

B2 WA/2018/1678
Crest Regeneration Ltd
12/10/2018

Application under Section 73A to vary Condition 5 and remove Condition 11 of WA/2018/0544 (Condition 5 limits works that can be done prior to construction of access bridge and Condition 11 limits lane closure times on the A31) to allow for the demolition of Brightwell Cottage and the tennis pavillion and the provision and collection of welfare facilities prior to the completion of the temporary construction bridge and to allow for the temporary 24 hour closure of a lane of the A31, to enable the construction of the bridge at Site B , East Street Regeneration, East Street, Farnham

Committee: Joint Planning Committee
Meeting Date: 14/11/2018

Public Notice: Was Public Notice required and posted: N/A
Grid Reference: E: 484358 N: 146775

Town: Farnham
Ward: Farnham Castle & Farnham Moor Park
Case Officer: Ruth Dovey
Expiry Date: 06/12/2018
Neighbour Notification Expiry Date: 06/11/2018

RECOMMENDATION

That, subject to the consideration of the views of the Council's Environmental Health Team and the County Highway Authority and subject to conditions, permission be GRANTED

Introduction/Background

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

Planning permission was granted for a temporary two way construction access bridge in connection with the East St redevelopment in June 2018 (ref. WA/2018/0544).

The bridge is required to enable the construction of the East St (Brightwells) redevelopment scheme. Over the course of various planning applications for the East St development, the need for a bridge from the A31 directly into the

site to construct the development has been required by condition, on the basis that routing the traffic through Farnham itself would result in unacceptable levels of traffic congestion and would have a harmful impact on air quality resulting in the loss of amenity to local residents.

This application relates to two conditions that were attached to the dual lane bridge permission, the first of which is condition 5 that reads as follows:

Condition 5:

The proposed road and vehicular access to the A31 Farnham Bypass and South Street, including the temporary vehicular bridge over Borelli Walk and the River Wey, shall be designed and constructed prior to the implementation of WA/2012/0912 or WA/2016/0268. No development shall begin before the South Street and A31 accesses, the bridge, access road and site compound have been completed in accordance with the application drawings and the requirements of the County Highway Authority. Once constructed, the accesses and bridge shall be retained free of any obstruction to its use in accordance with a duration to be agreed with the Local Planning Authority.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and FNP30 of the Farnham Neighbourhood Plan 2017.

The applicants submitted a non-material amendment application in August 2018 to vary this condition to enable the demolition of the Brightwell Cottage prior to the construction of the bridge. This NMA application had originally also sought to include the provision of site welfare facilities and the demolition of the tennis pavilion prior to the construction of the bridge, but with agreement from the applicant, these elements were removed. This was on the basis that the tennis pavilion has already been removed (under the terms of an amendment to the single lane bridge permission – NMA/2015/0039) and that the provision of site welfare facilities would be permitted development so could be carried out in advance of the construction of the bridge, in any event.

The NMA application to amend condition 5 to enable the demolition of Brightwell Cottage prior to the completion of the temporary construction access bridge was considered by the Joint Planning Committee on 3rd October 2018. It was resolved to grant approval subject to the applicants demonstrating that they have an interest in the land (as required under Section 96A of the Town and Country Planning Act).

Subsequently, the applicants, Crest Regeneration Ltd, have sought to demonstrate to the Council's satisfaction that they have the required interest in the land. However, the Council is of the view that they do not have a sufficient interest in the land to accord with the terms of Section 96A. As a result, the applicants have submitted this minor material amendment application to vary condition 5. Under a minor material amendment application, the applicants are not required to have an interest in the land but they have to serve notice of the development on all those that do.

This application also seeks to remove condition 11 of the dual lane bridge permission which currently reads as follows:

"Any traffic management requiring lane closures on the A31 Farnham by-pass shall not be implemented or take place before the hours of 9am or after 5pm Monday to Friday".

