

**WA/2023/00103** – Erection of a dwelling with associated works following demolition of original dwelling at LAND KNOWN AS 17 FRENHAM ROAD LOWER BOURNE FARNHAM GU9 8HF

Applicant: Templias Limited - Templias Limited.  
Parish: Farnham CP  
Ward: Farnham Bourne  
Grid Reference: E: 484544  
N: 145136  
Case Officer: Dylan Campbell  
Neighbour Notification Expiry Date: 11/02/2023  
Expiry Date/Extended Expiry Date: 21/06/2023  
Committee Meeting Date: Western Planning Committee  
14 June 2023

RECOMMENDATION A That, subject to the completion of an appropriate legal agreement to secure the financial contributions towards the ongoing maintenance and enhancement of Farnham Park; and subject to conditions, that planning permission be **GRANTED**

RECOMMENDATION B That, in the event that a Section 106 Agreement is not completed within 6 months of the date of the resolution to grant permission, permission be **REFUSED**.

### Summary

This application is on the Planning Committee agenda following a call-in request from Cllr Cockburn on the grounds of the history of development on the site, the effect on the character of the area, and the change of emphasis in the NPPF.

Planning permission was granted for a dwelling on this site in November 2017(WA/2017/1549). A dwelling was built on the site that did not accord with the permission for the construction of a dwelling. This permission was not lawfully implemented and has since expired.

This application seeks planning permission for the demolition of the existing unauthorized dwelling and planning permission for a new dwelling which would be the same size, scale and bulk, and in the exact same position as the previously approved 2017 permission.

The principle of residential development in this location has been previously agreed. Although since the previous permission was granted Local Plan Part 1 and Local

Plan Part 2 have been adopted and the NPPF has been updated. The Farnham Neighbourhood Plan has also been updated,

### 1. Site Description

The application site is located to the immediate east of Frensham Road. The topography of the site is such that there is a steep gradient from north to south. To the south of the site is Bourne Stream. The site has a vehicular access onto Frensham Road and the unauthorised three-storey contemporary dwelling. The surrounding area is residential in character, predominantly characterised by two storey detached residential properties set in medium sized plots.

### 2. Proposal

This application seeks permission to demolish the existing unauthorised structure and constructing a new dwelling of the same scale, bulk and massing and in exactly the same position as the previously approved 2017 permission. Materials would comprise a sedum roof, vertical oak boarding to the upper elevations and stone to the lower elevation as per the original permission. It should be noted at this stage that granting this permission would not remedy the current breach of planning, this can only be achieved through an Enforcement Notice requiring the demolition of the building.

### 3. Relevant Planning History

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
WA/2020/1798	Erection of a dwelling.	REFUSED 30/07/2021 Appeal Dismissed 01/11/2022
NMA/2019/0139	Amendment to WA/2017/1549 for alterations to door and window fenestration and alterations to the internal layout of the building.	NON MATERIAL AMENDMENT ALLOWED 11/11/2019
NMA/2019/0093	Amendment to WA/2017/1549 for changes to doors for accessibility, window cill height adjustment and external finishing specification.	NON MATERIAL AMENDMENT REFUSED 09/07/2019

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
NMA/2018/0099	Amendment to WA/2017/1549 for alterations to square off the lower ground floor plan by removing the inset corner of earth infill and build the ground floor wall further out in-line with the lower ground creating a shorter cantilever for the first floor.	NON MATERIAL AMENDMENT ALLOWED 14/09/2018
WA/2017/1549	Erection of a dwelling.	GRANT 06/11/2017

#### 4. Relevant Planning Constraints

- Developed Area of Farnham
- Area of Special Environmental Quality
- Thames Basin Heaths I SPA 5km Buffer Zone
- Wealden Heaths I SPA 5km Buffer Zone
- River Bank 20 metre buffer
- Adjacent to Flood Zones 2 and 3
- TPO (Far 90)
- Public Footpath 213
- Potentially Contaminated Land
- South Farnham Arcadian Areas (Farnham Neighbourhood Plan)
- Built up Area Boundary (Farnham Neighbourhood Plan)

#### 5. Relevant Development Plan Policies and Guidance

- Waverley Borough Local Plan (Part 1) 2018: Strategic policies and sites (adopted February 2018): SP1, SP2, AHN3, ALH1, TD1, HA1, ST1, NE1, NE2, NE3, CC1 and CC2.
- Waverley Borough Local Plan (Part 2) 2023: Site Allocations and Development Management Policies (LPP2): DM1, DM2, DM4, DM5, DM9 DM11 and DM20.
- Farnham Neighbourhood Plan 2013-2032: FNP1, FNP8, FNP9, FNP12, FNP13 and FNP30.

#### Other guidance:

- The National Planning Policy Framework 2021 (NPPF)
- The National Planning Practice Guidance 2014 (NPPG)
- Residential Extensions Supplementary Planning Document 2010 (SPD)
- Council's Parking Guidelines (2013)
- Surrey Vehicular and Cycle Parking Guidance (2018)
- National Design Guide (2019)

- Climate Change and Sustainability Supplementary Planning Document (October 2022)

## 6. Consultations and Town/Parish Council Comments

Farnham Town Council	The development is inappropriate as the dwelling was dismissed at appeal. Policy TD1 of LPP1 takes account of design guidance, Planning Policy and other SPDs.
SCC Highways	An assessment has been undertaken in terms of the likely net additional traffic generation, access arrangements and parking provision and SCC is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements.
SCC Public Rights of Way (PRoW)	We have no objections to the above planning application and SCC PRoW draws the applicants attentions to requirements in relation the their requirements.

