

**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  
Parish: Farnham CP  
Ward: Farnham Bourne  
Grid Reference: E: 484544  
N: 145136  
Case Officer: Russell Brown  
Neighbour Notification Expiry Date: 11/02/2023  
Extended Expiry Date: 21/06/2023  
Committee Meeting Date: Planning Committee 07/02/2024

RECOMMENDATION 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 outline planning permission be **GRANTED**

### 1. Summary

This application has been brought before the Council's Planning Committee at a result of the Section 106 Agreement having not been completed within 6 months of the date of the resolution to grant permission (14/06/2023). It is therefore proposed to remove 'Decision B' so as not to put a deadline for its completion, although negotiations are currently ongoing.

It should be noted that the 11 Committee members voted in favour of the officers' previous recommendation to grant permission with two against.

### 2. 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.

### 3. 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 control, this can only be achieved through an Enforcement Notice requiring the demolition of the unauthorised building.

#### 4. Relevant Planning History

WA/2020/1798: Erection of a dwelling. REFUSED 30/07/2021 and Appeal Dismissed 18/11/2022

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

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

#### 5. 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)

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

- Waverley Borough Local Plan (Part 1): Strategic policies and sites (adopted February 2018): SP1, SP2, AHN3, ALH1, TD1, HA1, ST1, NE1, NE2, NE3, CC1, CC2

- The Waverley Borough Local Plan (Part 2): Site Allocations and Development Management Policies (March 2023) (LPP2): DM1, DM2, DM4, DM5, DM9, DM11, DM20
- Farnham Neighbourhood Plan 2013-2032 (2020): FNP1, FNP8, FNP9, FNP12, FNP13, FNP30

Other guidance:

- The National Planning Policy Framework 2023 (NPPF)
- The National Planning Practice Guidance 2014 (NPPG)
- 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)

## 7. Plans

See Annex A for existing and proposed plans.

## 8. Consultations and Town/Parish Council Comments

Farnham Town Council	The development is inappropriate as the previous application for a dwelling at the site was dismissed at appeal. Policy TD1 of LPP1 takes account of design guidance, Planning Policy and other SPDs.
Surrey Highways Authority	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.

## 9. Representations

Forty Two (42) letters have been received (from 18 households) raising objection on the following grounds:

- Previous refusal reasons not addressed
- 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 in 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.

## 8. Planning Considerations:

### 9. Principle of development

Under WA/2017/1549 permission was granted for the erection of a dwelling following which two non-material amendment applications were approved in relation to the lower ground floor, fenestration and 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.

A retrospective application (WA/2020/1798) was submitted to regularise the breach in planning control, which was refused and dismissed at appeal. 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, 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 2023 as well as since the Planning Committee meeting on 14/06/2023, which resolved to grant this application subject to an S106 Agreement. This document is currently being reviewed by the Council's legal team.

Officers have concluded that there has not been a material change in circumstances since then. However, significant weight must be given to the previous resolution and permission that approved the principle of residential development on the site. It is also noted that the Inspector found that the development did not harm the setting or 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 *"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. On this basis, the recommendation is to approve the planning application, subject to the satisfactory completion of the legal agreement.

## 10. 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. As such, planning permission is recommended for approval subject to the conditions outlined below.

### **Recommendation**

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 outline planning permission be GRANTED:

1. Condition:

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.

3. 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.

4. Condition:

No development shall take place until a Construction Transport Management Plan (CTMP) 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

have 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 user, and to protect neighbouring amenity in accordance with Policy ST1 of Local Plan 2018 (Part 1) and Policies DM5 and DM9 of the Local Plan (Part 2) 2023.

5. 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.

6. 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.

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

8. 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.

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 Local Plan (Part 1) 2018 and paragraph 114 of the NPPF 2023.

10. Condition:

The development hereby approved shall not be first occupied unless and until the dwellings have been completed such to meet the requirement for a maximum of 110 litres of water per person per day.