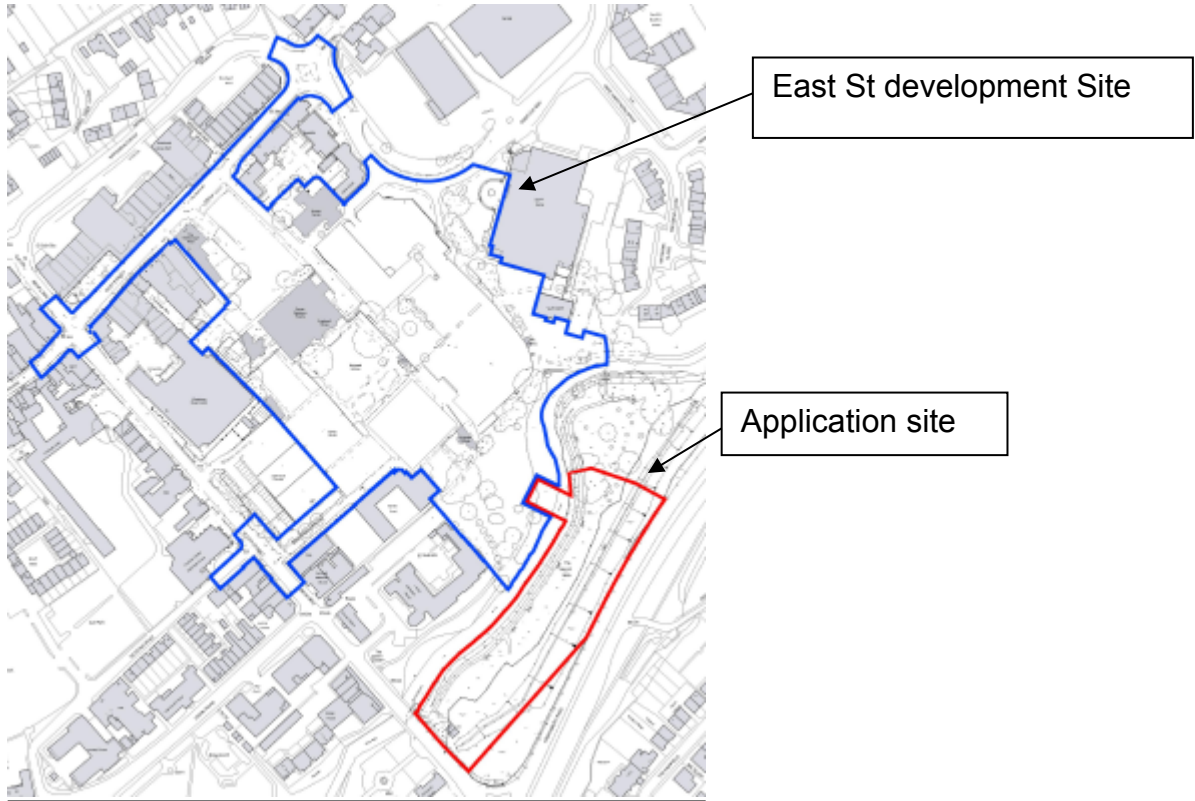
Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and FNP30 of the Farnham Neighbourhood Plan 2017.

A lane closure on the A31 is required in order to construct the connection of the bridge to the A31. The above condition ensures that any lane closure does not take place during peak hours. However, the applicants are seeking to remove condition 11 to enable the 24 hour lane closure on the A31 Farnham by-pass during bridge construction.

The principle of this development has already been accepted with the approval of the planning application for the construction of the bridge (ref. no. WA/2018/0544). It would be inappropriate and unreasonable to revisit the principle of the entire redevelopment. The matters under consideration for this minor material amendment application relate solely to the implications, in terms of traffic impacts with regard to the re-wording of condition 5 and traffic, air quality and residential amenity impacts, resulting from the removal of condition 11.

Location Plan



Masterplan of East Street Redevelopment Scheme



Site Description

This application relates to the provision of a dual lane construction bridge which was granted under WA/2018/0544 and is required in association with the East Street redevelopment scheme 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 the main redevelopment scheme 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 and to the east is Farnham Leisure Centre.

The site for the dual lane bridge is situated at the southern end of the site, providing access from the A31, over the river and directly into the redevelopment site at its southern end. The reason for the bridge is to ensure that construction vehicles are not being routed through the town centre during the course of the development, reducing congestion in the town centre.

Proposal

Application ref. no. WA/2018/0544 granted approval for the following development:

Provision of a dual-lane temporary construction access to the A31 comprising a bridge across the River Wey, pedestrian underpass, temporary vehicular access from South St and other associated temporary works to enable the bridge.

Condition 5 of this permission reads as follows:

The proposed road and vehicular access to the A31 Bypass and South St, including temporary vehicular bridge over Borelli Walk and the River Wey, shall be designed and constructed prior to the demolition works approved by WA/2012/0912 and WA/2016/0268. No demolition or other works that fall within these planning consents that constitute development, shall begin before the South St and A31 accesses, the bridge access road and site compound have been completed in accordance with the application drawings and requirements of the County Highway Authority. Once constructed, the accesses and bridge shall be retained free of any obstruction to its use in accordance with a duration to be agreed by the Local Planning Authority.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and FNP30 of the Farnham Neighbourhood Plan 2017.

Under the current terms of Condition 5, no development can take place on the main scheme until the bridge is completed. The application is for a Non-Material Amendment to Condition 5 of planning permission WA/2018/0544 to enable the demolition of Brightwell Cottage to occur prior to the completion of the bridge and the provision of on-site welfare facilities. The applicants are also applying to include the demolition of the tennis pavilion prior to the construction of the bridge. The tennis pavilion has already been demolished under a non-material amendment application for the single land bridge (NMA/2015/0039), although the applicants wish to include reference to it for the sake of completeness.

The re-worded condition is proposed to be as follows (*italics denote additions or changes*):

The proposed road and vehicular access to the A31 Bypass and South St, including temporary vehicular bridge over Borelli Walk and the River Wey, shall be designed and constructed prior to the demolition works approved by WA/2012/0912 and WA/2016/0268, *with the exception of Brightwells Cottage, the provision and collection of welfare facilities, and the demolition of the tennis pavilion*. No demolition or other works, *including the removal of demolition material*, that fall within these planning consents that constitute development (*other than the demolition of Brightwells Cottage, the provision and collection of welfare facilities, and the demolition of the tennis pavilion*), shall begin before the South St and A31 accesses, the bridge access road and site compound have been completed in accordance with the application drawings and requirements of the County Highway Authority. Once constructed, the accesses and bridge shall be retained free of any obstruction *until their removal*.

Condition 11 of planning permission WA/2018/0544 restricts any lane closure on the A31 during the construction of the temporary bridge, as follows:

Condition 11

Any traffic management requiring lane closures on the A31 Farnham by-pass shall not be implemented or take place before the hours of 9am or after 5pm Monday to Friday.

