

B1 NMA/2018/0049 Amendment to WA/2016/0268 to provide alterations to approved phasing plan (as amended and amplified by phasing plan and covering letter received 13th July 2018) at Land at East Street, Farnham
Crest Nicholson Regeneration Ltd & Sainsburys Ltd
21/03/2018

Committee: Joint Planning Committee
Meeting Date: 30/07/2018

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

Town: Farnham
Ward: Farnham Moor Park
Case Officer: Ruth Dovey
Expiry Date: 17/04/2018
Time Extended Date: 01/08/2018

RECOMMENDATION That the Non-Material Amendment Application be APPROVED.

Introduction/Background

The application has been brought before the Joint Planning Committee at the request of the Local Member.

This application is for a Non-Material Amendment (NMA) to the East Street redevelopment scheme. Planning permission for this development has been granted and implemented under application ref.no. WA/2012/0912 and a subsequent permission for minor material amendments under permission ref. no. WA/2016/0268.

Under permission ref. no. WA/2012/0912 condition 2 stated the following:

Condition

Prior to commencement of any development, details shall first be submitted to and approved in writing by the Local Planning Authority of a Programme of Phased Implementation for the permission hereby granted. The development shall thereafter be carried out in accordance

with the agreed Phasing Programme unless otherwise first agreed in writing by the Local Planning Authority.

Reason

To ensure the proper and effective development of the site in the interests of the amenity of the area, in accordance with Policies D1 and D4 of the Waverley Borough Local Plan 2002 and Policy CC6 of the South East Plan 2009.

Details were submitted in accordance with this Condition and the phasing plans were agreed on 21st April 2015. Amendments were subsequently submitted in relation to these phasing plans and these were agreed on 29th July 2015.

These agreed phasing plans were reflected in Condition 1 of permission WA/2016/0268 which is worded as follows:

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

Reason

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

This application seeks agreement to an amended phasing plan through a non-material amendment application. The revised phasing plans are significantly more detailed than those that have been approved with variations to the timings of the various phases of the development.

As set out in the Government guidance, there is no statutory definition of non-material. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under Section 96A of the Town and Country Planning Act.

Section 96A of the Act sets out that “in deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted”.

The power conferred includes “power to remove or alter existing conditions”.

For the reasons set out below, Officers are of the view that the revised phasing plans are acceptable and comprise a non-material amendment within the context of this large redevelopment proposal. Officers are also satisfied, having had regard to S96A of the Act, that the legislation allows for the alteration of conditions as a non-material change to a planning permission.

This report is concerned solely with the acceptability of the revised phasing plans. Matters relating to the redevelopment of the site as a whole do not fall to be considered under this application as these have already been agreed under planning permission ref. nos. WA/2012/0912 and WA/2016/0268.

Site Location Plan



Site Description

This application relates to part of a major development in Farnham Town Centre, which was granted planning permission in August 2012 under reference WA/2012/0912 and later under application ref. no. WA/2016/0268 which saw the approval of some minor material amendments.

The application site for this permission extends to 3.95ha and is located between South Street, The Woolmead (East Street) and Dogflud Way. The River Wey and the A31 are beyond to the south. To the east of the site is Farnham Leisure Centre.

The site contains a variety of buildings and land uses. Many of the buildings are vacant and boarded up and some have been demolished. There is also a significant amount of green space and car parking spaces.

Proposal

Application ref. no. WA/2016/0268 granted approval of the following development:

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.

Condition 1 of this permission reads as follows:

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

Reason

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

Since the phasing plans referenced above were agreed, the applicant has carried out further work on the detailed construction plans for the development which has resulted in the provision of an alternative phasing plan.

The application is, therefore, for a Non Material Amendment to Condition 1 of planning permission WA/2016/0268 to change the phasing of the construction of the development.

The phasing plans do not alter any part of the development itself, merely set out alternative timings for its construction.

As a result of the NMA, Condition 1 would be worded as follows:

The development shall be carried out in accordance with the agreed Phasing Programme Sketch Number 10002-CNR-SK-0005 Rev 7, Sheets 01-33, unless otherwise first agreed in writing by the Local Planning Authority.