## 7. Representations

42 letters have been received (from 39 households) raising objection on the following grounds:

- Design conflicts Farnham Design Statement.
- Conflicts with the Neighbourhood and Local Plans.
- Out of keeping with Bourne and other properties.
- Proposal is overbearing.
- Dominant in this part of Bourne.
- Overlooks adjacent properties.
- Inappropriate development.
- Building in the wrong place and wrong size.
- No changes from previous application.
- Not on original location.
- Does not address the reasons of the previous appeal dismissal
- Demolition and restoration of the site to its original condition.
- Does not provide 10% BNG.
- Impact on wildlife.

2 letters have been received expressing neutral comments:

- Proposal to be in line with the original approved 2017 application.
- New dwelling based on the original permitted design should be acceptable.

- Dark brown boarding would be preferable, in keeping with woodland.
- Development should be monitored if approved.
- Random stone elevation should be agreed with LPA.
- AC units should be to rear.

## 9. Planning Considerations:

## 10. Principle of Development and Planning History

Under WA/2017/1549 permission was granted for the erection of a dwelling. Subsequently two non-material amendment applications were approved under NMA/2018/0099 and NMA/2019/0139 which allowed amendments to the lower ground floor and for alterations to door and window fenestration and alterations to the internal layout of the building.

However, the dwelling has not been built in accordance with the plans or conditions of WA/2017/1549 and its subsequent amendments.

- The built dwelling is located 6m to the south and rotated approximately 10° from the consented dwelling.
- The overall height of the built dwelling has been raised from 84.4m AOD to 86.14m AOD. This has been done through a combination of the finished floor level being raised by approximately 1.1m and the dwelling itself being 0.64m taller.
- Pre-commencement conditions relating to trees and external materials were not discharged despite the dwelling being constructed.

Officers are aware of material changes in policy circumstances since the granting of WA/2017/1549. The Farnham Neighbourhood Plan has been fully adopted, policies previously attributed full weight from the 2002 Local Plan such as BE3 no longer hold weight, both Local plan Part 1 and 2 have been adopted and the NPPF has been revised in 2018, 2019 and 2021.

A retrospective application was submitted in 2020 to the Local Planning Authority to regularise the breach in planning control (WA/2020/1798). The retrospective application was refused on 30/07/2021 and an appeal was dismissed on 01/11/2022. The Inspector noted that the combination of siting, height and materials of the development caused it to be unduly prominent and visually dominant and as a result, it causes significant, substantial and unacceptable harm to the character and appearance of the area.

This application seeks planning permission for the construction of a dwelling which would be the same size, scale and bulk, in the exact same position and at original

ground level as the previously approved 2017 permission, as shown on the proposed plans, along with demolition of the existing unauthorised dwelling.

The 2017 permission has now expired and therefore this is a fresh application for the entire development. 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 adoption of the Local Plan Part 1 (2018), the Local Plan Part 2 (2023) and the NPPF 2021.

Significant weight must be given to the previous permission which has approved the principle of residential development on the site. It is also of note that the Inspector found that the development under WA/2020/1798 did not harm the setting of significance of The Fox Public House or the non-designated heritage assets Dogfludd House and the Club Hall; and also stated that it is possible for a contemporary dwelling to be acceptable and successful on the appeal site. The Inspector also went on to note that “it was agreed at the hearing, that the 2017 permission does not represent the only form of development acceptable at the site”.

In light of the previous permission and the comments of the appeal Inspector, it would be inappropriate and unreasonable to revisit the principle of residential development on the application site. For the avoidance of doubt, the principle of development complies with Policies SP1 and SP2 of the Local Plan (Part 1) 2018.

#### 10. Design and impact on visual amenity

Policy TD1 of the Local Plan (Part 1) 2018, Policies DM1 and DM4 of LPP2, Policy FNP1 of the Farnham Neighbourhood Plan 2017 (and subsequent 2019 review) and paragraphs 126 and 130 of the NPPF requires development to be of high quality design and to be well related in size, scale and character to its surroundings. Although planning policies and decisions should not attempt to impose architectural styles or particular tastes, they should seek to promote or reinforce local distinctiveness.

Policy FNP8 of the Farnham Neighbourhood Plan provides guidance for new development within the Arcadian Area regarding the informal rural character and well wooded appearance of the area, trees and hedged boundaries, the setting and amenities of adjoining residential properties and the wider residential character of the area.

The Farnham Design Statement (2010) states that The Bourne is the link between the protected, picturesque countryside south of the town and the more developed suburbs of the town centre. Relevant design guidelines for the Bourne are:

- The attractive road entrance to the Bourne should be preserved and protected from inappropriate development.

- New development should reflect the special character of the Bourne. Designs should respect and be sympathetic to the immediate architectural surroundings in terms of pattern, scale, materials and form.
- Building heights should reflect those in the area and the effect on the streetscene should be carefully considered.
- The topography of the area should be carefully studied, before permission for new development is granted.

The assessment under WA/2017/1549 recognised the varied character immediately surrounding the application site, highlighting that the properties were finished in a variety of styles such as white render, pebble dash and facing brick. It also highlights that many dwellings are visible from Frensham Road owing to their siting and surrounding topography, with the area becoming more suburban as the road travels south west. Officers are satisfied that this assessment of the surrounding area made under WA/2017/1549 continues to reflect the situation as it exists today.

It was further assessed by Officers that the front of the site where the dwelling was proposed was considered to not make a positive contribution to local landscape/townscape character, as much of the vegetation within and around it was scrubby, with some dying elm. This is now clearly different as the site comprises of residential curtilage.

Officers under WA/2017/1549 also assessed that the principle of a contemporary dwelling was found to be acceptable in the above context as the dwelling was set back into the sloping site with a flat roof to minimise its presence in the local townscape.

Finally Officers under WA/2017/1549 assessed the proposed materials that included vertical oak cladding, iron stone to match the existing retaining wall, and a sedum roof would be traditional and locally appropriate and helped the dwelling integrate with its partially wooded surroundings. Officers do note that the exact specification of these materials was subject to a pre-commencement condition.