Reason

In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and FNP30 of the Farnham Neighbourhood Plan 2017.

This condition was attached to the permission to ensure that the lane closure does not take place during peak traffic hours to reduce the impact on the highway network. The applicants are seeking to remove this condition to enable a 24 hour lane closure to take place during the construction of the bridge.

Relevant Planning History

The relevant planning history relating to the bridge 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
NMA/2015/0039	Non Material Amendment application for Amendment to Condition 16 of WA/2012/0911 in order to allow certain works identified to take place under planning permission WA/2012/0912 for the main site, prior to the construction of the temporary vehicular bridge and associated access works granted under planning permission WA/2012/0911	Agreed 17/06/2015
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	Full permission 07/08/2012 (Implemented – extant)

	River Wey from that approved under WA/2008/0279	
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)

The relevant planning history to the wider East St redevelopment site is as follows:

Reference	Proposal	Decision
NMA/2018/0049	Amendment to WA/2016/0268 to provide alterations to approved phasing plan	Agreed 06/08/2018
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 numbers) to allow a variation to the extensions and alterations hereby permitted.	Consent granted 04/07/2016. (Not implemented – expired)
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	Full permission 09/09/2017 (Implemented – extant)

	<p>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).</p>	
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 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	Consent granted 28/01/2015 (Not implemented - expired)

	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.	
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 amplified by letter dated 04/07/2012).	Full permission – subject to Section 106 Agreement - 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	Certificate of Lawfulness granted 17/05/2012 (Not implemented)

	members of the public and use of an external area shown on drawing 13512-D20-001_B for seating associated with the cafe.	
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	Refused 08/06/2010

	route.	
WA/2008/0280	<p>Application for Listed Building Consent for the demolition of the attached Redgrave Theatre. Conversion of Brightwell House to form 2 no. restaurant units. Works to include single/two storey extensions to the north and west (containing additional ground floor restaurant space, kitchen areas, stores, toilets, staircase and plant room and first floor kitchens, stores, staff wc and plant room). Works to existing house to include reinstatement of 3 no. original hipped roofs and 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).</p>	<p>Listed Building Consent Granted 09/10/2008 (Not Implemented – expired)</p>
WA/2008/0279	<p>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).</p>	<p>Full Permission 06/08/2009 (Not Implemented – expired)</p>

Of most relevance to this application, is the Non-Material Amendment application (NMA/2018/0049) to amend the wording of Condition 1 of the main East Street redevelopment permission in order to change the phasing plans in relation to the main redevelopment scheme. This application was recently approved by the Joint Planning Committee and the revised phasing plans included the demolition of Brightwell Cottage prior to the construction of the bridge.

This resulted in a subsequent Non-Material Amendment application submitted in August 2018 (ref. no. WA/2018/0114) for an Amendment to Condition 5 of the dual lane bridge permission ref. no. WA/2018/0544, restricting works on main East Street redevelopment permission (WA/2012/0912 and WA/2016/0268) from commencing until the dual lane bridge is constructed to allow the demolition of Brightwell Cottage in advance of the bridge construction.

This application was considered by the Joint Planning Committee on 3rd October. It was resolved to grant approval subject to the applicants (Crest Nicholson Regeneration Limited) being able to demonstrate an interest in the land. To date, the applicant has not been able to demonstrate sufficient interest in the land to the satisfaction of the Local Planning Authority and so this application remains undetermined. As a result, this current application for a minor material amendment being considered includes the variation to condition 5 that was previously proposed.

However it should be noted that the Joint Planning Committee have now considered the demolition of Brightwell Cottage prior to the bridge twice, under two separate Non-Material Amendment applications and deemed it to be acceptable. It would not be reasonable therefore to raise objection to this element of the scheme.

It should also be noted that a non-material amendment application was approved in 2015 (NMA/2015/0039) to amend the terms of Condition 16 of application ref. no. WA/2012/0911 for the single lane bridge, to enable the removal of the tennis pavilion and the provision and collection of welfare facilities prior to the construction of the bridge.

As a result of this non material amendment, the tennis pavilion has since been demolished and this demolition occurred prior to the dual lane bridge permission.

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 (Farnham Neighbourhood Plan)
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

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 of the National Planning Policy Framework (NPPF) due weight has been given to relevant retained policies in the above plans.

Other guidance:

- National Planning Policy Framework (2018)
- National Planning Practice Guidance (2014)

The relevant policies to this application are:

Local Plan, Part 1, Strategic Policies and Sites: SP1, SP2, ST1, ICS1, TCS1, LRC1, RE1, TD1, HA1, NE1, NE2, NE3, CC2, and CC4

Farnham Neighbourhood Plan (made May 2017): FNP1, FNP10, FNP11, FNP12, FNP13, FNP21, FNP27 and FNP32.

Local Plan 2002: D1, D4, D6, D7, D8, D9 C5, C10, C12, BE1, HE3, TC3, TC8, M3 and M7.

South East Plan: Policy NMR6.

Consultations and Town/Parish Council Comments

County Highway Authority	No objection, but further comments expected and these will be reported verbally to JPC
Farnham Town Council	To be reported at the committee
Environmental Health – air quality	Comments not yet received – to be reported verbally to JPC

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 15/10/2018.

One letter has been received raising objection on the following grounds:

- The traffic delays will be excessive.
- To decide that 24 hour lane closure for ease of working should be rejected by the planners, even if this leads to the work taking longer than if the 24 hour lane closure was introduced.

