

# Public Document Pack



## TO THE CHAIRMAN AND MEMBERS OF THE **PLANNING COMMITTEE**

You are hereby summoned to attend a meeting of the Planning Committee to be held on Tuesday, 25 July 2023 at 7.00 pm in the Council Chamber - Civic Offices.

The agenda for the meeting is set out below.

JULIE FISHER  
Chief Executive

NOTE: Filming Council Meetings

Please note the meeting will be filmed and will be broadcast live and subsequently as an archive on the Council's website ([www.woking.gov.uk](http://www.woking.gov.uk)). The images and sound recording will also be used for training purposes within the Council. Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed.

## **AGENDA**

### **PART I - PRESS AND PUBLIC PRESENT**

1. Apologies for Absence
  2. Declarations of Interest
    - (i) To receive declarations of disclosable pecuniary and other interests from Members in respect of any item to be considered at the meeting.
    - (ii) In accordance with the Officer Procedure Rules, any Officer who is a Council-appointed Director of a Thameswey Group company will declare an interest in any item involving that Thameswey Group company. The interest will not prevent the Officer from advising the Committee on that item.
  3. Urgent Business

To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.
  4. Minutes (Pages 3 - 6)

To approve the minutes of the meeting of the Planning Committee held on 27 June 2023 as published.
- Matters for Determination**
5. Planning and Enforcement Appeals (Pages 7 - 8)

6. Planning Applications (Pages 9 - 12)

**Section A - Applications for Public Speaking**

6a. 2023/0271 The Mascot Harven School of English (Pages 15 - 26)

**Section B - Application reports to be introduced by Officers**

6b. 2021/1104 Manor House, Mill Lane, Byfleet (Pages 29 - 50)

6c. 2021/1110 Manor House, Mill Lane, Byfleet (Pages 51 - 72)

6d. 2023/0296 14a High Street, Knaphill (Pages 73 - 94)

**Section C - Application Reports not to be introduced by officers unless requested by a Member of the Committee**

There are no applications under this section.

AGENDA ENDS

Date Published - 17 July 2023

For further information regarding this agenda and arrangements for the meeting, please contact Becky Capon on 01483 743011 or email [becky.capon@woking.gov.uk](mailto:becky.capon@woking.gov.uk)



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Planning Committee 27 June 2023

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MINUTES  
OF A MEETING OF THE  
**PLANNING COMMITTEE**

held on 27 June 2023

Present:

Cllr L Morales (Chairman)  
Cllr T Aziz (Vice-Chair)

Cllr G Cosnahan	Cllr C Martin
Cllr S Dorsett	Cllr S Mukherjee
Cllr S Greentree	Cllr S Oades
Cllr D Jordan	Cllr T Spenser

**1. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**2. DECLARATIONS OF INTEREST**

No declarations of interest were received.

**3. URGENT BUSINESS**

There were no items of Urgent Business.

**4. MINUTES**

RESOLVED

That the minutes of the meeting of the Committee held on 6 June 2023 be approved and signed as a true and correct record.

**5. PLANNING AND ENFORCEMENT APPEALS**

The Committee received a report on the planning appeals lodged and the appeal decisions.

RESOLVED

That the report be noted.

**6. PLANNING APPLICATIONS**

The Committee determined the following applications subject to the conditions, informatives, reasons for refusal or authorisation of enforcement action which appear in the published report to the Committee or as detailed in these minutes.

**6a. 2023/0395 Grey Oriental Foods, 25 High Street**

This application was withdrawn.

**6b. 2023/0483 Land adjacent to 7 Emperor Avenue**

[NOTE: The Planning Officer updated the Committee that since the report had been published, the Highways Authority had confirmed they had no highways requirements.]

The Committee considered installation of 1no. new OSCP cabinet and 2No. Light feeder pillars (cabinets) (existing OSCP cabinet to be removed).

RESOLVED

That authority be delegated to the Development Manager (including any other Authorised Officer) to Grant planning permission subject to:

- (i) no letters of objection being received from the current consultation period which expires on 29.06.2023; and
- (ii) the planning conditions set out in this report.

**6c. TPO/0010/2023 Land to the front of Maybury Wood Cottage**

The Committee considered the Tree Preservation Order that sought to protect three Lime trees on land to the front of Maybury Wood Cottage, The Ridge, Woking, GU22 7EG.

RESOLVED

That the Tree Preservation Order Ref. TPO/0010/2023 be confirmed without modification.

**6d. 2023/0463 14 Martinsyde**

The Committee considered a retrospective application for change of use from amenity land to private residential and associated removal of existing close board timber fence and construction of new close board timber fence.

Councillor S Oades commented that the Committee had received an email that day, that stated that the land inside of the fence belonged to the property owner. Following some clarification the Planning Officer commented that he had seen this letter, but clarified that land ownership was irrelevant and that the lawful use of this land was as amenity space, not as part of the private garden.

RESOLVED

That planning permission be REFUSED and authorise enforcement action.

**6e. 2023/0404 1 Randolph Close**

[NOTE: The Planning Officer updated the Committee that since the report had been published, one further letter of support had been received although because this letter had been submitted via the applicant, and made no reference to the planning application,

Officers considered it inappropriate for this to be logged as a letter of representation. It was however for the Committee to note.]

The Committee considered a retrospective application for new 1.8m tall boundary fencing and change of use from amenity land to private residential.

Following a query, the Planning Officer explained that this retrospective application had come about following an enforcement complaint that was subsequently investigated.

Following a question regarding the proximity of the bus shelter, littering and dog fouling, the Planning Officer advised the Committee that this point had been addressed under paragraph 25 of the report. Littering and dog fouling was not specific to this piece of land, and if the application was granted on that basis, then that could be used as a reason to enclose other areas of land that currently provided significant visual amenity.

Some Members agreed that the motive of the applicant was to increase their garden area, however did not think the fence looked bad or caused visual harm. Some Members thought that this could be the start of gradual encroachment on the visual amenity space in the area.

Councillor S Mukherjee commented that there were many letters of support and that she did not think the fence caused visual harm. Councillor S Mukherjee proposed and it was duly seconded by Councillor S Dorsett that the application be approved.

The Planning Officer commented that if Members were minded to approve the application, they should address Policy CS17, which the proposal was in contrary to. The Planning Officer cautioned against approval as the application did not provide alternative amenity space of equal value, which was required by Policy CS17.

Following a question, the Planning Officer clarified again that the ownership of the land was irrelevant. This land was allocated as amenity land, not private garden.

Members mentioned other fences that were adjacent to the highway on the same road. The Planning Officer commented that this had been addressed in detail in the report regarding the character of the area. There was only one example found where amenity land had been taken which had been allowed on appeal in 1977. Planning Policy had changed since this time and it was not considered that this was comparable circumstance.

Some Councillors thought that it was important that we did not let amenity land be taken in this way. It was suggested that having this space round the bus stop made it safer and easier to spread out.

In accordance with Standing Orders, the Chairman deemed that a division should be taken on the motion above. The votes for and against approval of the application were recorded as follows.

In favour: Cllrs S Dorsett, S Greentree, S Mukherjee and S Oades.

TOTAL: 4

Against: Cllrs T Aziz, G Cosnahan, C Martin and L Morales (Chairman).

TOTAL: 4

Present but not voting: Cllrs D Jordan and T Spenser.

TOTAL: 2

Due to the equality of votes in favour and against approval of this application, the Chairman exercised a second and casting vote in accordance with standing orders to not approve the application.

The application was therefore not approved.

In accordance with Standing Orders, the Chairman deemed that a division should be taken on the recommendation to refuse. The votes for and against refusal of the application were recorded as follows.

In favour: Cllrs T Aziz, G Cosnahan, C Martin and L Morales (Chairman).

TOTAL: 4

Against: Cllrs S Dorsett, S Greentree, S Mukherjee and S Oades.

TOTAL: 4

Present but not voting: Cllrs D Jordan and T Spenser.

TOTAL: 2

Due to the equality of votes in favour and against refusal of this application, the Chairman exercised a second and casting vote in accordance with standing orders to refuse the application.

The application was therefore refused.

RESOLVED

That planning permission be REFUSED and authorise enforcement action.

The meeting commenced at 7.00 pm  
and ended at 8.05 pm

Chairman: \_\_\_\_\_

Date: \_\_\_\_\_

PLANNING COMMITTEE – 25 JULY 2023

## PLANNING AND ENFORCEMENT APPEALS

The Committee is requested to:

### RESOLVE:

That the report be noted.

**The Committee has authority to determine the above recommendation.**

### Background Papers:

Planning Inspectorate Reports

### Reporting Person:

Thomas James, Development Manager.

### APPEALS LODGED

#### 2023/0105

Application for erection of a single storey side extension following demolition of existing garage, single storey rear infill extension and rear dormer at 36 Foxlake Road Byfleet West Byfleet, KT14 7PW.

Refused by Delegated Powers  
31 March 2023.  
Appeal Lodged  
5 July 2023.

#### 2022/0802

Application for erection of a single storey rear extension following the demolition of existing, two storey side extension and front porch. Erection of a front dormer window, 1no roof light and fenestration alterations at 91 Hermitage Woods Crescent St Johns Woking GU21 8UF.

Refused by Delegated Powers  
13 February 2023.  
Appeal Lodged  
5 July 2023.

#### 2022/1113

Application for single storey rear extension to the existing garage to create a secured cycle store and upward extension of the garage to create home office/storage space with the new pitched roof, dormer windows and external timber staircase at Shipley House 47 Woodham Road Horsell Woking, GU21 4EH.

Refused by Delegated Powers  
27 January 2023.  
Appeal Lodged  
5 July 2023.

### APPEALS DECISION

#### 2020/0492

Application for erection of a building of up to five storeys comprising 54x one and two bedroom extra care apartments (Use Class C2) with ancillary and communal facilities and provision of landscaping, bin and cycle storage, parking, highway works, access and associated works following demolition of existing buildings (Amended Description and Plans) at The Meadows Bagshot Road, Surrey

Refused by Planning Committee  
6 April 2021.  
Appeal Lodged  
9 February 2022.  
Appeal dismissed  
6 July 2023.





## PLANNING COMMITTEE AGENDA

### PLANNING APPLICATIONS AS AT 25 JULY 2023

This report contains applications which either fall outside the existing scheme of delegated powers or which have been brought to the Committee at the request of a Member or Members in accordance with the agreed procedure (M10/TP 7.4.92/749). These applications are for determination by the Committee.

This report is divided into three sections. The applications contained in Sections A & B will be individually introduced in accordance with the established practice. Applications in Section C will be taken in order but will not be the subject of an Officer's presentation unless requested by any Member.

**The committee has the authority to determine the recommendations contained within the following reports.**

Key to Ward Codes:

BWB = Byfleet and West Byfleet  
GP = Goldsworth Park  
HO = Horsell  
KNA = Knaphill  
PY = Pyrford

C = Canalside  
HE = Heathlands  
HV = Hoe Valley  
MH = Mount Hermon  
SJS = St. Johns





## Applications: 4

**Item:** 0006A  
**Case ref:** PLAN/2023/0271  
**Recommendation:** Permit  
**Ward:** Mount Hermon  
**Address:** The Mascot Harven School Of English, Coley Avenue, Woking, Surrey, GU22 7BT

**Item:** 0006B  
**Case ref:** PLAN/2021/1104  
**Recommendation:** Refuse  
**Ward:** Byfleet And West Byfleet  
**Address:** Manor House, Mill Lane, Byfleet, West Byfleet, Surrey, KT14 7RS

**Item:** 0006C  
**Case ref:** PLAN/2021/1110  
**Recommendation:** Refuse  
**Ward:** Byfleet And West Byfleet  
**Address:** Manor House, Mill Lane, Byfleet, West Byfleet, Surrey, KT14 7RS

**Item:** 0006D  
**Case ref:** PLAN/2023/0296  
**Recommendation:** Permit  
**Ward:** Knaphill  
**Address:** Lycett Brown Swinburn, 14A High Street, Knaphill, Woking, Surrey, GU21 2PE

**Section A - A**

**Section B – B - D**



**SECTION A**

**APPLICATIONS ON WHICH  
PUBLIC ARE ELIGIBLE  
TO SPEAK**

**(Note: Ordnance Survey Extracts appended to the reports are for locational purposes only and may not include all current developments either major or minor within the site or the area generally)**



# The Mascot Harven School Of English, Coley Avenue, Woking.

## PLAN/2023/0271

Installation of new area of hardstanding to rear of school building (part retrospective).



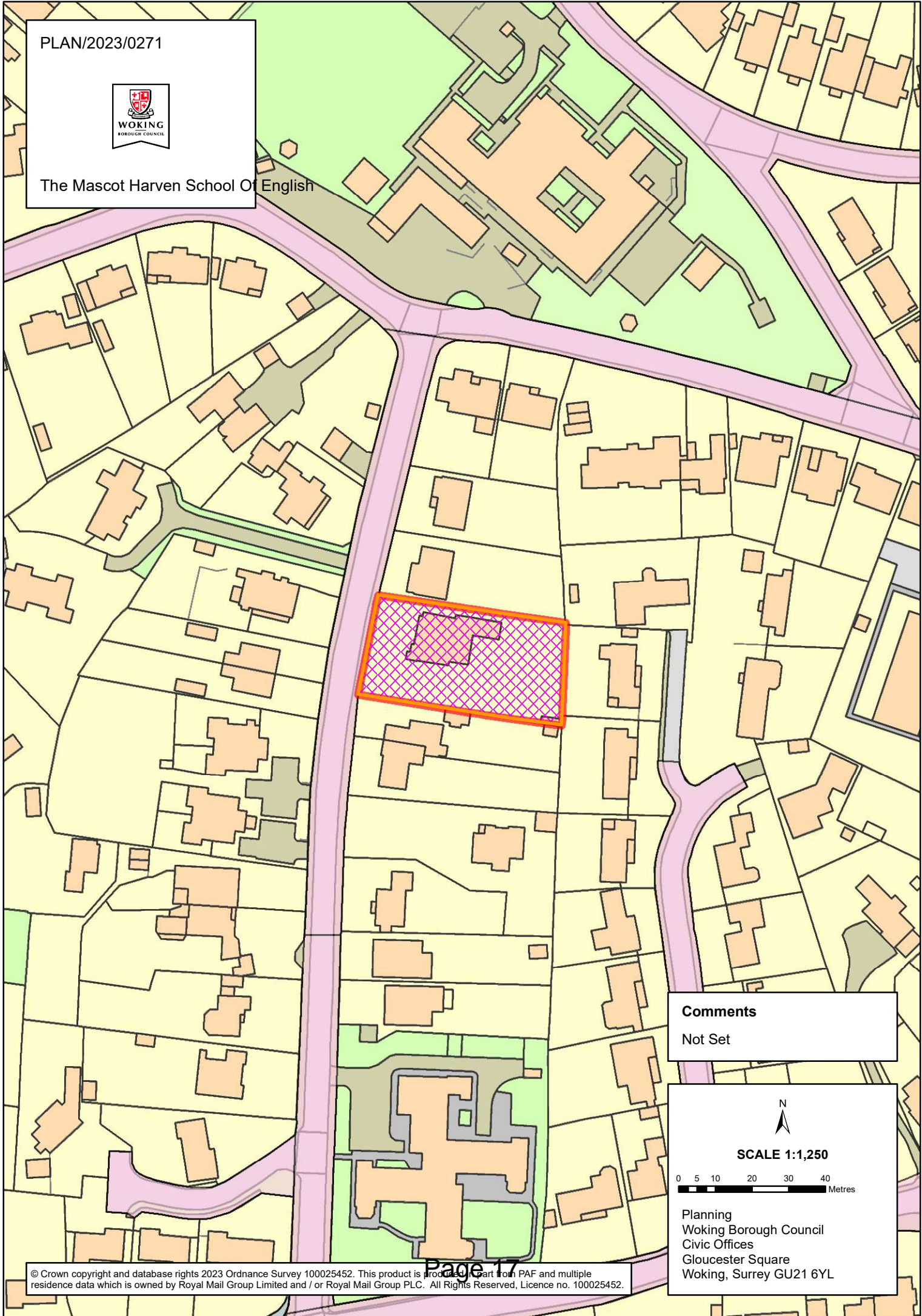




PLAN/2023/0271



The Mascot Harven School Of English



**Comments**  
Not Set

N  
SCALE 1:1,250  
0 5 10 20 30 40 Metres

Planning  
Woking Borough Council  
Civic Offices  
Gloucester Square  
Woking, Surrey GU21 6YL



## 25 JULY 2023 PLANNING COMMITTEE

6a

PLAN/2023/0271

WARD: Mount Hermon

**LOCATION:** The Mascot Harven School of English, Coley Avenue, Woking, Surrey, GU22 7BT

**PROPOSAL:** Installation of new area of hardstanding to rear of school building (part retrospective).

**APPLICANT:** Compass Schools

**OFFICER:** Emily Fitzpatrick

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### **REASON FOR REFERRAL TO COMMITTEE:**

The application has been referred to Planning Committee at the request of Cllr Lyons.

### **SUMMARY OF PROPOSED DEVELOPMENT**

The proposal is for the installation of a 10x15m area of hardstanding to the rear of school building.

The proposal is part-retrospective in that the base course has been laid but the tarmac surface had not been put down.

### **PLANNING STATUS**

- Thames Basin Heaths SPA Zone B (400m-5km)
- Urban Areas

### **RECOMMENDATION**

**GRANT** planning permission subject to conditions.

### **SITE DESCRIPTION**

The application site is a large, three-storey, detached building situated within the urban area of Woking. It benefits from a rear garden and a large parking area to the front of the property.

A Certificate of Lawfulness was granted in 2022 for the proposed use of site as a day school (Class F1). The site was formerly used as an English language school. The site now referred to as Compass Community School Tull Park and is a Special Educational Needs (SEN) School for pupils aged 6-17 years.

