

# 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, 4 June 2024 at 7.00 pm in the Council Chamber - Civic Offices.

The agenda for the meeting is set out below.

RICHARD CARR  
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 Thamesway Group company will declare an interest in any item involving that Thamesway Group company. The interest will not prevent the Officer from advising the Committee on that item.
3. Minutes (Pages 3 - 10)

To approve the minutes of the meeting of the Planning Committee held on 16 April and 20 May 2024 as published.
4. Urgent Business

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

### **Matters for Determination**

5. Planning and Enforcement Appeals (Pages 11 - 12)

6. Planning Applications (Pages 13 - 16)

**Section A - Applications for Public Speaking**

6a. 2023/0737 - 3Js Nursery, Smarts Heath Road, Woking (Pages 19 - 40)

6b. 2022/1086 - 1 Robin Hood Road, St Johns, Woking (Pages 41 - 66)

AGENDA ENDS

Date Published - 24 May 2024

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 20 May 2024

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

held on 20 May 2024

Present:

Cllr L Morales, The Mayor (Presiding)

Cllr G Cosnahan	Cllr C Martin
Cllr A Javaid	Cllr S Mukherjee
Cllr D Jordan	Cllr P Pandher
Cllr R Leach	Cllr T Spenser
Cllr L Lyons	Cllr M Sullivan

**1. ELECTION OF CHAIR.**

Councillor Mukherjee moved and Councillor Cosnahan seconded the election of Councillor Lyons as Chairman of the Planning Committee.

RESOLVED

That Councillor Lyons be elected Chairman of the Planning Committee for the ensuing year.

**2. ELECTION OF VICE-CHAIR.**

Councillor Lyons moved and Councillor Pandher seconded the election of the Councillor Cosnahan as Vice Chairman of the Planning Committee.

RESOLVED

That Councillor Cosnahan be elected Vice Chairman of the Planning Committee for the ensuing year.

The meeting commenced at 8.41 pm  
and ended at 8.43 pm

Chair: \_\_\_\_\_

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



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

held on 16 April 2024

Present:

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

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

Absent: Councillors S Mukherjee

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Swati 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 19 March 2024 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.

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. 2023/0985 McLaren Technology Centre

[NOTE 1: The Planning Officer reported an Addendum to the report as detailed below;

Additional information (at this time the requested Construction Environment Management Plan) has been submitted prior to a decision and is with the relevant consultee.

Therefore, it is requested that: Delegated Authority be given to the Head of Planning or Authorised Officer to amend relevant conditions as necessary; namely rewording from “Prior to commencement” to “In accordance with ...” where necessary if the recommendation below is accepted.

Therefore: It is recommended that the application be referred to the Secretary of State with the recommendation that the Local Planning Authority be minded to: Grant Planning Permission subject to the relevant conditions as detailed in the report.]

[NOTE 2: In accordance with the procedure for public speaking at Planning Committee, Ms Sophia Goodhead spoke in support of the application.]

The Committee considered an application for replacement and additional car parking spaces, cycle parking, associated internal access road, earthworks and re-contouring of the open parkland, hard and soft landscape works, re-surfacing of existing access road, along with new and replacement CCTV columns, access control totems, signage, low level security fencing and security barrier systems.

#### RESOLVED

That the application would be referred to the Secretary of State with the recommendation that the Local Planning Authority were minded to GRANT Planning Permission subject to conditions.

### 6b. 2024/0054 Gifford, Guilford Lane

[NOTE: In accordance with the procedure for public speaking at Planning Committee, Ms Tina Clapham spoke in objection to the application. There was no registered speaker in support.]

The Committee considered a section 73 application to vary Condition 2 (approved plans), Condition 7 (removal of 'permitted development' rights for gates and enclosures) and Condition 8 (landscaping) of planning permission PLAN/2019/0403 (Proposed construction of 2no. detached two storey dwellings (each with 5no. bedrooms) with accommodation within the roof space with dormer windows following demolition of existing property, retention of existing access and associated hard surfacing) to allow for a new vehicular access and separate drive to Plot 1 and to allow the provision of gates for both vehicular accesses.

Some Members queried whether enforcement action would be necessary if this application was refused. The Planning Officer confirmed that the applicant would be expected to revert back to the previous approved scheme and if not, enforcement action would be taken.

Discussion ensued around the two trees that had been removed by the applicant and whether they were given permission to do so. The Planning Officer explained that legislation allowed for dangerous trees to be removed subject to prior notification to the Local Authority; in this situation the Arboricultural Officer had visited the trees and confirmed that they were dead and could be removed.

Some Members considered the four trees that would replace the two lost trees, would be sufficient to mitigate the affect this application would have on the character of the area. The Planning Officer commented that the impact on the existing trees would be fundamental and that the recommendation for refusal was based on the affect it would have on the character of the area. In response to a follow on comment, the Planning Officer stated that the fact all other dwellings had an individual access, a joint access to these properties would not be considered out of character.

It was question whether a condition could be added that confirmed the newly planted hedge must be allowed to grow to a certain height. The Planning Officer commented that the issue was not just the height of the hedge, but the density also. The view of the Planning Officer was that allowing this application would negatively affect the character of the area.

A fellow Councillor read out the statement of Councillor L Rice, who had called this application in to the Planning Committee for consideration but was unable to attend the meeting. In the statement Councillor L Rice said that he thought the issues regarding the trees had been largely addressed and that he thought the replacement trees would mitigate the loss of amenity from the felled trees.

The Planning Officer commented that just because a number of changes had been made to the site already, that did not mean that the application should be approved, as it did go against the original application. The proposed changes would make the site substantially different.

Some Councillors commented that the width of the drive in the application was enormous, and the gates were out of character with the area; the loss of trees was also regretful.

Councillor T Aziz proposed that the application be approved. This motion was not supported by a seconder.

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

In favour:	Cllrs G Cosnahan, S Dorsett, C Martin, S Oades and T Spenser.
TOTAL:	5
Against:	Cllr T Aziz.
TOTAL:	1

Present but not voting: Cllrs S Greentree, D Jordan and L M N Morales (Chairman).

TOTAL: 3

The application was therefore refused.

RESOLVED

That planning permission be REFUSED.

**6c. 2023/0980 65-79 Westfield Avenue, Westfield**

[NOTE: The Planning Officer reported an update on the recommendation as the SAMM tariff had been updated since the report was written, as detailed below;

That authority be delegated to the Head of Planning (or their authorised deputy) to GRANT planning permission subject to:

- (i) Prior submission of Great Crested Newt presence/likely absence survey work confirming an absence of Great Crested Newts from the site, or any Great Crested Newt compensation or mitigation measures (if required) being secured via planning condition(s) (and subject to no objections being raised by Surrey Wildlife Trust Ecology Planning Advice Service);
- (ii) Planning conditions set out in the report (plus any additional condition(s) which may be required for Great Crested Newt compensation or mitigation measures); and
- (iii) Prior completion of an Undertaking of the Chief Executive of Woking Borough Council to secure the SAMM (TBH SPA) contribution of £12,246.]

The Committee considered an application for Erection of 9no. part-two, part-three storey dwellings with 2no. detached car port buildings, parking courts, cycle stores and new vehicular accesses.

Following a question about the design of the flat roofs and whether they were in conflict with the street scene, the Planning Officer explained that the design of these had been assessed and the conclusion was that the design would lesson the visual impact of bulk and mass on the street scene. For this reason, the Planning Officer had considered the design acceptable.

The Hoe Valley Neighbourhood Forum had made representation that they were worried about the impact on the Great Crested Newts and their potential to migrate to the site. It was noted that the conditions relating to the newts had not yet been added, but if they were found on site these conditions would be added to ensure that mitigation measures were in place.

Many Members thought that the street scene was currently a mess and would be much improved by this application.



RESOLVED

That authority be delegated to the Head of Planning (or their authorised deputy) to GRANT planning permission subject to:

- (i) Prior submission of Great Crested Newt presence/likely absence survey work confirming an absence of Great Crested Newts from the site, or any Great Crested Newt compensation or mitigation measures (if required) being secured via planning condition(s) (and subject to no objections being raised by Surrey Wildlife Trust Ecology Planning Advice Service);
- (ii) Planning conditions set out in the report (plus any additional condition(s) which may be required for Great Crested Newt compensation or mitigation measures); and
- (iii) Prior completion of an Undertaking of the Chief Executive of Woking Borough Council to secure the SAMM (TBH SPA) contribution of £12,246.

**7. VOTE OF THANKS**

Councillor L Morales would become the Mayor of Woking in 2024-25, so would no longer sit on the Committee. On behalf of the Planning Committee, Councillor S Dorsett thanked Councillor L Morales for her chairmanship over the last three years.

The meeting commenced at 7.00 pm  
and ended at 8.20 pm

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

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



PLANNING COMMITTEE – 4 JUNE 2024

## 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:

Dan Freeland, Deputy Development Manager

### APPEALS LODGED

#### 2023/0865

Application for formation of new vehicular access at 36 Falstone, Woking, Surrey, GU21 3HU.