As outlined in the principle section above, the Inspectors recent appeal decision in relation to the unauthorised dwelling (WA/2020/1798) outlined that it is possible for a contemporary dwelling to be acceptable and successful on the appeal site, and that the 2017 permission did that. The Inspector went on to say that the 2017 permission has established the principle of residential development on the site as well as the form, height, scale, appearance and design ethos of an acceptable form of such development. This application seeks planning permission for a dwelling of the exact same form, height, scale, appearance, design and location as the previously approved scheme, as illustrated on the submitted plans.

The dwelling would be modern in design and appearance, it would be set back into the sloping site, with a parking area at lower ground floor level and habitable

accommodation on two storeys above that, and with a flat roof to minimise its presence in the local townscape, the same as previously approved. The dwelling would have a sedum roof, and materials for the elevations would be a combination of vertical oak cladding and glazing with dark grey frames for the upper floor, and similar glazing with random walls for the lower floors, similar to the previously approved dwelling. These traditional and locally appropriate materials would help the dwelling to integrate with its partly wooded surroundings. Space has been retained between the proposed dwelling and the site boundaries, with 11.5m to the south, approximately 10m from highway verge 17.6m to the northern boundary.

It is considered that the development would preserve the character of the surrounding area, with no harm in landscape or townscape terms. The proposal would retain the existing trees on the site and would be set back from the road. As such, the proposal would not detract from the well wooded appearance of the area and would be in accordance with Policy TD1 of the Local Plan (Part 1) 2018, Policies DM1 and DM4 of LPP2, Policies FNP1 and FNP8 of the Farnham Neighbourhood Plan 2017 (and subsequent 2019 review), paragraphs 126 and 130 of the NPPF and the Farnham Design Statement.

## 11. Impact on the Surrounding Heritage Assets

Section 16 of the Planning (Listed Buildings and Conservations Areas) Act 1990 states that the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraphs 199, 200, 201 and 202 of the NPPF are of particular relevance.

Policy HA1 of the Local Plan Part 1 (2018) seeks to conserve or enhance the significance of heritage assets to ensure the continued protection and enjoyment of the historic environment.

Policy DM20 of the Local Plan Part 2 (2023) states that development affecting Statutory Listed Buildings should preserve or enhance the buildings and their settings, and any features of special architectural or historic interest they possess.

Policy FNP1 and FNP9 of the Farnham Neighbourhood Plan seeks to protect and enhance heritage assets and their setting and relate to buildings of local merit.

The Fox Pub Grade II Listed Building: The Fox is a well-established public house on the main route south from Farnham. It appears on the 1st ed. O.S. County series map of c.1870 so was used as a pub at least by then. It may well have been an inn being so close to a well-travelled historic route for much longer. It may be that the seventh century portion served a similar purpose being situated beside the main route to the south. The building illustrates the evolution of a building of this type from 17th century timber framed to 19th century brick fronted.



Dogfludd House Building of Local Merit: A red brick late 18th century cottage which most likely originated as a labourers or artisan cottage and has been significantly extended at the rear and side. Its significance lies in its townscape merit.

The Club Hall Building of Local Merit: Built in 1890 by local resident Col. Wilbraham Hall.

During the recent appeal under WA/2020/1798 it was agreed that significance of the Fox Pub as a heritage asset lies in its age, its architectural history and features, as well as its use and location; a well-established public house on the main route south from Farnham. As such, the appearance of its setting, and the other development within it, particularly development not immediately adjacent to it, plays a relatively minor role in the significance of The Fox as a heritage asset. The application site contributes to the setting insofar as it provides a partially wooded backdrop to it when viewed from the south. Seen from other directions and in closer views, the appeal site has a neutral effect on its setting. As The Fox's' setting has seen significant change over time, with buildings in a variety of styles, scales, form, material, prominence, visibility and spatial relationship being added to it. Despite that change, the significance of The Fox has remained unharmed. The proposed scheme, as with the previously dismissed appeal scheme is simply another changed element within that setting. The elements of the setting which contribute to the significance of The Fox as a heritage asset, being its historic fabric and location on the main road within the well-wooded outskirts of Farnham are fundamentally unchanged by the proposal.

The proposal has a minor effect on the visual contribution which the setting makes to the significance of The Fox but has no effect on the functional and historic aspects of the contribution of the setting to the overall significance of The Fox as a heritage asset. As such, having had special regard to the desirability of preserving the setting of The Fox and given great weight to the asset's conservation, it is considered that the proposal would not harm the setting or significance of The Fox. For the same reasons as above, it is considered that the proposal would not harm the setting or significance of Dogfludd House and The Club Hall as non-designated heritage assets.

Therefore, the proposal is in accordance with Policy HA1 of the LPP1, Policy DM20 of the LPP2, Policies FNP1 or FNP9 of the FNP and paragraphs 199, 200, 201 and 202 of the NPPF.

## 12. Impact on residential amenity

Policy TD1 of the Local Plan (Part 1) 2018 and Policies DM1 and DM5 of the Local Plan Part 2 seeks to protect future and existing amenities for occupant and neighbours and ensure that new development is designed to create safe and attractive environments that meet the needs of users and incorporate the principles of sustainable development. Paragraph 130(f) of the NPPF relates to amenity.

## Neighbouring Residential Amenity

### 15 Frensham Road

The proposed dwelling would be located approx. 40m away from 15 Frensham Road. This extensive separation distance combined with the ground levels of the area which increase south to north, Officers are satisfied the proposed dwelling would not materially harm the residential amenities of 15 Frensham Road in terms of a loss of privacy, outlook, daylight or sunlight.