### **RELEVANT PLANNING HISTORY**

PLAN/2021/1316 Certificate of Lawfulness for the proposed used as a day school (Use Class F1) (granted 10.06.2022)

PLAN/2020/1204 Proposed use as a non-residential institution within Class D1 where the existing use is within Class D1 (refused 23.03.2021)

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PLAN/2007/1303 Proposed two storey rear extension and single storey side extension following demolition of existing single storey extension. Change of Use to form Class C2 Residential Language School (refused 28.02.2008)

PLAN/2006/1338 Change of use, alterations and two storey rear and side extension to form Class C2 Residential Language School (refused 22.03.2007)

PLAN/1992/0173 Change of Use of premises from Language School to use by Geophysical & Hydrographic Consultants to the oil industry. (Change of use from D1 to B1). Refused

### **CONSULTATIONS**

None relevant

### **REPRESENTATIONS**

Ten letters of representation have been received raising an objection to the proposal and comments as follows;

- Increase in noise (loss of amenity). The installation of tarmac playground (hard surface) will exacerbate this noise and make an intolerable situation for neighbouring properties far worse. Further, it will encourage the children to play ball games which will further exacerbate the noise.
- Rainwater runoff- impact on surrounding properties. It is proposed the 150 square metre tarmac playground will drain around its periphery, something Councils are generally against. More specifically, following rainfall, the runoff will make the surrounding periphery close to the neighbouring fence wet and boggy and this effect is likely to cross the boundaries into the surrounding properties.
- Following the work on the site carried out recently the outlook from the first/ second floors at the front of my house has altered dramatically. From what used to be tarmac at the front with a hedge screening the garden I now look out on tarmac and a poorly gravelled car parking space, the change in contrast is an eyesore. Additionally with the hedge removed I have a clear view through a green fence into the garden. At least one third of the proposed slab is visible. Permission would further erode our outlook which has already been significantly compromised.
- The back of the school already has substantial hard surfaced areas. It is hard to understand as to why an increase is necessary.
- The applicant seeks to downplay the noise disruption, indicating term times and two breaks per day. I would point out that schools are open some 190 day per annum and the age range for the school covers 7 to 17 years of age. This covers 4 to 5 key stages and it is common practice for age ranges not to share the same playtime and/or play area. The vast majority of the neighbours are retired and wish to enjoy their garden in peace and tranquillity.
- I believe that all of the most recent applications to extend facilities in the back garden have been refused by the Council and the Planning Inspector.
- I have run an Early Years Unit and also helped a child with special needs and therefore I know the danger that can result in tarmacking a play area. I am very surprised that the Compass School should even consider it suitable for the children in the school. I should hope that they have the best interest of their pupils and not their pockets.
- I have noted the intention to tarmac over a substantial area at the rear of this development. This I believe will both be an unwanted hazard and the water run off ecologically unacceptable. Could I suggest that for this project to continue, sensible consideration should be given to the use of shredded tyres that offer a porous surface

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and a softer safer surface for the children to play on. Look no further that the surface having been adopted in many parks for children's play areas.

- I would like to point out that the parking area at the front of the building, from the south-west corner of the house, west to the road and north to the border with Cintra was impermeable tarmac (and remains so). However, the parking area west to the road and south to Pendeen was of permeable construction, a thin layer of gravel or tarmac permeated with moss and weeds. This area has been replaced recently, by the applicant, with impermeable tarmac. I am not aware of any permission being requested or approved for this change.
- My objection is on the grounds of ecology and loss of amenity and the development is unnecessary. The plan submitted "As Existing" shows the house, front and side tarmac and the paving at the rear already occupy some 50% of the site. I calculate that the new area of tarmac covers some 10% of the area. This means approaching 60% of this large plot will be covered by the house and impermeable hard surfaces and is clearly environmentally harmful. The applicant fails to point out that the school is for special needs children who would be better served with a permeable/ rubberised play area that would be safer for them and be less noisy.
- The laying of the area, as shown beyond the existing paved area, moves the noise problem closer to Cintra and Heathside Gardens where the back gardens are short.
- The applicant states that the "lack of fencing, lighting...means the visual impact will be limited." This statement is disingenuous, in view of the fact, that the Compass School has recently installed bright lighting on all four sides of the house and re-fenced the entire perimeter with wire fencing.
- Over the years there has been an incremental increase in the area of hard standing around the Mascot. The front garden has now only one narrow flower border and the remainder is impermeable tarmac, 120 sq.m of which has been laid recently by the Applicant to cover a section of car parking which was broken up and therefore porous; the rear garden already has a 75 sq.m. non-draining play area built some years ago, and now the Applicant is applying to build a further 150 sq.m of impermeable play area. I understand that this increase in impermeable, non-draining hard standing goes against the Planning Authority guidelines. The garden of the house, Cintra, to the north of the Mascot is lower than the Mascot rear garden and could be affected by rainwater runoff from the proposed tarmac topping.
- The hard surface will intensify the noise from the pupils using the garden compared to the noise generated from the original turf. Excessive noise coming from the rear garden has always been a problem and has been cited by the Department of Environment Inspectors among reasons for rejecting previous appeals against planning refusals.
- For over 40 years as a school the lawn has been used and played on by countless pupils and shown no signs of wear and tear. There is already a large area of hard standing at the rear of the building of about 75 sqm. The proposed new hardstanding adds an additional 150sqm which extends the play area to within a few metres of the neighbouring residential gardens. The plan submitted with the application does not show the close proximity of our house and our very short back garden to the proposed new hard standing.
- Reference made to PLAN/2003/0996 for a block of flats in local vicinity with amendments to reduce area of tarmac. Using this as a precedent I would hope that the Council will refuse the latest application, which I oppose on the basis that this would increase substantially the levels of traffic and noise pollution in Coley Avenue.

Officers acknowledge the above comments, impact to residential amenity, noise impact and impact on flood risk will be assessed in the relevant sections below. With regards to reference made concerning hardstanding to the front of the application site, fencing and

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lighting this does not form part of this application and so no further assessment would be made on these aspects.

### **RELEVANT PLANNING POLICIES**

#### National Planning Policy Framework (2021):

Section 2– Achieving Sustainable Development

Section 4- Decision making

Section 12- Achieving well-designed places

Section 14- Meeting the challenge of climate change, flooding and coastal change

#### Woking Core Strategy (2012):

CS9- Flooding and water management

CS19- Social and community infrastructure

CS21- Design

CS25- Presumption in favour of sustainable development

#### Woking Development Management Policies Development Plan Document (2016):

DM7- Noise and Light Pollution

#### Supplementary Planning Documents (SPDs):

Parking Standards SPD (2018)

Woking Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

### **PLANNING ISSUES**

1. The main issues to be considered in the determination of this application is the impact on character of the area, residential amenity, noise impact and impact on flood risk.

#### Impact on Character of the Area

2. Paragraph 5.175 says the Core Strategy seeks to achieve a sustainable community for Woking and improve upon the wellbeing of its people. This requires an effective balance between the provision of housing and employment and providing the necessary infrastructure to support the growth. Social and community infrastructure includes schools (amongst a long list). Paragraph 5.176 says the provision of adequate community facilities and social and community infrastructure is critical as it has a direct bearing on the well-being of the community.
3. Policy CS21 'Design' says proposals for new development should create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated.
4. The proposal concerns the laying of an area of hardstanding to the rear of the application site, the proposal is part-retrospective in that, at the date of the Officer's site visit, the perimeter of the proposed hardstanding had been laid out but the tarmac surface had not been laid. The proposed footprint would be approximately 15m in width x 10m in depth. The proposed materials would be of tarmacadam construction. The proposal would be adjacent to a small existing area of hardstanding and a larger chequered slab patio surrounded by lawn. The rear area as existing serves as recreational space for the students. The proposal would not change the use of this area other than the surface from lawn to tarmac. Given the

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siting at the rear the proposal would not be viewed from the street scene and considered to cause no adverse impact to the character of area. The overall area of soft landscaped area for the setting of the Mascot building is considered to remain appropriate.

### Impact on Residential Amenity

5. Policy CS21 says proposals for new development should be designed to avoid significant harm to the environment and general amenity, resulting from noise, dust, vibrations, light or other releases. Paragraph 4.16 of Policy DM7 (Noise and light pollution) says it is appreciated that development will often result in some additional degree of light or sound which is not necessarily harmful and can add to the atmosphere of a place. However, when the degree of light or sound becomes such that it is respectively considered light or noise pollution, it can have significant impacts on the environment and the quality of life enjoyed by communities and individuals.
6. The proposed hardstanding would be sited approximately 2.2m from Cintra to the north. Originally this area was laid to lawn. A strip of lawn serving as a buffer between the hardstanding and the shared side boundary is retained. The area as existing already serves as outdoor recreational space for the school and no change in this use is proposed. It is not considered that the proposal would materially exacerbate the existing intensity of use of the rear garden area purely because of a change in surface. Notwithstanding this, a condition (Condition 03) can be attached to control the hours of use.
7. Boundary screening comprises of fencing and dense hedgerow/ tree cover, this would remain in-situ. The proposal would be approximately 6m from the rear boundary (east) shared with No.13 Heathside Gardens, that boundary screening would remain unaltered. The assessment as above would apply. The proposal would be approximately 9.8m from the south side boundary shared with Pendeen. Fencing serves the boundary here.
8. Officers acknowledge comments from neighbours raising concerns as to the proposal exacerbating noise. However, the proposal concerns the change in surface only and any impact can be mitigated by restricting the hours of use of the additional hardstanding to 8am-6pm Monday through to Friday. This would be considered an acceptable mitigation measure given the existing site and use.
9. Overall, officers consider that the proposal would not cause "significant harm" to residential amenity which is the appropriate test in Policy CS21.

### Impact on Drainage/Flood Risk

10. The application site is not designated as being at risk of either fluvial flooding or surface water flooding. Neighbour comments were received raising concerns over increased surface runoff as a result in the provision of increased hardstanding and loss of lawn. The provision of proposed hardstanding would be approximately 150m<sup>2</sup> with the surrounding lawn acting as a soakaway, given there are no flooding constraints no further information would be required. Impact to drainage would be considered acceptable.

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### Local Finance Considerations

11. The Council introduced the Community Infrastructure Levy (CIL) on 1 April 2015. As the proposed development would not result in new build gross floor space of more than 100 sqm it is not liable for a financial contribution to CIL.

### **CONCLUSION**

12. Overall, it is considered that the proposal would have an acceptable impact on the character of the area and use of the site as a school, on neighbouring amenity, noise impact and flood risk. The proposal therefore accords with Policies CS9, CS19, CS21 and CS25 of the *Woking Core Strategy* (2012), Policy DM7 of the *Development Plan Document* (2016), Supplementary Planning Documents; *Woking Design* (2015), *Outlook, Amenity, Privacy and Daylight* (2008) and the *National Planning Policy Framework* (2021) and is recommended for approval. In considering this application the Council has given regard to the provisions of the development plan, so far as material to the application and to any other material considerations. In making the recommendation to grant planning permission it is considered that application is in accordance with the development plan of the area.

### **BACKGROUND PAPERS**

1. Site visit photographs taken 04.05.2023

### **RECOMMENDATION**

PERMIT subject to the following conditions:

01. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

Site Location Plan received 22 March 2023

DWG No: Plan A1 Site Plan received 22 March 2023

DWG No: Plan A2 Proposed Site Plan received 22 March 2023

Reason: For the avoidance of doubt and to ensure that the development is completed in accordance with the approved plans.

02. The external finishes of the development hereby permitted shall be as set out under Materials of the application form and on the approved drawings.

Reason: To protect the visual amenities of the area.

03. The hardstanding hereby approved can only be used between the hours of 08:00am and 18:00pm Mondays to Fridays inclusive, not at all on Saturdays, Sundays, Bank or Public Holidays.

Reason: To protect the environment and amenities of the occupants of neighbouring properties.



**Informatives**

01. The Council confirms that in assessing this application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework 2021.
02. The applicant is advised that Council Officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
03. The applicant is advised that under the Control of Pollution Act 1974, works which will be audible at the site boundary will be restricted to the following hours: 8.00 a.m. - 6.00 p.m. Monday to Friday; 8.00 a.m. - 1.00 p.m. Saturday; and not at all on Sundays and Bank Holidays.



**SECTION B**

**APPLICATIONS WHICH WILL BE  
THE SUBJECT OF A PRESENTATION  
BY OFFICERS**

**(Note: Ordnance Survey Extracts appended to the reports are for locational purposes only and may not include all current developments either major or minor within the site or area generally)**



# Manor House, Mill Lane, Byfleet.

## PLAN/2021/1104

Construction of a 9 bay garage building and a 6 bay Estate management building and hardstanding yard area with associated fencing and landscaping, following demolition of an existing stables building.





PLAN/2021/1104



Manor House, Mill Lane.



**Comments**  
Not Set

N  
SCALE 1:1,250  
0 5 10 20 30 40 Metres

Planning  
Woking Borough Council  
Civic Offices  
Gloucester Square  
Woking, Surrey GU21 6YL





## 25 JULY 2023 PLANNING COMMITTEE

6b PLAN/2021/1104 WARD: Byfleet And West Byfleet

**LOCATION:** Manor House, Mill Lane, Byfleet, West Byfleet, Surrey, KT14 7RS

**PROPOSAL:** Construction of a 9 bay garage building and a 6 bay estate management building and hardstanding yard area with associated fencing and landscaping, following demolition of an existing stables building.

**APPLICANT:** Mr N Hayden **OFFICER:** Brooke Bournague

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### **REASON FOR REFERRAL TO COMMITTEE**

The application has been called in by Cllr Boote.

### **SUMMARY OF PROPOSED DEVELOPMENT**

Construction of a 9-bay garage building and a 6 bay estate management building and hardstanding yard area with associated fencing and landscaping, following demolition of an existing stables building.

### **PLANNING STATUS**

- EA Flood zone 2 and 3
- Surface Water Flood Risk Flood – high and medium
- Green Belt
- Within the curtilage of a Grade II\* Listed Building
- High Archaeological Potential
- Adjacent to Site of Nature Conservation Importance
- Byfleet Neighbourhood Area
- TBH SPA Zone B (400m-5km)

### **RECOMMENDATION**

**REFUSE** planning permission.

### **SITE DESCRIPTION**

The application site and the complex of buildings including the Manor House are accessed via a track leading off Mill Lane. The site is located in the Green Belt to the north of the River Wey.

The application site relates to an area of land containing a stable block which is located near to the Grade II\* Listed Building Byfleet Manor (also known as Manor House). The application site is historically linked to the Manor House's grounds and is within the same ownership as the Manor but is physically separated from it with the residential curtilages of Manor House Cottage and Waterbutts Cottage intervening.

The existing stable block is located on the eastern side of the site and is currently disused and poorly maintained. The lawful use of the site is unclear; it has in the past been described as 'Byfleet Riding Stables' but has clearly been used in association with the grounds of the Manor for some time. It currently appears to be used as a storage compound for the building and renovation works taking place at Manor House with materials and temporary storage containers on the site.

**PLANNING HISTORY**

Recent planning applications just relating to the application site:

PLAN/2020/0456: Erection of two garage buildings following demolition of an existing outbuilding and relocation of another; associated fencing and landscaping. Refused 16.04.2021

Refusal reasons:

01. The proposal would harm the Green Belt. This would be by way of it being redevelopment of previously developed land which would have a greater impact on openness therefore constituting inappropriate development; for which 'very special circumstances' have not been demonstrated to outweigh this harm and other identified harm. The proposal is therefore contrary to Section 13 of the National Planning Policy Framework (2019), policy CS6 of the Woking Core Strategy (2012) and policy DM13 of the Development Management Policies DPD (2016).
02. The submitted application fails to demonstrate that the proposal would have an acceptable impact on trees. This would be by way of a lack of up-to-date arboricultural information being submitted. The proposal is therefore contrary the National Planning Policy Framework (2019) and policy DM2 of the Development Management Policies Development Plan Document (2016).
03. The proposal would have an unacceptable impact on flood risk. This would be by way of its proposed floor levels within Flood Zone 3 making its susceptible to flooding and by way of it leading to the loss of floodplain storage with no information provided as to why the proposal needs to be located in this area and no acceptable information on flood resilience and flood safety measures. The proposal is therefore contrary to section 14 of the National Planning Policy Framework (2019) and policy CS9 of the Woking Core Strategy (2012).
04. The submitted application fails to demonstrate that the proposal would have an acceptable impact on wildlife. This would be by way of a lack of information to demonstrate that the proposal would not adversely impact the local bat population. The proposal is therefore contrary to section 15 of the National Planning Policy Framework (2019) and policy CS7 of the Woking Core Strategy (2012).

PLAN/2018/0546: Erection of residential outbuilding to include basement storage for classic cars, an entrance hall/workshop and an outdoor ramp following demolition of an existing stables building and an existing residential building. Refused 19.07.2018

Refusal reasons:

01. The proposal would harm the Green Belt. This would be by way of it being redevelopment of previously developed land which would have a greater impact on openness therefore constituting inappropriate development; for which 'very special circumstances' have not been demonstrated to outweigh this harm and other identified harm. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (2012), policy CS6 of the Woking Core Strategy (2012) and policy DM13 of the Development Management Policies DPD (2016).
02. The proposal would have an unacceptable impact on the character of the area. This would be by way of it having a greater impact on the openness of the Green Belt and its scale, form and character unacceptably impacting on the rural open landscape character of the site and land to the north, west and south of it. The proposal is therefore contrary

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to section 7 of the National Planning Policy Framework (2012), policy CS21 of the Woking Core Strategy and Woking Design SPD (2015).

03. The submitted application fails to demonstrate that the proposal would have an acceptable impact on trees. This would be by way of a lack of up-to-date arboricultural information being submitted. The proposal is therefore contrary to section 11 of the National Planning Policy Framework (2012), policy DM2 of the Development Management Policies Development Plan Document (2016).
04. The submitted application fails to demonstrate that the proposal would have an acceptable impact on neighbouring amenity. This would be by way of a lack of information to demonstrate that the proposal would have an acceptable noise impact on neighbouring properties. The proposal is therefore contrary to policy DM7 of the Development Management Policies DPD (2016).
05. The proposal would have an unacceptable impact on flood risk. This would be by way of its proposed floor levels within Flood Zone 3 making its susceptible to flooding and by way of it leading to the loss of floodplain storage with no information provided as to why the proposal needs to be located in this area and no information on flood resilience and flood safety measures. The proposal is therefore contrary to section 10 of the National Planning Policy Framework (2012) and policy CS9 of the Woking Core Strategy (2012).
06. The submitted application fails to demonstrate that the proposal would have an acceptable impact on wildlife. This would be by way of a lack of information to demonstrate that the proposal would not adversely impact the local bat population. The proposal is therefore contrary to section 11 of the National Planning Policy Framework (2012) and policy CS7 of the Woking Core Strategy (2012).