Refused under Delegated Authority  
21 December 2023.  
Appeal Lodged  
11 April 2024.

#### 2023/0800

Application for erection of detached two storey dwelling on land adjacent to Stella Maris at Stella Maris, Sutton Green Road, Sutton Green, Guildford, Surrey GU4 7QD.

Refused under Delegated Authority  
14 November 2023.  
Appeal Lodged  
24 April 2024.

#### 2024/0042 & 2024/0043

Application for installation of a freestanding telephone apparatus with affixed defibrillator and installation of Advert Display (attached freestanding telephone apparatus with affixed defibrillator) comprising Single Illuminated Six Sheet Display with Automatic Change of Static Images at Ten Second Intervals at Land Adjacent To 26 Commercial Way, Woking, Surrey.

Refused under Delegated Authority  
13 March 2024.  
Appeal Lodged  
13 May 2024.

### APPEALS DECISION

#### 2023/0237

Application for the erection of a single storey rear extension and improvements to roof at Longheath Blackhorse Road Brookwood Woking, GU22 0QT.

Refused under Delegated Authority  
30 October 2023.  
Appeal Lodged  
05 January 2024.  
Appeal Dismissed  
8 April 2024.

2023/0011

Application for erection of 2 x semi-detached and 1x detached dwelling and associated hard and soft landscaping following the demolition of the existing dwelling at Little Oaks, Jackmans Lane, St Johns, Woking, GU21 7RL.

Refused by Planning Committee  
28 February 2023.  
Appeal Lodged  
7 November 2023.  
Appeal Dismissed  
25 April 2024.

2023/0781

Application for the erection of a two-storey rear extension, 6no side dormers, 1no front roof light and 1no first floor window in the front elevation at 169 High Road Byfleet, West Byfleet, KT14 7BW.

Refused by Delegated Authority  
13 November 2023.  
Appeal Lodged  
23 January 2024.  
Appeal Dismissed  
2 May 2024.

2023/0801

Application for the erection of a detached single storey traditional granary style outbuilding at Howards Farm Stockers Lane, Kingfield, Woking, GU22 9DB.

Refused by Delegated Authority  
14 November 2023.  
Appeal Lodged  
2 February 2024.  
Appeal Allowed  
17 May 2024.

2023/0492

Application for the erection of a 1.5 storey annexe outbuilding to rear of No.51 Waldens Park Road and associated sunken terrace and fencing at 51 Waldens Park Road, Horsell, Woking Surrey GU21 4RW.

Refused by Delegated Authority  
25 September 2023.  
Appeal Lodged  
1 December 2023.  
Appeal Allowed  
14 May 2024.

2023/0793

Application for the change of use of the land from agriculture to residential garden land and paddock and construction of new timber fence and entrance gates. The erection of 2x outbuilding and a pergola at Barnaby House, Roundbridge Park, Old Woking Road, Woking, GU22 8JH.

Refused by Delegated Authority  
11 January 2024.  
Appeal Lodged  
6 March 2024.  
Appeal Dismissed  
21 May 2024.

2022/1149

Application for the erection of a garden storage building and car port at Barnaby House, Roundbridge Park, Old Woking Road, Woking, GU22 8JH.

Refused by Delegated Authority  
6 July 2023.  
Appeal Lodged  
23 November 2023.  
Appeal Dismissed  
21 May 2024.

## PLANNING COMMITTEE AGENDA

### PLANNING APPLICATIONS AS AT 4 JUNE 2024

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: 2

**Item:** 0006A  
**Case ref:** PLAN/2023/0737  
**Recommendation:** Refuse  
**Ward:** Heathlands  
**Address:** C1 At, 3Js Nursery, Smarts Heath Road, Woking, Surrey, GU22 0RG

**Item:** 0006B  
**Case ref:** PLAN/2022/1086  
**Recommendation:** Permit  
**Ward:** St Johns  
**Address:** 1 Robin Hood Road, St Johns, Woking, Surrey, GU21 8SP

Section A - A

Section B -

Section C -





**SECTION A**

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

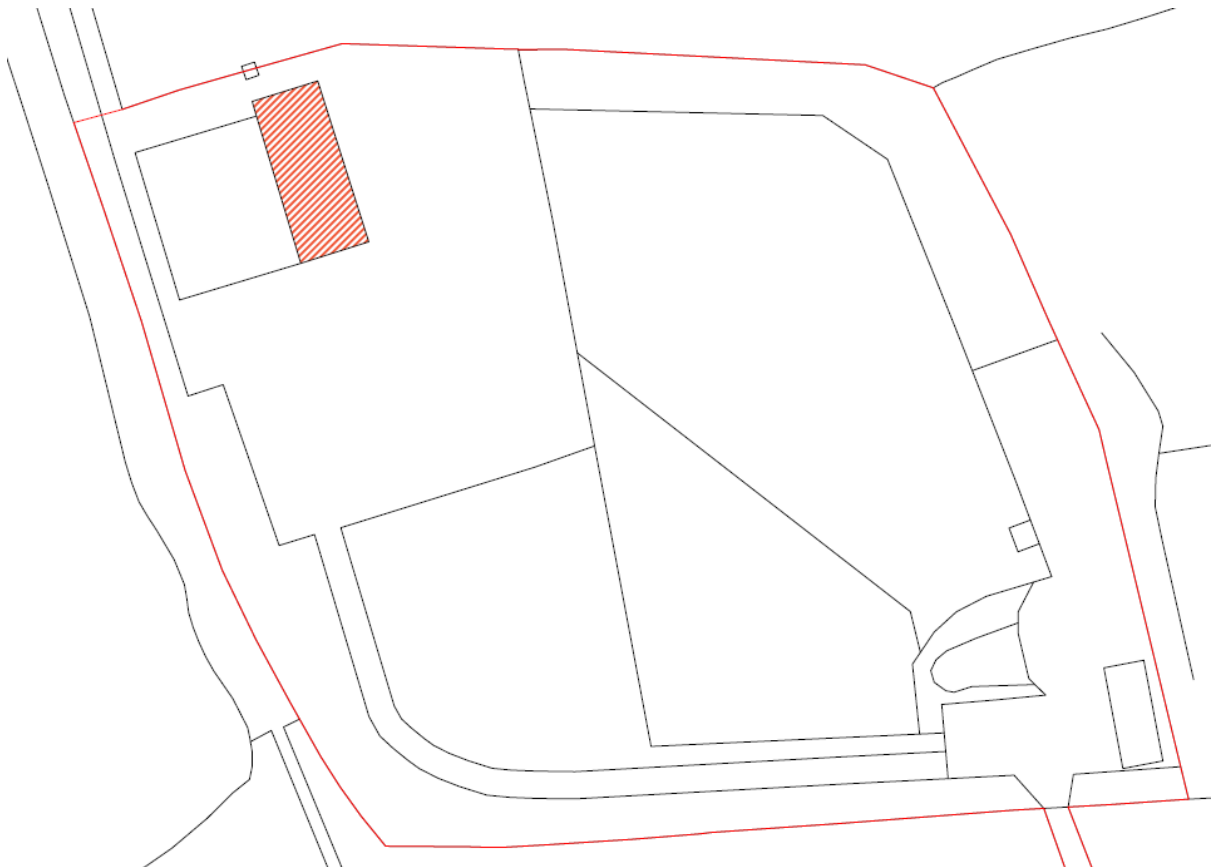
**(Note: Ordnance Survey Extracts appended to the reports are for locational purposes only and may not include all current developments either major or minor within the site or the area generally)**



# 3Js Nursery, Smarts Heath Road

PLAN/2023/0737

Change of use of an existing commercial unit (Use Class B1/ B8), to an indoor fitness club and studio (Use Class E(d)).





PLAN/2023/0737



3Js Nursery

FB Drain

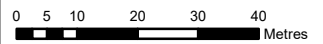
Ponds

B 380

Comments



SCALE 1:1,250



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



## 04<sup>th</sup> JUNE 2024 PLANNING COMMITTEE

6a PLAN/2023/0737

WARD: Heathlands

**LOCATION:** C1 At, 3Js Nursery, Smarts Heath Road, Woking, Surrey, GU22 0RG

**PROPOSAL:** Change of use of an existing commercial unit (Use Class B1/ B8), to an indoor fitness club and studio (Use Class E(d)).

**APPLICANT:** Fighting Fitness UK Ltd

**OFFICER:** Josey Short

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

The application was called into committee for decision by Cllr Steve Dorsett as it is considered that the proposal is appropriate development in the Green Belt and would result in no further erosion to the Green Belt.

### **PROPOSED DEVELOPMENT**

The application seeks planning permission for the change of use of an existing commercial unit (Use Class B1/ B8), to an indoor fitness club and studio (Use Class E(d)).