Submissions in support

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

- A 24 hour lane closure would mean that the works to the temporary construction access bridge could be completed within 6 weeks and possibly 4. With a restricted lane closure, this work would take at least 30 weeks.
- The provision of an unrestricted lane closure would mean no lost time through set up of the traffic management which is required to allow operatives to safely complete the works to the access from the A31.

- The lane closure would result in a reduction in the working window of 2-3 hours to bring materials into site as well as complete the construction to form a new access. This is largely as a result of the need to use water filled barriers sufficient to protect the operatives carrying out the works. To install and remove these each day would take approximately 4-5 hours.
- The provision of a 24 hour lane closure would also enable the storage of materials within the closed lane on the A31 (stone, kerbs, barriers and back fill material). This means that operatives could transport fill material from the A31 to the site, resulting in further efficiencies with regard to the construction of the bridge.
- Upon the S73 being granted, the lane closure will be implemented on 19/11/2018 and removed on 07/12/2018 to allow for the Surrey County Highway Christmas embargo on highways works. The remaining works would take place from 07/01/2019 with the re-introduction of the 24 hour lane closure for a period of 3 weeks.

Determining Issues

Principle of development

Highways impacts

Air quality impacts

Impact on residential amenity

Effect on the SPAs

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

The principle of the development was established by the granting of planning permission WA/2018/0544. Whilst the applicant is applying for a variation of Condition 5 and removal of Condition 11 of that permission, under Section 73 of the Town and Country Planning Act 1990 (as amended), the proposal is, in effect, a fresh application for the entire development, albeit with a variation to Condition 5 and removal of Condition 11.

In considering the current application, Officers have been mindful of any material changes in planning circumstances since the granting of that original

permission, including the publication of the NPPF 2018 and the commencement of consultation on the Farnham Neighbourhood Plan Review.

However, it is a highly material planning consideration that there is an existing permission which could be implemented on site. It would, therefore, be inappropriate and unreasonable to revisit the principle of the entire development. Officers are of the view that there have been no changes in site circumstances or fundamental changes to planning policy either locally or nationally that would affect the consideration of the following issues that were assessed under the original application (WA/2018/0544):

- Impact on visual amenity and the ASVI
- Impact on green infrastructure
- Impact on setting of heritage asset
- Convenience and safety of footpath users
- Contaminated land
- Flood risk
- Ecology and water quality
- Effect on SPAs
- Accessibility and Equalities Act 2010, Crime and Disorder and Human Rights Implications

The reason for the imposition of both conditions was in order to ensure that the development did not prejudice highway safety, nor cause inconvenience to other highway users. Therefore, the highways impacts of the changes to Condition 5 and removal of Condition 11 are highly pertinent to the consideration of the application. There are also implications with regard to neighbouring residential amenity and air quality that need to be considered.

This report considers the implications of the removal of Condition 11 first with regards to highways, air quality and residential amenity impacts and then goes on to consider the variation to Condition 5 with regard to highways impacts.

Removal of condition 11

Condition 11 of the dual lane bridge permission reads as follows:

Condition 11

Any traffic management requiring lane closures on the A31 Farnham by-pass shall not be implemented or take place before the hours of 9am or after 5pm Monday to Friday.

Reason

In order that the development should not prejudice highway safety, nor cause inconvenience to other highway users in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and FNP30 of the Farnham Neighbourhood Plan 2017.

The applicants are seeking to remove this condition to enable 24 hour lane closure to take place during the construction of the bridge.

Highways Impacts

One of the key considerations in the assessment of this application is the implication of a 24 hour lane closure on the operation of the local highway network, particularly during peak hours.

The same condition was applied to the original single lane bridge permission granted in 2010 (WA/2010/1650) and to the subsequent single lane bridge renewal permission in 2012 (WA/2012/0911). Both these applications were accompanied by technical reports either as part of an EIA (2010 application) or as supplementary to the 2010 EIA (2012 application).

Within the Officer's report for WA/2010/1650, it was confirmed that the traffic management measures from a 24 hour lane closure would result in delays and queuing at the Hickleys Corner junction. During the morning peak hour the queue would increase from 29 to 349 vehicles and would extend 1km towards the Coxbridge roundabout to the west. Average vehicle delays during these periods would increase from 0.6 to 12 minutes. Increases would also take place during the PM peak hour and off-peak periods but to a lesser extent compared to the AM peak hour. Such delays would be temporary in nature, lasting for 12 to 16 weeks during the access/bridge construction and again during its removal and re-instatement works.

A highways report was submitted with the recently approved dual lane bridge application and traffic surveys undertaken to establish the current traffic flows along the A31 corridor at the location of the temporary construction access and at the nearby Hickleys Corner signal junction. The survey showed that the actual traffic flows that have materialised on the highway network are lower than the forecasts used in the transport documents accompanying the two previous single lane bridge applications.

On this basis, it is considered that the original traffic flows continue to represent a robust assessment of the impact of the redevelopment proposals during the construction and operational phases and hence the findings of the original Transport Assessment and Environmental Statement remain valid. Specific modelling of the impact of a 24 hour lane closure is being undertaken,

based on the most up to date 2018 survey work. These results will be available at the Joint Planning Committee and an oral update will be provided. Given that traffic levels have been shown to be less than that anticipated in the Environmental Statement and supplementary documents for the 2010 and 2012 bridge permissions, Officers anticipate that the queuing time will be less or no greater than that set out in the documentation that accompanied these applications. Once this information has been received, the County Highway Authority will be re-consulted and an oral update will be provided to the committee.