### 26 & 28 Frensham Road

The proposed dwelling would be located approx. 28m from to 26 and 28 Frensham Road. Officers are satisfied this separation distance would be sufficient to not materially harm the residential amenities of 26 and 28 Frensham Road in terms of a loss of privacy, outlook, daylight or sunlight.

Officers are satisfied that the separation distances from all other dwellings would be sufficient not to cause a loss of residential amenity to all other neighbours.

The proposed development would not result in harm to the residential amenity of neighbouring properties in accordance with Policy TD1 of the Local Plan (Part 1) 2018, Policies DM1 and DM5 of the Local Plan Part 2, Policy FNP1 of the Farnham Neighbourhood Plan and paragraph 130(f) of the NPPF.

### Future Occupier Amenities

The proposed dwelling has been considered against the technical housing standards - nationally described space standard dated March 2015 (the national standard). The dwelling would meet the minimum standard of 130m<sup>2</sup> for a four-bedroom, eight-person dwelling over 3 floors as set out in the standard.

All bedrooms meet the national standards area and width requirements, and all habitable rooms would be provided with suitable outlook and privacy. There would also be generous private amenity space.

In these circumstances, it is considered that the dwelling would benefit from adequate future occupier amenities and would not detrimentally impact neighbouring properties, in accordance with Policy TD1 of the Local Plan (Part 1) 2018, Policy DM5 of the Local Plan Part 2, Policy FNP1 of the Farnham Neighbourhood Plan and paragraph 130(f) of the NPPF.

## 13. Impact on Trees

Policy NE2 of the Local Plan (Part 1) 2018 outlines that the Council will seek, where appropriate to maintain and enhance existing trees, woodland and hedgerows. Policy

DM11 of the Local Plan (Part 2) 2023 seeks to retain woodland and important trees and hedgerows, outlining that trees or hedges are adequately protected during construction to avoid root damage including activities causing soil compaction or severance of roots.

The site is covered by a blanket TPO - Far 90. An Arboricultural Report has been submitted in support of the application. Under WA/2017/1549 it was established that proposal would cause the loss of one early mature Scots pine and need for care/precautionary measures to retain another pine on the bank above the house which it is proposed will form the retaining feature of the bank.

The dwelling that is on the site was erected without discharging the tree protection commencement conditions of WA/2017/1549. Subsequently it has been reported that as a result of the building works there was damage to the roots of a Scots Pine Tree. This is a separate matter that will be investigated outside of the scope of this planning application. Notwithstanding the above issue, it is considered that there would be pressure to utilise the wider land area for recreational use associated with the development which could foreseeably be detrimental to the wooded area. As such, in line with WA/2017/1549 any approval granted would be on the condition of limiting the extent of the residential curtilage and tree protection measures.

#### 14. Flooding and River Corridor Considerations

The site is located within 20m from a river bank and adjacent to Flood Zones 2 and 3, however the site itself is located in Flood Zone 1. As the site is located in Flood Zone 1 the Sequential and Exception tests do not apply.

#### 15. Highways Safety and Parking Provisions

As with the previous schemes, the proposal will utilise the existing access point. The County Highway Authority has assessed the application on likely net additional traffic generation, access arrangements and parking provision and they are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. Furthermore it has been demonstrated that 2.5 parking spaces can be provided at the site, in accordance with the Council's Parking Guidelines (2013) for dwellings with 3+ bedrooms. As such Officers are satisfied that the proposal would not cause any highway safety or parking concerns and would be in compliance with Policy ST1 of the Local Plan 2018, Policy DM9 of the Local Plan (Part 2) 2023, FNP30 of the Farnham Neighbourhood Plan and paragraphs 110 and 111 of the NPPF.

#### 16. Effect on Thames Basin Heaths SPA

The site is located within the Thames Basin Heath 5km Buffer Zone and Wealden Heaths I SPA 5km Buffer Zone.

In light of the recent European Court of Justice ruling (Case C 323/17 - People Over Wind and Sweetman 2018) relating to the Habitats Directive, mitigation cannot be taken into consideration at screening stage. This judgement affects the way the Council approaches Habitats Regulations Assessments and therefore an Appropriate Assessment has been undertaken for the site. The Appropriate Assessment, which has been approved by Natural England, concludes that with appropriate mitigation, in this instance a financial contribution towards the SANG at Farnham Park, the proposal would not affect the integrity of the SPA.

Mitigation through a S106 agreement was agreed under WA/2017/1549, however the current application is a new full independent application and as such requires mitigation for the Thames Basin Heaths SPA. The applicant has shown they intend to sign agree and sign a Unilateral Undertaking. As such, subject to the appropriate mitigation being secured, the proposal would not have a significant effect on the integrity of the Thames Basin Heath Special Protection Area (SPA). The proposal is in accordance with Policy NE1 and NE3 of the Local Plan (Part 1) 2018, Policies FNP12 and FNP13 of the Farnham Neighbourhood Plan (2017) and paragraph 174 and 176 of the National Planning Policy Framework.

#### 17. Biodiversity and compliance with Habitat Regulations 2017

Policy NE1 of the Local Plan 2018 (Part 1) and DM1 of the Local Plan Part 2 states that the Council will seek to conserve and enhance biodiversity. Development will be permitted provided it retains, protects and enhances biodiversity and ensures any negative impacts are avoided or, if unavoidable, mitigated.

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

Land included within the red line boundary of the site is designated as Deciduous Woodland Habitat of Principal Importance by Natural England for the purpose of conserving biodiversity in England, in line with the provisions of Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section S40(3) of the NERC Act states that "conserving biodiversity includes, in relation to a living organism, or type of habitat, restoring or enhancing a population or habitat." The previous application (WA/2020/1749) included the submission of an ecology report which outlined Biodiversity Net Gain and Enhancements under section 5.1, which were considered acceptable. If planning permission was forthcoming, a condition would be included which required the submission and approval in writing of an updated BNG and Enhancement strategy to be implemented on site. Officers are therefore satisfied that the proposal is in accordance with Policy NE1 of the Local Plan 2018, DM1 of the Local Plan Part 2 and the NPPF.

