

MINUTES
OF A MEETING OF THE
PLANNING COMMITTEE

held on 19 March 2024

Present:

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

Cllr C Martin Cllr T Spenser
Cllr S Oades

Also Present: Councillors P Graves, A Javaid and L Lyons.

Absent: Councillors G Cosnahan, S Dorsett, S Greentree, D Jordan and S Mukherjee

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor G Cosnahan, S Dorsett, S Greentree, D Jordan and S Mukherjee.

2. DECLARATIONS OF INTEREST

No declarations of interest were received.

3. MINUTES

RESOLVED

That the minutes of the meeting of the Committee held on 20 February be approved and signed as a true and correct record.

4. URGENT BUSINESS

There were no items of Urgent Business.

5. PLANNING AND ENFORCEMENT APPEALS

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

Dan Freeland advised that, whilst there were no recent Appeal decisions reported, Members would have been aware that since the agenda was published the Appeal in relation to Technology House in Goldsworth Road had been allowed. That decision would be reported more fully at a future meeting.

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. 2023/0911 Former BHS, 81 Commercial Way

[NOTE 1: The Planning Officer reported that there was a slight typographical error within the Committee report. Where it referred, at paragraphs 152, 236, 247, 253 and 346, to the 'Chobham Road Island' scheme (ref: PLAN/2023/0835), on the directly opposite side of Church Street East to the north, as being up to 12 storeys in height, this should instead read up to 11 storeys in height.]

[NOTE 2: The Planning Officer reported that since the report had been published a letter of support had been received from Surrey Chambers of Commerce.]

[NOTE 3: The Planning Officer reported that since the report had been published the applicant had provided an update on the number of affordable dwellings which were: twelve one-bedroom dwellings, eight two-bedroom dwellings and eight three-bedroom dwellings.]

[NOTE 4: In accordance with the procedure for public speaking at Planning Committee, James Simondson attended the meeting spoke in support of the application. There were no other registered speakers.]

The Committee considered an application for the demolition of existing building and redevelopment of the site to create a residential-led development comprising up to 272 apartments (Use Class C3) and up to 550 sq.m. of retail and commercial floorspace (Use Class E) at ground level, shared residential amenity spaces, building management facilities, plant space, refuse and cycle stores, in a building which ranges in height from a single storey ground floor (with mezzanine in the central block) to a ground floor with a maximum of 25 storeys above. Works to create new public realm within and highway works to Church Path, Church Street East, Chobham Road and Commercial Way, including alterations to and provision of new parking, servicing and delivery bays (Environmental Statement submitted).

Councillor A Javaid, Ward Councillor, wanted to voice some concerns about the application which included the height of the building and lack of parking provision. Councillor Javaid referred to the 'Masterplan' when talking about the proposed height of the development; the Chairman reminded Councillor Javaid that the Masterplan was not adopted planning policy and therefore carried no weight whatsoever in the consideration of this application.

Following a question, the Planning Officer confirmed that the number of disabled parking spaces was equivalent to the number of dwellings that would meet category M(4)3 of the Building Regulations.

Following a question about the percentage of affordable dwellings that would be provided, the Planning Officer confirmed that 10% [28 no. dwellings] were being offered by the Developer as affordable, which was short of the 20% usually required by the Planning Practice Guidance. It was confirmed that this offer had gone through an external viability assessment which had confirmed that the 10% offer made by the applicant was reasonable. In addition to this the proposed development was 'build to rent' which was not covered in current policy within the Woking Core Strategy (2012), so overall the offer had been considered acceptable by the Planning Officer following input from the external viability consultant and having regard to the Planning Practice Guidance.

In response to a question, it was confirmed that there was no specific mobility scooter parking. However, there was a cycle store, and it was noted that all dwellings were accessible.

Following an explanation from the Planning Officer around the terminology of 'less than substantial harm' in heritage terms, the Committee were advised that the Crown Place Appeal decision was material to this application. The Inspector had deemed the Crown Place application to have a 'less than substantial' level of harm on Christ Church which would be outweighed by the public benefits of that development; this application was closer, but the harm was still considered to be 'less than substantial' by Officers following input from an experienced external Built Heritage Advisor. There were also the benefits of landscaping and planting, which would replace the current loading/parking area off Church Path, which would have a positive effect on the heritage setting of Christ Church. It was noted that Christ Church also had extant planning permission for extensions that were contemporary and modern, so this should be taken into consideration also.