The Surrey County Highway Authority has been consulted on the application and raises no objection to the proposals. Since planning permission was granted, the Highway Authority has had extensive discussions with the applicant on the traffic management strategy required to construct the temporary access. The Highway Authority's streetworks team have concluded that in reality, an off-peak lane closure could only operate between 9:30 and 16:30. The time required to install and remove significant traffic management each day would leave a working window of 2-3 hours to bring materials into site as well as complete the construction to form a new access.

The Highway Authority is aware of the applicant's assessment that the lane closure would need to be in place for 30 weeks if the lane closure was restricted to peak hours. By contrast, a 24 hour lane closure would only need to be in place for 6 weeks (possibly 4).

It has also been identified by the Highway Authority that a requirement to install and remove such an extensive amount of traffic management equipment (including plant and materials) on a daily basis would, in itself, have a knock-on impact on traffic flows during the AM and PM peak periods. The practical and logistical implications of avoiding peak period lane closures on the A31 does not, therefore, result in the benefits intended when condition 11 was imposed – indeed additional delays and queuing on the A31 during peak periods would still occur (albeit to a lesser extent than a 24 hour lane closure scenario), but over a much longer period of time.

The Highway Authority has therefore worked with the applicant to develop an alternative traffic management strategy for delivering the temporary access. It is proposed to implement a 24 hour eastbound lane closure, which would then allow for welfare immediately on site, storage of plant/materials, and no lost time through daily set up of the traffic management.

The 24 hour lane closure would result in a significant increase in queuing and delay for eastbound drivers on the A31 during peak periods, most notably the AM peak (as set out in the Planning Officer's Report in 2012). However, the

Highway Authority's objective is to reduce disruption caused by any roadworks to the shortest possible time, and therefore it has been concluded that a 24 hour lane closure for 6 weeks is preferable compared to a scenario requiring works on the A31 for 30 weeks.

Taking the comments from Surrey County Highway Authority into account, Officers acknowledge that there will be significant traffic disruption resulting from the provision of a 24 hour lane closure. However, a lane closure of some sort (restricted or unrestricted) is required in order to provide the temporary construction bridge and some level of disruption resulting from a lane closure (even if restricted to off-peak) is inevitable on a busy road such as the A31.

It is, therefore, important to balance the level of disruption arising from a 24 hour lane closure to that arising from a restricted, off-peak lane closure. Officers are of the view, and taking on board the advice from the County Highway Authority that requiring the lane to be re-opened at peak hours would result in greater disruption given the increased length of time that the lane closure would be required for. Therefore, whilst a 24 hour lane closure would result in substantial delays (at peak hours and particularly in the mornings), given that this would be over a relatively short time-period, this is considered preferential to traffic delays that would last up to 30 weeks.

Furthermore, the provision of a 24 hour lane closure would speed up the completion of the bridge, which in turn, would speed up the delivery of this large redevelopment scheme further reducing the time period for any potential highways disruption resulting from the East St redevelopment as a whole.

On this basis, Officers are of the view that the proposed development is acceptable regarding highways impacts.

Air Quality Impacts

The site is partially located within an Air Quality Management Area (AQMA).

Policy D1 of the Local Plan 2002 seeks to ensure that developments do not result in material detriment to the environment by virtue of potential pollution of air.

Officers are of the view that the difference in air quality impacts between a short term, 24 hour lane closure over a period of 6 weeks and a longer term restricted lane closure over a period of 30 weeks would be negligible. However, Officers are expecting comments from Environmental Health in this respect and these will be reported in an update sheet to committee.

Impact on residential amenity

Although there would be a 24 hour lane closure, it is not proposed to have any night working on site and on this basis, the proposal is not considered to have a harmful impact on neighbouring residential amenity by way of noise and disturbance.

Variation of condition 5 – (Restriction on main redevelopment works prior to bridge completion)

The applicant seeks to amend condition 5 to allow the demolition of Brightwell Cottage and the tennis pavilion and the provision and collection of welfare facilities in association with the main redevelopment scheme prior to the completion of the temporary construction access bridge. The next section of this report takes each of these aspects in turn and considers their acceptability.

- Demolition of Brightwell Cottage

Highways Impacts

The dual lane bridge for which planning permission was granted under application ref. no. WA/2018/0544, was required under the terms of the planning permission for the East St redevelopment (WA/2012/0912 and WA/2016/0268). The bridge is considered necessary in order to ensure that the construction of the East St development scheme does not cause unacceptable congestion in the town centre as a result of construction vehicles being routed through it - the bridge would provide direct access from the A31 into the site. This is reflected in the reason for condition 5 which reads as follows:

In order that the development does not prejudice highway safety nor cause inconvenience to highway users in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and FNP30 of the Farnham Neighbourhood Plan 2017.

The key question is, therefore, whether, the demolition of Brightwell Cottage, prior to the completion of the bridge, would result in unacceptable levels of congestion within the town centre as a result of construction vehicles associated with the demolition, being routed through it.

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. These areas are related to statutory utility

works and the run-off area to be constructed for the temporary bridge. This was not apparent at the planning application stage for the comprehensive site redevelopment. However, 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 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 truck (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.

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 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 and is acceptable in highways terms.