## 18. Climate Change & Sustainability

Policy CC1 of the Local Plan (Part 1) 2018 seeks to support development which contributes to mitigating and adapting to the impacts of climate change, including measures that use renewable and low carbon energy supply systems.

Policy CC2 of the Local Plan (Part 1) 2018 seeks to promote sustainable patterns of development and reduce the level of greenhouse gas emissions.

Policy DM2 of the Local Plan (Part 2) 2023 states that all development should seek to maximise energy efficiency and reduce carbon emissions through its design, structure, orientation and positioning, landscaping and relevant technology.

The Council's Climate Change and Sustainability SPD (October 2022) is relevant.

A Climate Change and Sustainability Checklist has been submitted in support of the application. The proposed dwelling meets current Building Regulations which incorporate significant changes enhance to the thermal efficiency of a building envelope. The proposal would also include several sustainable elements including BNG, heat pump, sedum roof, rainwater harvesting and an EV charging point. These measures are considered proportionate to the scale of development proposed and would comply with the relevant policies and guidance.

## 19. Enforcement

The grant of planning permission will not remedy the current breach of planning, the Council does not have the power to make someone implement a planning permission. This is one of two applications relating to this site. The other application on the agenda proposes the part demolition of the existing dwelling. An Enforcement Notice(s) will need to be served to secure remedy of the breach, the drafting of the Notice will vary depending on what permission are in place. It has been suggested that an Enforcement Notice should be served before either application is considered. In advance of the applications being determined a Notice could only require the complete removal of the existing dwelling, should planning permission be granted for the partial demolition the Enforcement Notice would then have to be withdrawn and reserved to reflect the permission. It is therefore necessary to determine the current planning applications, which will inform how the Enforcement Notice is drafted.

## 20. Conclusion

The principle of residential development in this location has been previously approved. Whilst there have been changes in Policy since the previous approval, the application addresses those changes in policy.

## **Recommendation A**

That, subject to the completion of an appropriate legal agreement to secure the financial contributions towards the ongoing maintenance and enhancement of Farnham Park; that planning permission be GRANTED, subject to conditions as set out below.

1. The development hereby permitted shall be begun before the expiry of three years from the date of the permission.

Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Condition:

The plan numbers to which this permission relates are:

1332/P-01 - Proposed Site (Block) Plan  
1332/P-02 - Proposed Floor Plans  
1332/P-03 - Proposed Elevations  
1332/P-04A - Proposed Street Scene and Street Scene Overlay  
1332/P-05A - Proposed Site Plan Overlay  
1332/P-06A - Proposed Site Section A-A and Site Section Overlay

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 2018 (Part 1) and Policy DM4 of the Local Plan (Part 2) 2023.

2. Condition:

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interest of the character and amenity of the area in accordance with Policy TD1 of the Local Plan 2018 (Part 1) and Policy DM4 of the Local Plan (Part 2) 2023.

3. Condition:

No development shall take place until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 and TD1 of Local Plan (Part 1) 2018 and Policies DM1 and DM9 of the Local Plan (Part 2) 2023.

4. Condition:

No construction work shall commence, including any ground remediation, demolition or groundwork preparation, until a detailed, scaled Tree Protection Plan 'TPP' and related Arboricultural Method Statement have been submitted to and approved in writing by the Local Planning Authority. These shall include details of the specification and location of exclusion fencing, ground protection and the phasing and method of all construction activity that may take place within the Rot Protection Area of trees shown to scale on the TPP, including the installation of retaining features and service routings and arboriculturist monitoring and supervision of each stage of development potentially affecting trees. All works shall be carried out in strict accordance with the approved details.

Reason:

In the interests of the protection of the rooting areas of trees, visual amenity and character of the area and any associated biodiversity retention and enhancement in accordance with Policies NE2 and TD1 of the of the Local Plan (Part 1) 2018 and Policy DM11 of the Local Plan (Part 2) 2023.

5. Condition:

a) No construction work, or demolition processes, shall be undertaken until an agreed scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the Local Planning Authority. The supervision and monitoring shall be undertaken in accordance with the approved details. The scheme shall include details of a pre-commencement meeting between the appointed arboricultural consultant, Local Planning Authority Tree Officer and personnel responsible for the implementation of the approved works and timings, frequency & methods of site visiting and an agreed reporting process to the Local Planning Authority.

b) This condition may only be fully discharged on completion of the works

hereby approved subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

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 Policy DM11 of the Local Plan (Part 2) 2023.

6. Condition:

No development shall take place until a detailed landscaping scheme has been submitted to and approved by the Local Planning Authority in writing. The landscaping scheme shall be carried out in accordance with the agreed details and shall be carried out within the first planting season after commencement of the development or as otherwise agreed in writing with the Local Planning Authority. The landscaping shall be maintained to 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 to be of same species and size as those originally planted.

Reason:

In order to protect the character and amenities of the area in accordance with Policies TD1 and NE2 of the Local Plan (Part 1) 2018, Policy DM11 of the Local Plan (Part 2) 2023.

7. Condition:

Prior to the commencement of works, a plan detailing the proposed amenity space associated with the residential use of the dwelling and any associated boundary treatment shall be submitted to and approved in writing by the Local Planning Authority.

The residential use of the site shall be carried out in strict accordance with the approved details.

Reason:

To adequately protect all trees worthy of retention from development harm and to provide for their amenity contribution thereafter in accordance with Policies TD1 and NE2 of the Local Plan (Part 1) 2018 and Policies DM11 of the Local Plan (Part 2) 2023.

8. Condition:

The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single



phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

The above condition is required in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021.