### **PLANNING STATUS**

- Green Belt
- Surface Water Flooding 1 in 30 Year
- Thames Basin Heath Special Protection Area - Zone B (400m-5km)

### **RECOMMENDATION**

REFUSE planning permission.

### **SITE DESCRIPTION**

The application site is located on the north side of Smart Heath Road. The site comprises an existing building of B8 use and hardstanding to the south of it which provides parking provision. The site is located within the Green Belt in its entirety and is partially covered by areas of medium and high risk of surface water flooding to the south of the site.

### **PLANNING HISTORY**

PLAN/2022/1110 – Change of use of the land from mixed use (agriculture and commercial) to a mixed use of agricultural, commercial and sports and the associated works to provide 5 x football pitches and permeable surfacing for additional car parking.

Refused 11.07.2023 for the below reasons.

Appeal in progress – appeal ref APP/A3655/W/24/3336504

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- 1. The proposed change of use of this isolated rural site to main town centre leisure uses would fail the sequential test and would conflict with the spatial strategy for Woking, which seeks to locate leisure uses within the town centres and urban areas which offer the best access for a wide range of people and offers opportunities for users to access the facility by sustainable methods of transport and for linked trips to be made. The location of the proposed football pitches is in an isolated rural location and therefore is not locationally sustainable and would not contribute to the achievement of sustainable development or improve conditions for a wide variety of people to undertake this leisure activity. The proposed development is therefore contrary to Policies CS1, CS18 and CS19 of the Woking Core Strategy 2012 and the National Planning Policy Framework (NPPF) (2021).*
- 2. It has not been demonstrated that the increased activity and intensified use of the site proposed and the significant increase in the number of vehicles parked on the site would not result in a reduction in the openness of the Green Belt and would not conflict with its purposes, notably the encroachment of the countryside. On this basis the proposal represents inappropriate development in the Green Belt which is, by definition, harmful and would also be harmful to openness and the purposes of the Green Belt and conflict with its purposes, including land within the Green Belt. There are no very special circumstances which are considered to outweigh the harm by reason of inappropriateness and the other harm identified. The proposal is therefore contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the Development Management Policies DPD (2016) and section 13 of the NPPF (2021).*
- 3. The site is located in a rural, isolated area and the proposed use would increase the use of the site during the proposed hours and the comings and goings to the site between matches. This in turn would intensify the use of the site. The intensified use would be inconsistent with the character of the area. Therefore, the proposal would be contrary to policy CS21 and CS24 of the Core Strategy (2012) and Section 12 of the NPPF (2021).*
- 4. It has not been demonstrated that the living conditions of the occupiers of nearby residential dwellings on Saunders Lane would not be significantly and adversely affected by unacceptable levels of noise resulting from the use of the site during the proposed hours of use. As such it has not been demonstrated that the proposal would avoid significant harm to the environment and general amenity, resulting from noise and general disturbance, contrary to Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DM DPD (2016) and the NPPF (2021).*
- 5. The proposed level of parking would be insufficient for the capacity of the site at busy periods, resulting in any other parking occurring on the adjacent grassed areas, the access drive, or the access road of Smarts Heath Road. Any expansion of the hard surfacing area to provide additional parking and/or turning and/or passing places for the access drive would comprise inappropriate development resulting in a reduction in the openness of the Green Belt and the encroachment of the countryside. The proposal is therefore contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the Development Management Policies DPD (2016) and the policies in the NPPF (2021).*
- 6. No arboricultural information has been submitted in support of the application. In the absence of full arboricultural information to support the application, it has not been demonstrated that the proposal would have an acceptable impact on trees on the site. The proposal is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies Development Plan Document (2016) and Section 15 of the NPPF (2021).*
- 7. No archaeological assessment has been submitted in support of the application, and it is not clear from the submitted documents what impact the proposed works will have on the existing ground surface. Therefore, in the absence of an archaeological desk based assessment (as an initial phase of work to start to determine the archaeological potential and levels of previous truncation, the impact of the proposals, and the need*



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*for any further phases of work), it is not possible to determine the archaeological implications of the proposed works. The proposal is therefore contrary to policy CS20 of the Core Strategy (2012) and section 16 of the NPPF (2021) in the absence of the aforementioned information.*

- 8. No ecological survey information has been submitted in support of the planning application, and thus the possible adverse effect this development proposal may have on legally protected species, a material consideration, and the biodiversity value of the site cannot be assessed. In the absence of this information, it is not possible to ascertain if the possible impact on the site's ecology can be mitigated. Therefore, in the absence of an ecological survey, the application fails to comply with policy CS7 of the Core Strategy (2012) and section 15 of the NPPF (2021).*

PLAN/2021/0260 - Change of use of part of the existing building to retail shop and use of outside space for cooking and hosting BBQs

Permitted – 02.07.2021

PLAN/2020/0998 - Application for a Lawful Development Certificate for an existing operation to establish whether planning permission PLAN/2016/0181 (extension to an existing commercial building) was lawfully commenced.

Permitted – 23.12.2020

PLAN/2018/0734 - Section 73 application to vary Condition 6 (relocation of menage and return existing menage to paddock) of planning permission PLAN/2016/1235 (Change of use of land from agriculture and commercial (Class B8/ancillary Class B1) to mixed-use comprising the keeping of horses and commercial (Class B8/ancillary Class B1) use, the erection of a building comprising 6 stables, tack room, a store, office, removal of existing menage and construction of new menage and associated facilities additional hard surfacing, car parking and access drive, access drive to existing stables and removal of condition to of planning permission PLAN/1998/0316 to enable the existing stable building (to the rear of 229 Saunders Lane) to be used for commercial stabling uses including livery or for Class B8/Ancillary B1. Use of Saunders Lane access into the site for emergency vehicles only) to enable the change of use of the existing menage to residential garden in association with 229 Saunders Lane.

Permitted – 19.10.2018

PLAN/2016/1235 - Change of use of land from agriculture and commercial (Class B8/ancillary Class B1) to mixed-use comprising the keeping of horses and commercial (Class B8/ancillary Class B1) use, the erection of a building comprising 6 stables, tack room, a store, office, removal of existing menage and construction of new menage and associated facilities additional hard surfacing, car parking and access drive, access drive to existing stables and removal of condition to of planning permission PLAN/1998/0316 to enable the existing stable building (to the rear of 229 Saunders Lane) to be used for commercial stabling uses including livery or for Class B8/Ancillary B1. Use of Saunders Lane access into the site for emergency vehicles only (Amended description and amended plans received)

Permitted – 28.09.2017

PLAN/2016/1162 - Change of use of existing building from Class B1 (office)/B8 (storage and distribution) to Class D2 (Assembly and Leisure) to use the building as an open plan gym area and a Yoga studio.

Refused 17.01.2017 for the following reason(s):

- 1. The proposed change of use of this isolated rural building to main town centre leisure uses would fail the sequential test and would conflict with the spatial strategy for Woking, which seeks to locate leisure uses within the town centres and urban areas which offer the best access for a wide range of people and offers opportunities for users to access the facility by sustainable methods of transport and for linked trips to*

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be made. The proposed location of these town centre uses in an isolated rural location is not locationally sustainable and would not contribute to the achievement of sustainable development or improve conditions for a wide variety of people to undertake this leisure activity. The proposed development is therefore contrary to Policies CS1, CS18 and CS19 of the Woking Core Strategy 2012 and the policies in the NPPF.

2. It has not been demonstrated that the proposed change of use of the building to Class D2 (Assembly and Leisure) for use as an open plan gym area and yoga studio and the activity (comings and goings) to and from the site associated with the proposed uses of the building and the significant increase in the number of vehicles parked on the site would not result in a reduction in the openness of the Green Belt and would not conflict with its purposes, notably the encroachment of the countryside. The proposal therefore represents inappropriate development in the Green Belt which is by definition harmful and would also be harmful to openness and the purposes of the Green Belt. There are no very special circumstances which are considered to outweigh the harm by reason of inappropriateness and the other harm identified. The proposal is therefore contrary to Policy CS6 of the Woking Core Strategy 2012, Policy DM13 of the Development Management Policies DPD 2016 and the policies in the NPPF.
3. It has not been demonstrated that the existing access drive and parking arrangements at the site would be appropriate for the proposed development along with any usage of the previously approved extension under PLAN/2016/0181. Any expansion of the hardsurfacing area to provide additional parking and/or turning and/or passing places for the access drive and/or any informal parking on the adjoining open grassland which is in agricultural use would comprise inappropriate development resulting in a reduction in the openness of the Green Belt and the encroachment of the countryside. The proposal is therefore contrary to Policy CS6 of the Woking Core Strategy 2012, Policy DM13 of the Development Management Policies DPD 2016 and the policies in the NPPF.