Reason:

To ensure that the development is sustainable and makes efficient use of water to comply 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 extension or enlargement to the dwelling hereby permitted, including its roof, 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 planning permission obtained from 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.

14. Condition:

The development hereby permitted shall not commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land and buildings adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The crushed materials following the demolition of the existing dwelling hereby approved shall not be used to build at a higher ground level than already exists. The development shall then be implemented in accordance with the approved level details.

Reason:

As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with Policy TD1 of Local Plan (Part 1) 2018 and Policies DM1, DM4 and DM5 of the Waverley Borough Local Plan (Part 2) 2023.

#### **Informatives:**

1. Community Infrastructure Levy (CIL)- - The development hereby permitted is CIL liable. - - 'CIL Form 6: Commencement Notice' must be received by the Council prior to the commencement of development. Commencement of development is defined in Regulation 7 of the CIL Regulations 2010 (as amended).- - Failure to adhere to the CIL Regulations and commencing work without notifying the Council could forfeit any rights you have to exemptions, payment by instalments and you may also incur surcharges.- - 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

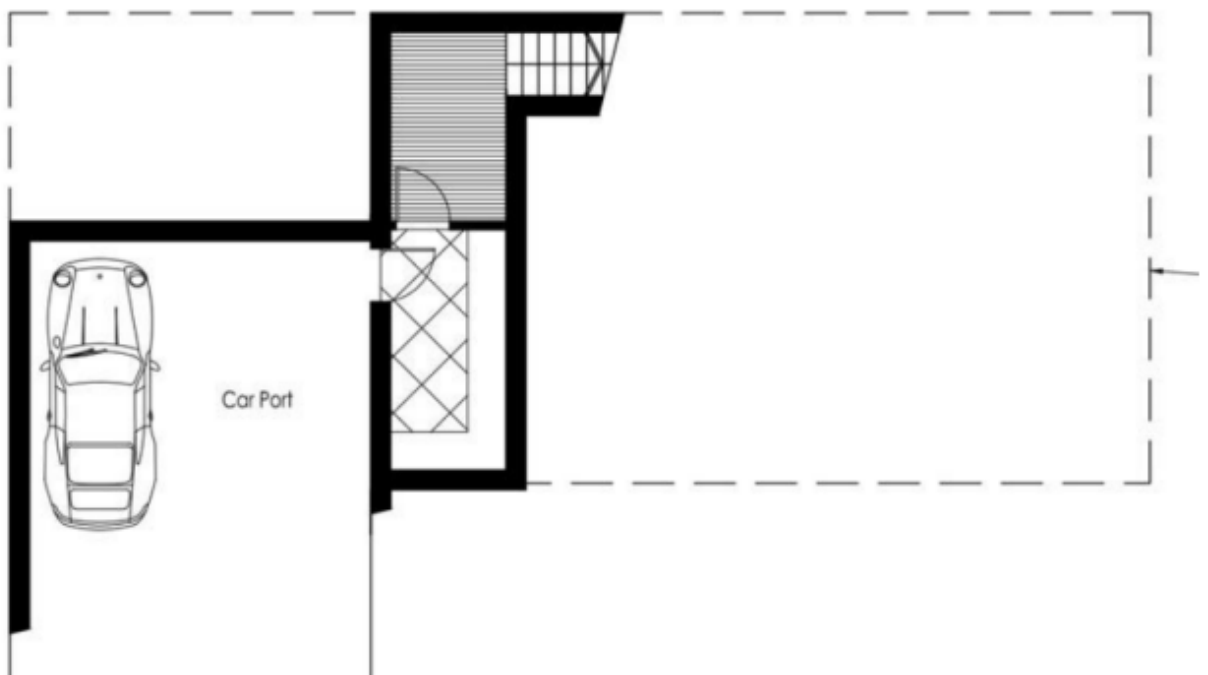
Council's Rights of Way Group will expect the applicant to make good any damage caused to the surface of the right of way connected to the development.