9. Condition:

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans (Drawing Nos. 1332/P-01 and 1332/P-02) for vehicles to be parked. Thereafter the parking areas shall be retained and maintained for its designated purpose.

Reason:

Required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy ST1 of Waverley Borough Council's Local Plan 2018 and the NPPF 2021.

10. Condition:

The dwelling herein approved shall not be occupied until details have been submitted to and be approved in writing by the Local Planning Authority to confirm that the dwellings have been completed to meet the requirement of 110 litres of water per person per day.

Reason:

To ensure sustainable construction and design in accordance with Policy CC2 of the Waverley Local Plan Part 1 (2018).

11. Condition:

No development shall take place until a Ecology Enhancement Strategy and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The Enhancement Strategy shall demonstrate how the proposed development will provide space for nature, and gains for biodiversity. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason:

To ensure the long-term management of habitats, species and other biodiversity features in accordance with Policy NE1 of the Local Plan (Part 1) 2018 and Policy DM1 of the Local Plan (Part 2) 2023.

12. Condition:

No construction works or deliveries shall be carried out at the site except

between the hours 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and not at any time on Sundays, Bank or Public Holidays.

Reason:

In order to protect the amenities of adjoining properties, in accordance with Policy DM1 of the Local Plan (Part 2) 2023.

13. Condition:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other Order revoking or re enacting that Order with or without modification),

(a) no extensions to the dwelling or roof hereby permitted as defined within Part 1 of Schedule 2, Classes A and B and

(b) no building or enclosure, swimming or other pool or container as defined within Part 1 of Schedule 2, Class E

shall be carried out without the written permission of the Local Planning Authority.

Reason:

In the interest of the character and amenity of the area in accordance with Policy FNP8 of the Farnham Neighbourhood Plan 2013-2032, Policy TD1 of the Local Plan (Part 1) 2018 and Policies DM4 and DM5 of the Waverley Borough Local Plan (Part 2) 2023.

Dylan there needs to be something on levels – are they building at original AOD? Or current or something else

Also if there are demolishing you need to ensure that all materials are moved off site – else they might just crush the materials and build at a higher ground level than already exists

### **Recommendation B**

That, in the event that a Section 106 Agreement is not completed within 6 months of the date of the resolution to grant permission, permission be REFUSED.

### **Informatives:**

1. Community Infrastructure Levy (CIL)- - The Waverley Borough Council CIL

Charging Schedule came into effect from 1 March 2019. - - Where CIL liable development is approved in outline on or after 1 March 2019 the liability to pay CIL arises at the time when reserved matters approval is issued.- - For further information see our webpages ([www.waverley.gov.uk/CIL](http://www.waverley.gov.uk/CIL)) or contact [CIL@waverley.gov.uk](mailto:CIL@waverley.gov.uk).

2. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.
3. The applicant is expected to ensure the safe operation of all construction traffic to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. The developer is also expected to require their contractors to sign up to the "Considerate Constructors Scheme" Code of Practice, ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) and to follow this throughout the period of construction within the site, and within adjacent areas such as on the adjoining public highway and other areas of public realm.
4. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
5. The Applicant's attention is drawn to the Public Rights of Way Requirements:
  - Safe public access must be maintained at all times and no access should be made via the footpath at any time.
  - Should the applicant feel they are unable to ensure public safety while work is underway, a temporary closure may be necessary. A closure will only be issued if a diversion application has been received. A minimum of 3 weeks' notice must

be given and there is a charge. Please contact the Countryside Access Officer if this is required.

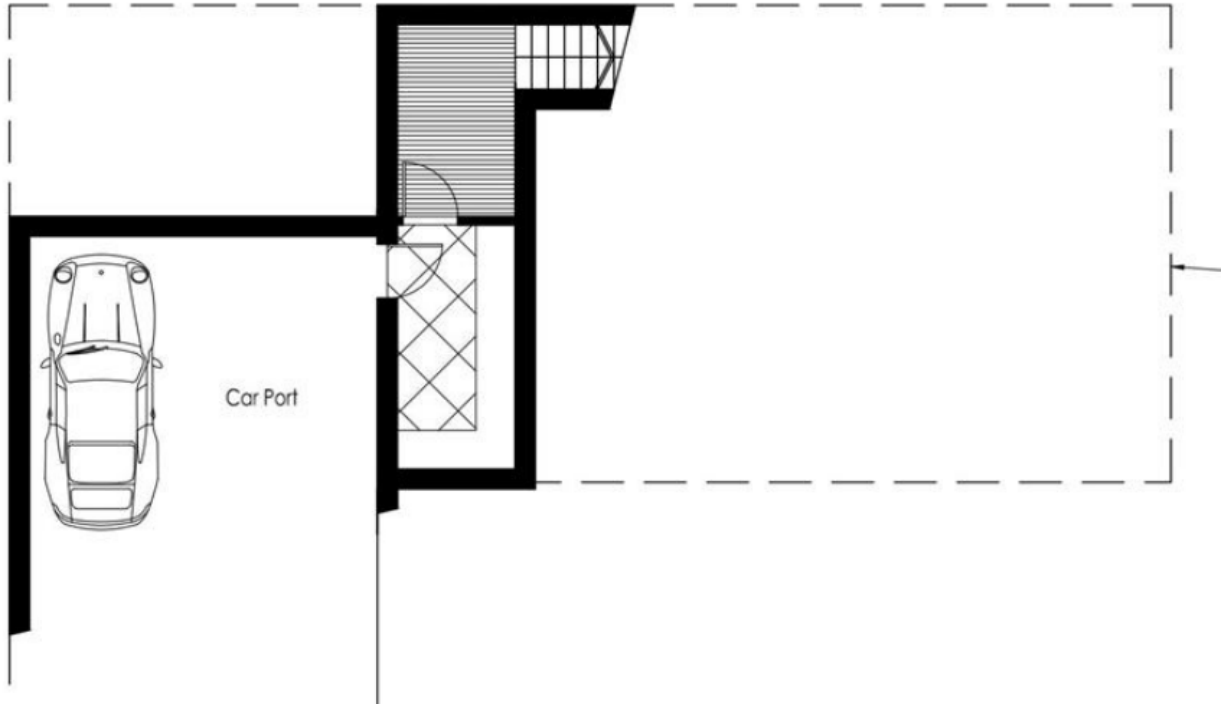
- Any down pipes or soakaways associated with the development should either discharge into a drainage system or away from the surface of the right of way.
- There are to be no obstructions on the public right of way at any time, this is to include vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.
- Vehicles using the right of way to access their properties must leave and enter the right of way in a forward gear.
- Any alteration to, or replacement of, the existing boundary with the public right of way, or erection of new fence lines, must be done in consultation with the Countryside Access Officer. Please give at least 3 weeks notice.
- Contractor's vehicles, plant or deliveries may only access along a right of way if the applicant can prove that they have a vehicular right. Surrey County Councils' Rights of Way Group will expect the applicant to make good any damage caused to the surface of the right of way connected to the development.