Reason

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

A bullet point breakdown of the key elements of the phasing plan is set out below:

Phases 1-8: Preparatory works

Phase 9: Commence bridge construction

Phase 10: Demolition of Brightwell Cottage (to facilitate drainage/services diversion works and for new construction access – material to remain on site)

Phase 11: Commence soft strip

Phase 12: Establish site haul roads

Phase 13: Temporary bridge sections brought onto site

Phase 14: Bridge completed
Commence demolition of existing buildings

Phase 16: Commence basement excavation

Phase 17: Commence construction work on various buildings

Phase 19: Ongoing construction works
Commence highway works on East St

Phase 21: Commence highway works in Brightwells Road

- Phase 23: Complete first residential units
Commence landscaping
- Phase 25: Ongoing completion of residential units
Complete car parking
- Phase 26: Retail centre and square opening
- Phase 28: Cinema open
- Phase 32: Development completed
Close construction access of A31
Commence de-commissioning of bridge
- Phase 33: Complete footbridge
Re-instate A31
Complete landscaping

As a general summary, the phasing plans show preparatory works undertaken at the site until the week of 10th December 2018 (with the exception of the demolition of Brightwell Cottage) and the main construction work taking place from the week commencing 10th December until the week commencing 26th September 2022.

Relevant Planning History

The relevant planning history to this site is as follows:

Reference	Proposal	Decision
WA/2018/0544	Provision of dual-lane temporary construction access to the A31 comprising a bridge across the River Wey pedestrian underpass temporary vehicular access from South Street and other associated temporary works to enable the bridge.	Full permission 09/07/2018
WA/2018/0308	Provision of 3 bat poles	Full permission 20/06/2018
WA/2017/2028	Listed Building Consent for demolition of Redgrave Theatre and works to Brightwell House.	Consent granted 23/01/2018 (Not implemented – extant)
WA/2016/0456	Application under Section 19 (Listed Building Consent) to vary Condition 6 of WA/2014/1926 (approved plan	Consent granted 04/07/2016. Not implemented – expired.

	numbers) to allow a variation to the extensions and alterations hereby permitted.	
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. Works to include 2 single/two storey	Consent granted 28/01/2015 (Not implemented – expired)

	<p>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/2012/0911	Provision of temporary construction access to the A31 comprising bridge across the River Wey, pedestrian underpass, and other supporting infrastructure and re-instatement works including re-siting of the proposed footbridge across the River Wey from that approved under WA/2008/0279	Full permission 07/08/2012 (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 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.	Certificate of Lawfulness granted 17/05/2012 (Not implemented)
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	Listed Building Consent Granted 13/09/2011 (Not implemented - expired)

	extension, installation of server. Some blocking in of existing internal openings. Demolition of boundary walls, toilet block and cottage (as amplified by email dated 13/09/2011).	
WA/2010/1650	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.	Full permission 23/03/2012 (Not implemented)
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 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	Listed Building Consent Granted 09/10/2008 (Not Implemented – expired)

	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)

The main redevelopment permission (WA/2016/0268) has already been subject to some Non-Material Amendments (NMAs). These are as follows:

Reference	Proposal	Decision
NMA/2017/0177	Amendment to WA/2016/0268 to change the market and affordable housing mix and re-distribute various shared ownership and market housing units.	Allowed 01.02.2018
NMA/2018/0022	Amendment to WA/2016/0268 to amend the wording of conditions 22, 23, and 24 to remove the restriction on felling.	Allowed 20/02/2018
NMA/2018/0039	Amendment to WA/2016/0268 to amend condition 35 (bat mitigation measures) to include 'bat report addendum' dated 5 th January 2018.	Allowed 16/07/2018

Planning Policy Constraints

Developed/Built-up Area of Farnham - north of River Wey only
Town Centre Area – area north of River Wey only
Countryside Beyond the Green Belt – area south of River Wey only
Area Strategic Visual Importance (ASVI) – River Wey and its south bank only
Green Infrastructure: Amenity Greenspace, Green Corridor Land, Biodiversity, Opportunity Area
Thames Basin Heath 5km Buffer Zone
Wealden Heaths I SPA 5km Buffer Zone
Ancient Woodland 500m Buffer Zone
Within 8m of Riverbank
Shared Pedestrian and Cycle Routes (Borelli Walk)
Air Quality Management Area (AQMA) Buffer Zone
Site of Nature Conservation Importance (SNCI) – River Wey and north bank
Flood Zones 2 and 3 (southern part of site)
Special Area of Advertisement Control (SPAD) – south of River Wey
Grade II Listed Building (Brightwell House) and Building of Local Merit (Brightwell Cottage) to the northwest of the site, outside the application site red line
Conservation Area (adjacent)
Area of High Archaeological Potential (adjacent)
Listed Building Grade II (Brightwell House)
Listed Building curtilage buildings, walls and structure
Building of Local Merit (Brightwell Cottage)
Central Shopping Area (East Street frontage to a depth of approx 50m)
Pedestrian Improvement Area in East Street
Potentially contaminated land
Gas pipeline (non-hazardous)

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: SP1, SP2, ALH1, ST1, AHN1, AHN3, TCS1, LRC1, RE1, TD1, HA1, NE1, NE2, NE3, CC1, CC2, and CC4.