PLAN/2016/0181 - Extension of existing commercial building.  
Permitted – 28.04.2016

### **CONSULTATIONS**

#### **Surrey Wildlife Trust:** dated 09.05.2024

We note that there is history and therefore potentially precedent from applications PLAN/2016/0181 and PLAN/2020/0998. From the Planning Statement/Cover Letter we note that no new parking spaces are to be provided. However, we have reviewed no information on whether lightning will be installed to facilitate the development, such as at access and car parking locations. If this is required, then the LPA should request further information and detail on this prior to determination, so that it can be assessed whether this would trigger the requirement for a Preliminary Ecological Appraisal, prior to determination.

We note that the existing car parking and hard standing will be used. This indicates that there is no natural or semi-natural habitat removal proposed. We note that there is at least one pond approximately 110m from the existing building. However, if habitat removal, such as grassland, scrub, trees, long vegetation such as nettles, then the LPA should request further information and detail on this prior to determination, so that it can be assessed whether this would trigger the requirement for a Preliminary Ecological Appraisal, prior to determination.

#### **Lead Local Flood Authority:** dated 09.04.2024

As there is no change to the impermeable area, we would have no further comments.

#### **Natural England:** dated 26.03.2024

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No objection subject to appropriate mitigation being secured. We consider that without appropriate mitigation the application would damage or destroy the interest features for which Smarts Heath and Preys Heaths Site of Special Scientific Interest has been notified. In order to mitigate these adverse effects and make the development acceptable, Natural England advises that the following mitigation measures are required / or the following mitigation strategy should be secured:

- Submission of a Construction Environmental Management Plan (CEMP)

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

### **Environmental Health:** *dated 31.10.2023*

If you are minded to approve, please consider attaching the following conditions;- AM6 (plant and equipment details), AM11 (Sound equipment not externally audible) and AM19 (External lighting).

It is recommended that opening of the rear doors should not be relied on as a means of providing ventilation, particularly during hot weather, and confirmation is obtained that the windows shown on plan will be sufficient.

### **County Highway Authority:** *dated 01.11.2023*

The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who has assessed the application on safety, capacity and policy grounds and recommends the proposal be refused on the grounds that:

1. The application site is not an ideal location in sustainable transport terms for an indoor fitness club and it is not easily accessible by modes of transport other than the private car.
2. There is no trip assessment provided by the applicant to show the additional traffic generated by the fitness club and how sustainable travel options could be put into place to mitigate the impacts.

The development would bring more patrons to the farm area and there is no sustainable travel options which mean gym users would rely primarily on private vehicles. The proposal is therefore contrary to the sustainable transport objectives of the NPPF (2023), policy CS18 of the Woking Core Strategy (2012), and objectives of the Surrey Transport Plan (LTP4) 2022-2032 'To prioritise walking and cycling to improve the health of the country'.

The change of use of a warehouse to an indoor fitness club would bring new traffic to the farm area. The absence of bus stops and services in the immediate vicinity of the site would encourage users of the club to use private cars which is contrary to policy CS18 of the Woking Core Strategy which states "Locating most new development in the main urban areas, served by a range of sustainable transport modes, such as public transport, walking and cycling would minimise the need to travel and distance travelled".

Locating the indoor fitness club off Smarts Heath Road which is a rural road (B road) heavily trafficked without appropriate pedestrians and cycle infrastructure does not seem reasonable. Furthermore, the additional traffic impact has not clearly been identified using a trip assessment which is also contrary to policy CS18 of the Woking which states "Ensuring development proposals provide appropriate infrastructure measure would mitigate the effects of development traffic and other environmental and safety impacts (directs or cumulative). Transport assessments will be required for development proposals, where relevant, to fully assess the impacts of development and identify appropriate mitigation measures. Developer contributions will be secured to implement transport mitigation schemes."

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For the above reasons, the County Highway Authority considers that the proposed development would not be acceptable on highway sustainability grounds, and hence would not comply with the guidance in the National Planning Policy Framework (2023), which states that “development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes...”. Finally, the proposal would also be contrary to the Surrey Transport Plan (LTP4) 2022-2032, which prioritises walking and cycling over less sustainable modes through the delivery of facilities which make active travel (on foot, by bicycle, scootering) more pleasant, convenient and safe.

### **SCC Countryside Access:** dated 13.10.2023

We have no objections to the above planning application. However, may we draw the applicants attention to our following requirements:-

- Safe public access must be maintained at all times and no access should be made via the footpath at any time
- Should the applicant feel they are unable to ensure public safety while work is underway, a temporary closure may be necessary. A minimum of 3 weeks notice must be given and there is a charge. Please contact the Countryside Access Officer if this is required.
- Any down pipes or soakaways associated with the development should either discharge into a drainage system or away from the surface of the right of way.
- There are to be no obstructions on the public rights of way at any time, this is to include vehicles, plant, scaffolding or the temporary storage of materials and/or chemicals.
- Any alteration to, or replacement of, the existing boundary with the public right of way, or erection of new fence lines, must be done in consultation with the Countryside Access Officer. Please give at least 3 weeks notice.
- Contractors vehicles, plant or deliveries may only access along a right of way if the applicant can prove that they have a vehicular right. Surrey County Councils Rights of Way Group will expect the applicant to make good any damage caused to the surface of the right of way connected to the development.

If the applicant is unsure of the correct line and width of the right of way, Countryside Access will mark out the route on the ground. Applicants are reminded that the granting of planning permission does not authorise obstructing or interfering in any way with a public right of way. This can only be done with the prior permission of the Highway Authority.

### **REPRESENTATIONS**

Sixty-two (62) representations have been received.

Of the sixty-two (62) representations, fifty-one (51) are in support of the application. However, it is noted that of the letters of support received, nineteen (19) were received from dwellings which are not located in Woking, and the other thirty-two (32) were received from the surrounding areas of Woking.

Eleven (11) objections were received from ten (10) addresses. They raise the following issues:

- The proposed change of use from an isolated rural building to a main town centre leisure use would fail to meet the sequential test and would conflict with the spatial strategy for Woking. There are other areas to be considered that are more suited to a sports company than this agricultural area

*Please see Principle of Development section of this report.*

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- The application fails to address the reasons for refusal of many other applications made over many years on the site; particularly PLAN/2016/1162 for a very similar development  
*The planning history of the site forms a material consideration in the assessment of the application.*
- The site has repeatedly applied for planning applications which go against the Green Belt, causing anxiety and distress to local residents.  
*Please see Impact on Green Belt and impact on neighbouring amenity sections of report. It is noted that neighbouring amenity is assessed on impact on their living conditions against planning policy only.*
- The site have retained a house number in Saunders Lane (233) which hasn't been removed and demonstrates a lack of consideration.  
*This would not form a material consideration in the assessment of this planning application.*
- The application site is adjacent to a SSSI. The proposal would result in a marked increase in volume of vehicles and people and therefore it is reasonable to assume there will be a corresponding increase in additional use which is likely to cause disturbance to the birds and their habitats. The applicant has not put forward an ecology assessment which should be sought before the application can be determined.  
*Please see Ecology section of this report.*
- The application states the development would be a town centre leisure facility which is incorrect. The application does not provide any exceptional justification required to allow the provision of sports facilities and there is no law which requires statutory obligation to provide a minimum number of sports facilities.  
*Please see Principle of Development section of report.*
- The site and surrounding infrastructure cannot support the numbers this change in use would see.  
*Please see Impact on Highway Safety and Parking section of this report.*
- If approved, the town centre use will make the Green Belt status of the site obsolete  
*This is incorrect. Regardless of the outcome of this application, the site would remain in the Green Belt and therefore any application will be assessed against relevant local and national Green Belt policy.*
- If approved, there will be no stopping the owners redeveloping the site further  
*All applications are assessed on their individual merit and thus, this would not form a material planning consideration in the assessment of this application.*
- There is no nearby public transport and the site cannot support parking for 300 visitors when competitions are held. The location of the barn does not offer good access and therefore is unsuitable. There is insufficient parking on the site and there is no local parking which would be acceptable.  
*Please see Principle of Development and Impact on Highway Safety and Vehicle Parking sections of this report.*
- The development would not support the openness of the Green Belt as a number of vehicle movements would significantly increase and neither would their presence on the site when parked. These vehicles would be in addition to the existing businesses that already operate on the site which includes several commercial HGV's.  
*Please see Impact on Green Belt and Impact on Highway Safety and Parking sections of this report.*
- The applicant has not demonstrated any approach to minimise impact on the neighbouring residents  
*Please see Impact on Neighbouring Amenity section of this report.*

### **RELEVANT PLANNING POLICY**

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### National Planning Policy Framework (NPPF) (2023):

- Section 2 - Achieving sustainable development
- Section 4 – Decision making
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting sustainable transport
- Section 12 - Achieving well-designed and beautiful places
- Section 13 – Protecting Green Belt land
- Section 14 – Meeting the challenge of climate change, flooding and coastal change

### Woking Core Strategy (2012):

- CS1- A Spatial Strategy
- CS6 – Green Belt
- CS8 – Thames Basin Heaths Special Protection Areas
- CS9 – Flooding and water management
- CS17 – Open space, green infrastructure, sport and recreation
- CS18 – Transport and accessibility
- CS19 – Social and Community Infrastructure
- CS21 – Design
- CS24 – Woking’s landscape and townscape
- CS25 – Presumption in favour of sustainable development