Annex A

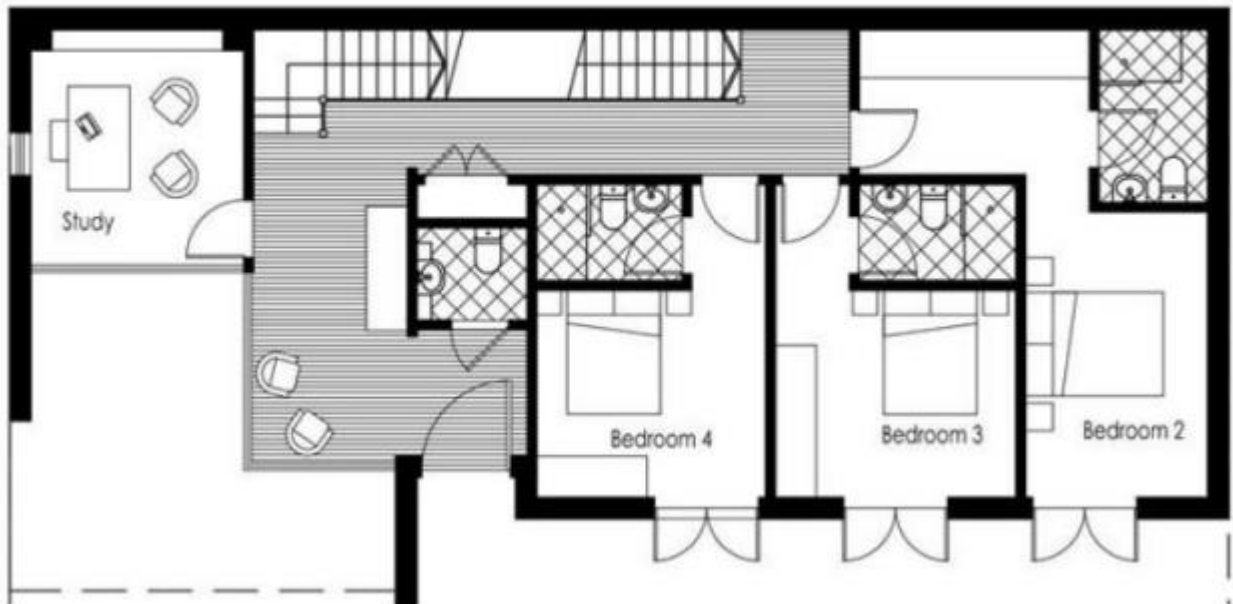
Proposed Block Plan



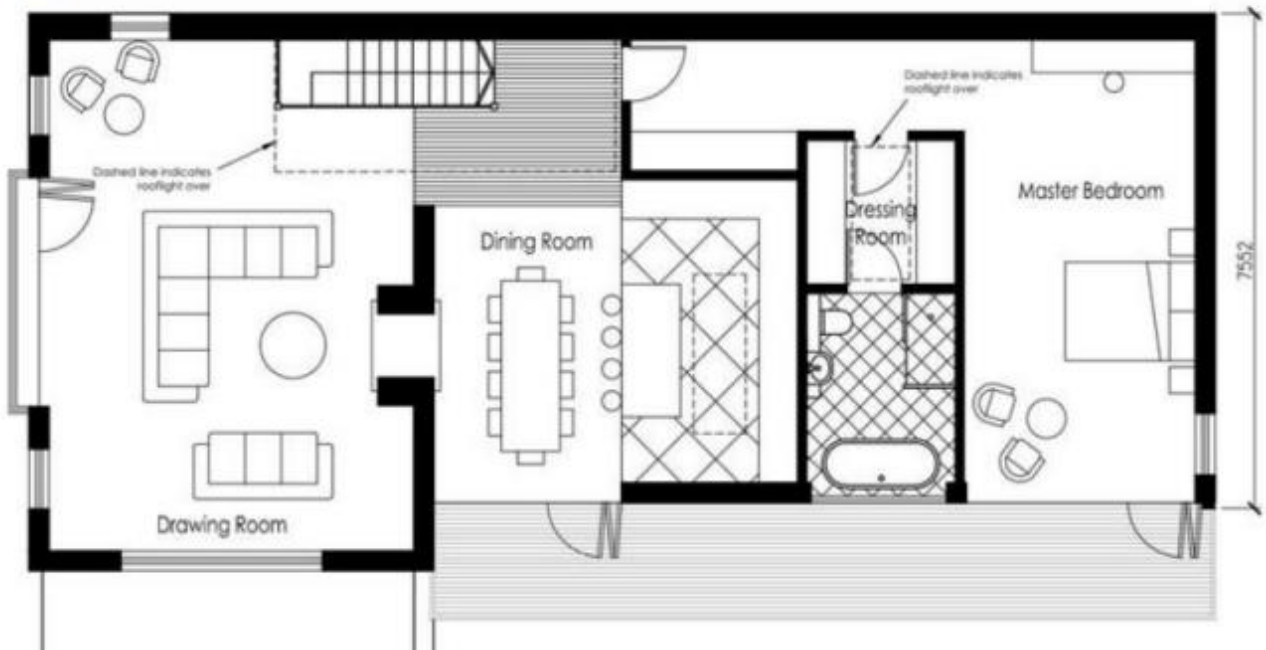
Proposed Lower Ground Floor Plan