Farnham Neighbourhood Plan (made May 2017): FNP1, FNP2, FNP10, FNP11, FNP12, FNP13, FNP15, FNP21, FNP23, FNP25, FNP27, FNP29, FNP30, FNP31 and FNP32.

Local Plan 2002: D1, D2, D4, D6, D7, D8, D9 C5, BE1, HE1, HE2, HE3, HE4, HE5, HE8, HE10, HE14, CF2, S6, S7, TC2, TC3, TC8, TC9, TC12, TC13, TC15, TC16, LT2, LT6 LT11, M5, M6, M7, M9, M10, M15 and M17.

South East Plan: Policy NMR6.

Town Council Comments

Farnham Town Council	Requests that the Woolmead development be incorporated into the ambitious plan in providing access to temporary infrastructure of the bridge and question if sufficient emergency access is available at the Dogflud Way access point.
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Representations

4 letters have been submitted, including one from the Farnham Society and one from the Farnham Theatre Association, objecting to the phasing plans on the following grounds:

- The amendments are material and fundamental and require a new planning application to be submitted.
- The proposed phasing will harm the Grade II listed Brightwell House as there will be a 9 month gap between the Redgrave Theatre being demolished and any works to restore Brightwell House commence.
- The phasing plans show demolition works and a number of other works including soft stripping and asbestos removal commencing prior to the construction of the bridge, contrary to planning conditions attached to the bridge permission. This would result in significant traffic being routed through the town.
- The western haul route through the site runs perilously close to Brightwell House. Vibration from the movement of heavy plant and the

restricted space could cause considerable damage to Brightwell House.

- The site plan fails to indicate the location of the area for construction staff vehicle parking.

Submissions in support

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

- The phasing plan has not altered the consented scheme, and as such, it is considered to be classed as non-material;
- The demolition of Brightwell Cottage will only take one week;
- The same equipment necessary to undertake the bridge abutment and run-off works, the utility works, and the drainage works will be used to carry out the demolition of Brightwell Cottage so there will be no net addition to the plant and equipment used on site to undertake this small piece of demolition work.

Planning Considerations

As set out above, Section 96A allows a non-material amendment to be made to an existing planning permission via a simple application procedure with a quick decision time.

In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted. This includes power to remove or alter conditions.

The NPPG provides guidance on non-material amendments. The NPPG makes it clear that a non-material amendment application is not an application for planning permission. Therefore, the planning merits of the proposed amendments are not before the Council and the focus is whether the proposed amendments are non-material or not.

The only consideration in the assessment of this application is whether the proposed changes to the phasing plans approved under condition 1 of planning permission WA/2016/0268 are deemed material.

In consideration of the application, the Council must have regard to the effect of the change or changes, together with any previous changes made under Section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification.

Would the condition, with the revised wording, continue to satisfy the purposes for which it was originally required?

A phasing condition is a standard condition that is attached, where deemed necessary, on large developments. Its purpose is to ensure that details required by condition can be linked to the commencement of various phases of the construction works in recognition of the fact that the development will not be built in one single whole. The phasing plan is linked to various other conditions on the WA/2016/0268 permission which require details to be submitted either prior to commencement or prior to occupation of the relevant phase of the development. The question for Members is whether the revised phasing plans are sufficient to perform this function.

Although the timing of the various phases of the development would change, the revised phasing plans are sufficiently detailed to provide appropriate triggers for the submission of various details required by other conditions on application ref. no. WA/2016/0268. As such, the revised wording of the Condition would continue to satisfy its original purpose.

Highways Implications

The main permission granted under permission ref. no. WA/2012/0912 and subsequently amended under permission ref. no. WA/2016/0268, was granted on the basis that all the construction traffic would access the site from a temporary construction bridge leading directly from the A31, over the River Wey and into the site from the south.

This was secured via Condition 37 of planning permission WA/2012/0912 which required a Method of Construction Statement (to include details of a temporary access from and to the A31 by-pass) to be submitted to and approved by the Local Planning Authority. This was subsequently approved on 28th July 2015. Agreement to this Method of Construction Statement was reflected in Condition 30 of amended planning permission WA/2016/0268 which required the development to be carried out in accordance with the agreed Method of Construction Statement.

On the basis of the details set out above, the most significant change in the timing of the various phases of the development comprises the demolition of Brightwell Cottage in advance of the construction of the bridge.