### Development Management Policies DPD (2015):

- DM2: Trees and Landscaping
- DM3: Facilities for Outdoor Sport and Outdoor Recreation
- DM6: Air and Water Quality
- DM7 - Noise and Light Pollution
- DM8: Land Contamination and Hazards
- DM13: Buildings in and Adjacent to the Green Belt

### Supplementary Planning Documents:

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

### Other Planning Documents:

- National Planning Policy Guidance (online resource)

## **PLANNING ISSUES**

1. The main considerations within the determination of this application comprise;-

- Principle of use in this location
- Impact on the Green Belt
- Impact on Character of the Area
- Impact on Neighbouring Amenity
- Impact on Highway Safety and Car Parking Provision
- Ecology and Biodiversity
- Local Finance Considerations

### Principle of use in this location

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2. The application proposes the change of use of the existing building to a Class E(d) (indoor sport) use for use as a gym. Within the National Planning Policy Framework (2023) leisure uses comprise one of the main town centre uses and the NPPF seeks sustainable development and positive improvements in people's quality of life which includes improving the conditions in which people live, work, travel and take leisure. The NPPF seeks to promote competitive town centres and states that it is important that needs for retail, leisure office and other main town centre uses are met in full. Paragraph 91 of the NPPF states that "*Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*" The adopted Woking Core Strategy and DM Policies DPD are up to date.
3. Policy CS1 of the Core Strategy states that most new development will be directed to previously developed land in the town, district and local centres which offers the best access to a range of services and facilities. Policy CS18 states the Council's commitment to developing a well-integrated community connected by a sustainable transport system by locating most new development in the main urban areas served by sustainable transport modes. Policy CS19 also seeks to provide new community facilities in locations well served by public transport, pedestrian and cycle infrastructure. Social and community infrastructure includes indoor and outdoor recreation and sports facilities.
4. The application site is located outside of any centre and also any urban area in an isolated rural location. No sequential test assessment has been submitted with the application and therefore it cannot be said with any certainty that there are no other sequentially preferable sites available for the proposed use.
5. The cover letter submitted in support of the application (Lichfields, dated August 2023) makes reference to paragraph 93 of the NPPF (formally paragraph 89) and states on page 10: "*We acknowledge that the site is an out-of-town centre use, however the proposed change of use to the unit comprises a 'small scale rural development' (147 sqm), therefore the proposal can only be considered to comprise a small-scale rural development. In accordance with paragraph 89 of the NPPF, the sequential approach should not apply to the assessment of this application.*" Whilst the development may be considered a small scale, it would not be a rural development given that it is for a town centre use. With this taken into account, a sequential test would in fact be required for the assessment of this application. Though page 10 of the cover letter submitted states "*the applicant has undertaken a thorough site search process...The site search has presented limited suitable premises/no sequentially preferable sites for the proposed use*", however it is noted that no details to this effect have been submitted in support of the application such as other sites considered or reasons, they would be unsuitable. This is also contradicted by page 9 of the cover letter which states "*The premises at Smarts Heath Road is the only option that has come forward in the last three years*".
6. In addition, as the application site is in an isolated rural location there is no footway on either side of the carriageway, the road is unlit and there is no public transport serving Smarts Heath Road. There is no segregated cycleway on or off carriageway. The application site therefore has a poor degree of accessibility by modes other than the private car. The application details that classes are focussed around 16:00-21:00 Monday-Friday and between 09:00-14:00 Saturday and 09:00-11:30 Sunday. Further correspondence (email dated 18.10.2023) confirmed that the maximum class capacity would be 20 students to 1 instructor and the club have 5 members of staff. Given the size of the application site and the likely hours of use, it is considered likely that the stated level of proposed usage is unlikely to be conservative. Given the isolated rural location of

the existing application site, there would be no opportunity and encouragement for users of the facility to travel to the site by means other than the private car.

7. The proposed change of use of this isolated rural site would therefore fail the sequential test and would conflict with the spatial strategy for Woking, which seeks to locate leisure uses within the town centres and urban areas which offer the best access for a wide range of people and offers opportunities for users to access the facility by sustainable methods of transport and for linked trips to be made. The proposed location of these town centre uses in an isolated rural location is not locationally sustainable and would not therefore contribute to the achievement of sustainable development or improve conditions for a wide variety of people to undertake this leisure activity. The proposed development is therefore contrary to Policies CS1, CS18 and CS19 of the Core Strategy and the policies in the NPPF.

#### Green Belt Policy & Openness

8. Paragraph 142 of the National Planning Policy Framework (NPPF) (2023) states “*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.*” It goes on to detail at paragraph 152 that “*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*”
9. The application site is located in the Green Belt. The NPPF makes clear that the Government attaches great importance to Green Belts. The NPPF sets out within Paragraphs 154 and 155 the types of development which would not be considered inappropriate development within the Green Belt. Paragraph 155(d) details that the re-use of buildings provided that the building are of permanent and substantial construction would not constitute inappropriate development in the Green Belt provided it would preserve its openness and does not conflict with the purposes of including land within it. This approach is reflected in Policy CS6 of the Core Strategy and Policy DM13 of the DM Policies DPD also sets out a number of criteria which should be satisfied when the re-use of existing buildings is being considered.
10. With regards to the assessment of the impact of a proposal on the impact on the openness of the Green Belt, paragraph 001 Reference ID 64-001-20190722 of the National Planning Practice Guidance (NPPG) states “*the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*
  - *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
  - *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
  - *the degree of activity likely to be generated, such as traffic generation.*”
11. The existing building is of a permanent and substantial construction albeit it is utilitarian in appearance and has a basic form of construction i.e. the walls are not insulated. The application proposes a change of use of the building without making any external alterations.
12. However, the proposed use of the building would generate a significant amount of activity outside of the building and on the wider site for comings and goings and for vehicular parking. There is a long access drive on the site to the building with an area of hard



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surfacing immediately outside of the building. The submitted cover letter details that the proposed change of use would use the sites existing 23 parking spaces. Email correspondence received from the agent on 18.10.2023 confirmed that the maximum number of students in a class would be 20 per 1 instructor and that the judo club have 5 members of staff across the 3 sites. Based on this capacity information, the proposal would result in the maximum estimate of 25 vehicles using the site at any one time, which is based on the combination of maximum class size and 5 staff members. However, the proposed parking does not take account of the potential number of cars at change-over times between classes, which in theory could be double, which could therefore be increased to 45 vehicles at change this time. Additionally, a further 12 vehicles on site for the sites other use as a cookery school between March and September (approved under application PLAN/2021/0260), totalling 57 vehicles.

13. This amount of parking or greater is likely to result in a significant reduction in openness on the site. In addition, it is also considered that the existing hard surfacing on the site would not be capable of accommodating all of the vehicles associated with the proposed use and the previously approved use enabling them to be properly parked. Vehicles are therefore likely to parallel park on the access road of Smarts Heath Road or on the adjacent grassed areas for either parking or turning resulting in an encroachment of the countryside from the activities associated with the proposed development. Furthermore, given the isolated location of the site users are likely to travel by private car.
14. Mindful of these considerations it has not been demonstrated that the increased activity and comings and goings associated with the proposed uses of the building and the significant increase in the number of vehicles parked on the site would not result in a reduction in the openness of the Green Belt and would not conflict with its purposes, notably the encroachment of the countryside. On this basis the proposal represents inappropriate development in the Green Belt which is by definition harmful and would also be harmful to openness and the purposes of the Green Belt. There are no very special circumstances which are considered to outweigh the harm by reason of inappropriateness and the other harm identified. The proposal is therefore contrary to Policy CS6 of the Woking Core Strategy, Policy DM13 of the DM Policies DPD and the policies in the NPPF.
15. As paragraphs 152 of the NPPF states "*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*" Paragraph 153 goes on to detail that "*'Very special circumstances' (VSC) 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.*"
16. No VSC has been put forward in support of the application and there are no very special circumstances which are considered to outweigh the harm by reason of inappropriateness and the other harm identified. The proposal is therefore contrary to Policy CS6 of the Woking Core Strategy, Policy DM13 of the DM Policies DPD and the policies in the NPPF.

### Impact on the Character of the Area

17. Paragraph 135 of the NPPF (2023) states "*Planning policies and decisions should ensure that developments: (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*".