PLAN/2017/0417: Construction of a Garage Building with ancillary accommodation and stabling following the demolition of existing stable block and existing residential unit. Refused 04.08.2017

### Refusal reasons:

01. The proposal would represent inappropriate development in the Green Belt by way of its main garage use being a different use to the stables it would replace, by way of it being materially larger than the buildings it would replace and by way of the residential structure being sited in a different location to the bungalow it intends to replace without demonstrably improving the openness of the Green Belt. Adequate 'Very Special Circumstances' have not been demonstrated to justify this inappropriate development in the Green Belt. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (2012), policy CS6 of the Woking Core Strategy (2012) and policy DM13 of the Development Management Policies DPD (2016)
02. The proposal would have an unacceptable impact on special architectural and historical interest of the Grade II\* listed Manor House and its setting. This would be by way of its scale, form, location and materiality impacting the significance of the four residential properties to the west of Manor House in terms of their historical and architectural setting in relation to Manor House. The proposal is therefore contrary to section 12 of the National Planning Policy Framework (2012), section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy CS20 of the Woking Core Strategy (2012), policy DM20 of the Development Management Policies Development Plan Document (2016) and The Heritage of Woking (2000).

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03. The proposal would have an unacceptable impact on the character of the area. This would be by way of its scale, form, character and materiality giving it a contemporary and bulky character which dominate and be out of keeping with: the character of the cluster of four red-brick residential properties to the east, the form and character of the red-brick Grade II\* listed Manor House as well as the rural character of the land to the north, west and south of the application site. The proposal is therefore contrary to section 7 of the National Planning Policy Framework (2012), policy CS21 of the Woking Core Strategy and Woking Design SPD (2015).
04. The proposal would have an unacceptable impact on neighbouring amenity by way of it creating an unacceptable overbearing impact on the garden space of The Old Dairy and Waterbutts Cottage: as well as the application failing to demonstrate that the proposal would have an acceptable noise impact on neighbouring properties. The proposal is therefore contrary to section 7 of the National Planning Policy Framework (2012), policy CS21 of the Woking Core Strategy (2012), policy DM7 of the Development Management Policies DPD (2016) Woking Design SPD (2015) and Outlook, Amenity, Privacy and Daylight (2008).
05. The submitted application fails to demonstrate that the proposal would have an acceptable impact on flood risk. The proposal is therefore contrary to section 10 of the National Planning Policy Framework (2012) and policy CS9 of the Woking Core Strategy (2012).
06. The submitted application fails to demonstrate that the proposal would have an acceptable impact on wildlife. The proposal is therefore contrary to section 11 of the National Planning Policy Framework (2012) and policy CS7 of the Woking Core Strategy (2012).

### **CONSULTATIONS**

Byfleet, West Byfleet, Pyrford Residents' Association: No comments received

Council's Conservation Consultant: No objection

Arboricultural Officer: No objection subject to condition

Flood Risk and Drainage Team: No objection subject to condition

County Archaeologist: No objection

Historic England: No comments

Surrey Wildlife Trust: No objection subject to condition

SCC Highways: No objection subject to conditions

Natural England: No objection

### **REPRESENTATIONS**

2 letters raising the following points have been received:

- The buildings are in keeping with the area and of a reasonable size and height
- Due to close proximity to our bedrooms vehicles should not be started/moved before 8am or after 6pm.

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- No construction workers should start on site before 8am
- No provision for sewerage for the WC
- Discrepancy in position of drainage attenuation tank between

### **RELEVANT PLANNING POLICIES**

#### **National Planning Policy Framework (NPPF) (2021):**

#### **Woking Core Strategy (2012):**

- CS6 – Green Belt
- CS7 – Biodiversity and nature conservation
- CS9 – Flooding and Water Management
- CS16 – Infrastructure and water delivery
- CS20 – Heritage and Conservation
- CS21 – Design
- CS24 – Woking’s Landscape and Townscape

#### **Woking Development Management Policies DPD (2016):**

- DM2 – Trees and Landscaping
- DM7 – Noise and light pollution
- DM13 – Buildings within and adjoining the Green Belt
- DM20 – Heritage Assets and their Settings

#### **Supplementary Planning Documents:**

- Design (2015)
- Parking Standards (2018)
- Outlook, Amenity, Privacy and Daylight (2022)

In addition to the above, Section 72(1) places a statutory duty on decision makers to have ‘special regard’ to preserving or enhancing the character of conservation areas and states that *‘with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in sub section (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’*.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a statutory duty on decision makers to 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’*.

### **PLANNING ISSUES**

#### **Background:**

01. A number of planning applications have been recently refused on the application site. Planning application ref: PLAN/2020/0456 was the last for erection of two garage buildings following demolition of an existing outbuilding and relocation of another; associated fencing and landscaping. The current planning application now includes a 9 bay garage and 6 bay estate management building.

#### **Impact on Green Belt**

#### **Whether Appropriate Development?**

02. The application site is located in the designated Green Belt and as such Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of DM Policies DPD (2016) and section 13 of

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the NPPF (2021) apply and these policies seek to preserve the openness of the Green Belt. The essential characteristics of the Green Belt are its openness and permanence. Paragraph 149 of the NPPF regards the erection of new buildings in the Green Belt as 'inappropriate development'. Exceptions to this include:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

03. The general position, established by case law, is that development in the Green Belt is inappropriate and so needs to be justified by very special circumstances unless it falls within one of the closed list of specific exceptions set out in paragraphs 149-150 of the NPPF (2021).

04. The planning application is for a 9 bay garage to be used for parking of family vehicles and 6 bay 'estate management' building.

05. Paragraph 149(a) allows new buildings for agriculture and forestry and does not set any criteria limiting size. If the proposed building is for agriculture or forestry, it would not be inappropriate development in the Green Belt. It is also acknowledged that, in relation to "*buildings for agriculture and forestry*", R (Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404, (para 19) clarified that "*all such buildings are, in principle, appropriate development in the Green Belt, regardless of their effect on the openness of the Green Belt and the purposes of including land in the Green Belt, regardless of their size and location*".

06. The application site measures approximately 0.19ha and currently contains 1 stable building along the north-east boundary of the site. The application site forms part of the wider Byfleet Manor Estate which is approximately 22ha.

07. The Planning Statement submitted by the applicant states '*The [estate management] building has been designed to accommodate both the forestry equipment, and associated tools required for the continued management of the woodland and wider estate*' (paragraph 3.17). Document titled Iain MacDonald Design states the '*List of equipment needed to be permanently housed securely on site to carry out the above works, occupying 105 square meters, internal floor area*

- Fuel Store

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- *Chemical store, protective clothing, wash down area*
- *Handheld equipment –*
  - *Hedge cutters, hand lawn mowers etc*
  - *Chipper, Knapsack sprayer, brush cutter, strimmers*
- *All equipment associated with mobile irrigation*
- *Storage for equipment on hire, for example digger used to maintain ditches*
- *Workshop and machines maintenance area, with bench*
- *Dry Store for compost/mulch etc*
- *Tractor Shed –*
  - *ATV / Gator with trailer*
  - *Tractor, trailer, topping deck, loading bucket*
  - *Ride on mini tractor mower*
  - *Hayter lawn mower, Scarifier, roller, aerator, spreader*
- *Bog Mats*
- *Boat and tools associated with riverbank and pond maintenance*
- *Ladders, scaffold tower*
- *Log Store / Log splitter*
- *Fruit Store'*

08. The proposed estate management building has been split into 6 bays which would be used for welfare facilities, fishing tackle, chemical store and workshop and appliance and estate equipment store with a smaller side element having toilet facilities. The proposed building does not appear to have space dedicated for certain items listed above such as log store or boat.

09. The part of the estate management building to be used for the storage of equipment and machinery is the same as the 6 bay garage proposed and refused under planning application PLAN/2020/0456. The internal footprint of the building would be approximately 84sqm with the area labelled 'appliance and estate equipment store' measuring approximately 44sqm. Both of these are smaller than the space the applicant has advised is required to store the required equipment.

10. Although the applicant has provided a list of equipment and machinery to be stored in the building, the applicant has not provided a floor plan demonstrating that the required equipment will fit in the building. It is not known why the building would have a ridge height of approximately 4.1m and door height of approximately 2.2m and door width of approximately 2.6m which will be used for all equipment. It is considered that the building has not been designed to store the required equipment and the applicant has not demonstrated that the access to the building is sufficient for storing equipment such as a tractor or digger. It also not clear why equipment such as a fishing tackle store room or a boat and tools for riverbank and pond are required for forestry and agriculture. The document titled Iain MacDonald Design advises that the building will also be used to store equipment and machine to restore and maintain the water meadows and formal gardens. It is considered that these uses do not fall under the definition of forestry and agriculture.

11. The applicant has advised that the equipment is needed to maintain the wider estate (which includes tree planting and other maintenance), water meadow and formal garden. The planning statement refers to woodland management objectives in an Appendix which has not been submitted with the planning application. None of these activities constitute either agriculture or forestry and there is no evidence of agriculture or commercial forestry activities being carried out at the site or on wider land.

12. The 9 bay garage would be used for storing cars owned by the applicant and, as such, does fall under an agricultural or forestry use either.

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13. Consequently, it is not considered that the applicant has demonstrated that the proposed structures are for existing or proposed viable agricultural or forestry activities or that the size of the proposed buildings are necessary to accommodate storage of required equipment listed above or that this equipment is associated with activities that are related to agriculture or forestry. The use of the proposed building would therefore not fall within the exception to inappropriate development under paragraph 149(a) of the NPPF (2021).
14. Paragraph 149(d) allows the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
15. Policy CS6 of the Woking Core Strategy (2012) and Policy DM13 of DM Policies DPD (2016) reflects the NPPF (2021) regarding the Green Belt. In addition, Policy DM13 of DM Policies DPD (2016) states that replacement buildings in the Green Belt are inappropriate unless the proposed new building:
  - '(i) is in the same use as the building it is replacing;*
  - (ii) is not materially larger than the building it is replacing; and*
  - (iii) is sited on or close to the position of the building it is replacing, except where an alternative siting within the curtilage demonstrably improves the openness of the Green Belt'.*
16. The supporting text for Policy DM13 of the DM Policies DPD (2016) advises that when assessing whether a replacement building is materially larger than the one it replaces, the Council will compare the size to that existing, taking account of siting, floorspace, bulk and height. As a general rule a replacement that is no more than 20-40% larger than the one it replaces will not usually be considered disproportionate, although this may not be appropriate for every site.
17. The planning statement advises that the estate management building will be *'relocated from the east side of the estate'*, however no details of the location, use, size or condition of the existing building have been provided. The applicant has not provided any evidence with the application that the building to be *'relocated'* currently exists. There is a garage building of a similar design sited approximately 131m to the north-east of the application site. However, this building is not within the red line on the submitted location plan and is not considered in close proximity to the proposed building. Current pending planning application (reference: PLAN/2021/1110) for an outbuilding including a swimming pool and gym includes the demolition of this building as justification for the swimming pool building. Permitted planning application reference PLAN/2018/0183 also included the demolition of this building as justification for the construction of a glasshouse. Although PLAN/2018/0183 has lawfully commenced, the applicant has decided not to implement this due to a change in their leisure requirements. It is considered that the building the planning statement refers to that is located to the east to the estate cannot be considered to be an existing building being replaced in the context of this application.
18. The proposal includes the demolition of an existing stable (identified as stable 1 on the submitted plans) building sited to the north-east of the application site.
19. The difference between the existing stable building and proposed buildings (estate management building and garage) in volume, footprint and height are summarised below.



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	<b>Existing stable 1</b>	<b>Proposed garage</b>	<b>Proposed estate management building</b>	<b>Total proposed buildings</b>	<b>Total Percentage change</b>
<b>Volume</b>	372m <sup>3</sup>	485m <sup>3</sup>	219m <sup>3</sup>	704 m <sup>3</sup>	+89%
<b>Footprint</b>	137m <sup>2</sup>	187m <sup>2</sup>	110m <sup>2</sup>	297m <sup>2</sup>	+116%
<b>Height</b>	2.9m	4m	4m	4m	+37%

20. The proposed replacement building would result in an 89% uplift in volume and 116% uplift in footprint compared to the existing stable building. These figures indicate that the proposed buildings would be materially larger than the existing stable building to be demolished and it is therefore considered to be inappropriate development within the Green Belt. The existing stable building is sited adjacent to the north-east boundary of the site. The proposed building would be sited along the south-east boundary of the site in close proximity to the stable building to be demolished.
21. The proposed buildings would be materially larger than the building they would replace. It is also unclear as to whether they would be in the same use as the building being replaced as the lawful use of the site is not certified. The proposal would therefore not fall within the exception to inappropriate development under paragraph 149(d) of the NPPF (2021) and would be contrary to Policy DM13 of the DM Policies DPD (2021).
22. Paragraph 149(g) of the NPPF (2021) states:  
*'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*  
 – *not have a greater impact on the openness of the Green Belt than the existing development; or*  
 – *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority'*.
23. It has already been established under previous planning applications (PLAN/2020/0456 and PLAN/2018/0546) that the application site comprises previously developed land. Further consideration of the impact on openness is set out below but the conclusion is that the proposals would have a great impact on the openness of the Green Belt.
24. Overall, the proposed development would not fall within any of these exceptions (i.e., NPPF paragraph 149(a), (d) and (g)) and would therefore constitute inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

*Impact on openness of the Green Belt*

25. In addition to the question as to whether the proposals are harmful by definition by being inappropriate development, harm caused by the impact on the openness of the Green Belt must also be considered. Paragraph 137 of the NPPF (2021) states that *'the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*.
26. Assessing the impact of developments on the openness of the Green Belt is not a simple mathematical or volumetric exercise. In Turner v SSCLG [2016] EWCA Civ 466 it was established that the concept of 'openness' is capable of having both a spatial and visual dimension and that in assessing the impact on openness, the decision maker should

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consider how the visual effect of the development would bear on whether the development would preserve the openness of the Green Belt. Furthermore, current Planning Practice Guidance sets out what factors can be taken into account when considering the impact on openness and includes “*the degree of activity likely to be generated, such as traffic generation*” and states that “*openness is capable of having both spatial and visual aspects*” (Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22.07.2019).

27. The impact on the openness of the Green Belt resulting from the proposed buildings is considered wholly different to the impact on the stable building to be demolished. The bulk, mass and height of the proposed building are all greater than the existing building to be demolished and would not maintain openness, indeed they would diminish openness.
28. The existing stable building to be demolished is sited approximately 1.8m from the north-east boundary and projects a maximum of approximately 5.6m from the boundary. The proposed buildings would be sited towards the south-east of the application site projecting approximately 23m from the boundary. It is considered that the increase in projection from the south-east boundary and spread in development across the site would have a greater impact on the openness of the Green Belt than the existing buildings.
29. The existing stable building to be removed is a common feature in the Green Belt and rural areas, to the extent that they are capable of constituting ‘appropriate development’ in the Green Belt as appropriate facilities for outdoor sport and recreation.
30. The use of the existing buildings are also ones that you would expect to see in a rural area. The proposed 9 bay garage and estate management building would significantly increase the comings and goings to the site.
31. Overall, it is considered that the proposed building would have a greater impact on the openness of the Green Belt than the existing development and therefore the proposal would not accord with the exceptions to inappropriate development at paragraph 149(a), (d) and 149(g) of the NPPF. In addition, given this identified harm to the openness this harm needs to be added to the other identified harm to the Green Belt resulting from the inappropriateness of the development.
32. Turning to the other NPPF (2021) exceptions to inappropriate development within the Green Belt those at paragraph 149(b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*, (c) *(extension or alteration of a building provided not disproportionate over and above the size of the original building)*, (e) *(limited infilling in villages)* and (f) *(affordable housing)* are not considered to be applicable in this instance.
33. The proposal would therefore be inappropriate development in the Green Belt causing harm both by inappropriateness and by being harmful to openness and is contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the DM Policies DPD (2016) and the NPPF.

### Very Special circumstances

34. Paragraph 147 of the NPPF (2021) goes on to state that “*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*”. Paragraph 148 of the NPPF (2021) states ‘*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential*

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*harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*". As such it must be established whether any 'very special circumstances' clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm (in this case the identified harm to openness.)

35. The applicant has advanced several arguments in favour of the proposal.

### *Very Special Circumstances Argument – secure storage for classic cars*

36. The applicant has forwarded a Very Special Circumstance argument that secure garaging is needed for the applicants' classic cars. The planning statement advises *'it is considered reasonable that a property of the size and grandiose should have garaging and 'there is no other garaging on the property'*.

The applicant has not provided any information on the number of cars they own, where these are currently stored, what they are used for or why they all need to be stored in this location. Planning permission reference PLAN/2002/1265 permitted a 6 bay garage within the grounds of the Manor House, however pending planning application reference PLAN/2021/1110 proposes to remove this building and replace it with a swimming pool and gym. It is not clear why the applicant is using this building for the storage of garden machinery and proposing to demolish the building as part of another application if the applicant has a need for garaging or why another existing building on site cannot be used to accommodate any cars. Any benefits of storing a car collection at the site would be a purely personal and private benefit to the applicant and would bear no weight when weighed against the Green Belt harm.

### *Very Special Circumstances Argument – essential need for storage space for equipment*

37. The applicant has advised that the estate management building is required to store equipment to manage the wider estate, water meadows and formal gardens, which do not form part of the application site. It is unclear why the applicant demolished three buildings within the application site that could have been modified to provide secure storage for the equipment, why the applicant is demolishing the current storage building if there is a need for a storage building or why another existing building on site cannot be used to accommodate such equipment. Even had such a need been identified, it would bear only moderate weight when balanced against identified Green Belt harm.

### *Very Special Circumstances Argument – improve the setting of the Listed building*

38. The applicant has advised the proposal would improve the setting of the Listed Building. The impact on the setting of the Listed building has been assessed in the *Impact on the architectural and historical interest of the Statutory sited Buildings and their setting* section below. However, this would hold limited weight as Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the NPPF, Policy CS20 of the Woking Core Strategy (2012) and DM20 of DM Policies DPD (2016) all require proposals in any case to preserve and enhance the character of heritage assets in any case. As a legal and policy requirement this would not outweigh identified Green Belt harm. Moreover, the site is separated from the heritage assets by private properties which are not heritage assets.