The applicants have advised that Brightwell Cottage needs to be demolished before the completion of the bridge as it is immediately adjacent to three areas of enabling works on the site, all of which are related to the statutory utility works and the run-off area to be constructed for the temporary bridge. This was not apparent at the planning application stage but, having carried out further works on the detail of the construction of the development, it is

clear that the early demolition of Brightwell Cottage is necessary to facilitate preparatory works for the site.

The proposal to demolish Brightwell Cottage before the completion of the temporary construction bridge is not in accordance with the main permission and was not agreed as part of the original phasing plans submitted to discharge Condition 2 of application ref. no. WA/2012/0912, and subsequently applied to Condition 1 of WA/2016/0268.

The applicant has submitted details in support of the early demolition of Brightwell Cottage, including details of the vehicles and equipment that would be involved in the demolition of this building as follows:

- 360 degree excavator
- 1 x site dumper (a lock up and ancillary tools would be delivered with this)
- 1 x fuel bowser
- Daily attendance by one site supervisor, a machine driver and one labourer, all of which would park in Riverside car park.

However, the applicant goes on to advise that these pieces of equipment and the staff in attendance, would be on site already in order to facilitate the preparatory works which include undertaking statutory utility works and constructing the bridge run-off. Furthermore, the equipment listed would be removed from site only via the bridge, once it is completed.

The applicant has confirmed that this piece of demolition work would take approximately one week and that demolition material would be stockpiled and stored on site pending the opening of the bridge when the demolition material can be removed via the bridge, in accordance with the planning consent.

Given the details set out above, Officers are satisfied that the demolition of Brightwell Cottage, in advance of the completion of the construction bridge, would not result in a significant number of construction vehicles being routed through the town. On this basis, there would be no harm to highway safety and the proposal would not cause inconvenience to other highway users (the reason for the Condition) and the proposal is acceptable in highways terms.

It should be noted that in order to implement this change to the phasing plan and to enable the demolition of Brightwell Cottage prior to the completion of the bridge, the applicants will need to submit an application to amend the wording of Condition 5 of the two way bridge permission (WA/2018/0544). This Condition requires the bridge to be constructed prior to demolition or

other works that fall within planning permissions WA/2012/0912 and WA/2016/0268 being undertaken and this includes the demolition of Brightwell Cottage.

Would the change be material in combination with other NMA approvals?

A number of NMA applications have been granted recently in connection with the East Street development project, as set out in the Planning History section of this report. The individual changes that have been agreed are not significant and Officers consider that the change currently proposed, with the other agreed changes made under Section 96A of the Act, do not comprise a material amendment to planning application ref. no. WA/2016/0268.

Other planning Issues

Officers are satisfied that the amendment to the phasing plan would not alter the conclusions of the main permission on the following planning issues:

- Open space and recreation
- Retail provision
- Housing land supply
- Housing mix
- Affordable housing
- Impact on visual amenity
- Heritage and listed building impacts
- Impact on residential amenity
- Leisure and community uses
- Standard of accommodation and provision of amenity space
- Crime and disorder
- Financial considerations
- Infrastructure contributions
- Climate change and sustainability
- Biodiversity and compliance with the Habitat Regulations 2010
- Effect on the SPAs
- Archaeology
- Air quality
- Noise
- Flooding
- Contaminated land
- Accessibility and Equalities Act 2010
- Human Rights implications

Response to Representations

- Demolition

The phasing plans originally received as part of this Non-Material Amendment application showed all the buildings on site being demolished prior to the completion of the bridge. Concern was raised in the letters of representation that this would result in construction traffic being routed through the town and causing congestion.

Since the receipt of these representations, the phasing plans have been amended to show only the demolition of Brightwell Cottage prior to the completion of the bridge. For the reasons outlined in the Highways Implications section of this report, Officers are of the view that this modest amount of demolition work prior to the completion of the bridge would not be harmful in highways terms and is an acceptable change to the phasing plans already approved.

- Brightwell House:

Brightwell House is a Grade II Listed Building to which the Redgrave Theatre is attached. The Redgrave Theatre is to be demolished as part of the development scheme and Brightwell House is to be restored, altered and extended for use as two restaurants.

The proposed phasing plans indicate that the Redgrave Theatre would be demolished in Phase 15 (10th December 2018) onwards. However, building work on the retained Brightwell House would not commence until Phase 20 (week of 20th January 2019). Objectors are concerned that a gap of just over a year between the demolition of the Redgrave Theatre and the restoration of Brightwell House would result in harm to this listed building.