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18. Policy CS21 of the Core Strategy (2012) states ; *“Proposals for new development should meet the criteria below: 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, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”*
19. Policy DM3 of the Development Management Policies DPD (2015) states *“Proposals for the provision of outdoor sport and recreational facilities or extensions to, or intensification of use of, existing facilities will be permitted subject to other Development Plan policies and provided that they meet the following criteria: (i) The development is of an appropriate design, scale and layout relative to its intended use and surrounding area; (ii) The development will not have an adverse visual impact”.*
20. The proposed change of use would not include any physical works to the exterior of the existing building and therefore would not have any impact on the visual quality of the area in this regard.
21. Irrespective of this, the site is located within a rural and isolated area and the proposed use would increase the use of the site during the proposed hours of use and the comings and goings to the site during these times. This in turn would intensify the use of the site. The intensified use would be inconsistent with the character of the area which is rural in character. As such, the proposal would be contrary to policy CS21 of the Core Strategy (2012), DM3 of the DM Policies DPD (2015) and Section 12 of the NPPF (2023).

### Impact on Neighbouring Amenity

22. The nearest neighbouring dwellings are in excess of 150 metres to the north of the application site. The proposed use as a Judo gym. Though the proposed use as a gym could result in some additional noise in comparison to the sites existing use, this would be contained within the building itself. In addition unless the Use Class was restricted other Class D2 uses could result in more noise being generated from the building/site. Therefore had the application been otherwise considered acceptable it would have been considered necessary to restrict the use of the building to the uses specified and to include planning conditions relating to acoustic insulation and preventing egress of any noise/amplified music from the premises and controlling the installation of any plant/equipment in order to safeguard the amenities of the nearby neighbouring amenities. It is also considered that given the position of the access and the parking area to the south of the building and the separation distances to neighbouring dwellings to the north that the comings and goings associated with the proposed use would not be detrimental to neighbouring amenities subject to a condition controlling the hours of use of the premises. However the potential use of conditions to address this issue does not outweigh the other objections to the application.

### Impact on Highway Safety and Car Parking Provision

23. The Country Highway Authority were a statutory consultee for the application assessing the application on safety, capacity and policy grounds and advised that the application is refused on the grounds that:
  - The application site is not an ideal location in sustainable transport terms for an indoor fitness club and it is not easily accessible by modes of transport other than the private car.

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- There is no trip assessment provided by the applicant to show the additional traffic generated by the fitness club and how sustainable travel options could be put into place to mitigate the impacts.
24. The development would bring more patrons to the farm area and there is no sustainable travel options which mean gym users would rely primarily on private vehicles. The proposal is therefore contrary to the sustainable transport objectives of the NPPF (2023), policy CS18 of the Woking Core Strategy (2012), and objectives of the Surrey Transport Plan (LTP4) 2022-2032 'To prioritise walking and cycling to improve the health of the country'.
  25. The change of use of a warehouse to an indoor fitness club would bring new traffic to the farm area. The absence of bus stops and services in the immediate vicinity of the site would encourage users of the club to use private cars which is contrary to policy CS18 of the Woking Core Strategy which states "Locating most new development in the main urban areas, served by a range of sustainable transport modes, such as public transport, walking and cycling would minimise the need to travel and distance travelled".
  26. Locating the indoor fitness club off Smarts Heath Road which is a rural road (B road) heavily trafficked without appropriate pedestrians and cycle infrastructure does not seem reasonable. Furthermore, the additional traffic impact has not clearly been identified using a trip assessment which is also contrary to policy CS18 of the Woking which states "*Ensuring development proposals provide appropriate infrastructure measure would mitigate the effects of development traffic and other environmental and safety impacts (directs or cumulative). Transport assessments will be required for development proposals, where relevant, to fully assess the impacts of development and identify appropriate mitigation measures. Developer contributions will be secured to implement transport mitigation schemes.*"
  27. For the above reasons, the County Highway Authority considers that the proposed development would not be acceptable on highway sustainability grounds, and hence would not comply with the guidance in the National Planning Policy Framework (2023), which states that "development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes...". Finally, the proposal would also be contrary to the Surrey Transport Plan (LTP4) 2022-2032, which prioritises walking and cycling over less sustainable modes through the delivery of facilities which make active travel (on foot, by bicycle, scootering) more pleasant, convenient and safe.

### *Parking*

28. The site's existing access point is on Smarts Heath Road, close to the southeast corner of the site, with the access drive running parallel to the south boundary to the hardstanding which is located immediately to the front of the site's existing building. The proposal would maintain this existing access point, drive and hardstanding which provides 23 parking spaces adjacent to the west boundary of the site.
29. As detailed earlier within this report at paragraphs 11 and 12, based on the information submitted in support of the application and the existing permitted uses at the site, the parking on site could be increased to a maximum of 57 vehicles at any one time. It is therefore considered that the existing hard surfacing on the site would not be capable of accommodating all of the vehicles associated with the proposed use and the previously approved use enabling them to be properly parked.

30. As such, during busy periods, any other parking would occur on the adjacent grassed areas, the access drive, or the access road of Smarts Heath Road. Any expansion of the hard surfacing area to provide additional parking and/or turning and/or passing places for the access drive would comprise inappropriate development resulting in a reduction in the openness of the Green Belt and the encroachment of the countryside. The proposal is therefore contrary to Policy CS6 of the Woking Core Strategy, Policy DM13 of the DM Policies DPD and the policies in the NPPF.

Ecology and Biodiversity

31. Paragraph 180 of the NPPF states *“When determining planning applications, local planning authorities should apply the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”*.
32. The reasoned justification of Policy CS7 of the Council’s Core Strategy (2015) states *“Where development is proposed that would affect sites or features of nature conservation importance, appropriate mitigation and management measures will be taken to ensure that this is prevented or minimised...New development can promote biodiversity with sensitive design and landscaping. The Council will require the prior assessment of the development site by the developer to provide information on species, including species and habitats surveys where necessary, and information on features of the landscape important to Woking’s Biodiversity. The Council will apply a design approach that enhances biodiversity where it is possible to do so”*.
33. The site is located in very close proximity to Smart's and Prey Heaths SSSI, being separated by Smart’s Heath Road and as such, both Natural England and Surrey Wildlife Trust were consulted as statutory consultees for the proposal subject of this report. Natural England raise no objection to the planning proposals subject to the production of a Construction Environmental Management Plan, which could be included as a pre commencement condition in the event of planning permission being granted in this instance.
34. From the information submitted, there was no information on whether the proposed parking would include lighting to facilitate the development, nor does it detail if the works would include habitat removal, (such as grassland, scrub, trees, long vegetation such as nettles). In the absence of this information, it is not possible to determine whether the works would trigger the requirement for a Preliminary Ecological Appraisal, prior to determination.
35. Therefore, the possible adverse effect this development proposal may have on legally protected species and the biodiversity value of the site cannot be properly assessed. In the absence of this information, it is not possible to ascertain if the possible impact on the site’s ecology can be mitigated. Therefore, in the absence of an ecological survey, the

application fails to comply with Policy CS7 of the Core Strategy and section 15 of the NPPF.

Local Finance Considerations

36. As the proposal relates to a leisure change of use and no additional floorspace would be provided the development is nil rated under the Council's Community Infrastructure Levy Charging Schedule.

**CONCLUSION**

The proposed change of use of this isolated rural site would conflict with the spatial strategy for Woking, which seeks to locate leisure uses within the town centres and urban areas which offer the best access for a wide range of people and offers opportunities for users to access the facility by sustainable methods of transport and for linked trips to be made. The proposed location of these town centre uses in an isolated rural location is not locationally sustainable and would not therefore contribute to the achievement of sustainable development or improve conditions for a wide variety of people to undertake this leisure activity. No information is provided to demonstrate that there are no more sequentially preferable sites available in location terms.

It has not been demonstrated that the increased activity and intensified use of the site proposed site and the significant increase in the number of vehicles parked on the site would not result in a reduction in the openness of the Green Belt and would not conflict with its purposes, notably the encroachment of the countryside. On this basis the proposal represents inappropriate development in the Green Belt which is by definition harmful and would also be harmful to openness and the purposes of the Green Belt and conflict with its purposes, including land within the Green Belt. The very special circumstances (VSC) set out within the submitted Design and Access statement carry negligible or no weight and there are no other VSCs apparent which would outweigh the identified harm to the Green Belt.

The site is located within a rural and isolated area and the proposed use would increase the use of the site during the proposed hours of use and the comings and goings to the site during these times. This in turn would intensify the use of the site. The intensified use would be significantly inconsistent with the character of the area.

The proposed parking provision would be insufficient for the capacity of the site at busy periods and overflow parking would occur on the adjacent grassed areas, the access drive, or the access road of Smarts Heath Road. Any expansion of the hard surfacing area to provide additional parking and/or turning and/or passing places for the access drive would comprise inappropriate development resulting in a reduction in the openness of the Green Belt and the encroachment of the countryside.

The ecological information submitted provides insufficient information and thus the possible adverse effect this development proposal may have on legally protected species and the biodiversity value of the site cannot be assessed. In the absence of this information, it is not possible to ascertain if the possible impact on the site's ecology can be mitigated.

Therefore, the application fails to comply with policies CS1, CS6, CS7, CS18, CS19, CS21 and CS25 of the Core Strategy, policies DM3 and DM13 of the Development Management Policies Development Plan Document (2016) and sections 12, 13, 15 and 16 of the National Planning Policy Framework (2023).