### *Very Special Circumstances Argument – improved relationship with neighbouring properties*

39. The proposed building would be sited further away from the north-east boundary with neighbouring properties. However, this would hold limited weight as Policy CS21 of the Woking Core Strategy (2012) requires development proposals to have an acceptable impact on neighbouring properties. The section on *Impact on Neighbours* below discussed the impact on neighbouring properties. There is no identifiable harm caused by the existing arrangements which would outweigh the clear Green Belt harms.

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*Very Special Circumstances Argument – proposed rejuvenation of the area of the property and the security measures to be taken, are considered to represent public benefits*

40. The applicant has not provided any details of what the security concerns are and if any other forms of on-site security have been fully explored. It is also not clear how the construction of 2 buildings and provision of landscaping on private land would represent a public benefit. Limited weight is therefore afforded to this argument.

*Very Special Circumstances Argument – creation of a masterplan for the site*

41. The applicant has provided a masterplan that provides details of the long-term renovations and repair programme of the wider property which include new planting. However, the majority of the master plan involves work that is not within the application site. It is also not clear why the masterplan did not include the reuse of an existing building with the wider estate for the storage of the applicants' cars and machinery. It is considered that the provision of masterplan for the site cannot justify the provision of a 9 bay garage and 6 bay estate management building.

*Conclusion*

42. A number of planning applications have recently been refused on the application site. Planning application PLAN/2020/0456 was for erection of two garage buildings following demolition of an existing outbuilding and relocation of another; associated fencing and landscaping was refused on 29 July 2020. These building were sited in the same position as the current proposed buildings and would all be used for the storage of classic cars within the ownership of the applicant. The application included storage for 15 cars. Planning application PLAN/2018/0546 was for the erection of residential outbuilding to include basement storage for classic cars, an entrance hall/workshop and an outdoor ramp following demolition of an existing stables building and an existing residential building was refused on 19 July 2018 and an appeal was submitted, but later withdrawn. This application included two buildings for an entrance hall/workshop and car lift at ground floor with a large basement for a car museum which included space for 33 cars. The buildings were sited in the middle of the site with the basement covering the majority of the application site. It was also proposed to open the museum to up to 50 guests 6 times a year. Planning application PLAN/2017/0417 for construction of a garage building with ancillary accommodation and stabling following the demolition of existing stable block and existing residential unit was refused on 4 August 2017. The proposal including a building to the north-east of the site for a 6 bays garage, with a workshop and stable block, a building to the south-west of the site for a car lift and studio (providing accommodation for the chauffeur) and basement for a car museum.

43. This application is assessed wholly on its own merits as a proposal for domestic garaging and storage associated with the management of the estate, However, given the recent planning history of the site and the clear intention of the applicant to secure a building for the housing of a personal, classic car collection at this location, there is some doubt as to the intended use.

44. Notwithstanding this, the proposed development is, in any case, not considered to fall within any of the exceptions to inappropriate development in the Green Belt within paragraph 149 of the National Planning Policy Framework (NPPF) (2021) (nor within paragraph 150), nor within Policy DM13 of the Development Management Policies Development Plan Document (2016), and therefore constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, by reason of its overall bulk, mass and height, the proposed development would harm the openness of the Green Belt. The arguments advanced by the applicant are not considered to constitute very special circumstances which would outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness. The proposal would therefore be

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contrary to Policy CS6 of the Woking Core Strategy (2012), Policies DM3 and DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

### Impact on the architectural and historical interest of the Statutory sited Buildings and their setting

45. The residential properties adjacent to the east of the site are not statutory or locally listed. The Grade II Listed entrance walls and gate piers to Byfleet Manor are sited to the east of the application site with the Grade II\* Manor House sited approximately 61m to the east of the application site.
46. Policy CS21 of the Woking Core Strategy (2012) states that new development should respect and make a positive contribution to the street scene and the character of the area within which it is located.
47. Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that '*in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...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*'.
48. Policy CS20 of the *Woking Core Strategy* (2012) states that '*alterations and extensions to listed buildings must respect the host building in terms of scale, design, use of materials, retention of the structure and any features of special historic or architectural importance. Planning applications will be refused for any alteration or extension to a listed building that will not preserve the building or its setting*'.
49. The NPPF, Policy CS20 of the *Woking Core Strategy* (2012) and DM20 of DM Policies DPD (2016) seek to ensure that development should preserve or enhance the character of heritage assets.
50. The proposal is for the demolition of an existing stable building sited adjacent to the north-east boundary of the site and erection of two detached buildings sited towards the south-east of the site. The proposed buildings would be accessed from a new access track that would run along the north-east boundary where the building to be demolished is sited. The proposed site plan shows there would be a permeable surface between the two proposed buildings.
51. Planning application PLAN/2020/0456 proposed a 6 bay and 9 bay detached garage. The current planning application includes a 9 bay garage which is the same size and in the same position as that proposed under planning application PLAN/2020/0456. The proposed 9 bay garage would be approximately 27.6m wide and 6.6m deep with a maximum height of approximately 4m. The proposed building would have 9 double garage doors in the north-west elevation providing access to each bay and be sited adjacent to the southern boundary.
52. The 6 bay garage proposed under planning application PLAN/2020/0456 has been reduced in width by approximately 6m, but has the same depth and height. The building would now also be used as an estate management building and not a garage. The proposed estate management building would be approximately 18.5m wide with a maximum depth of approximately 5.5m deep and maximum height of approximately 4m. The building has been subdivided into 6 bays with doors in the north-west elevation which would accommodate welfare facilities, fishing tackle, workshop, chemical store and appliance and equipment store.

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53. Both buildings would be sited to the southern part of the site and would be finished in timber with a clay roof and have a traditional agricultural appearance.
54. The proposed site plan shows indicative landscaping. Had the planning application been considered acceptable a condition could have required the submission of a landscaping plan.
55. Overall, it is considered that the proposed buildings would preserve the setting of the adjacent Listed Building, wall and pier gates and would not detract from character of the area.

### Impact on neighbours

56. Policy CS21 of the Woking Core Strategy (2012) requires development proposals to '*Achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook*'.
57. The proposed development would be sited a minimum of approximately 3.7m from the east boundary and approximately 14m from the dwelling at Manor House Cottage, Mill Lane and approximately 1.4m from the south boundary and approximately 16m from the dwelling at Waterbutts Cottage, Mill Lane. Due to the separation distance and design of the proposed garage block and estate workshop building it is considered that there would not be a significant loss of daylight, overbearing impact or loss of privacy to Manor House Cottage, Mill Lane and Waterbutts Cottage, Mill Lane.
58. The proposal includes two buildings which would be used as a 9 bay garage and an estate management building to store equipment used for the maintenance of the land. The estate management building would be sited furthest away from the boundaries with neighbouring residential properties. It is considered that the proposal would not result in a significant noise impact on Manor House Cottage, Mill Lane and Waterbutts Cottage, Mill Lane.
59. Overall, the proposal is therefore considered to have an acceptable impact on the amenities of neighbours in terms of loss of light, overlooking and overbearing impacts and accords with Policy CS21 of the Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the policies in the NPPF (2019).
60. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

### Impact on public and private amenity

61. There is a public rights of way footpath (Number 94) that is sited to the north of the application site that passes through the access track to the application site. The proposal would increase traffic along the access road, it is considered that this would not have an unacceptable impact on the public right of way. Planning application PLAN/2020/0456 did not raise any objections to this arrangement.
62. It is considered that sufficient private amenity space would be retained for the dwelling at Manor House.
63. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

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### Impact on parking and highways

64. The proposed detached garage and estate management building would be accessed from the north-east corner of the application site with a driveway proposed along the eastern boundary which is currently occupied by a stable building. SCC Highways have been consulted and raised no objection subject to conditions requiring the site to be laid out so vehicles can enter and leave the site in a forward gear and the provision of at least 2 electric vehicle charging points. Had the application been considered acceptable a condition could have secured 1 electric vehicle parking point and the site to be laid out so vehicles can enter and leave the site in a forward gear
65. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

### Drainage and Flood Risk

66. Refusal reason 03 of planning application PLAN/2020/0456 states:

*The proposal would have an unacceptable impact on flood risk. This would be by way of its proposed floor levels within Flood Zone 3 making its susceptible to flooding and by way of it leading to the loss of floodplain storage with no information provided as to why the proposal needs to be located in this area and no acceptable information on flood resilience and flood safety measures. The proposal is therefore contrary to section 14 of the National Planning Policy Framework (2019) and policy CS9 of the Woking Core Strategy (2012).*

67. The application site is located in Flood Zone 3 and in and adjacent to areas with medium and high surface water flooding. A flood risk assessment and surface water drainage strategy have been submitted with the planning application. The Flood Risk and Drainage Team have been consulted on the application and raised no objection subject to the proposal being constructed in accordance with the submitted flood risk assessment and surface water drainage strategy. Had the application been considered acceptable a condition could have required the proposal to be built in accordance with the flood risk assessment and surface water drainage strategy.
68. It is considered that refusal reason 03 of planning application PLAN/2020/0456 has been overcome.

### Impact on Archaeology

69. The application site is located in an Area of High Archaeological Potential related to Byfleet Manor. The County Archaeologist has been consulted and reviewed information submitted with this application and previous applications submitted on this site and raised no archaeological concerns regarding the current proposal. The proposal is considered acceptable in this regard.
70. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

### Impact on Trees

71. Refusal reason 02 of planning application PLAN/2020/0456 states:

*The submitted application fails to demonstrate that the proposal would have an acceptable impact on trees. This would be by way of a lack of up-to-date arboricultural information*

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*being submitted. The proposal is therefore contrary the National Planning Policy Framework (2019) and policy DM2 of the Development Management Policies Development Plan Document (2016).*

72. There are mature trees within and adjacent to the application site that could be affected by the proposed development and during the construction phase. Policy DM2 of DM Policies DPD (2016) states the Council will *'require any trees which are to be retained to be adequately protected to avoid damage during construction'* and Core Strategy (2012) Policy CS21 requires new development to include the retention of trees and landscape features of amenity value.
73. The current planning application has been supported by upto date aboricultural information which reflects the current proposal.
74. The Council's Arboricultural Officer has been consulted and considers the information is acceptable. Had the application been considered acceptable a condition could have ensured compliance with the submitted information.
75. It is considered that refusal reason 02 of planning application PLAN/2020/0456 has been overcome.
76. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

### Impact on Ecology

77. Refusal reason 04 of planning application PLAN/2020/0456 states:
78. *The submitted application fails to demonstrate that the proposal would have an acceptable impact on wildlife. This would be by way of a lack of information to demonstrate that the proposal would not adversely impact the local bat population. The proposal is therefore contrary to section 15 of the National Planning Policy Framework (2019) and policy CS7 of the Woking Core Strategy (2012).*
79. The current planning application has been supported by a Bat Scoping Assessment and Master Plan which includes information on wildlife and ecology.
80. Surrey Wildlife Trust have been consulted and with regards to bats have advised that if planning permission is granted then the applicant would need to obtain a mitigation license from Natural England and undertake all the actions which would be detailed in the Method Statement submitted to support the mitigation licence.
81. With regards to landscaping Surrey Wildlife Trust have recommended that a Landscape and ecological management plan (LEMP) is secured by condition. Had the planning application been considered acceptable conditions could have required the submission of a LEMP and details of any lighting prior to installation and an informative advising a mitigation license is required prior to any works which may affect bats commencing.
82. It is considered that refusal reason 04 of planning application PLAN/2020/0456 has been overcome.
83. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.



Community Infrastructure Levy (CIL)

84. The proposal is not CIL liable.

**CONCLUSION**

85. The proposed development is not considered to fall within any of the other exceptions to inappropriate development in the Green Belt within paragraph 149 of the National Planning Policy Framework (NPPF) (2021) (nor within paragraph 150), nor within Policy DM13 of the Development Management Policies Development Plan Document (2016), and therefore constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, by reason of its overall bulk, mass and height, the proposed development would harm the openness of the Green Belt. The arguments advanced by the applicant are not considered to constitute very special circumstances which would outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness. The proposal would therefore be contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

86. The lack of objection on impact on the architectural and historical interest of the Statutory Listed Buildings and their setting, neighbours, parking and highways, Drainage and Flood Risk, archaeology, trees and ecology do not outweigh the other objections to the application. The application is contrary Policies CS6 and CS21 of the Woking Core Strategy (2012), Policies DM3 and DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

**BACKGROUND PAPERS**

1. Site visit photographs

**RECOMMENDATION**

**Refuse** planning permission for the following reason:

01. The proposed development is not considered to fall within any of the other exceptions to inappropriate development in the Green Belt within paragraph 149 of the National Planning Policy Framework (NPPF) (2021) (nor within paragraph 150), nor within Policy DM13 of the Development Management Policies Development Plan Document (2016), and therefore constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, by reason of its overall bulk, mass and height, the proposed development would harm the openness of the Green Belt. The arguments advanced by the applicant are not considered to constitute very special circumstances which would outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness. The proposal would therefore be contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

**Informatives**

1. The plans relating to the application hereby refused are numbered:

371/101 Rev 5 received by the Local Planning Authority on 11.10.2021  
371/104 Rev 4 received by the Local Planning Authority on 11.10.2021  
371/105 Rev 3 received by the Local Planning Authority on 11.10.2021  
371/108 Rev 0 received by the Local Planning Authority on 11.10.2021

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371/120 Rev 1 received by the Local Planning Authority on 03.11.2021  
371/122 Rev 0 received by the Local Planning Authority on 03.11.2021  
371/123 Rev - received by the Local Planning Authority on 03.11.2021  
371/124 Rev - received by the Local Planning Authority on 03.11.2021

Heritage Statement by Planit Consulting received by the Local Planning Authority on 11.10.2021

Document titled 'Iain MacDonald Design' Consulting received by the Local Planning Authority on 11.10.2021

Volume Calculations received by the Local Planning Authority on 11.10.2021

Archaeological Monitoring and Historic Building Recording Report: Byfleet Manor, Byfleet Surrey by ADAS limited dated 13.12.2019 received by the Local Planning Authority on 11.10.2021

Archaeological Trail Trenching Report: Extension to the Existing Watercourse to River Way by ADAS limited dated 18.11.2019 received by the Local Planning Authority on 11.10.2021

Master Plan by al3d received by the Local Planning Authority on 11.10.2021

Planning statement by Planit Consulting received by the Local Planning Authority on 11.10.2021

Arboricultural Implications Assessment by David Archer Associates dated August 2022 received by the Local Planning Authority on 16.08.2022

Flood Risk Assessment ref: J-14004 dated 11/01/2021 received by the Local Planning Authority on 11.10.2022

Protected Species Report by ADAS dated June 2020 received by the Local Planning Authority on 11.10.2021

Draft Written Scheme of Investigation for an Archeological Programme of works by ADAS limited dated March 2019 received by the Local Planning Authority on 11.10.2021

# Manor House, Mill Lane, Byfleet.

## PLAN/2021/1110

Erection of an outbuilding including an indoor swimming pool and gym and associated landscaping works and pergolas, following demolition of existing outbuilding.





PLAN/2021/1110



Manor House, Mill Lane.



**Comments**  
Not Set

N  
SCALE 1:2,113  
0 10 20 40 60 80 Metres

Planning  
Woking Borough Council  
Civic Offices  
Gloucester Square  
Woking, Surrey GU21 6YL



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<b>6c</b>	<b>PLAN/2021/1110</b>	<b>WARD: Byfleet And West Byfleet</b>
<b>LOCATION:</b>	<b>Manor House, Mill Lane, Byfleet, West Byfleet, Surrey, KT14 7RS</b>	
<b>PROPOSAL:</b>	<b>Erection of an outbuilding including an indoor swimming pool and gym and associated landscaping works and pergolas, following demolition of existing outbuilding.</b>	
<b>APPLICANT:</b>	<b>Mr N Hayden</b>	<b>OFFICER: Brooke Bournague</b>

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### **REASON FOR REFERRAL TO COMMITTEE**

The application has been called in by Cllr Boote.

### **SUMMARY OF PROPOSED DEVELOPMENT**

Erection of an outbuilding including an indoor swimming pool and gym and associated landscaping works and pergolas, following demolition of existing outbuilding.

### **PLANNING STATUS**

- Floodzone 2 and 3
- Surface Water Flood Risk
- G C Newt Green Zone
- Green Belt
- High Archaeological Potential
- Listed Buildings (within curtilage of Grade II\* Manor House and site bounded by Grade II listed wall)
- Close to River Wey Site of Nature Conservation Importance (SNCI)
- Byfleet Neighbourhood Area
- TBH SPA Zone B (400m-5km)
- TPO Polygons

### **RECOMMENDATION**

**REFUSE** planning permission.

### **SITE DESCRIPTION**

The application site and the complex of buildings including the Manor House are accessed via a track leading off Mill Lane. The site is located in the Green Belt to the north of the River Wey.

The application site relates to an area of land sited to the east of the Manor House and contains a detached garage located to the south of the listed wall, although the applicant has advised the building is currently used for storage of equipment use to maintain the land. The application site is part of the residential curtilage of the Manor House but the red line of the application site does not include the whole curtilage or, indeed, the house itself.