- Demolition of the tennis pavilion

The tennis pavilion has already been removed under the terms of the non-material amendment application which sought amendments condition 16 of the single lane bridge permission (NMA/2015/0039) which enabled the removal of the tennis pavilion prior to the construction of the bridge. This application was approved in 2015.

Although the tennis pavilion has been removed from the site, the applicants have requested that specific reference is made to it in the revised condition 5

in order to ensure alignment across the various East Street planning and non-material amendment applications.

As the tennis pavilion has already been removed, there are no traffic implications as a result of this suggested re-wording. As there are no implications arising from the inclusion of reference to the tennis pavilion in Condition 5, and the change has been found to be non-material, Officers are satisfied that this is acceptable in planning terms.

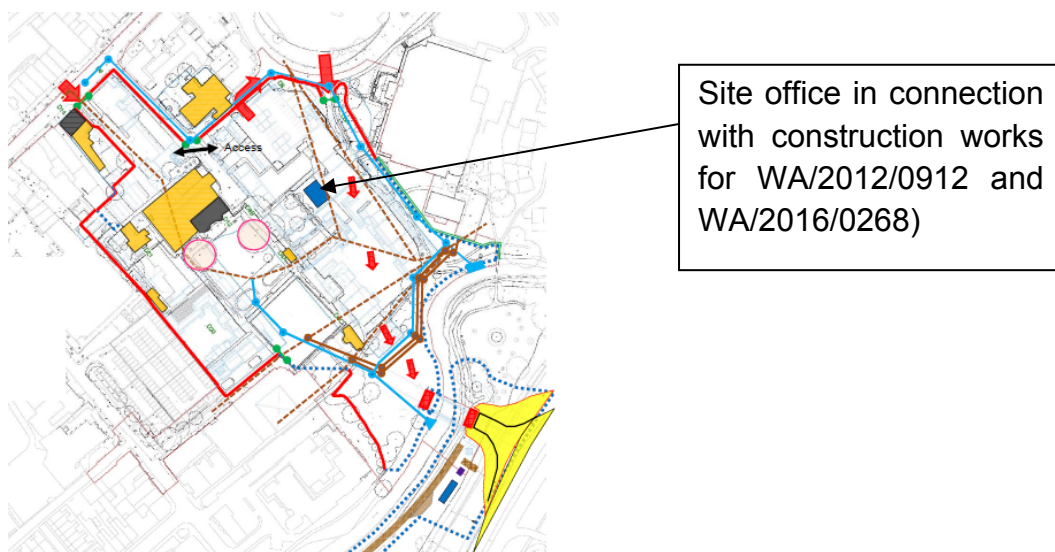
- Provision and collection of welfare facilities

The applicants are seeking to amend the wording of the condition 5 to enable the provision and collection of welfare facilities in connection with the site's redevelopment, prior to the completion of the bridge. This was agreed under non-material amendment application ref. no. NMA/2015/0039.

Under Part 4, Class A of the General Permitted Development Order 2015 (and amended 2018), the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or land adjoining that land comprises permitted development. Development is not permitted by Class A if –

- (a) The operations referred to are mining operations, or
- (b) Planning permission is required for those operations but is not granted or deemed to be granted.

The applicants have provided Officers with a plan showing the intended location of the welfare facilities required in association with the construction of the East St redevelopment scheme.



The plan shows that the welfare facilities would be contained within the site. The East Street redevelopment scheme is not a mining operation and planning permission for the East Street redevelopment scheme has been granted (in accordance with the terms of conditions (a) and (b) of Part 4 Class A). On this basis, Officers are satisfied that the provision of the welfare facilities is permitted development. Furthermore, they did not form part of the planning permission for the East St redevelopment scheme.

On this basis, the provision and collection of welfare facilities could be undertaken prior to the construction of the bridge under permitted development rights and it would not be reasonable to restrict these facilities. In any event, their provision was not included in the main East St redevelopment permission and, therefore, they fall outside of the terms of condition 5 as the provision of these facilities does not comprise “demolition or other works” that “fall within planning application ref. nos. WA/2012/0911 and WA/2016/0268”.

Given these considerations, Officers consider that the suggested amended wording to condition 5, which specifically references the provision of the welfare facilities prior to the construction of the bridge, is acceptable in planning terms.

On the basis of the considerations set out above in relation to the demolition of Brightwell Cottage and the tennis pavilion and the provision and collection of welfare facilities, the revised wording of Condition 5 would be as follows:

The proposed road and vehicular access to the A31 Bypass and South St, including temporary vehicular bridge over Borelli Walk and the River Wey, shall be designed and constructed prior to the demolition works approved by WA/2012/0912 and WA/2016/0268, with the exception of Brightwells Cottage, the provision and collection of welfare facilities, and the demolition of the tennis pavilion. No demolition or other works, including the removal of demolition material, that fall within these planning consents that constitute development (other than the demolition of Brightwells Cottage, the provision and collection of welfare facilities, and the demolition of the tennis pavilion), shall begin before the South St and A31 accesses, the bridge access road and site compound have been completed in accordance with the application drawings and requirements of the County Highway Authority. Once constructed, the accesses and bridge shall be retained free of any obstruction until their removal.

For the above reasons, Officers consider the revised wording would not result in unacceptable highway impacts and that the amended condition is therefore acceptable in highways terms.

Effect on SPAs

The proposed development is for a minor amendment to a temporary construction bridge permission. It is not likely to 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 Policies NE1 and NE3 of the Local Plan 2018 (Part 1) and Policy FNP12 of the Farnham Neighbourhood Plan 2017. An appropriate assessment is not therefore required.