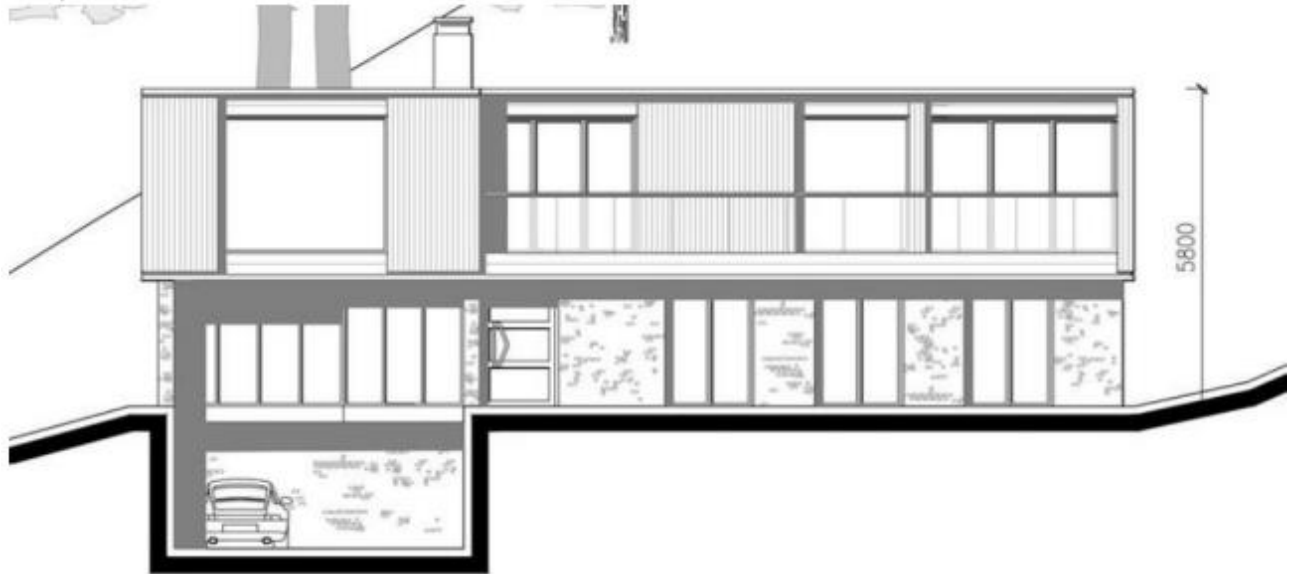
Proposed Upper Ground Floor Plan



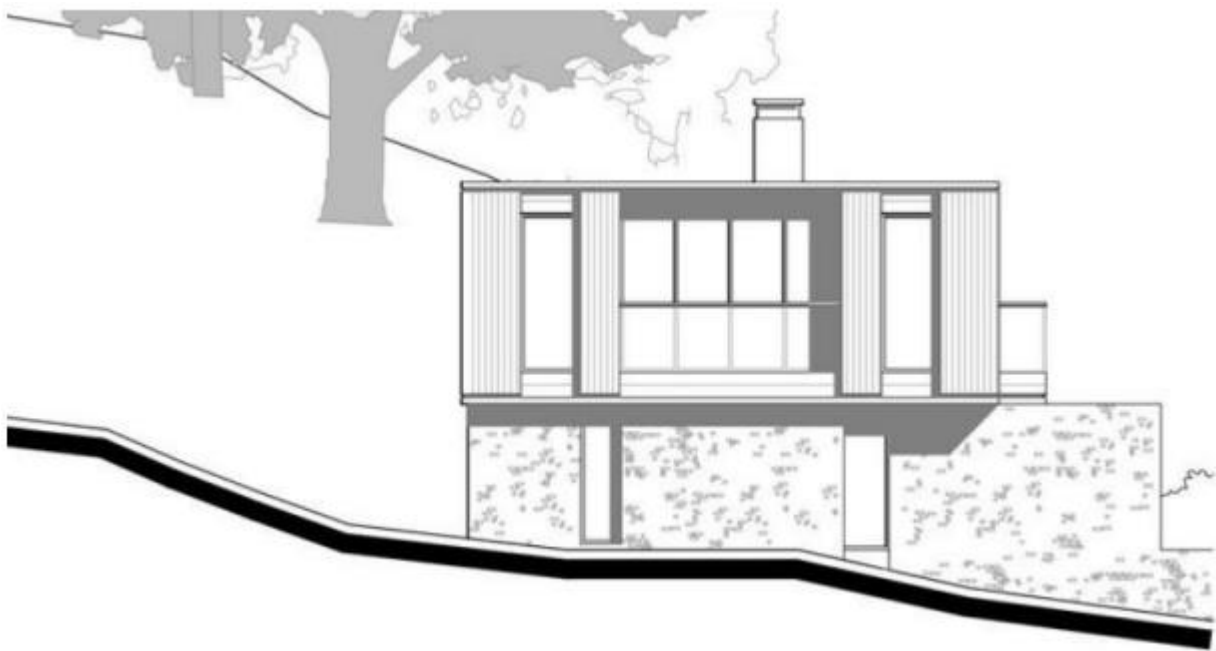