### **PLANNING HISTORY**

Recent planning applications just relating to the application site:

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PLAN/2021/0692: Certificate of Lawfulness to establish whether permission ref: PLAN/2018/0183 (Erection of a glasshouse, a basement, an outdoor pool/pond and associated decking/ pergola/ landscaping following demolition of two existing outbuildings) was lawfully commenced. Permitted 06.09.2021

PLAN/2020/0660: Erection of an outbuilding including an indoor swimming pool and associated landscaping works and pergolas, following demolition of existing outbuildings. Refused 16.04.2021

### Refusal reasons:

01. The proposal is inappropriate development in the Green Belt with a reduction in openness and does not meet exception criteria, by way of the proposed being materially larger than the building(s) it would replace. 'Very Special Circumstances' have not been demonstrated to justify this inappropriate development in the Green Belt. The proposal is therefore contrary to the Section 13 of the National Planning Policy Framework (2019), policy CS6 of the Woking Core Strategy (2012) and policy DM13 of the Development Management Policies DPD (2016).
02. The proposal would cause less than substantial harm to the setting of the Grade II listed wall and the Grade II\* Manor House, with no public benefit to be weighed against this. The proposal is therefore contrary to section 16 of the National Planning Policy Framework (2019), section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy CS20 of the Woking Core Strategy (2012), policy DM20 of the Development Management Policies Development Plan Document (2016) and The Heritage of Woking (2000).
03. The submitted application has failed to demonstrate that it would have an acceptable impact on the openness and character of the Green Belt or on the setting of Manor House and has not therefore demonstrated that it would have an acceptable impact on the character of the area. The proposal is therefore contrary to section 12 of the National Planning Policy Framework (2019), policies CS21 and CS24 of the Woking Core Strategy and Woking Design SPD (2015).
04. The submitted application fails to demonstrate that it would have an acceptable impact on the intrinsically dark landscape by way of a lack of information on proposed light levels. The proposal is therefore contrary to policy CS21 and CS24 of the Woking Core Strategy (2012) and policy DM7 of the Development Management Policies DPD (2016).
05. The submitted application fails to demonstrate that the proposal would have an acceptable impact on flood risk as the submitted Flood Risk Assessment is insufficient as it does not adequately assess flood risk at the site and there is no evidence to suggest the proposed development would not increase flood risk in the surrounding area. The proposal is therefore contrary to section 14 of the National Planning Policy Framework (2019) and policy CS9 of the Woking Core Strategy (2012).
06. The application fails to demonstrate that the proposal would have an acceptable impact on biodiversity and protected species and habitats. The proposal is therefore contrary to section 15 of the National Planning Policy Framework (2019), the guidance in 'Circular 06/05 Biodiversity and Geological Conservation' and policy CS7 of the Woking Core Strategy (2012).

PLAN/2018/0183: Erection of a glasshouse, a basement, an outdoor pool/pond and associated decking/ pergola/ landscaping following demolition of two existing outbuildings. Permitted 25.06.2018



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PLAN/2018/0184: Listed Building Consent for the proposed Glass House, Natural Pond and associated landscaping following the demolition of existing outbuildings. (Please refer for documents online to PLAN/2018/0183). Permitted 25.06.2018

PLAN/2017/0444: Planning application for proposed Glass House, Natural Pond and associated Landscaping following the demolition of existing Garage Building. Refused 07.08.2017

Refusal reasons:

01. The proposal would represent inappropriate development in the Green Belt with a reduction in openness, by way of its leisure use being a different use to the garage/storage buildings it would replace and by way of it being materially larger than the buildings it would replace. 'Very Special Circumstances' have not been demonstrated to justify this inappropriate development in the Green Belt. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (2012), policy CS6 of the Woking Core Strategy (2012) and policy DM13 of the Development Management Policies DPD (2016).
02. The submitted drawings fail to demonstrate that the proposal would have an acceptable impact on the setting of the Grade II\* Manor House. The proposal is therefore contrary to section 12 of the National Planning Policy Framework (2012), section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy CS20 of the Woking Core Strategy (2012), policy DM20 of the Development Management Policies Development Plan Document (2016) and The Heritage of Woking (2000).
03. The submitted application fails to demonstrate that the proposal would have an acceptable impact on the character and appearance of this area as it has not been demonstrated that the proposal would have an acceptable impact on the Green Belt or the setting of the Grade II\* Manor House. The proposal is therefore contrary to section 7 of the National Planning Policy Framework (2012), policies CS21 and CS24 of the Woking Core Strategy and Woking Design SPD (2015).
04. The submitted application fails to demonstrate that it would have an acceptable impact on neighbouring amenity by way of a lack of information on proposed noise and light levels. The proposal is therefore contrary to section 7 of the National Planning Policy Framework (2012), policy CS21 of the Woking Core Strategy (2012), policy DM7 of the Development Management Policies DPD (2016) Woking Design SPD (2015) and Outlook, Amenity, Privacy and Daylight (2008).
05. The submitted application fails to demonstrate that it would have an acceptable impact on the intrinsically dark landscape by way of a lack of information on proposed light levels. The proposal is therefore contrary to policy CS21 and CS24 of the Woking Core Strategy (2012) and policy DM7 of the Development Management Policies DPD (2016).
06. The submitted application fails to demonstrate that the proposal would have an acceptable impact on flood risk as the submitted Flood Risk Assessment is insufficient as it does not assess flood risk at the site and there is no evidence to suggest the proposed development would not increase flood risk in the surrounding area. The proposal is therefore contrary to section 10 of the National Planning Policy Framework (2012) and policy CS9 of the Woking Core Strategy (2012).
07. The submitted application fails to demonstrate that the proposal would have an acceptable impact on wildlife. The proposal is therefore contrary to section 11 of the National Planning Policy Framework (2012), the guidance in 'Circular 06/05 Biodiversity and Geological Conservation' and policy CS7 of the Woking Core Strategy (2012).

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PLAN/2002/1265: Oak framed garage complex. Permitted 09.12.2002

### **CONSULTATIONS**

Byfleet, West Byfleet, Pyrford Residents' Association: No comments received

Council's Conservation Consultant: *'I consider the extensive footprint of this scheme to be excessive and to harm the setting of this important listed historic complex. Though said to be simple and modern, this building lacks the unique features of the [previously] approved, mainly glass building. It is claimed that that consent has been commenced. In my view the limited ground works which technically count as a 'start' do not amount to an extant consent in the fuller sense. As stated in 2018, if this extant consent was to be completed, I would find that building's siting and unique presence would not harm the setting of the Manor complex. I cannot say the same for the current proposal.'*

Environmental Health: No objection

Arboricultural Officer: No objection subject to condition

Flood Risk and Drainage Team: No objection subject to condition

County Archaeologist: No objection subject to condition

Historic England: No comments

Surrey Wildlife Trust: No objection subject to conditions

SCC Highways: No objection

### **REPRESENTATIONS**

1 letter raising the following points have been received:

- The additional leisure facilities would give this historic mansion a definitive slant into the 21<sup>st</sup> century living.
- The landscaping will also enhance an area of the property which has previously been neglected

### **RELEVANT PLANNING POLICIES**

**National Planning Policy Framework (NPPF) (2021):**

**Woking Core Strategy (2012):**

- CS6 – Green Belt
- CS7 – Biodiversity and nature conservation
- CS9 – Flooding and Water Management
- CS16 – Infrastructure and water delivery
- CS20 – Heritage and Conservation
- CS21 – Design
- CS24 – Woking's Landscape and Townscape

**Woking Development Management Policies DPD (2016):**

- DM2 – Trees and Landscaping
- DM7 – Noise and light pollution
- DM13 – Buildings within and adjoining the Green Belt

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- DM20 – Heritage Assets and their Settings

### Supplementary Planning Documents:

- Design (2015)
- Parking Standards (2018)
- Outlook, Amenity, Privacy and Daylight (2022)

In addition to the above, Section 72(1) places a statutory duty on decision makers to have 'special regard' to preserving or enhancing the character of conservation areas and states that '*with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in sub section (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a statutory duty on decision makers to 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*'.

## **PLANNING ISSUES**

### Background:

1. There have been a number of planning applications on the application site that have been refused (PLAN/2017/0444 and PLAN/2020/0660) and planning application ref: PLAN/2018/0183 has been permitted. The applicant has submitted a certificate of lawfulness ref: PLAN/2021/0692 which confirmed that planning application PLAN/2018/0183 has lawfully commenced. Implementation of this permission has currently stopped as the applicant has changed their leisure requirements and wishes to pursue a different scheme. The current planning application is an amended version of previously refused planning application PLAN/2020/0660.

### Impact on Green Belt

#### Whether Appropriate Development?

2. The application site is located in the designated Green Belt and as such Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of DM Policies DPD (2016) and section 13 of the NPPF (2021) apply and these policies seek to preserve the openness of the Green Belt. The essential characteristics of the Green Belt are its openness and permanence. Paragraph 149 of the NPPF regards the erection of new buildings in the Green Belt as 'inappropriate development'. Exceptions to this include:
  - a) buildings for agriculture and forestry;
  - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - e) limited infilling in villages;
  - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

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- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
3. The general position, established by case law, is that development in the Green Belt is inappropriate and so needs to be justified by very special circumstances unless it falls within one of the specific exceptions set out in paragraphs 149-150 of the NPPF (2021).
  4. Policy CS6 of the Woking Core Strategy (2012) and Policy DM13 of DM Policies DPD (2016) reflects the NPPF (2021) regarding the Green Belt. In addition Policy DM13 of DM Policies DPD (2016) states that replacement buildings in the Green Belt are inappropriate unless the proposed new building:
    - ‘(i) is in the same use as the building it is replacing;*
    - (ii) is not materially larger than the building it is replacing; and*
    - (iii) is sited on or close to the position of the building it is replacing, except where an alternative siting within the curtilage demonstrably improves the openness of the Green Belt’.*
  5. The supporting text for policy DM13 of the DM Policies DPD (2016) advises that when assessing whether a replacement building is materially larger than the one it replaces, the Council will compare the size to that existing, taking account of siting, floorspace, bulk and height. As a general rule a replacement that is no more than 20-40% larger than the one it replaces will not usually be considered disproportionate, although this may not be appropriate for every site.
  6. The existing building to be demolished was granted planning permission under planning application PLAN/2002/1265 to be used as garages and was considered incidental to the residential use at Manor House. The proposed building is for a swimming pool and gym which the applicants have advised will not be open to the public and are solely for the use of the residents of Manor House. It is considered that both buildings have the same use. The proposed building would also be sited in the same position as the building to be demolished.
  7. The difference between the existing garage building and proposed building in volume, footprint and height are summarised below.

	<b>Existing building</b>	<b>Proposed building</b>	<b>Total Percentage change</b>
<b>Volume</b>	425m <sup>3</sup>	1890m <sup>3</sup>	+344%
<b>Footprint</b>	159m <sup>2</sup>	420m <sup>2</sup>	+164%
<b>Height</b>	3.9m	4.5m	+15%

8. The proposed replacement building would result in a 344% uplift in volume and 164% uplift in footprint compared to the existing building. These figures indicate that the proposed buildings would be materially larger than the existing building to be demolished and it is therefore considered to be inappropriate development within the Green Belt.

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9. The proposed buildings would be materially larger than the building they would replace. The proposal would therefore not fall within the exception to inappropriate development under paragraph 149(d) of the NPPF (2021) and would be contrary to Policy DM13 of the DM Policies DPD (2021).
10. The proposed development would not fall within any of the other exceptions set out in the NPPF and would therefore be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

### Impact on openness of the Green Belt

11. In addition to the question as to whether the proposals are harmful by definition by being inappropriate development, harm caused by the impact on the openness of the Green Belt must also be considered. Paragraph 137 of the NPPF (2021) states that *'the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*.
12. Assessing the impact of developments on the openness of the Green Belt is not a simple mathematical or volumetric exercise. In Turner v SSCLG [2016] EWCA Civ 466 it was established that the concept of 'openness' is capable of having both a spatial and visual dimension and that in assessing the impact on openness, the decision maker should consider how the visual effect of the development would bear on whether the development would preserve the openness of the Green Belt. Furthermore, current Planning Practice Guidance sets out what factors can be taken into account when considering the impact on openness and includes *"the degree of activity likely to be generated, such as traffic generation"* and states that *"openness is capable of having both spatial and visual aspects"* (Paragraph: 001 Reference ID: 64-001-20190722 Revision date: 22.07.2019).
13. The impact on the openness of the Green Belt resulting from the proposed buildings is considered different to the impact on the existing building to be demolished. The bulk, mass and height of the proposed building are all greater than the existing building to be demolished and would not maintain openness.
14. The existing building to be demolished is sited approximately 1.2m from the listed wall and projects a maximum of approximately 6.8m from the boundary. The proposed building would be sited approximately 2.5m from the listed wall and would project approximately 28m from the boundary. It is considered that the significant increase in projection from the north-east boundary and spread in development across the site would have a greater impact on the openness of the Green Belt than the existing buildings.
15. Overall, it is considered that the proposed building would have a greater impact on the openness of the Green Belt than the existing development and therefore the proposal would not accord with the exceptions to inappropriate development at paragraph 149(d) of the NPPF. In addition, given this identified harm to the openness this harm will be added to the other identified harm to the Green Belt resulting from the inappropriateness of the development.
16. The proposal would be inappropriate development and harmful to openness and is contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the DM Policies DPD (2016) and the NPPF.

### Very Special Circumstances (VSC)

17. Paragraph 147 of the NPPF (2021) goes on to state that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special*

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*circumstances*'. Paragraph 148 of the NPPF (2021) states '*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*'. As such it must be established whether any 'very special circumstances' clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other harm identified below.

18. The applicant has advanced several arguments in favour of the proposal.

*Very Special Circumstances Argument – improve the openness of the Green Belt when compared to the existing situation*

19. The submitted planning statement advises '*that there will be a subsequent loss of 345sqm of hard standing on this eastern side of the property*'. The submitted existing site plan does not indicate how large the existing area of hardstanding. The proposed site plan indicates that some footpaths are proposed to the west of the proposed building. Notwithstanding this the proposal would also have a 261sqm increase in footprint and 1465m<sup>3</sup> increase in volume over the existing building which would have a much greater impact on openness than the loss of the existing area of hardstanding. This argument is therefore considered to carry no weight in the planning balance.

*Very Special Circumstances Argument – high quality design*

20. The submitted planning statement advises the proposed building would be '*architecturally interesting, which results in a positive enhancement to the site*'. Although the proposed building 'T' shaped building has a simple and modern design with a flat roof building finished in buff brick, timber cladding and metal cladding it is considered that this would not represent a building that is of exceptional design. The building does not contain any of the unique design features such as the curved glazed profile that the building permitted under planning application PLAN/2018/0183 had. This conclusion is consistent with the views of the Council's Conservation and Heritage Consultant (see above). Again, this argument is therefore considered to carry no weight in the planning balance.

*Very Special Circumstances Argument – improve the setting of the Listed building*

21. The applicant has advised the proposal would improve the setting of the Listed Building due to the proposed landscaping. The impact on the setting of the Listed building has been assessed in the "*Impact on the architectural and historical interest of the Statutory sited Buildings and their setting*" section below. It is considered that the proposal would not improve the setting of the listed wall or Manor House. In any case, Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the NPPF, Policy CS20 of the Woking Core Strategy (2012) and DM20 of DM Policies DPD (2016) all require proposals to preserve and enhance the character of heritage assets as a matter of course. Therefore, negligible weight is afforded to this argument.

*Very Special Circumstances Argument – extant permission*

22. Planning application ref: PLAN/2018/0183 permitted a glasshouse, a basement, an outdoor pool/pond and associated decking/pergola/ landscaping following demolition of two existing outbuildings on 25 June 2018. The applicant has submitted a certificate of lawfulness ref: PLAN/2021/0692 which confirmed that planning application PLAN/2018/0183 has lawfully commenced. Implementation of this permission has currently stopped as the applicant has changed their leisure requirements and a less ambitious scheme is proposed to meet the applicant's budget constraints.

23. The building proposed under planning application ref: PLAN/2018/0183 constituted inappropriate development in the Green Belt. However, it was granted permission on the basis that Very Special Circumstance outweighed the harm. A detailed explanation of the

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assessment leading to this conclusion is set out in the officer's report at the time. However, in essence, the building was considered to be of an exceptional design utilising a visually permeable, lightweight glass structure; it provided benefits to the setting of the listed wall resulted in the removal hardstanding and enjoyed the support of Historic England and the Council's Conservation and Heritage Consultant. These circumstances were all considered to clearly outweigh the inappropriate development in the Green Belt and harm to the openness.

	<b>Building permitted under PLAN/2018/0183</b>	<b>Proposed building</b>	<b>Total Percentage change</b>
<b>Volume</b>	1305m <sup>3</sup> below ground 1930m <sup>3</sup> above ground	1890m <sup>3</sup>	-44% -2%
<b>Footprint</b>	235m <sup>2</sup>	420m <sup>2</sup>	+78%
<b>Height</b>	8.7m	4.5m	-48%

24. The current proposal has adopted a completely different design approach to planning application ref: PLAN/2018/0183. It is acknowledged that the proposed building would have a lower percentage increase in height, and both above and below ground volume compared (see table above). The permitted glazed building was considered to be a lightweight transparent building compared to the current proposed building which is a large solid bulky structure. It is also noted that planning application PLAN/2018/0183 had a greater height to reflect the design of the glazed structure which resulted in a larger volume of the building. It is considered that a building that was justified due to its exceptional design cannot be used to justify a building with a 78% increase in footprint compared to that previously approved that is not considered to represent exceptional design and would harm the setting of the listed wall and building at Manor House.

### *Very Special Circumstances Argument – creation of a Masterplan for the site*

25. The applicant has provided a masterplan that provides details of the long-term renovations and repair programme of the property which include new planting. It is not clear why the provision of a masterplan of the site can justify a substantial building for a gym and swimming pool which is otherwise unacceptable in Green Belt terms.

### *Conclusion*

26. The proposed development is not considered to fall within any of the exceptions to inappropriate development in the Green Belt within paragraph 149 of the National Planning Policy Framework (NPPF) (2021) (nor within paragraph 150), nor within Policy DM13 of the Development Management Policies Development Plan Document (2016), and therefore constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, by reason of its overall bulk, mass and height, the proposed development would harm the openness of the Green Belt. The arguments advanced by the applicant are not considered to constitute very special circumstances which would outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness, its impact on openness and the further harm identified below. The proposal would therefore be contrary to Policy CS6 of the Woking Core Strategy (2012), Policies DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

### Impact on the architectural and historical interest of the Statutory Listed Buildings and their settings

27. The wall sited to the north-east of the proposed building is Grade II Listed and Manor House which is sited to the south-west of the application site is Grade II\* Listed.