**BACKGROUND PAPERS**

Site Photographs dated 14<sup>th</sup> May 2024.

**RECOMMENDATION**

It is recommended that planning permission be REFUSED for the following reason(s):

01. The proposed change of use of this isolated rural site to main town centre leisure uses would fail the sequential test and would conflict with the spatial strategy for Woking, which seeks to locate leisure uses within the town centres and urban areas which offer the best access for a wide range of people and offers opportunities for users to access the facility by sustainable methods of transport and for linked trips to be made. The location of the proposed football pitches is in an isolated rural location and therefore is not locationally sustainable and would not contribute to the achievement of sustainable development or improve conditions for a wide variety of people to undertake this leisure activity. The proposed development is therefore contrary to Policies CS1, CS18 and CS19 of the Woking Core Strategy 2012 and the National Planning Policy Framework (NPPF) (2023).
02. It has not been demonstrated that the increased activity and intensified use of the site proposed and the significant increase in the number of vehicles parked on the site would not result in a reduction in the openness of the Green Belt and would not conflict with its purposes, notably the encroachment of the countryside. On this basis the proposal represents inappropriate development in the Green Belt which is, by definition, harmful and would also be harmful to openness and the purposes of the Green Belt and conflict with its purposes, including land within the Green Belt. There are no very special circumstances which are considered to outweigh the harm by reason of inappropriateness and the other harm identified. The proposal is therefore contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the Development Management Policies DPD (2016) and section 13 of the NPPF (2023).
03. The site is located in a rural, isolated area and the proposed use would increase the use of the site during the proposed hours and the comings and goings to the site between classes. This in turn would intensify the use of the site. The intensified use would be inconsistent with the character of the area. Therefore, the proposal would be contrary to policy CS21 and CS24 of the Core Strategy (2012) and Section 12 of the NPPF (2023).
04. The proposed level of parking would be insufficient for the capacity of the site at busy periods, resulting in any other parking occurring on the adjacent grassed areas, the access drive, or the access road of Smarts Heath Road. Any expansion of the hard surfacing area to provide additional parking and/or turning and/or passing places for the access drive would comprise inappropriate development resulting in a reduction in the openness of the Green Belt and the encroachment of the countryside. The proposal is therefore contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the Development Management Policies DPD (2016) and the policies in the NPPF (2023).
05. The ecological information submitted provides insufficient information and thus the possible adverse effect this development proposal may have on legally protected species and the biodiversity value of the site cannot be assessed. In the absence of this information, it is not possible to ascertain if the possible impact on the site's ecology can be mitigated. Therefore, in the absence of an ecological survey, the

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application fails to comply with policy CS7 of the Core Strategy (2012) and section 15 of the NPPF (2023).

### **Informatives:**

01. The plans the subject of this refusal of planning permission as submitted with the application are:
  - Site Location Plan - received by the Local Planning Authority 28.08.2023
  - Site Plan – 1566/SH/3 –received by the Local Planning Authority 28.08.2023
  - Proposed Plans and Elevations – 1566/SH/1 - received by the Local Planning Authority 28.08.2023
  - Location Plan – GIS/LF/67076/01-01 – dated September 2023 and received by the Local Planning Authority 03.10.2023
  - Site Plan – GIS/LF/67076/01-02 – dated September 2023 and received by the Local Planning Authority 03.10.2023
  - Roof Plan – GIS/LF/67076/01-03 – dated October 2023 and received by the Local Planning Authority 05.10.2023
  
02. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework (2023). In this instance, the applicant has not engaged with the Council's pre application advice service and there are no minor alterations which could be made which would change the recommendation. Further to this, the recommendation is consistent with previous decisions for similar schemes at the applications site given that there have been no significant changes to national or local policy in this regard.





# 1 Robin Hood Road, St Johns

## PLAN/2022/1086

Demolition of No.1 Robin Hood Road and erection of a part three storey, part two storey building comprising 7x self-contained flats and a ground floor commercial unit (Use Class E) and associated parking, landscaping and works (AMENDED PLANS)

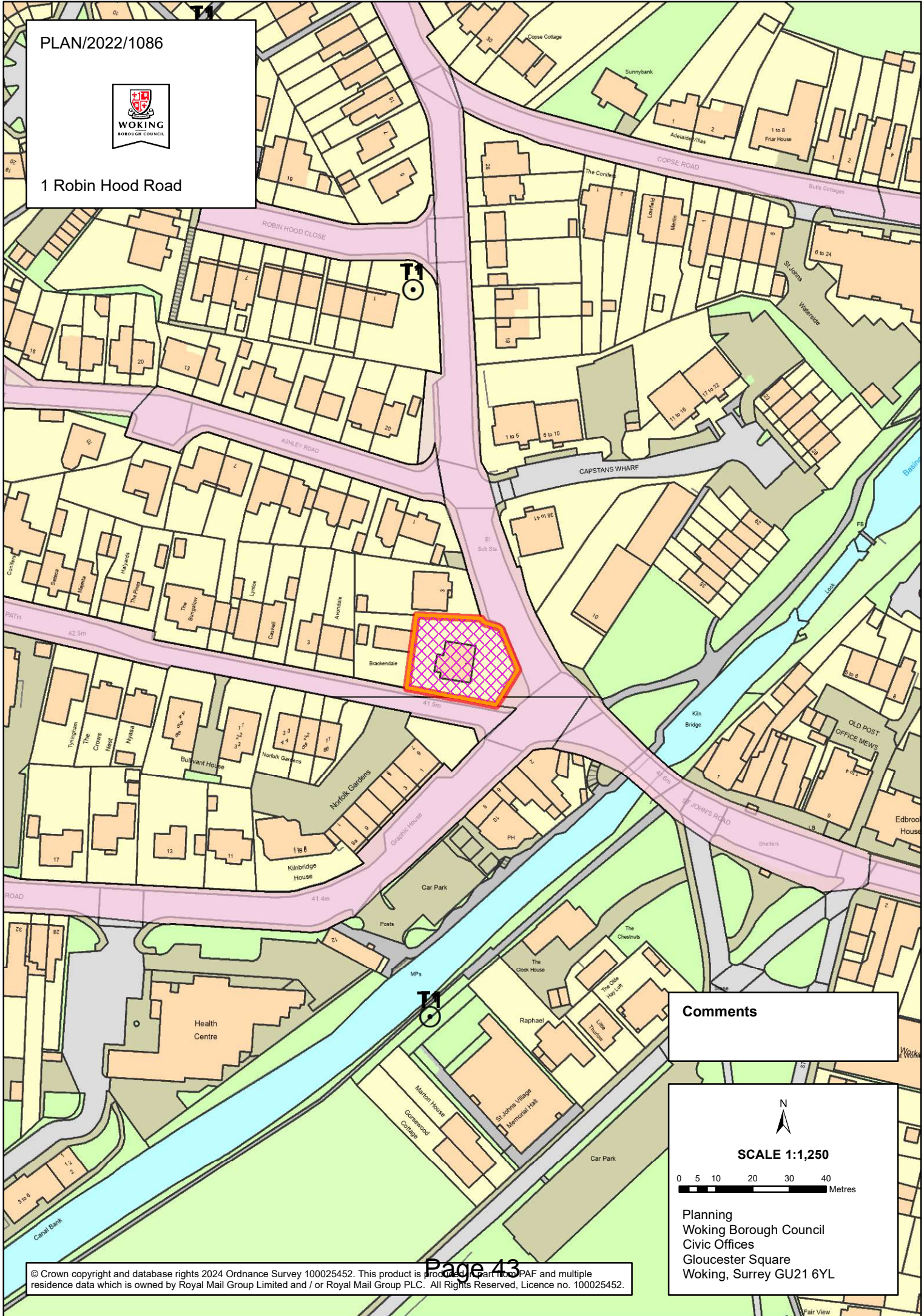




PLAN/2022/1086



1 Robin Hood Road



Comments

N

SCALE 1:1,250

0 5 10 20 30 40 Metres

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



6b PLAN/2022/1086

WARD: St Johns

LOCATION: 1 Robin Hood Road, St Johns, Woking, Surrey, GU21 8SP

PROPOSAL: Demolition of No.1 Robin Hood Road and erection of a part three storey, part two storey building comprising 7x self-contained flats and a ground floor commercial unit (Use Class E) and associated parking, landscaping and works (AMENDED PLANS)

APPLICANT: Mr Edward Callaghan

OFFICER: David Raper

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**REASON FOR REFERRAL TO COMMITTEE:**

The number of dwellings proposed falls outside the Scheme of Delegation.

**SUMMARY OF PROPOSED DEVELOPMENT**

The proposal is for the demolition of No.1 Robin Hood Road and erection of a part three storey, part two storey building comprising 7x self-contained flats and a ground floor commercial unit (Use Class E) and associated parking, landscaping and works.