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

There are no implications arising from this minor material amendment application.

Environmental Impact Regulations 2017

Application WA/2018/0544 was not accompanied by an Environmental Statement as it was considered that this was not required, either when considering the bridge as a stand alone scheme, or in combination with the main redevelopment permission. This Minor Material Amendment application does not seek to amend the approved development, it merely seeks to amend the wording of one condition to alter the timing of the construction works to enable some works to take place prior to the construction of the bridge. It also seeks to remove one condition with restricting lane closures on the A31 to off-peak hours, in order to enable the development to be delivered more efficiently. On this basis, Officers do not consider that the changes would result in a development that could now be considered to be EIA 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:-

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

Conclusion

Officers recognise that the removal of condition 11 to enable a 24 hour lane closure would have substantial highway impacts. However, this needs to be balanced against the alternative, which is for a restricted, off peak lane closure. The 24 hour lane closure would need only be in place for 6 weeks (and potentially this could be reduced to 4) whilst a restricted lane closure would need to be in place for 30 weeks. It is inevitable that any lane closure on the A31 required to completed the bridge (restricted or unrestricted) will cause disruption, albeit a 24 hour lane closure would result in greater disruption during the peak AM period. Officers are of the view that from a highways perspective, it is best to keep disruption down to the shortest length of time possible and on this basis, the provision of a 24 hour lane closure over 4-6 weeks is preferential to a restricted lane off-peak closure over 30 weeks.

A further benefit is that the provision of a 24 hour lane closure would speed up the completion of the bridge, which, in turn would speed up the delivery of this large redevelopment scheme, further reducing the time period for potential highways disruption resulting from the East St redevelopment as a whole.

In terms of air quality, the proposed 24 hour lane closure would not result in a material increase in air pollution in the long term.

With regard to the variation of Condition 5, the reason for restricting development works in connection with the main redevelopment until the bridge is constructed is to ensure that the development does not result in unacceptable congestion within Farnham Town Centre as a result of construction vehicles being routed through it. However, Officers are satisfied that the demolition of Brightwell Cottage prior to the construction of the bridge and the provision and collection of welfare facilities, 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. With regard to the tennis pavilion, as this has already been demolished, its reference within the amended Condition 5 would not result in any additional highways impacts. The proposed amendment to the wording of Condition 5 is, therefore, acceptable in highways terms.

Overall, the changes to the wording of the condition are not considered to alter the conclusions on the bridge permission set out within the report with respect to the planning issues that were considered at the time.

Recommendation

That, subject to the consideration of the views of the Council's Environmental Health Team and the County Highway Authority and subject to conditions, permission be GRANTED:

1. Condition

The plan numbers to which this permission relates are Drawing No. TPN-TCA-001B, TPN-TCA-003E, TPN-TCA-005D, TPN-TCA-006A, TPN-TCA-007A, 100002/3017. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policy TD1 of the Local Plan Part 1 2018, Policies D1 and D4 of the Waverley Borough Local Plan 2002 and FNP1 of the Farnham Neighbourhood Plan 2017.

2. Condition

The temporary construction bridge, hereby permitted, shall be removed within 4.5 years of the commencement of the development hereby permitted or within an alternative timescale to otherwise be agreed in writing by the Local Planning Authority.

Reason

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan (Part 1) 2018, Policy FNP1 of the Farnham Neighbourhood Plan 2017, and Policies D1, D4 and C5 of the Waverley Borough Local Plan 2002.

3. Condition

On completion of the development permitted under WA/2012/0912 or WA/2016/0268 the temporary construction access/bridge shall be removed and replaced with the permanent footbridge in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such details shall include reinstatement of the land to a condition that is first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason

In the interest of the character and amenity of the area and pedestrian convenience in accordance with Policy TD1 and ST1 of the Local Plan (Part 1) 2018, Policy FNP1 of the Farnham Neighbourhood Plan 2017 and Policies D1, D4 and C5 of the Waverley Borough Local Plan 2002.

4. Condition

The development shall be carried out in complete accordance with the following details provided to discharge condition 4 and 15 of planning permission WA/2018/0544:

- Landscape and ecological Management Plan, document ref. 1977-05 LEMP vf BB/dW (dated June 2018) prepared by Aspect Ecology (excluding Construction Access Re-Planting, drawing no. 1005/121 Rev C, shown in Appendix 1877-05/LEMP2: Planting Strategy;
- Construction Access Re-planting, drawing no. 1005-121 Rev E (dated 21/08/18) prepared by Murdoch Wickham.

The landscaping scheme and Landscape and Ecological Management Plan shall be carried out in strict accordance with the agreed details and the planting shall be carried out in the first planting season following the decommissioning of the bridge. The landscaping shall be maintained for the satisfaction of the Local Planning Authority for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the Local Planning Authority, seriously damaged or defective. Such replacements shall be of same species and size as those originally planted.

Reason

In order to ensure no harm to the ecology of the site, in accordance with Policies NE1 and NE2 of the Local Plan (Part 1) 2018 and Policy FNP13 of the Farnham Neighbourhood Plan 2017.