Councillor T Aziz, Ward Councillor, commented that this was an ambitious application, and although it was a reduction in height from the previous application, he did not think it was acceptable on the site in its current form. Councillor T Aziz commented that because another application was approved on Appeal, he did not think that should mean the Committee had to support this application, which he thought would have a significant impact on the character of the area, with its bulk and mass. Councillor T Aziz also thought the parking provisions (including disabled parking) was lacking.

Councillor T Aziz proposed, and it was duly seconded by Cllr S Oades that the application be refused on the grounds of bulk and mass, that its benefits did not outweigh the 'less than substantial' harm caused to the heritage of Christ Church, the War Memorial and the Woking Town Centre Conservation Area and the lack of sufficient parking provisions (including insufficient disabled parking).

Councillor S Oades asked that the grounds of 'lack of affordable homes' be added to the motion to refuse. Planning Officers reminded the Committee that the provision of affordable homes had been independently tested by a viability consultant and that 10% provision in this case had been deemed acceptable. This reason for refusal would be difficult to defend on Appeal.

The Planning Officer commented that the recent decision to approve the Technology House application on Appeal, would likely impact the ability to defend parking as a reason for refusal at any potential Appeal. This application was in a central location and located close to town centre car parks in which residents could purchase a season ticket if they wished to.

Planning Officers asked that Members be clear on how this development would impact the heritage assets and what harm would be caused. This was a subjective matter, but

Members were asked to weigh up whether the benefits outweighed the harm. Some Councillors thought that the development would dominate the appearance of the Church and War Memorial and therefore cause harm.

Members were keen that a combination of reasons were cited in the reasons for refusal, and these were not watered down. Beverly Kuchar commented that Members were entitled to refuse matters on the grounds that they choose, however Officers were there to advise on the technical details of a scheme and to explain what they thought could and could not be defended at any potential Appeal.

Following a question around a representation raised by Network Rail, the Planning Officer commented that Planning Officers had met with Network Rail and had asked Network Rail for evidence/ justification that a financial contribution should be made to them by the Developer. No further communication had been received from Network Rail and in the absence of any evidence, no financial contribution could be secured from the Developer on this basis.

Following a question from the Chairman about outdoor amenity space, the Planning Officer confirmed that this was covered in the report and that part of the Community Infrastructure Levy contributions that the development would have to make could be used towards new and/or improved off-site amenity space.

Kuldip Channa, Solicitor, informed the Committee that Officers were obliged to provide advice on the risk of potential costs being awarded against the Council at any potential Appeal and reputational harm which may follow. She advised the Committee that whilst a potential costs award against the Council was not a material planning consideration, it was prudent to provide legal advice to Councillors in that if they were minded to refuse the Planning Application they should have robust Planning reasons for refusal which could stand up to the scrutiny of an Appeal.

Councillor T Aziz proposed and it was duly seconded by Cllr S Oades that the application be refused on the grounds of bulk and mass, that its benefits did not outweigh the 'less than substantial' harm caused to the heritage of Christ Church, the War Memorial and the Woking Town Centre Conservation Area, lack of sufficient parking provisions (including sufficient disabled parking) and lack of a Section 1016 Legal Agreement to secure mitigation of impacts on the Thames Basin Heaths SPA and to secure affordable housing. .

In accordance with the Standing Order set out in the Constitution, the Chairman deemed that a division should be taken on the motion to refuse the application. The votes for and against refusal of the application were recorded as follows.

In favour: Cllrs T Aziz, S Oades, C Martin and T Spenser.

TOTAL: 4

Against: None.

TOTAL: 0

Present but not voting: Cllr L Morales (Chairman)

TOTAL: 1

The application was therefore REFUSED.

RESOLVED

That the application be REFUSED.

6b. 2023/0791 Avens Court, 1 Broomcroft Drive

[NOTE 1: The Planning Officer advised the committee of an error in paragraph 50 of the report which stated 'It is considered appropriate to allow for on-site visitor parking provision' when in fact it should refer to visitor parking provision on-street.]

