Planning permission WA/2012/0912 (and subsequent S73 application WA/2016/0268) remains extant and was for a mixed-use redevelopment comprising: 9,814 sq m of retail, restaurant and cafe-bar accommodation (Use Classes A1, A3 & A4, including the change of use of Brightwell House and Marlborough Head); 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.

Condition 42 of that permission required additional bat surveys to be undertaken and that, if any mitigation was found to be required, that it should be undertaken prior to development commencing.

In accordance with this Condition, a Bat Survey was undertaken in May and June 2013. As a result of the findings of this survey, a number of mitigation measures were required in order to mitigate the impact of the development on bats. Of these, a bat house were recommended to be constructed in the southern part of the East Street site. A subsequent planning application (ref. no. WA/2014/2420) for a bat house was submitted and approved in February 2015.

Approved bat house plans:





This proposal was found to be acceptable by the Council in visual terms and was considered to provide appropriate mitigation to ensure no harm to bats as a result of the East St redevelopment scheme.

The current proposal seeks approval of the bat poles in replacement for the bat house that was previously approved under application ref. no. WA/2014/2420 (now expired).

The applicants have advised that they do not wish to proceed with a bat house proposal due to fears it would get vandalised as Brightwell Cottage, in vicinity of the location of the bat house, has been subject to multiple occurrences of vandalism.

The test for Members is whether, having regard to the changes in comparison with the previously refused scheme, the proposed development provides suitable alternative bat mitigation and whether it is acceptable in all other respects.

Impact on visual amenity

Policy TD1 of the Local Plan (Part 1) 2018 requires development to be of high quality design and to be well related in size, scale and character to its surroundings. Retained Policies D1 and D4 of the Local Plan 2002 are attributed substantial and full weight respectively due to their level of consistency with the NPPF 2012.

Policy FNP1 of the Farnham Neighbourhood Plan relates to design and reflects the aims and objectives of the design policies contained within the Local Plan 2002 and the Local Plan Part 1 2018.

The proposed bat poles are relatively discreet in appearance as they are narrow in circumference and the box at the top is modest in size. The most northerly bat pole (1) would be located between some trees ensuring that it is well screened from

public view. Bat pole 2 would be located north of the river in close proximity to Home Park House. This building would therefore form the backdrop to this bat pole, thereby reducing its prominence and visual impact. The bat pole that is south of the river (3) would be located on the northern edge of the wooded belt. Set against a backdrop of greenery, this bat box would not be visually prominent.

In considering the visual impact in the context of the wider East Street mixed-use scheme, some of the trees around bat poles 1 and 2 are due for removal as part of the agreed details pursuant to redevelopment of the site. These bat poles would be located amongst landscaped gardens. The most southerly box (3) would be located on the grassed area just south of Borelli Walk. It is considered that the proposed bat boxes would not have a harmful impact on visual amenity within this context.

The modest scale of the bat poles coupled with their discreet locations means that they would not have a harmful visual impact, in accordance with Policy TD1 of the Local Plan Part 1 2018, Policies D1 and D4 of the Local Plan 2002 and Policy FNP1 of the Farnham Neighbourhood Plan 2017.

Listed Building

The proposal would be located in close proximity to Brightwells House, a Grade II Listed Building.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

The Barwell judgement requires “considerable importance and weight” to be given to the desirability of preserving the setting of Listed Buildings.

Policy HA1 of the Local Plan (Part 1) 2018 outlines that the Council will ensure that the significance of heritage assets are conserved or enhanced to ensure the continued protection and enjoyment of the historic environment. Retained Policies HE3 and HE5 of the Local Plan 2002 are afforded significant weight owing to their consistency with the NPPF 2012.

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.

The proposals would be minor in scale and would preserve the setting and special interest of the Listed Building. Furthermore, the proposals would not harm the significance of the heritage asset. The bat poles would not appear out of place in the existing green space or within the landscaped setting proposed as part of the wider East Street scheme.

In light of the above, the proposal would preserve the special interest and setting of the Listed Building and would not harm its significance. As no harm has been identified, it is not necessary to weigh up the public benefits against any identified harm. The proposal would therefore be in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990, Policy HA1 of the Local Plan (Part 1) 2018 and retained Policies HE3 and HE5 of the Local Plan 2002.