Proposed First Floor Plan



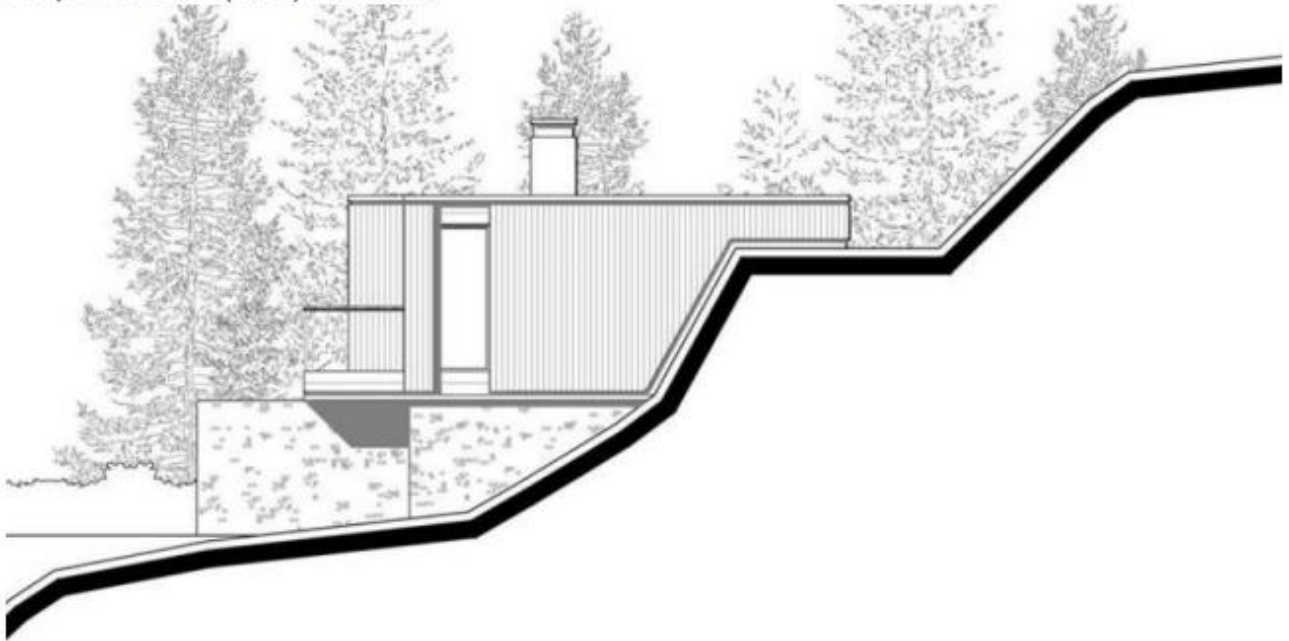
Proposed Front Elevation



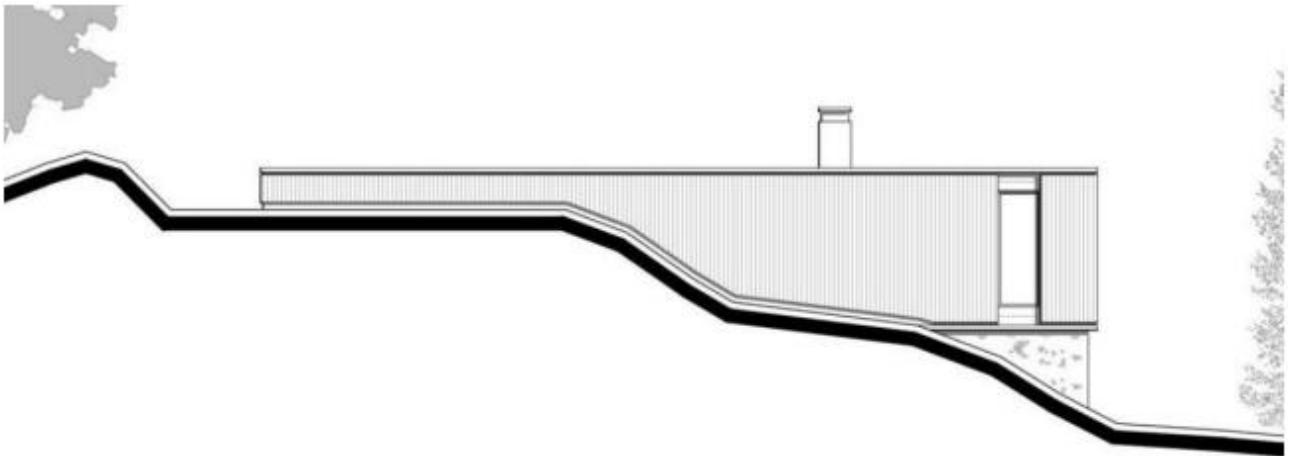
Proposed Side (west) Elevation



Proposed Side (east) Elevation



Proposed Rear Elevation



Proposed and As Built Section