Annex A

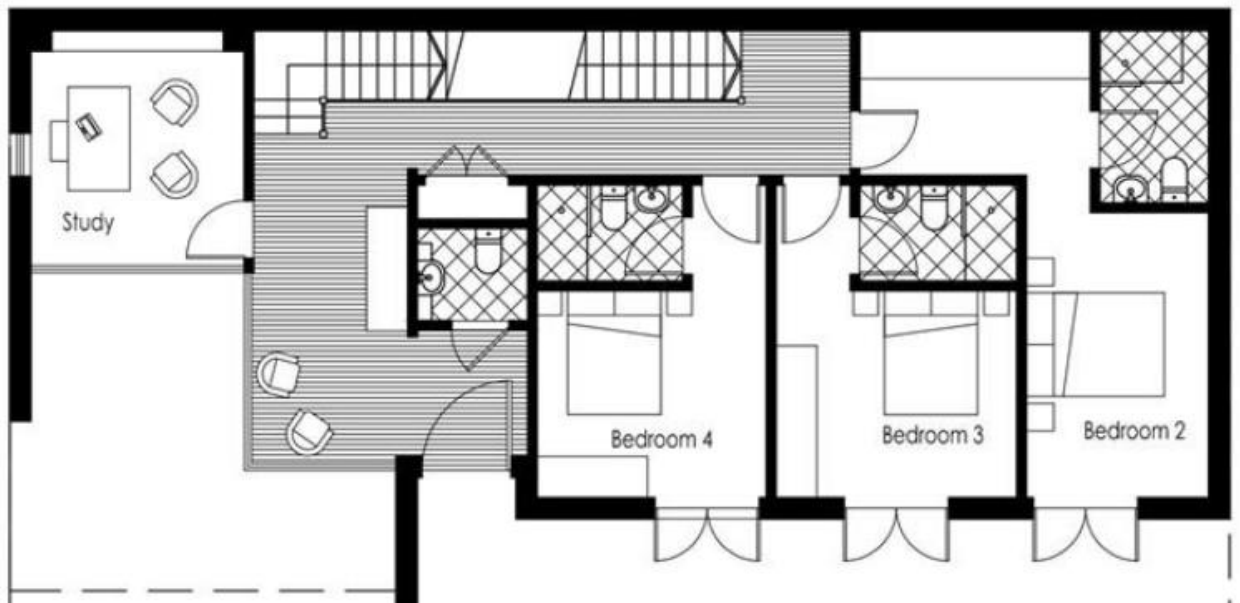
Proposed Block Plan



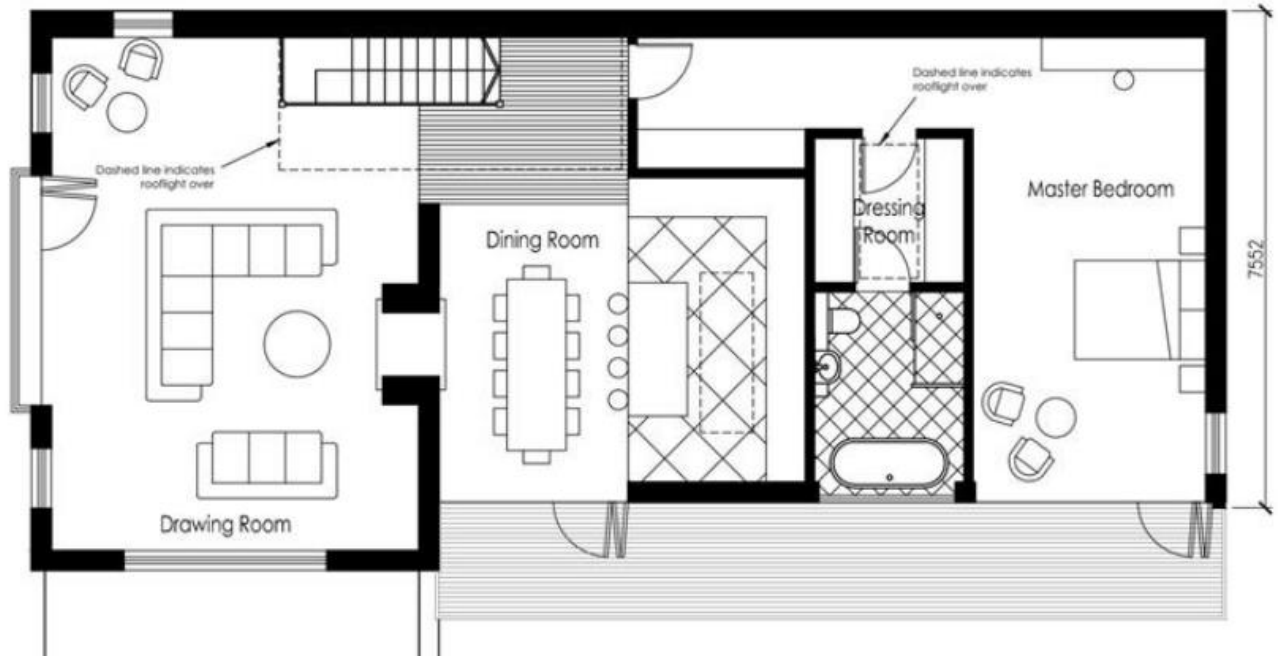
Proposed Lower Ground Floor Plan



Proposed Upper Ground Floor Plan



Proposed First Floor Plan