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28. Policy CS21 of the Woking Core Strategy (2012) states that new development should respect and make a positive contribution to the street scene and the character of the area within which it is located.
29. Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that '*in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...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*'.
30. Policy CS20 of the *Woking Core Strategy* (2012) states that '*alterations and extensions to listed buildings must respect the host building in terms of scale, design, use of materials, retention of the structure and any features of special historic or architectural importance. Planning applications will be refused for any alteration or extension to a listed building that will not preserve the building or its setting*'.
31. The NPPF, Policy CS20 of the *Woking Core Strategy* (2012) and DM20 of DM Policies DPD (2016) seek to ensure that development should preserve or enhance the character of heritage assets.
32. Planning application ref: PLAN/2018/0183 permitted a glasshouse, a basement, an outdoor pool/pond and associated decking/pergola/ landscaping following demolition of two existing outbuildings on 25.06.2018. The applicant has submitted a certificate of lawfulness ref: PLAN/2021/0692 which confirmed that planning application PLAN/2018/0183 has lawfully commenced. It has been advised that the implementation of this permission has stopped as the applicant has changed their leisure requirements and a less ambitious scheme is proposed to meet the applicant's budget constraints.
33. The building permitted under planning permission PLAN/2018/0183 was sited adjacent to the Listed wall, however the proposal was of a completely different design to the building proposed under planning application PLAN/2020/0660 and the current planning application. The permitted building had a height of approximately 8.1m but this was considered an appropriate height as it was function of the high quality design for the building which was considered to be an exceptional building with a modern approach with curved walls and finished in tinted glass. Due to the smaller footprint and unique design the proposal would not have harmed the Grade II\* Listed building at Manor House and had benefits to the setting of the Listed wall.
34. Planning permission PLAN/2020/0660 has been refused and refusal reason 02 of planning application PLAN/2020/0660 states:

*The proposal would cause less than substantial harm to the setting of the Grade II listed wall and the Grade II\* Manor House, with no public benefit to be weighed against this. The proposal is therefore contrary to section 16 of the National Planning Policy Framework (2019), section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy CS20 of the Woking Core Strategy (2012), policy DM20 of the Development Management Policies Development Plan Document (2016) and The Heritage of Woking (2000).*
35. Planning application PLAN/2020/0660 and the current proposal have a completely different design and footprint to the building permitted under planning application PLAN/2018/0183.



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36. The size of the proposed building has been amended since planning application PLAN/2020/0660. The maximum width of the proposed building has been reduced from 37m to 29m, the maximum depth has been reduced from 28m to 25m and the separation distance to the listed wall has increased from 2m to 2.5m. The maximum height of the building has increased from 4m to 4.5m.
37. The proposed building would be 'T' shaped with a maximum depth of approximately 25m and maximum width of approximately 29m and would be sited approximately 2.5m from the Listed wall. The proposed building would have a flat roof which would vary in height from approximately 3.2m to 4.5m. Due to a change in ground levels and varying height the proposed building would project between 0.5m and 2.2m above the Listed wall. The applicant is proposing to plant a line of pleached trees between the Listed wall and proposed building, however this is considered a contrived solution to screening the proposed building. Natural screening cannot be relied on to screen a building as the proposed trees may not survive and thrive in this location due to the lack of space and sunlight between the wall and proposed building.
38. Although the width of the building has been reduced by 9m and the separation distance to the Listed wall has increased by 0.5m since refused planning application PLAN/2020/0660 it is considered that the proposal would still have an extensive footprint and still lead to less than substantial harm to the Listed wall as the proposal would obscure a significant proportion of the wall when viewed from the south. The north elevation of the of the proposed building with buff brick and dark grey metal cladding would be visible above the wall when viewed from the north. As the proposed building would be for private use only it is considered that there would not be any public benefit from the proposal that would potentially outweigh the identified harm.
39. The footprint of the proposed building has been reduced since refused planning application PLAN/2020/0660 from 575sqm to 425sqm. However, this remains much larger than the approximate 248sqm above ground footprint of the building permitted under planning application PLAN/2018/0183 and is considered excessive in scale as an ancillary building to the main dwelling and to put this in context is over 3 times the minimum recommended gross floor area of a 6 bedroom, 8 person, 2 storey, dwelling. Although the height of the building is lower than the height of the building permitted under planning application PLAN/2018/0183 the building extends much further south into the site and is closer the Grade II\* Listed Building. The Council's Conservation Consultant has been consulted and advised that although the proposed building is "*simple and modern, this building lack the unique features of the approved, mainly glass building.*" It is considered that the proposed building would cause harm to the setting of the Grade II\* Listed building by way of the loss of the open and semi-rural parkland character of this area of the grounds of the Listed building.
40. Overall, it is not considered that Reason 02 for the refusal of planning application PLAN/2020/0660 has been overcome. Moreover, the proposal would cause less than substantial harm to the setting of the Grade II Listed wall and the Grade II\* Manor House, with no public benefit to be weighed against this. The proposal is therefore contrary Policy CS20 of the Woking Core Strategy (2012), Policy DM20 of the DM Policies DPD (2016) and the NPPF.

### Impact on character and landscape

41. The NPPF (2021) states '*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design*'.

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42. Policy CS21 of the Woking Core Strategy (2012) requires development proposals to “respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land” whilst policy CS24 ‘Woking’s landscape and townscape’ requires all development to provide a positive benefit in terms of landscape and townscape character.
43. Policy CS20 of the *Woking Core Strategy* (2012) states that ‘alterations and extensions to listed buildings must respect the host building in terms of scale, design, use of materials, retention of the structure and any features of special historic or architectural importance. Planning applications will be refused for any alteration or extension to a listed building that will not preserve the building or its setting’.
44. The NPPF, Policy CS20 of the *Woking Core Strategy* (2012) and DM20 of DM Policies DPD (2016) seek to ensure that development should preserve or enhance the character of heritage assets.
45. Refusal reason 03 of planning application PLAN/2020/0660 stated:
- The submitted application has failed to demonstrate that it would have an acceptable impact on the openness and character of the Green Belt or on the setting of Manor House and has not therefore demonstrated that it would have an acceptable impact on the character of the area. The proposal is therefore contrary to section 12 of the National Planning Policy Framework (2019), policies CS21 and CS24 of the Woking Core Strategy and Woking Design SPD (2015).*
46. The application site is characterised by the Grade II\* listed building (Manor House) to the west and its surrounding gardens which are open grassed areas with mature trees, sloping away from the house to the east (the application site) and the south (area behind the house) towards the river. As with the previous proposal, the bulk and massing of the proposed building would be overly dominating of the grounds of the Listed building and out of proportion for an ancillary building to the Manor House.
47. As such, the application has not demonstrated that it would have an acceptable impact on the openness and character of this Green Belt area or on the setting of the Manor House and has not therefore demonstrated that it would have an acceptable impact on the character of the area. The proposal is therefore contrary to Policies CS21 and CS24 of the *Woking Core Strategy* (2012), Supplementary Planning Document ‘Woking Design’ (2015) and the NPPF.
48. It is considered that Reason 03 for the refusal of planning application PLAN/2020/0660 has not been overcome.
49. Refusal reason 04 of planning application PLAN/2020/0660 stated:
- The submitted application fails to demonstrate that it would have an acceptable impact on the intrinsically dark landscape by way of a lack of information on proposed light levels. The proposal is therefore contrary to policy CS21 and CS24 of the Woking Core Strategy (2012) and policy DM7 of the Development Management Policies DPD (2016).*
50. Although the proposal does not propose external lighting it is noted that the extensive glazing of the swimming pool, particularly the full height glazed doors to the south elevation and large rooflights, could potentially create light pollution. Policy DM7 of the *Development Management Policies DPD* (2016) states that “Particular attention will be paid to schemes

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*in or close to open countryside or intrinsically dark landscapes*". It is noted that the proposal is in what is considered to be an intrinsically dark landscape. A Lighting Impact Assessment has not been submitted and as such, the application has failed to demonstrate that the proposal would have an acceptable impact on the landscape.

51. It is considered that 04 of planning application PLAN/2020/0660 has not been overcome.

### Impact on Neighbours

52. Policy CS21 of the Woking Core Strategy (2012) requires development proposals to *'Achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook'*.

53. Planning applications PLAN/2020/0660 and PLAN/2018/0183 did not raise any objections to neighbouring properties including noise.

54. The application would be sited approximately 56m from the boundary with the nearest neighbouring property Manor House Cottage, Mill Lane. Due to the separation distance to neighbouring properties, it is considered that there would not be an unacceptable loss of privacy, overlooking or loss of daylight to neighbouring properties.

55. Environmental Health have been consulted and have not raised any objections.

56. Overall, the proposal is therefore considered to have an acceptable impact on the amenities of neighbours in terms of loss of light, overlooking and overbearing impacts and accords with Policy CS21 of the Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the policies in the NPPF (2019).

57. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

### Impact on private amenity

58. Planning application PLAN/2020/0660 did not raise any objection to the impact on private amenity space. It is considered that sufficient private rear amenity space would be retained for the Manor House.

59. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

### Impact on parking and highways

60. The proposal would result in the loss of an existing 6 bay garage granted planning permission under ref: PLAN/2002/1265 although the application has advised the garage is currently used for the storage of garden machinery for the upkeep of the ground. SCC Highways have been consulted and raised no objection. Planning application PLAN/2020/0660 did not raise any objection to the loss of the garaging and it is considered that the proposal would not increase generate any additional parking demand. It is considered that the proposal would have an acceptable impact on parking and highways.

61. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Drainage and Flood Risk

62. Refusal reason 05 of planning application PLAN/2020/0660 states:

*The submitted application fails to demonstrate that the proposal would have an acceptable impact on flood risk as the submitted Flood Risk Assessment is insufficient as it does not adequately assess flood risk at the site and there is no evidence to suggest the proposed development would not increase flood risk in the surrounding area. The proposal is therefore contrary to section 14 of the National Planning Policy Framework (2019) and policy CS9 of the Woking Core Strategy (2012).*

63. The application site itself is located in Flood Zone 3 and in and adjacent to areas with medium and high surface water flooding. A flood risk assessment and surface water drainage strategy have been submitted with the planning application. The Flood Risk and Drainage Team have been consulted on the application and raised no objection subject to conditions requiring the proposal to be constructed in accordance with the submitted flood risk assessment and surface water drainage strategy, the submission of a sustainable drainage scheme and the condition that there shall be no land raising or storage of equipment within the 1 in 100 (1%) plus climate change flood extent as demonstrated in the submitted FRA. Had the application been considered acceptable a condition could have required the proposal to be built in accordance with the flood risk assessment and surface water drainage strategy, submission of additional information and restrict land raising or storage of equipment.

64. It is considered that Refusal Reason 05 of planning application PLAN/2020/0660 has been overcome.

65. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Impact on archaeology

66. The application site is located in an Area of High Archaeological Potential related to Byfleet Manor. The County Archaeologist has been consulted and reviewed the submitted Archaeological Desk Based Assessment and recommended that further archaeological work is undertaken in relation to this proposal. The County Archaeologist has advised that a Written Scheme of Investigation can be secured by condition. Had the application been considered acceptable a condition could have ensured the submission of this information.

67. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

Impact on trees

68. There are mature trees within and adjacent to the application site that could be affected by the proposed development and during the construction phase. Policy DM2 of DM Policies DPD (2016) states the Council will '*require any trees which are to be retained to be adequately protected to avoid damage during construction*' and Core Strategy (2012) Policy CS21 requires new development to include the retention of trees and landscape features of amenity value.

69. The planning application has been supported by up-to-date arboricultural information which reflects the current proposal. The Council's Arboricultural Officer has been consulted and considers the information is acceptable. Had the application been considered acceptable a condition could have ensured compliance with the submitted information.

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70. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

### Impact on Ecology

71. Refusal Reason 06 of planning application PLAN/2020/0660 stated:

*The application fails to demonstrate that the proposal would have an acceptable impact on biodiversity and protected species and habitats. The proposal is therefore contrary to section 15 of the National Planning Policy Framework (2019), the guidance in 'Circular 06/05 Biodiversity and Geological Conservation' and policy CS7 of the Woking Core Strategy (2012).*

72. The current planning application has been supported by a Protected Species Report and supplementary letter from The Ecology Co-op.

73. Surrey Wildlife Trust have been consulted and have raised no objection subject to the applicant complying with the recommendations in the supplementary letter from The Ecology Co-op, which includes the requirement for a low impact mitigation licence.

74. Had the planning application been considered acceptable a condition could have required the development to be implemented in accordance with the recommendations and an informative advising a mitigation license is required prior to any works which may affect bats commencing.

75. It is considered that refusal reason 06 of planning application PLAN/2020/0660 has been overcome.

76. However, the lack of any objection to the application on these grounds does not outweigh the other objection to the proposal.

### Community Infrastructure Levy (CIL)

77. As the proposal would result in a net increase in floor space over 100sqm the proposal would be CIL liable.

### CONCLUSION

78. The proposed development is not considered to fall within any of the exceptions to inappropriate development in the Green Belt within paragraph 149 of the National Planning Policy Framework (NPPF) (2021), nor within Policy DM13 of the Development Management Policies Development Plan Document (2016), and therefore constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, by reason of its overall bulk, mass and height, the proposed development would harm the openness of the Green Belt. The arguments advanced by the applicant are not considered to constitute very special circumstances which would outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness. The proposal would therefore be contrary to Policy CS6 of the Woking Core Strategy (2012), Policies DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

79. The proposal would cause less than substantial harm to the setting of the Grade II listed wall and the Grade II\* Manor House, with no public benefit to be weighed against this. The

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proposal is therefore contrary Policy CS20 of the Woking Core Strategy (2012), Policy DM20 of the DM Policies DPD (2016) and the NPPF.

80. The submitted application has failed to demonstrate that it would have an acceptable impact on the openness and character of the area which is rural in nature and in the Green Belt or on the setting of Manor House and has not therefore demonstrated that it would have an acceptable impact on the character of the area. The proposal is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF.
81. The submitted application fails to demonstrate that it would have an acceptable impact on the intrinsically dark landscape by way of a lack of information on proposed light levels. The proposal is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012) and policy DM7 of the Development Management Policies DPD (2016).
82. The lack of objection on neighbours, parking and highways, Drainage and Flood Risk, archaeology, trees and ecology do not outweigh the other objections to the application. The application is contrary Policies CS6, CS20 and CS21 of the Woking Core Strategy (2012), Policies DM13 and DM20 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).

### **BACKGROUND PAPERS**

1. Site visit photographs

### **RECOMMENDATION**

**Refuse** planning permission for the following reason:

01. The proposed development is not considered to fall within any of the other exceptions to inappropriate development in the Green Belt within paragraph 149 of the National Planning Policy Framework (NPPF) (2021) (nor within paragraph 150), nor within Policy DM13 of the Development Management Policies Development Plan Document (2016), and therefore constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, by reason of its overall bulk, mass and height, the proposed development would harm the openness of the Green Belt. The arguments advanced by the applicant are not considered to constitute very special circumstances which would outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness. The proposal would therefore be contrary to Policy CS6 of the Woking Core Strategy (2012), Policies DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2021).
02. The proposal would cause less than substantial harm to the setting of the Grade II Listed wall and the Grade II\* Manor House, with no public benefit to be weighed against this. The proposal is therefore contrary Policy CS20 of the Woking Core Strategy (2012), Policy DM20 of the DM Policies DPD (2016) and the NPPF.
03. The submitted application has failed to demonstrate that it would have an acceptable impact on the openness and character of the area which is rural in character and within the Green Belt or on the setting of Manor House and has not therefore demonstrated that it would have an acceptable impact on the character of the area. The proposal is therefore contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF.

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04. The submitted application fails to demonstrate that it would have an acceptable impact on the intrinsically dark landscape by way of a lack of information on proposed light levels. The proposal is therefore contrary to Policy CS21 and CS24 of the Woking Core Strategy (2012) and Policy DM7 of the Development Management Policies DPD (2016).

### Informatives

1. The plans relating to the application hereby refused are numbered:

PL.101 Rev A received by the Local Planning Authority on 03.11.2021

PL.102 Rev A received by the Local Planning Authority on 03.11.2021

PL.103 Rev B received by the Local Planning Authority on 11.10.2021

PL.104 Rev A received by the Local Planning Authority on 03.11.2021

PL.105 Rev C received by the Local Planning Authority on 11.10.2021

PL.106 Rev B received by the Local Planning Authority on 11.10.2021

PL.107 Rev B received by the Local Planning Authority on 11.10.2021

PL.108 Rev A received by the Local Planning Authority on 03.11.2021

PL.109 Rev B received by the Local Planning Authority on 11.10.2021

PL.110 Rev A received by the Local Planning Authority on 11.10.2021

Archaeological Desk Based Assessment by ADAS limited dated April 2017 received by the Local Planning Authority on 11.10.2021

Archaeological Trail Trenching Report Addendum by ADAS limited dated 23.10.2022 received by the Local Planning Authority on 11.10.2021

Master Plan by al3d received by the Local Planning Authority on 11.10.2021

Bat Mitigation note by ADAS dated April 2018 received by the Local Planning Authority on 11.10.2021

Covering letter by The Ecology Co-op dated 14.07.2021 received by the Local Planning Authority on 17.12.2021

Planning statement by Planit Consulting received by the Local Planning Authority on 29.09.2022

Arboricultural Implications Assessment by David Archer Associates dated August 2022 received by the Local Planning Authority on 16.08.2022

Flood Risk Assessment ref: J-14004 dated 23.12.2020 received by the Local Planning Authority on 20.05.2022

Protected Species Report by ADAS dated June 2020 received by the Local Planning Authority on 11.10.2021

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Draft Written Scheme of Investigation for an Archeological Programme of works by ADAS limited dated March 2019 received by the Local Planning Authority on 11.10.2021



**Lycett Brown Swinburn,**  
**14A High Street,**  
**Knaphill, Woking.**

**PLAN/2023/0296**

Prior Approval under Part 3, Class MA of the Town and County Planning (General Permitted Development) (England) Order 2015 for the Change of use of first floor from E(g)(i) Offices to C3 residential to allow for 2x 2 bed flats and associated alterations to fenestration.