[NOTE 2: In accordance with the procedure for public speaking at Planning Committee, Andrew Grimshaw attended the meeting and spoke in objection to the application and Elaine Kimber spoke in support.]

The Committee considered an application for the change of use from care home (Use Class C2) to residential (Use Class C3) comprising 13 flats and alterations to fenestration, with car parking, cycle parking and bin store.

Councillor P Graves, Ward Councillor, spoke on the application and stated that he had carefully studied all the representations that had been received and the concerns. Councillor P Graves was keen to comment that all residents were keen that the building be brought back into use but were worried by the volume of traffic/parking it would create and the insufficient parking proposed on site. Councillor P Graves commented that the road the development was located on was narrow and not suitable for on street parking. The Councillor noted that the lack of parking provision was contrary to the Pyrford Neighbourhood Plan Policy BE2.

Some Members of the Committee were concerned about lack of parking and also that some bedrooms in the proposed plans of this development did not meet the minimum standards. The Planning Officer commented that paragraph 36 acknowledged the shortfall in bedroom sizes. That said, Woking did not have a development plan in place to insist this development complied with National Space standards. The Planning Officer commented that applications such as this were a balancing act between these standards and professional judgement.

Councillor C Martin proposed, and it was duly seconded by Cllr T Spenser that the application be refused on the grounds of lack of parking contrary to policy BE2 of the Pyrford Neighbourhood Plan and the shortfall on the bedroom size in relation to national standards.

Planning Officers advised the Committee that Woking had not yet adopted the described national space standards and therefore this point would be difficult to argue at Appeal. It was also noted that these rooms were in the original part of the house, and as a locally listed building it may be difficult to change the size of them to any extent. Some Members were keen that the building internal layout be designed differently in order to meet the standards and in turn mean less vehicles.

The Planning Officer also cautioned that the application did meet the minimum parking standards of the Parking SPD, so this reason may also be difficult to defend on Appeal.

The Chairman commented that the planning Committee should have discretion to require more parking than the minimum standard as this was a remote site and the options for

alternative parking nearby, or public transport were limited. The Planning Officer commented that they thought remote sites would have been taken into account when the minimum parking standard was approved.

Some Members thought that minimum standards should be just that 'a minimum' and that developers should be trying to ensure these thresholds were exceeded.

Members felt that the application was in contrary to the Pyrford Neighbourhood Plan (2017) Policy BE2, which states that development proposals must demonstrate that they will not result in on-road parking to the detriment of highway safety or adverse impact on the character of the area.

A Member commented that the proposal stated that there would be a concierge on site and queried whether consideration had been given to their parking provision. It was noted that it had not and the 12 space parking provision on site was solely for the use of residents.

Following advice from Planning Officers the Cllr C Martin agreed to alter his motion and the grounds on which he proposed to refuse the application.

Councillor C Martin proposed, and it was duly seconded by Cllr T Spenser that the application be refused on the grounds of lack of parking contrary to policy BE2 of the Pyrford Neighbourhood Plan and SPA lack of S106 funding.

Kuldip Channa, Solicitor provided a reminder of the earlier legal advice relating to the risk of a potential costs award against the Council (under item 6a) and therefore the need to have robust planning reasons for refusal should the Application go to Appeal.

In accordance with the Standing Order set out in the Constitution, the Chairman deemed that a division should be taken on the motion to refuse the application. The votes for and against refusal of the application were recorded as follows.

In favour: Cllrs T Aziz, S Oades, C Martin and T Spenser.

TOTAL: 4

Against: None.

TOTAL: 0

Present but not voting: Cllr L Morales (Chairman)

TOTAL: 1

The application was therefore REFUSED.

RESOLVED

That the application be REFUSED.

6c. 2023/0214 Wisley Golf Club

The Committee considered an application for a proposed redevelopment of the outfield to the east of the existing approach road, including replacement driving range building and

replacement range/performance building, engineering / landscaping works to facilitate the enlargement of the short game area and associated works including alterations to the internal access roads and addition of two bridges.

RESOLVED

That planning permission be GRANTED subject to conditions.

The meeting commenced at 7.00 pm
and ended at 9.25 pm

Chairman: _____

Date: _____