Impact on designated Green Corridor and Natural/Semi-Natural Green Space

Bat poles 1 and 2 are located within an area designated as Natural /Semi-Natural Green Space as defined in map H of the Farnham Neighbourhood Plan.

The southern most bat pole (3) is located within an area of land designated as a Green Corridor in the Farnham Neighbourhood Plan which comprises a strip of land either side of the river at this point.

Policy FNP27 states that areas of public open space (as shown on Map H – Green Infrastructure) will be retained and, where appropriate, enhanced.

The proposed development, which would comprise the provision of three bat poles within the Natural/Semi-Natural Open Space and Green Corridor, would not result in harm to these designated areas. The development is required to assist in preserving biodiversity and this objective would accord with the green infrastructure designations on the site.

Impact on residential amenity

Policy TD1 of the Local Plan (Part 1) 2018 seeks to ensure that new development is designed to create safe and attractive environments that meet the needs of users and incorporate the principles of sustainable development. Retained Policies D1 and D4 of the Local Plan 2002 are given substantial and full weight respectively due to their consistency with the NPPF 2012.

The modest nature of the bat poles and their respective locations are such that they would not result in harm to neighbouring residential amenity by way of loss of light, outlook or privacy.

Impact on trees and ancient woodland

Policy NE2 of the Local Plan (Part 1) 2018 states that the Council will seek, where appropriate, to maintain and enhance existing trees, woodland and hedgerows within the Borough. Retained Policies D6 and D7 of the Local Plan 2002 are attributed full and significant weight respectively due to their level of consistency with the NPPF 2012.

Under the approval of the main redevelopment scheme (WA/2012/0911 and WA/2016/0268) a number of trees on the site are due for removal. However, this proposal would not result in the removal of any further trees.

The Council's Arboricultural Officer has been consulted on the application and has advised that the limited extent of excavation proposed is not of significant concern with regards to the impact on any nearby trees. The proposed development is therefore acceptable in this respect.

The application site is within 500m of Ancient Woodland. As the proposal is well separated from the woodland itself, it is not considered to be materially harmful and would be in accordance with Policies D6 and D7 of the Local Plan, Policy NE2 of the Draft Local Plan and Paragraph 118 of the NPPF.

Air Quality

The site is located within an Air Quality Management Area. Due to the modest nature of the proposal, there would not be a material increase in air pollution and therefore the proposal would be in accordance with Policy D1 of the Local Plan 2002.

Flood Risk

The site is located within Flood Risk Zones 2 and 3. Policy CC4 of the Local Plan Part 1 deals with flood risk and seeks to reduce the overall and local risk of flooding in the Borough. Given the minor nature of the development, the proposal would not raise any flood risk issues.

Effect on the SPAs

As the proposed development is for 3 bat poles, it would not result in a significant increase in the number of people permanently residing on the site and therefore would not have a likely significant effect on the integrity of the SPAs in accordance with Policy D5 of the Local Plan 2002. An appropriate assessment is not therefore required.

Biodiversity and compliance with Habitat Regulations 2017

Policy NE1 of the Local Plan (Part 1) 2018 states that the Council will seek to conserve and enhance biodiversity. Development will be permitted provided it

retains, protects and enhances biodiversity and ensures any negative impacts are avoided or, if unavoidable, mitigated.

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

Some bats, including those upon this site constitute protected species for the purposes of the Habitats Regulations.

As part of the East St redevelopment scheme, measures are required in order to mitigate the loss of existing identified bat roosts within Brightwell House, Brightwell Cottage and The Marlborough Head Public House, which are proposed to be either demolished or altered as part of the main permission.

The original bat survey, undertaken in June 2013 and submitted with this application, recommended that a bat house be provided prior to the commencement of development in order to provide an alternative roost for the bats. The current application comprises an alternative mitigation measure to the previously proposed bat house.

A letter from Aspect Ecology has been submitted with the application in support of the proposal. This letter advises that the location of the poles has been carefully selected to ensure that the poles provide differences in solar exposure, some being located amongst or near to trees and others more exposed. Each pole will support two large colony bat boxes and each bat box has three internal chambers, which will be positioned back to back to provide a choice of roosting environments and thermal conditions. Further variation in conditions would occur from differences in solar and wind exposure associated with the three locations of the poles.