5. Condition

The proposed road and vehicular access to the A31 Bypass and South St, including temporary vehicular bridge over Borelli Walk and the River Wey, shall be designed and constructed prior to the demolition works approved by WA/2012/0912 and WA/2016/0268, with the exception of Brightwells Cottage, the provision and collection of welfare facilities, and the demolition of the tennis pavilion. No demolition or other works, including the removal of demolition material, that fall within these planning consents that constitute development (other than the demolition of Brightwells Cottage, the provision and collection of welfare facilities, and the demolition of the tennis pavilion), shall begin

before the South St and A31 accesses, the bridge access road and site compound have been completed in accordance with the application drawings and requirements of the County Highway Authority. Once constructed, the accesses and bridge shall be retained free of any obstruction until their removal.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and FNP30 of the Farnham Neighbourhood Plan 2017.

6. Condition

The proposed access road including its junction with the A31 Farnham by-pass shall be closed and all kerbing, verges, replacement trees, landscaping and highway margins shall be fully reinstated by the applicant, in a manner to be agreed in writing by the Local Planning Authority, upon completion of the development and prior to occupation of the development approved by 1st December 2022.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and FNP30 of the Farnham Neighbourhood Plan 2017.

7. Condition

The proposed South Street (Borelli Walk) access shall be closed and fully reinstated and all kerbing, verges, replacement trees, landscaping and highway margins shall be fully reinstated by the applicant in a manner to be agreed in writing by the Local Planning Authority, prior to occupation of the development approved by WA/2012/0912 or WA/2016/0268.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and FNP30 of the Farnham Neighbourhood Plan 2017.

8. Condition

The proposed gates across the access road from the A31 leading to the bridge shall be kept open at all times during construction unless otherwise agreed by the Local Planning Authority.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and FNP30 of the Farnham Neighbourhood Plan 2017.

9. Condition

The development shall be carried out in completed accordance with the following details submitted in order to discharge conditions 9 and 18 of planning permission WA/2018/0544:

- Borelli Walk Management Plan, ref. no. G23492 (dated June 2018) prepared by Thomasons;
- A31 Temporary Construction Access Fencing/Hoarding and Access, drawing no.10002-CNR-SK-001 Rev 1 (dated 18/04/18);
- Removal of bridge programme
- Construction Access Tree Plan with Borelli Walk Layout - 180822, drawing no. A037-18 Rev P1 (dated August 2018)

The plan shall be fully implemented by the applicants all at their own expense, including any necessary costs associated with making, securing and implementing any traffic orders or legal processes.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to ensure sufficient pedestrian links within Farnham, in accordance with Policy TCS1 and ST1 of the Local Plan (Part 1) 2018 and FNP30 of the Farnham Neighbourhood Plan 2017.

10. Condition

The development hereby approved shall be carried out in full accordance with the approved Method of Construction Statement dated 17th May 2018.

Reason

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 of the Local Plan (Part 1) 2018 and FNP30 of the Farnham Neighbourhood Plan 2017.

11. Condition

The construction access from South Street and temporary bridge hereby approved shall not be used other than for the purposes of facilitating access to the main East Street site by construction traffic. They shall not be used for any other purpose unless otherwise first agreed in writing by the Local Planning Authority.

Reason

Having regard to the fact that the development hereby permitted is to serve the development under permission WA/2012/0912 or WA/2016/0268 and is not suitable or appropriate for a permanent site access in accordance with Policy TD1 and ST1 of the Local Plan (Part 1) 2018, Policy FNP1 and FNP30 of the Farnham Neighbourhood Plan and Policies D1, D4, and ST1 of the Waverley Borough Local Plan 2002.

12. Condition

The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) entitled Farnham Bridge - Flood Risk Assessment dated March 2018 undertaken by Thomasons and the following mitigation measures detailed within the FRA:

- Works to reduce the impact of the works on floodplain storage in the area as detailed in section 3.3 of the FRA and drawing reference: Proposed Construction Access Bridge - 13512-TPN-TCA-004J dated 09 March 2018.

The mitigation measures shall be fully implemented prior to the use of the bridge and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed, in writing by the Local Planning Authority.

Reason

To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage, in accordance with Policy CC4 of the Local Plan (Part 1) 2018.

13. Condition

The development hereby permitted shall be carried out in complete accordance with the Construction Environmental Management Plan, Rev 01 (dated 16/07/18) prepared by Crest Nicholson Operations Ltd

submitted in order to discharge condition 14 of planning permission WA/2018/0544.

Reason

In order to ensure the protection of wildlife and supporting habitat, and secure opportunities for the enhancement of the nature conservation value of the site, and to ensure that the environmental impact arising from the development does not give rise to unacceptable intrusion on the amenities of nearby residential property, in accordance with Policy TD1, NE1 and NE2 of the Local Plan (Part 1) 2018, Policies FNP1 and FNP13 of the Farnham Neighbourhood Plan 2017 and Policy D1 of the Waverley Borough Local Plan 2002.

14. Condition

The development shall be carried out in accordance with the agreed specification and location of braced exclusion fencing, timber stem boxing and road plate or box matting ground protection measures shown/described on the submitted Tree Protection Plan (Rev D) and in the related Arboricultural Impact Assessment (Rev C). The fencing and temporary track ground protection shall remain in place throughout the duration of the development to the satisfaction of the Local Planning Authority.

Reason

To adequately protect all trees worthy of retention from development harm and to provide for their amenity contribution thereafter, in accordance with Policy NE2 of the Local Plan (Part 1) 2018 and Policies D6 and D7 of the Local Plan 2002.

Informatives:

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of Paragraph 38 of the National Planning Policy Framework 2018.