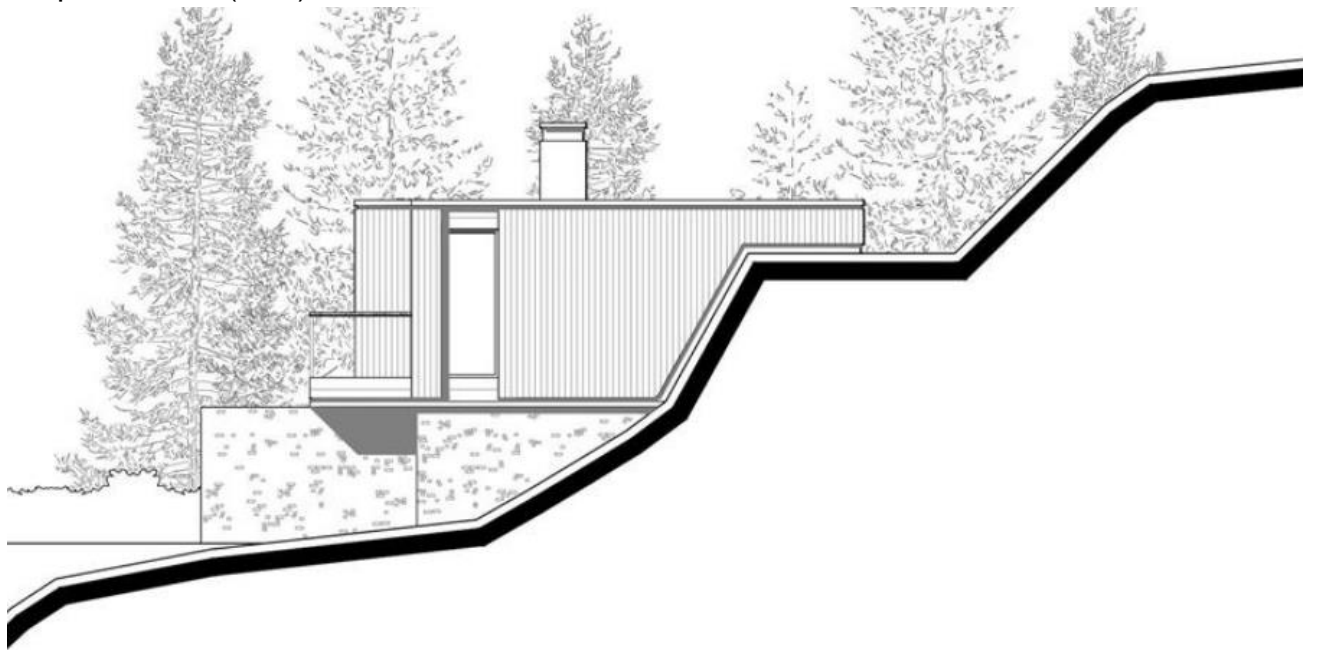
Proposed Front Elevation



Proposed Side (west) Elevation

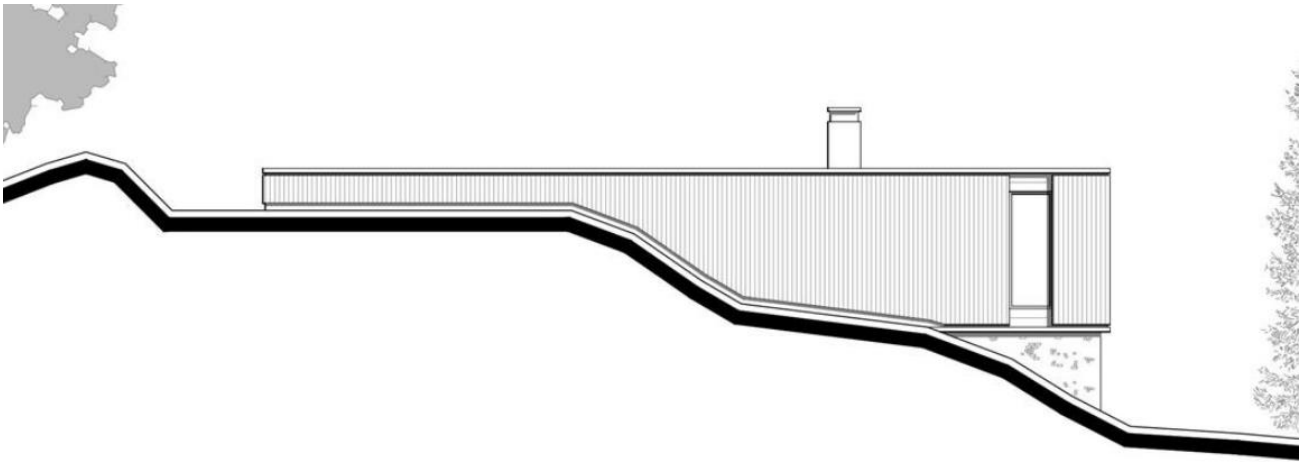


Proposed Side (east) Elevation



Proposed Rear Elevation





Proposed and As Built Section