The replacement of the bat house with three pole mounted bat boxes was approved by Natural England in November 2017 and the bat mitigation licence amended accordingly. This licence has been submitted with the application. Officers are of the view, on the basis that Natural England is satisfied with proposal, that the bat boxes are a suitable alternative mitigation measure for the loss of bat roosts as a result of the East St redevelopment scheme.

Officers note that the bat survey results identify three species of bat but the Bat Licence from Natural England only refers to 2 species. The bat report recorded Common Pipistrelle, Soprano Pipistrelle, and Noctule commuting along the River Wey and adjacent tree line. However, further survey work conducted only confirmed roosts for Common Pipistrelle and Soprano Pipistrelle in association with the buildings. The Natural England licence therefore only covers these two species.

Nonetheless, the bat boxes are not only suitable for Common Pipistrelle and Soprano Pipistrelle, but will afford roosting opportunities for various bat species.

On this basis of the above, the proposed development accords with Policy NE1 of the Local Plan 2018 and the Habitats Regulations 2017.

Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights Implications

There are no implications for this application.

Environmental Impact Regulations 2017

The proposal is considered to be a subsequent application to the extant planning permission WA/2012/0912 and follow-up S73 application WA/2016/0268. This former planning permission was a form of EIA development which was accompanied by an Environmental Statement and an addendum to this Environmental Statement was submitted with the later S73 application. The current proposal is for stand alone bat poles. The proposal is considered to be small in scale and, taking into account the size of the proposed development, Officers are satisfied that the proposal, as a stand alone development, would not be a form of EIA development. It is important, however, that the cumulative effect of the proposed development and any other committed developments (i.e. schemes with planning permission, taking into consideration impacts at both the construction and operational phases), in the area are considered.

The EIA for the East Street scheme under WA/2012/0912 and WA/2016/0268 included an ecological chapter which assessed ecological implications, including associated mitigation. The current application is part of ecological mitigation required and any likely significant effects have been covered by the EIA associated with those applications.

Cumulative effects comprise the combined effects of reasonably foreseeable changes arising from the development and other development within a specific geographical area and over a certain period of time. The significance of cumulative impacts needs to be assessed in the context of characteristics of the existing environment.

The cumulative impact of this proposal, in combination with the East St redevelopment scheme, is not likely to result in significant adverse effects on the environment. The proposed bat poles are small-scale structures that would not generate additional human activity on the site. Officers are satisfied therefore that, when considering any cumulative effect with WA/2012/0912 and WA/2016/0268, the

proposal would not be a form of EIA development and therefore an Environmental Statement is not required for the proposal.

For the reasons outlined above the proposal is considered not to be EIA development under either Schedule 1 or 2 of the EIA Impact Regulations 2017 and would not result in significant environmental effects when considered in combination with any other developments, including the main East Street development.

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

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

Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

Have proactively communicated with the applicant through the process to advise progress, timescales or recommendation.

Conclusion

The principle of this application is acceptable and established by the previous grant of permission for a bat house, WA/2014/2420. There is no sound planning reason that would justify refusal of this application. The proposal provides ecological mitigation critical to support the implementation of the approved extant schemes WA/2016/0456 and WA/2012/0912.

The proposal would be acceptable in visual terms and would not have a harmful impact on neighbouring residential amenity. The provision of three bat poles provides appropriate mitigation for the loss of bat roosts in buildings to be demolished or altered as part of the East St redevelopment scheme. There are no adverse impacts that would outweigh the benefits of the proposal and therefore, approval is recommended.

Recommendation

That permission GRANTED subject to the following condition:

- 1) Condition
The plan numbers to which this permission relates are 10002-SCT-GA-00-A-SK-008 and TP-BH-003. 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 the interest of the amenities of the area, in accordance with Policy TD1 of the Local Plan Part 1 2018, Policies D1 and D4 of the Waverley Borough Local Plan 2002, and Policy FNP1 of the Farnham Neighbourhood Plan 2017.