Officers are satisfied that the protection of the listed building is secured through various conditions applied to the separate listed building consent application for this work (WA/2017/2028) approved on 23rd January 2018 (see planning history for full description of works).

Two conditions are attached to this Listed Building Consent to ensure the protection of the building during construction works as follows:

Condition 2

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 Local Planning Authority and then undertaken to secure the safety and stability of that part of the building to be retained. Such steps relate to:

- (a) Strengthening of any wall or vertical surface;
- (b) Support for any floor, roof or horizontal surface;
- (c) Provision of protection for the building against weather.

Condition 5

Before any work begins, a specification for the protection and future maintenance of the basement/cellar shall 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 further access for inspection and maintenance.

Details in accordance with Condition 5 have been submitted to the Local Planning Authority and were approved on 14th June 2018. Officers are therefore satisfied that there would be adequate protection of the basement during construction works.

Details in accordance with Condition 2 have not yet been submitted. However, Officers are satisfied that the wording of this Condition is robust in securing the protection of the building in a manner deemed to be satisfactory by the Local Planning Authority.

Officers are satisfied that the most appropriate way of securing the protection of the Listed Building during construction works is through attaching conditions to the Listed Building Consent as set out above.

It is further noted that it is a criminal offence to cause harm to a listed building and to fail to adhere to a condition on a Listed Building Consent.

- Use of construction bridge for Woolmead development:
Farnham Town Council has suggested that the nearby Woolmead development should have access to the temporary construction bridge for use by its construction vehicles.

However, although Woolmead and East Street are in close proximity to each other, they are separate developments being undertaken by separate developers. It is not within the Local Planning Authority's powers to require Crest Nicholson (developers of East Street) to offer the use of their temporary construction bridge to the developers of Woolmead or to re-phase their development accordingly (as would be required). The East Street applicants have, in any event, advised that it would not be practical from a construction

expediency point of view to negotiate such an arrangement due to the conflicts that this would present to building out the East Street scheme.

However, it should be noted that the developers of Woolmead would need to have regard to the East Street redevelopment scheme when devising their Construction Traffic Management Plan. The Highway Authority will consider the 'in combination' impacts when assessing any future Construction Traffic Management Plan submitted in relation to the Woolmead site.

Environmental Impact Regulations 2017

Application WA/2012/0912 was accompanied by an Environmental Statement. This Environmental Statement was updated for planning permission WA/2016/0268.

The East Street development scheme has already been consented and implemented. This NMA application does not seek to amend the approved development, it merely seeks to amend the timing of the construction works. Agreement to the phasing plans is only required in order to ensure that there is a trigger for details to be submitted for various conditions relating to the main permission. For these reasons, and having regard to the nature of this NMA application and the conclusions formed above, Officers are satisfied that the proposal would not have any additional significant environmental effect over the approved scheme. As such, an updated Environmental Statement is not required to accompany this NMA application and the NMA is not considered to be EIA development.

Conclusion

The test with regard to this application is whether the amendments to the phasing plans listed in Condition 1 of planning permission WA/2016/0268 constitute a non-material amendment within the context of this overall planning permission.

The purpose of a phasing plan condition is to provide a trigger for the submission of details required by various conditions on the main permission for the Local Planning Authority's agreement. The revised phasing plans clearly set out the various stages of the development to provide a trigger for these conditions. The phasing plans do not alter the development in any way, merely amend the timing of the construction of various parts of the development. In this respect, Officers are satisfied that the changes are non-material.

Officers acknowledge that the phasing plans propose the demolition of one building before the temporary bridge has been constructed. However, Officers are satisfied that this would not result in a significant number of vehicle

movements through the town and would, therefore, not harm highway safety or cause an inconvenience to other road users. This amendment to the phasing plans is, therefore, acceptable in highway terms.

Overall, the changes to the phasing plans are not considered to alter the conclusions on the main permission with respect to the planning issues that were considered and agreed at the time.

Furthermore, whilst a number of other NMA applications relating to WA/2016/0268 have recently been approved, Officers are satisfied that the proposal, in conjunction with these, does not amount to a material amendment.

Overall, therefore, the changes to the phasing plans are considered non-material within the context of the overall development and Officers recommend that this NMA application is approved and Condition 1 on WA/2018/0268 re-worded.

Recommendation

That the Non-Material Amendment application be APPROVED to provide for an amended condition 1 upon WA/2016/0268 as follows:

The development shall be carried out in accordance with the agreed Phasing Programme Sketch Number 10002-CNR-SK-0005 Rev 7, Sheets 01-33, unless otherwise first agreed in writing by the Local Planning Authority.