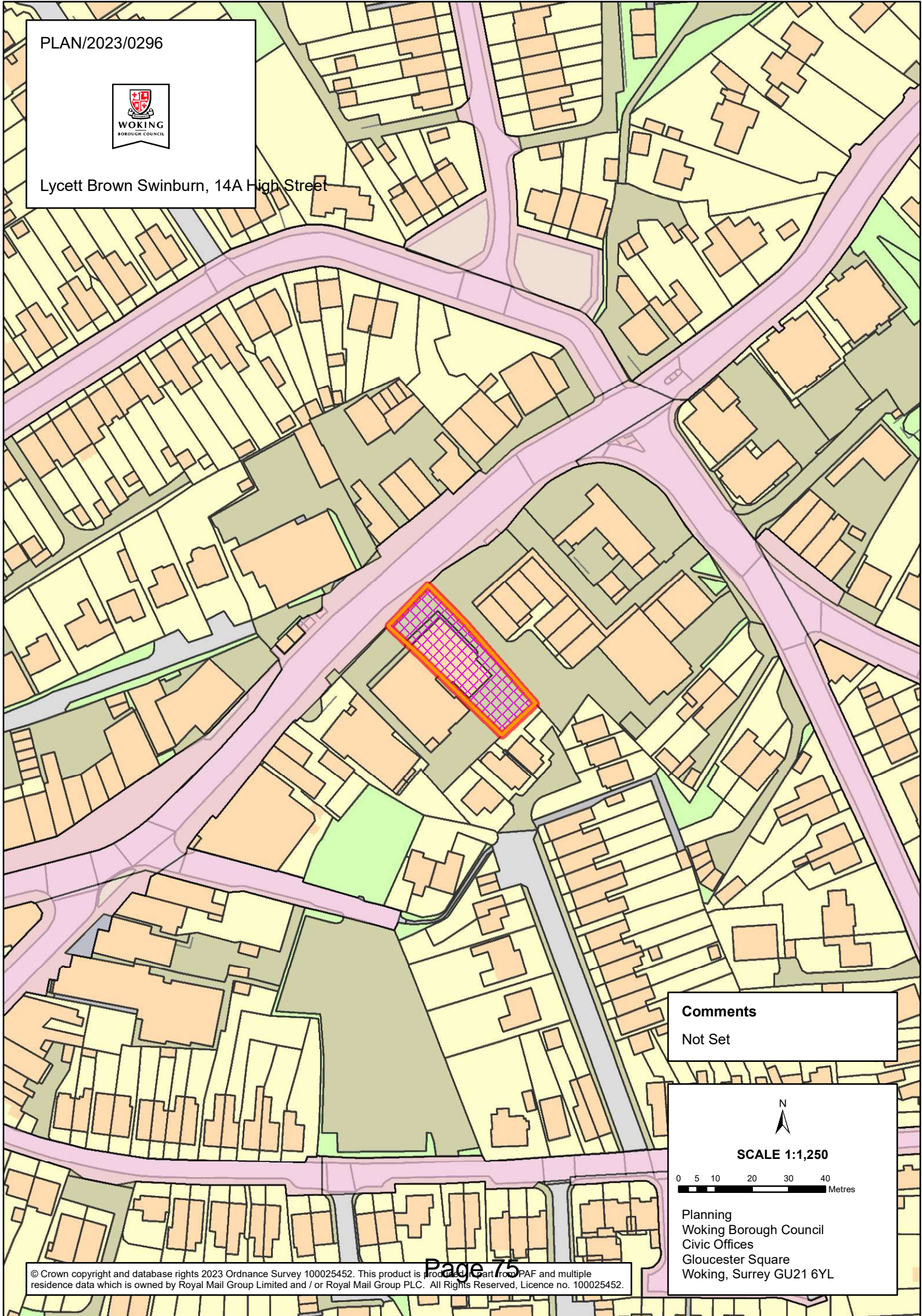




PLAN/2023/0296



Lycett Brown Swinburn, 14A High Street



**Comments**  
Not Set

N  
SCALE 1:1,250  
0 5 10 20 30 40 Metres

Planning  
Woking Borough Council  
Civic Offices  
Gloucester Square  
Woking, Surrey GU21 6YL



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6d PLAN/2023/0296

WARD: Knaphill

**LOCATION:** Lycett Brown Swinburn, 14A High Street, Knaphill, Woking, Surrey, GU21 2PE

**PROPOSAL:** Prior Approval under Part 3, Class M of the Town and County Planning (General Permitted Development) (England) Order 2015 for the Change of use of first floor from E(g)(i) Offices to C3 residential to allow for 2x 2 bed flats and associated alterations to fenestration.

**APPLICANT:** Thamesway Developments Ltd **OFFICER:** Josey Short

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**REASON FOR REFERRAL TO COMMITTEE**

The application is to be decided by the planning committee as the applicant is Thamesway Developments.

**PROPOSED DEVELOPMENT**

The application seeks Prior Approval under the provisions of Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of the buildings first floor from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) to provide 2 x 2 bedroom flats. The works would maintain the buildings commercial use at ground floor.

**PLANNING STATUS**

- Knaphill Local Centre
- TBH SPA Zone B (400m-5km)
- Urban Areas

**RECOMMENDATION**

Prior Approval Granted subject to conditions.

**SITE DESCRIPTION**

The application site is located on the south east side of High Street. The site comprises a semidetached, two-storey building of commercial, business and service use (i.e. Class E). Building has crown roof and shop style windows at ground floor level fronting High Street. The site is located within the local centre of Knaphill which is characterised by commercial buildings at ground floor level with habitable accommodation at first floor and above.

**PLANNING HISTORY**

<b>Ref.</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
PLAN/1997/0531	Sun-blind to the shop front.	Permitted	24.07.97
PLAN/1992/0514	Internal vehicular access road and parking areas for patients' visitors/ service/	Permitted	08.01.93

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	emergency vehicles and general staff use. (AMENDED PLANS).		
77/1329	2 SHOP OFFICES OVER OUTLINE	Permitted	

### **CONSULTATIONS**

#### SCC Highways (received by the LPA 28.04.2023)

*The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted:*

*Conditions 1. The existing vehicle parking and turning area at the premises (as shown on the application drawing P.01) shall be permanently retained and maintained for their designated purpose.*

*2. The development hereby approved shall not be occupied unless and until the available parking space is provided with a fast-charge Electric Vehicle charging point (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.*

*3. The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans by the Local Planning Authority for the secure, covered and well lit parking storage of bicycles within the development site. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.*

#### Contaminated Land Officer (received by the LPA 25.05.2023)

*The applicant has declared there will be no groundworks and no changes externally - e.g. no provision of private gardens. So from contamination point of view I have no comments.*

*The age of the building is not stated in the application. In theory there should already be an asbestos survey for the property, as required by the Control of asbestos at work Regulations so the applicant should have the information requested in the condition below.*

#### *AT13 Asbestos Condition - Refurbishment*

*Prior to the commencement of development evidence that the building was built post 2000 or a refurbishment asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers shall be submitted to and approved in writing by the Local Planning Authority. The survey and subsequent scheme shall be undertaken by a suitably qualified person. The scheme as submitted shall identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. The development shall then be undertaken in accordance with the approved details. If an asbestos refurbishment survey and mitigation scheme is approved then prior to the first occupation of the development hereby approved a detailed verification report demonstrating that the approved mitigation scheme has been complied with shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall be validated by a suitably qualified person(s).*

*Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that*

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*the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*

### Environmental Health (received by the LPA 01.06.2023)

*Further to your consultation on the above application, there is no objection on Environmental Health grounds. If you are minded to approve the application, please could the following conditions be considered to ensure sufficient protection between the adjoining commercial uses and new residential accommodation.*

#### *Acoustic details*

*The development hereby permitted shall not commence until details of the existing party ceilings/floors and walls construction and any measures to be undertaken to upgrade the acoustic performance of the structure, have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the first occupation of the development. The level of sound insulation provided between residential and commercial use should be adequate for all types of uses permitted under Planning and should comply with building regulations.*

*AI1 should also be attached requesting information about the proposed waste and recycling management arrangements to ensure the appropriate provision of waste infrastructure is met.*

*I note the ground floor use is that of a catering premises. Information regarding the extraction and equipment used to control the emission of fumes and odour from the premises below may also be necessary.*

*It would also be recommended to require submission and approval of the glazing specification for habitable rooms facing the High Street, due to traffic noise.*

### **REPRESENTATIONS**

No representations were received in connection with this proposal.

### **RELEVANT PLANNING POLICY**

Article 3, Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

### **PLANNING ISSUES:**

1. This application has been made to the Local Planning Authority (LPA) for a determination as to whether the prior approval of the LPA will be required and approved/refused for development consisting of a change of use of the first floor of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellinghouses) of that Schedule to provide 2 x flats (both 2 bedroom). The application has been submitted under the provisions of Article 3, Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO 2015').

#### **Provisions:**

2. MA.1.-(1) Development is not permitted by Class MA-

*unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;*

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*unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;*

*if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;*

*if land covered by, or within the curtilage of, the building-*

- (i) is or forms part of a site of special scientific interest;*
- (ii) is or forms part of a listed building or land within its curtilage;*
- (iii) is or forms part of a scheduled monument or land within its curtilage;*
- (iv) is or forms part of a safety hazard area; or*
- (v) is or forms part of a military explosives storage area;*
- (vi) (e) if the building is within-*
  - (i) an area of outstanding natural beauty;*
  - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;*
  - (iii) the Broads;*
  - (iv) a National Park; or*
  - (v) a World Heritage Site;*
- (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or*
- (g) before 1 August 2022, if-*
- (vii) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and*
- (viii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.*

*(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order-*

*(a) the following classes of the Schedule as it had effect before 1st September 2020-*

- (i) Class A1 (shops);*
- (ii) Class A2 (financial and professional services);*
- (iii) Class A3 (food and drink);*
- (iv) Class B1 (business);*
- (v) Class D1(a) (non-residential institutions – medical or health services);*
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);*
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;*
- (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.*

### **Assessment:**

3. The building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval (which was submitted on 8 March 2023).

### **Compliant with (a).**

4. (b) The use of the building fell within one or more of the classes specified in subparagraph (2) (it fell within Class B1) for a continuous period of at least 2 years prior to the date of the application for prior approval (i.e., prior to the building becoming vacant).

### **Compliant with (b).**



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5. (c) The cumulative floor space of the existing building changing use (983 square metres) under Class MA does not exceed 1,500 square metres.  
**Compliant with (c).**
6. (d) The land covered by, or within the curtilage of, the building is not, and does not form part of:
- (i) a site of special scientific interest;
  - (ii) a listed building or land within its curtilage;
  - (iii) a scheduled monument or land within its curtilage;
  - (iv) a safety hazard area; or
  - (v) a military explosives storage area.
- Compliant with (d).**
7. (e) The building is not within:
- (i) an area of outstanding natural beauty;
  - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
  - (iii) the Broads;
  - (iv) a National Park; or
  - (v) a World Heritage Site.
- Compliant with (e).**
8. (f) The site is not occupied under an agricultural tenancy.  
**Compliant with (f).**
9. (g) The application has been made after 1 August 2022 and the site is not covered by an Article 4 direction.  
**Compliant with (g).**

### **Provisions:**

10. The Local Planning Authority (LPA) must consider whether prior approval is required and will be approved/refused. Under the procedure for applications for prior approval under Schedule 2, Part 3, Class MA (commercial, business and service uses to dwellinghouses) of the GPDO 2015 such proposals can only be considered by the Local Planning Authority insofar as to:
- (a) transport impacts of the development, particularly to ensure safe site access;
  - (b) contamination risks in relation to the building;
  - (c) flooding risks in relation to the building;
  - (d) impacts of noise from commercial premises on the intended occupiers of the Development;
  - (e) where-
    - (i) the building is located in a conservation area, and
    - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
  - (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
  - (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
  - (h) where the development involves the loss of services provided by-
    - (i) a registered nursery, or
    - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006 the impact on the local provision of the type of services lost; and

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- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

### Assessment:

- (a) **transport impacts of the development, particularly to ensure safe site access:**
11. The site is located in the local centre of Knaphill, as identified by the Council's Proposals Map. The provisions of the Development Plan, and Supplementary Planning Document(s) (SPDs) and the National Planning Policy Framework (NPPF) (2021), provide useful guidance on some prior approval matters. Table 2 (Hierarchy of Centres) of the Woking Core Strategy 2012 states "*Local centres vary in size...and...Primarily provide a local convenience and service function for the surrounding residential areas. Serve the day-to-day needs of the residents in the immediate surrounding area.*" Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
  12. There are high quality pedestrian facilities within the vicinity of the site and throughout Knaphill, with the site fronting onto High Street. The footways on High Street provide an easy and convenient walking route to the local centre and to local bus stops.
  13. Brookwood railway station is located 1.6 miles to the southwest of the site (approximately 30-minute walk) and Woking railway station is located 3 miles away (approximately 60 minute walk) to the east of the site and it is noted that Woking station serves destinations including Clapham Junction, London Waterloo, Guildford and Portsmouth. The nearest bus stops to the site are located on High Street, adjacent to the site, approximately 30 metres from the front boundary of the site with these stops being frequently served by numerous routes to various destinations including Woking (including the railway station), Brookwood (including railway station), Guildford, Chobham and Camberley. These stops are within the CIHT's recommended walking distance to a bus stop.
  14. There are a number of local facilities and amenities in and around Knaphill local centre close proximity to the site that can be easily accessed by walking, cycling or public transport. The site clearly has scope to reduce the dependency on travel by the private car for a number of journey purposes. It is evident that a large number of key facilities are accessible from the site through non-car modes, being accessible in the first instance by foot and not requiring the additional use of local public transport or private car.
  15. In respect of car parking Policy CS18 of the Woking Core Strategy (2012) states that minimum car parking standards will be set for residential development. SPD Parking Standards (2018) does not form part of the Development Plan for the Borough although its purpose is to act as guidance on how Policy CS18 could be applied. SPD Parking Standards (2018) sets out the following relevant minimum on-site residential parking standards, although states that "*on site provision below minimum standards will be considered for developments within Woking town centre*":

Number of bedrooms	Vehicle parking spaces per flat, apartment or maisonette (i)	Number of flats, apartments or maisonettes in proposal (ii)	Overall minimum parking standard (i.e., i x ii)
2 bedroom	1	2	2

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<b>Total</b>	<b>2</b>
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16. Applying the minimum on-site parking standards, the proposed development would need to provide x 2 parking spaces to serve the proposed 2 x dwellings.
17. It is noted that the change of use is only proposed to the first floor of the building and as such, the existing commercial uses would be maintained at ground floor which would also require parking provision in line with section 4.3 of the Parking Standards (2018) which details that A1 Retail use (now referred to as Class E) would require parking provision of 1 space per 30 sq. metres for food or non-food retail up to 500 sq. metres). The ground floor units are 99 sq. metres and 84 sq. metres and thus would require 3 spaces each. However, it is also noted that a 50% reduction is recommended for District, Local and Neighbourhood Centres and shopping parades and therefore the units would require 1.5 parking spaces per unit, resulting in 3 spaces for the commercial properties and 2 spaces for the proposed new dwellings, totalling 5 spaces.
18. SPD Parking Standards (2018) also specifies minimum standards for cycle parking at a ratio of x 2 spaces per dwelling albeit refers only to family houses, with up to six residents living as a single household. For all uses not mentioned in the SPD, provision should be based on an individual assessment of the development proposals. The dwellings proposed will both be 2-bedroom flats and as such, it is considered that applying a standard for family dwelling houses would be appropriate in this instance. The 4 x cycle storage spaces proposed as part of the development proposals accommodate more than one space per dwelling and are therefore considered to be sufficient for the development proposals.
19. The planning statement submitted in support of the application (A description of the Building and Commentary on the Proposed Change of Use at 14a High Street, Knaphill, GU21 2PE, received by the LPA 30.03.2023) details that the existing site has 5 parking spaces to the rear of the site and that the works will remove 1 space to allow for a cycle store (providing space for 4 x cycles), 2 spaces for the proposed dwellings (1 per dwelling) and 2 spaces for visitors. This proposal does not account for the parking required for the remaining retail space at ground floor. Irrespective of this, the proposed 4 spaces would result in a deficit of 1 space, however given the local centre location, there is ample parking provision to provide this deficit during the opening hours of commercial units.
20. Vehicular access and egress would remain as per the existing situation, which is via a vehicular access drive to the east of the building leading to the rear of the site. Whilst the nature of the land use would change the vehicular trip rate would not alter significantly in comparison to the existing, lawful situation given the number of dwellings proposed and the scale of them. Therefore, it is considered that the development proposals and a change of land use from office to residential will not have a detrimental and/or significant impact on the surrounding local highway network.
21. The comments received from the councils Environmental Health officer also recommend a condition be included with a permission which would require information about the proposed waste and recycling management arrangements to ensure the appropriate provision of waste infrastructure is met and submission. Though refuse and recycling collection is anticipated to operate in a similar fashion to that which currently occurs for the lawful (Class E) use; with refuse vehicles emptying bins from High Street at kerbside, a condition to this effect would confirm this and therefore would be reasonable and necessary in line with the 5 part test for planning conditions as set out in paragraph 56 of the NPPF, and therefore will be included in the event of approval in this instance.

22. The County Highway Authority (CHA) (Surrey CC) raises no objection subject to recommended conditions to secure: (i) the retention of the existing vehicular parking and turning area, (ii) the provision of Electric Vehicle fast-charge points prior to occupation and (iii) the laying out of spaces for bicycle parking prior to occupation. It is considered that recommended conditions (i) and (iii) would be acceptable in line with the five part test for planning conditions as set out within paragraph 56 of the NPPF and thus will be included in the event of approval in this instance.
23. However, in respect of recommended condition (ii) from SCC Highways, there is no provision within Part 3, Class MA to require the applicant to provide EV charging points. As such, a condition in this respect is not recommended, albeit an informative can be included to encourage the applicant to provide EV charging points. For the preceding collective reasons, the transport impacts of the development, including in respect of safe site access, are acceptable.
- (b) contamination risks in relation to the building:**
24. Paragraph W.-(10)(c) of the GPDO 2015 states that the LPA *“in relation to the contamination risks on the site [must]...determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012, and...if they determine that the site will be contaminated land, refuse to give prior approval”*.
25. The Planning Statement states that: *“There is no historical land use with potentially contaminative industrial uses on or adjacent to the site, and therefore there is no basis for the site to be designated as contaminated land within the meaning of Part 2a of the Environmental Protection Act 1990. It is also important to note:- the site layout remains entirely unchanged, there will be no new deep groundworks, there will be no private gardens incorporated and the new residential floors are all located above ground level. On the basis of this it is concluded there would be no risk to end users, ecology or protected layers from contamination as a result of the change of use”*
26. The Council's Contaminated Land Officer states that *“The applicant has declared there will be no groundworks and no changes externally - e.g. no provision of private gardens. So from contamination point of view I have no comments. The age of the building is not stated in the application. In theory there should already be an asbestos survey for the property, as required by the Control of asbestos at work Regulations so the applicant should have the information requested in the recommended condition (Asbestos survey and mitigation measures).”* The proposal would indeed only encompass internal alterations to the first floor of the building to create the 2 x dwellings and therefore no objection is raised with regard to contamination risks in relation to the building. Irrespective of this, it is considered that the recommended condition would be both reasonable and necessary and therefore would meet the 5 part test for planning conditions as set out in paragraph 56 of the NPPF, and therefore will be included if prior approval is granted in this instance.
- (c) flooding risks in relation to the building:**
27. The site and its surrounds fall entirely within Flood Zone 1 (low risk), within which residential development is appropriate and no issues relating to fluvial flood risk therefore arise. In addition the site is not identified as being at risk of flooding from the Basingstoke Canal (circa 140 metres to the north) within the Woking Borough Council Strategic Flood Risk Assessment ('SFRA') (November 2015). Whilst the SFRA identifies parts of the site to be at 'Medium' risk of surface water flooding these areas are restricted

to part of the under-croft access off Church Street West and to part of the rear surface car park. For these collective reasons no objection is raised in terms of flooding risks in relation to the building (the Part 3, Class MA requirement is restricted to the building, rather than the 'site').

**(d) impacts of noise from commercial premises on the intended occupiers of the development:**

28. Class MA does not define the term 'commercial premises' although (former) Class O [at paragraph O.3] stated that "*commercial premises*" means any premises normally used for the purpose of any commercial or industrial undertaking which existed on the date of application under paragraph O.2(1), and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment". It must also be borne in mind that residential buildings are not 'commercial' premises.
29. The proposal would change the use class at first floor to create 2 x dwellings, however would maintain the sites existing commercial uses at ground floor which comprise E(a) and E(b) uses. Additionally, it is noted that the ground floor units fronting High Street within the locality of the site are also of commercial uses. Given the nature of the application site, only the ground floor commercial premises of the application building may have noise impact on the interded occupiers of the proposed dwellings.
30. The Council's Environmental Health service state that "*there is no objection on Environmental Health grounds*", however have recommended a number of conditions. The conditions recommended would require acoustic details to be submitted to and approved prior to the commencement of the development, approval of the glazing specification for habitable rooms facing the High Street, due to traffic noise and information regarding the extraction and equipment used to control the emission of fumes and odour from the premises below the proposed dwellings.
31. It is considered that a condition requiring acoustic details to be submitted to and approved prior to the commencement of the development would meet the 5-part test for planning conditions as set out in paragraph 56 of the NPPF and thus will be included in the event of approval in this instance.
32. The carriageway of High Street is located to the front. Although vehicle and traffic noise from the carriageway of High Street would likely affect the proposed dwellings (particularly the habitable windows fronting High Street) noise from vehicular traffic does not qualify for consideration; under Part 3, Class MA of the GPDO 2015 the LPA is only able to consider the impacts of 'noise from commercial premises' on the intended occupiers of the development, traffic noise is not 'noise from commercial premises' and so does not fall for LPA consideration.
33. Similarly, the emission of fumes and odour from commercial premises vehicular traffic does not qualify for consideration; under Part 3, Class MA of the GPDO 2015 the LPA is only able to consider the impacts of 'noise from commercial premises' on the intended occupiers of the development, and so does not fall for LPA consideration. AS such, this condition will not be included in the event of approval in this instance.
34. Overall, for the preceding reasoning, no objection is raised with regard to the impacts of noise from commercial premises on the intended occupiers of the development.

**(e) where (i) the building is located in a conservation area, and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area:**

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35. The building is not located in a conservation area and therefore (e) is not applicable in this instance.

**(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses:**

36. Paragraph W.-(2A) of Part 3 of the GPDO 2015 states that “*Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses*”. Paragraph X of Part 3 states that “*“habitable rooms” means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms*”.
37. The BRE Guide recognises the importance of receiving adequate daylight within new residential accommodation; it states that “*Daylight provision in new rooms may be checked using either of the methods in BS EN 17037 Daylight in Buildings: direct prediction of illuminance levels using hourly climate data, or the use of the daylight factor (D). Both are measures of the overall amount of daylight in a space. The daylight factor (D) addresses daylight provision as a ratio of unobstructed external illuminance under overcast sky conditions.*” (para 2.1.8).
38. Though it is noted that an Internal Daylight Report has not been submitted in support of the application, it is clear from the proposed floor plans and elevations that all habitable rooms will be well served by natural light and meaningful outlook. Overall, the submitted information demonstrates the provision of adequate natural light in all habitable rooms of the proposed dwellinghouses.
39. It is acknowledged that this is based no external changes to the existing building and thus the utilisation of existing window openings.

**(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses:**

40. As set out previously the site is located within the High Street of Knaphill local centre as identified by the Council’s Proposals Map. The provisions of the Development Plan, and Supplementary Planning Document(s) (SPDs) and the National Planning Policy Framework (NPPF) (2021), provide useful guidance on some prior approval matters. Table 2 (Hierarchy of Centres) of the Woking Core Strategy 2012 states that “*Local centres vary in size...and...Primarily provide a local convenience and service function for the surrounding residential areas. Serve the day-to-day needs of the residents in the immediate surrounding area.*” The site is not shown to be within an Employment Area, and is not adjacent to an Employment Area, on the Council’s Proposals Map and is not located within an industrial or commercial estate.
41. There are a number of residential dwellings at first floor and above within High Street, Knaphill, with commercial uses maintained at ground floor level. As such, it is evident that a mixture of uses exist around the site, as would be expected in a local centre location such as this, these include existing residential uses at first floor (and above). Therefore, the proposal would not introduce residential use into an area where none already exists and is not located within an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

**(h) where the development involves the loss of services provided by (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost:**

42. The development would not involve the loss of services provided by (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006. As such, (h) is not relevant in this instance.

**(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building:**

**Paragraph MA.3 (Interpretation of Class MA) states that:**

43. “Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will-
- (a) contain two or more dwellinghouses; and
  - (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.”
44. Whilst the development relates to a building which will contain two or more dwellinghouses paragraph 3 of Article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 states that:
45. “(3) *The height condition is that-*
- (a) *the building is 18 metres or more in height; or*
  - (b) *the building contains 7 or more storeys.”*
46. The building is not 18 metres or more in height and does not contain 7 or more storeys. As such, the development does not meet the fire risk condition and therefore the fire safety impacts on the intended occupants of the building are not applicable in this instance.

**Space standards:**

47. Although space standards are not a Part 3, Class MA prior approval matter paragraph 3.-(9A) of the GPDO 2015 states that “*Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse- (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.*” Paragraph 3.-(9B) states “*The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.*”
48. The following table shows the relevant gross internal floor areas (GIA), with the 2 proposed flats not less than 37 sq.m in gross internal floor area, and the respective requirements set out within the Technical housing standards – nationally described space standard (NDSS) (March 2015) met:

Flat refs:	Number of bedrooms (b) / bed spaces (p)	Minimum GIA in scheme (sq.m)	NDSS Minimum GIA (sq.m)	Bedroom(s) sufficiently sized?	Overall NDSS Compliant?
Flat 1	2b4p	70	70	Yes	Yes
Flat 2	2b3p	67.8	61	Yes	Yes

**Thames Basin Heaths Special Protection Area (TBH SPA):**

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49. The Borough of Woking lies within the development control remit of The Thames Basin Heaths Special Protection Area (TBH SPA), which has been identified as an internationally important site of nature conservation and has been given the highest degree of protection under the Conservation of Habitats and Species Regulations 2017, technical changes to which have been made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 following EU exit. As such EU exit has no bearing on the protection afforded to the TBH SPA. Regulation 75 of The Conservation of Habitats and Species Regulations 2017 states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017 which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the Local Planning Authority under Regulation 77 (approval of Local Planning Authority) of The Conservation of Habitats and Species Regulations 2017.
50. Following recent European Court of Justice rulings, a full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes the Habitats Directive (as interpreted into English law by the Conservation of Habitats and Species Regulations 2017 (the "*Habitat Regulations 2017*")). An Appropriate Assessment has therefore been undertaken for the site as it falls within 5 kilometres of the TBH SPA boundary.
51. Although the Thames Basin Heaths Special Protection Area (TBH SPA) is not a Part 3, Class MA prior approval matter paragraph 3.-(1) of the GPDO 2015 states that "*Subject to the provisions of this Order and regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2*". As such, if prior approval were approved under Part 3, Class MA of the GPDO 2015 such approval would be conditional upon approval under Regulation 77 of The Conservation of Habitats and Species Regulations 2017 also being received. The Updated Thames Basin Heath Avoidance Strategy (February 2022) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBH SPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and Landowner Payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is required to be addressed outside of CIL. The applicant will be required to make a SAMM contribution of **£1,794.00** in line with the Thames Basin Heaths SPA Avoidance Strategy tariff (April 2023 update). This would need to be secured through a Conservation of Habitats and Species Regulations 2017 application. For the avoidance of doubt, and as of the date the Appropriate Assessment was completed, sufficient SANG at Brookwood Country Park has been identified to mitigate the impacts of the development proposal.

Size of dwelling (bedrooms)	SAMM contribution per dwelling (i)	Number of dwellings in proposal (ii)	Overall SAMM contribution 52. (i.e., i x ii)
2 bedroom	£897	2	£1,794.00
<b>Total SAMM contribution</b>			<b>£1,794.00</b>

53. Subject to securing the provision of the SAMM tariff (through a Conservation of Habitats and Species Regulations 2017 application) and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural



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England), the Local Planning Authority is able to determine that the development will not affect the integrity of the TBH SPA either alone or in combination with other plans and projects in relation to urbanisation and recreational pressure effects. The development therefore accords with the measures set out in the Updated Thames Basin Heath Avoidance Strategy (February 2022), and the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended).

### **CONCLUSION:**

On the basis of the preceding the proposed development is considered to fall within the provisions set out within Article 3, Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This conclusion is considered to be in compliance with the National Planning Policy Framework (NPPF) (2021). It is therefore recommended that prior approval is approved.

### **BACKGROUND PAPERS**

Site Photographs dated 8<sup>th</sup> June 2023.

### **RECOMMENDATION**

It is recommended that Prior Approval is APPROVED subject to the following conditions:

01. ++ The development must not be begun until the developer has received the written notification of the Local Planning Authority under Regulation 77 of The Conservation of Habitats and Species Regulations 2017 (as amended).

Reason: To comply with Regulation 75 of The Conservation of Habitats and Species Regulations 2017 (as amended) and paragraph 3.-(1) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

02. The prior approval hereby approved must be carried out only in accordance with the following plans numbered/titled (all rec'd by the LPA on 08.03.2023 unless otherwise stated):

Block Plan – 23.1057 B.01 – received by the LPA 30.03.2023

Location Plan – 23.1057 L.01 - received by the LPA 30.03.2023

Proposed Site Layout – 23.1057 P.01 - received by the LPA 30.03.2023

Proposed Ground and First Floor Plans – 23.1057 P.04 Rev B - received by the LPA 04.07.2023

Proposed Elevations – 23.1057 P.06 Rev B - received by the LPA 04.07.2023

Proposed Roof Plan – 23.1057 P.03 - received by the LPA 30.03.2023

Reason: To comply with Article 3, Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

03. The existing vehicle parking and turning area at the premises (as shown on the application drawing P.01) shall be permanently retained and maintained for their designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users.

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04. The development hereby approved shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans by the Local Planning Authority for the secure, covered and well-lit parking storage of bicycles within the development site. Thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021.

05. No above-ground development associated with the development hereby permitted shall commence until a scheme detailing the proposed waste and recycling management arrangements has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in full prior to the first occupation of the development and maintained thereafter at all times.

Reason: In the interests of amenity and to ensure the appropriate provision of waste infrastructure.

06. Prior to the commencement of development evidence that the building was built post 2000 or a refurbishment asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers shall be submitted to and approved in writing by the Local Planning Authority. The survey and subsequent scheme shall be undertaken by a suitably qualified person. The scheme as submitted shall identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. The development shall then be undertaken in accordance with the approved details. If an asbestos refurbishment survey and mitigation scheme is approved then prior to the first occupation of the development hereby approved a detailed verification report demonstrating that the approved mitigation scheme has been complied with shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall be validated by a suitably qualified person(s).

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

07. The development hereby permitted shall not commence until details of the existing party ceilings/floors and walls construction and any measures to be undertaken to upgrade the acoustic performance of the structure, have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the first occupation of the development. The level of sound insulation provided between residential and commercial use should be adequate for all types of uses permitted under Planning and should comply with building regulations.

Reason: To ensure that the impacts of noise from commercial premises on the intended occupiers of the development is satisfactory.

### **INFORMATIVES:**

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1. The applicant is reminded that this decision solely represents the determination of the Local Planning Authority under the provisions of Article 3, Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The applicant is advised to investigate whether consents or permissions under any other regulatory regimes would be required.
2. Attention is specifically drawn to the condition(s) above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE RELEVANT TRIGGER POINT(S). Failure to observe these requirements will result in a contravention of the terms of the prior approval and the Local Planning Authority may serve Breach of Condition Notices (BCNs) to secure compliance. You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Local Planning Authority to consider the details and discharge the condition(s). A period of between five and eight weeks should be allowed for.
3. The applicant is advised that the site is within 5km of the Thames Basin Heaths Special Protection Area (TBH SPA). The TBH SPA is internationally-important and designated for its interest as habitat for ground-nesting and other birds. Natural England has demonstrated that the new population arising from housing developments at a distance of up to 5km from the TBH SPA can have a "significant effect" on the TBH SPA by causing disturbance to the breeding of rare bird populations, due to the impact of residents' recreational activities. Regulation 75 of The Conservation of Habitats and Species Regulations 2017 states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017 which (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the Local Planning Authority under Regulation 77 (approval of Local Planning Authority) of The Conservation of Habitats and Species Regulations 2017. This prior approval is therefore conditional upon such an approval being received.

In making an application under Regulation 77 of The Conservation of Habitats and Species Regulations 2017 (as amended), the applicant would have to make a contribution in accordance with the tariff within the Updated Thames Basin Heath Avoidance Strategy (February 2022) in order to seek to demonstrate that there will be no significant effect upon the TBH SPA. The applicant would be required to pay the Strategic Access Management and Monitoring (SAMM) tariff via a S106 Unilateral Undertaking before the commencement of any development. A template Unilateral Undertaking is available for use on the Council's Website at <https://www.woking.gov.uk/planning-and-building-control/planning/policies-and-guidance/community-infrastructure-levy-cil-and-4> and a completed Unilateral Undertaking would be required to be submitted with any Regulation 77 application which would secure the necessary financial contributions which would be required to be paid before any works commenced on site.

The relevant SAMM contribution in this instance is £1,794 (x2 two bedroom flats) (April 2023 update).

4. The applicant is reminded that inherent conditions of the development permitted by Article 3, Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require that:

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- o Development must be completed within a period of 3 years starting with the prior approval date; and
  - o Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.
5. The applicant is encouraged to provide electric vehicle (EV) charging points within the development site.
  6. The applicant is expected to ensure the safe operation of all construction traffic in order 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. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.
  7. The applicant is advised that under the Control of Pollution Act 1974, works which will be audible at the site boundary will be restricted to the following hours: 8.00 a.m. - 6.00 p.m. Monday to Friday; 8.00 a.m. - 1.00 p.m. Saturday; and not at all on Sundays and Bank Holidays.
  8. The applicant is advised that adequate control precautions should be taken to control noise emissions from any fixed plant, including generators, on site during demolition / construction activities. This may require the use of quiet plant or ensuring that the plant is sited appropriately and / or adequately attenuated. Exhaust emissions from such plant should be vented to atmosphere such that fumes do not ingress into any property. Due to the proximity of residential accommodation, there should be no burning of waste material on site. During demolition or construction phases, adequate control precautions should be taken to control the spread of dust on the site, to prevent a nuisance to residents within the locality. This may involve the use of dust screens and/ or utilising water supply to wet areas of the site to inhibit dust.
  9. The applicant is advised that the development hereby permitted is subject to a Community Infrastructure Levy (CIL) liability. The Local Planning Authority will issue a Liability Notice as soon as practical after the granting of this permission.

The applicant is advised that, if he/she is intending to seek relief or exemptions from the levy such as for social/affordable housing, charitable development or self-build developments it is necessary that the relevant claim form is completed and submitted to the Council to claim the relief or exemption. In all cases (except exemptions relating to residential exemptions), it is essential that a Commencement Notice be submitted at least one day prior to the starting of the development. The exemption will be lost if a commencement notice is not served on the Council prior to commencement of the development and there is no discretion for the Council to waive payment. For the avoidance of doubt, commencement of the demolition of any existing structure(s) covering any part of the footprint of the proposed structure(s) would be considered as commencement for the purpose of CIL regulations. A blank commencement notice can be downloaded from:

[http://www.planningportal.gov.uk/uploads/1app/forms/form\\_6\\_commencement\\_notice.pdf](http://www.planningportal.gov.uk/uploads/1app/forms/form_6_commencement_notice.pdf)

Claims for relief must be made on the appropriate forms which are available on the Council's website at: <https://www.woking.gov.uk/planning/service/contributions>

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Other conditions and requirements also apply and failure to comply with these will lead to claims for relief or exemption being rendered void. The Local Planning Authority has no discretion in these instances.

For full information on this please see the guidance and legislation here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

<http://www.legislation.gov.uk/all?title=The%20Community%20Infrastructure%20Levy%20Regulations%20>

Please note this informative provides general advice and is without prejudice to the Local Planning Authority's role as Consenting, Charging and Collecting Authority under the Community Infrastructure Levy Regulations 2010 (as amended).



**SECTION C**

**APPLICATION REPORTS NOT TO BE  
PRESENTED BY OFFICERS UNLESS REQUESTED  
BY A MEMBER OF THE COMMITTEE**

**(Note: Ordnance Survey Extracts appended to the reports are for locational purposes only and may not include all current developments either major or minor within the site or the area generally)**