**PLANNING STATUS**

- Urban Area
- St Johns Local Centre
- Locally Listed Building
- In vicinity of Basingstoke Canal Conservation Area
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m-5km)

**RECOMMENDATION**

Grant Planning Permission subject to conditions and a S106 Agreement.

**SITE DESCRIPTION**

The proposal site comprises a prominent corner plot, bordered by Barrack Path to the south and Robin Hood Road to the north-east and fronting onto a roundabout close to Kiln Bridge over the Basingstoke Canal. The existing building on the site is a double-fronted Victorian villa which has been in use as a veterinary practice but is currently vacant. The building is two storeys with a symmetrical front elevation with bay windows and a hipped roof form and is finished in brick with contrasting coign brick detailing. The building is Locally Listed for its townscape merit but has been extended and altered in the past.

The surrounding area is characterised predominately by two storey development of varying ages however on the opposite side of the Basingstoke Canal is a three storey building and to the north is Capstans Wharf which is a modern flatted development of two storeys with accommodation in the roof space. The proposal site is bordered on two sides by detached dwellings (Brackendale on Barrack Path and No.3 Robin Hood Road). To the south on Hermitage Road is a piece of land where permission has been granted for a two storey block of flats with accommodation in the roof space, beyond this is a two storey parade of shops dating from the 1960s. To the east is an MOT/car repair business and to the south and south-east are two storey Victorian commercial buildings and the Basingstoke Canal.

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The proposal site is within the St Johns Local Centre and the Urban Area.

### RELEVANT PLANNING HISTORY

- PLAN/1999/0904 - Certificate of lawfulness for: (1) Non-compliance with condition 2 (means of access) attached to planning permission 83/0737. (2) Non-compliance with condition 3 (no animals to remain at the premises overnight) attached to planning permission 83/0737. (3) Use of the first floor in connection with veterinary practice. (4) Change of use of land at Brackendale from residential to parking connection with veterinary practice – Certificate Granted 20.01.2000
- 83/0737 – Permanent use of two rooms on ground floor as waiting and consulting rooms and use of two storey extension as a recovery/observation room in connection with veterinary practice – Permitted 01.09.1983
- 81/1242 – Two storey extension – Permitted 01.01.1982
- 80/0176 – Use of two rooms on the ground floor as waiting/consultation rooms – Permitted 01.05.1980

### CONSULTATIONS

- **County Highway Authority:** No objection subject to conditions.
- **Conservation Consultant:** *I accept that the current building, although locally listed, has been severely damaged by insensitive historic additions and a replacement of quality and interest could compensate for the low level harm demolition might cause...Corner sites very often are capable of accommodating buildings of greater height and town-scape presence as there is generally more space associated with a junction situation. This is such a situation, the extra storey is partly concealed within the roof geometry and the building presents interesting all around facades...The site is within the visual influence of the nearby conservation area, but I do not consider the proposal in any way harms the special character. I think the fact that the building line is closer to the road as acceptable due to the unique setting of this corner site. The design of the building has a high degree of articulation and interest due to its unique plan form. Subject to satisfactory materials of high quality I consider the development could integrate well with surrounding development...*
- **Environmental Health:** No objection subject to conditions.
- **Lead Local Flood Authority:** No objection subject to conditions.
- **Surrey Wildlife Trust:** No objection.
- **Tree Officer:** No objection.
- **Waste Services:** No objection.

### REPRESENTATIONS

44x objections were received in response to the originally submitted plans raising the following summarised comments:

*Character:*

- Proposal would be out-of-keeping with the character with St Johns village
- Proposed building would be too tall and would not reflect surrounding building heights
- There are no three storey buildings in the area
- Proposed building would be imposing
- Proposal is too urbanising for this location
- The building is Locally Listed and should be retained
- Any new building should be traditionally designed
- The balconies and glazing are out of place in this village location
- Proposal would be an overdevelopment
- The proposal does not follow the building lines along Robin Hood Road and Barrack Path

*Parking and Highway Safety:*

- Proposal would provide insufficient parking and would result in overflow parking onto already heavily parked streets and car parks
- Existing public car parks in St Johns are regularly full
- The additional pressure on parking would impact on footfall and local businesses
- Submission indicates tables and chairs outside the commercial unit. This is unrealistic as this is a busy junction and could pose a highway safety risk
- Proposal site is on a busy pedestrian and cycle route and poses a highway safety risk
- The proposal has not considered the existing Pluto Way cycle path on the pavement
- The access onto Barrack Path is too narrow
- An access from Robin Hood Road would be preferable
- Proposal could impact on visibility splays on a busy roundabout
- Public transport links are poor in this location
- There is limited space for servicing and deliveries
- There would be no accessible spaces

*Impact on Neighbours:*

- Proposal would result in loss of light, overshadowing and overbearing impacts on neighbours
- Proposal would result in overlooking and loss of privacy
- The proposal could impact on a nearby consented development (PLAN/2020/1202)
- The Daylight and Sunlight report is inaccurate
- The proposed development is lacking in amenity space

*Other concerns:*

- Proposed commercial unit could compete with existing businesses
- The construction of the development would cause noise and disruption
- Existing infrastructure would not be able to cope with the additional development
- The proposed development takes no account of the embodied carbon in the present attractive building on the site which could be adapted.
- The site should be retained as a veterinary surgery

Neighbours were re-consulted on amended plans a further **21x** objections were received reiterating the above objections and raising the additional points:

- Proposal is closer to Barrack Path and breaches the building line
- The building would be closer to the boundaries which poses a highway safety issue due to the narrow pavements surrounding the site
- The Daylight and Sunlight Report has not been updated to reflect the amended plans
- There would be insufficient parking provision
- The revised plans do not address previous objections

## **RELEVANT PLANNING POLICIES**

### National Planning Policy Framework (NPPF) (2023):

- Section 2 - Achieving sustainable development
- Section 5 - Delivering a sufficient supply of homes
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed and beautiful places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 16 - Conserving and enhancing the historic environment

### Woking Core Strategy (2012):

- CS1 - A Spatial strategy for Woking Borough
- CS4 - Local and Neighbourhood Centres and shopping parades
- CS7 - Biodiversity and nature conservation
- CS8 - Thames Basin Heaths Special Protection Areas
- CS9 - Flooding and water management
- CS10 - Housing provision and distribution
- CS11 - Housing Mix
- CS18 - Transport and accessibility
- CS19 - Social and community infrastructure
- CS20 - Heritage Assets
- CS21 - Design
- CS24 - Woking's landscape and townscape
- CS25 - Presumption in favour of sustainable development

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

- DM2 - Trees and Landscaping
- DM7 - Noise and Light Pollution
- DM8 - Land Contamination and Hazards
- DM20 - Heritage Assets and their Settings

### Supplementary Planning Documents (SPDs):

- Parking Standards (2018)
- Design (2015)
- Outlook, Amenity, Privacy and Daylight (2022)
- Heritage of Woking (2000)

In addition to the above, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 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*'.

## **PLANNING ISSUES**

### Background:

1. Amended plans were received on 10.05.2023 and 12.07.2023 which amended the proposed parking, bin and cycle storage arrangements and added details to plans.



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2. Further amended plans were received on 24.01.2024 which amended the footprint and layout of the development. A projecting element on the Barrack Path frontage has been omitted and the parking, bin and cycle storage arrangements amended. The proposal has been assessed on the basis of these amended plans.

### Land Use:

3. The proposal site is located within the St Johns Local Centre. Policy CS4 of the Woking Core Strategy (2012) states that Local Centres *'will retain town centre uses wherever viable, in order to meet the day-to-day needs of the local community'* and that *'Mixed use development with a small amount of retail will be encouraged in local centres provided it accommodates local needs, contributes to the vitality and viability of the centre and is appropriate to the role and function of the centre in the hierarchy'*.
4. The proposal site comprises a vacant building which was formerly used as a veterinary practice and is approximately 79m<sup>2</sup> in area. The proposed development includes a commercial unit at ground floor level of 109m<sup>2</sup> in area which would have shopfronts on all the road frontages. This unit is identified as being within retail use (formerly Use Class A1 which is now Use Class E). Use Class E (Commercial, Business and Service) of the Town and Country Planning (Use Classes) Order 1987 which includes retail, restaurant and office uses which are considered appropriate for this location. However, Use Class E can also include light industrial and creches. It is therefore considered reasonable and necessary to restrict the use of the commercial unit to uses falling within Use Classes E(a) (retail), E(b) (restaurant/café), E(c) (financial/professional services), E(d) (indoor sport, recreation or fitness), E(e) (medical or health services) and E(g)(ii) (office).
5. The re-provision of a commercial unit, along with the provision of 7x additional residential units, is considered to contribute positively to the vitality and viability of the St Johns Local Centre. The proposal is therefore considered an acceptable form of development in principle subject to the detailed considerations set out below.

### Impact on Character and Heritage:

#### *Policy Context:*

6. Woking Core Strategy (2012) Policy CS21 'Design' 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 development proposals to *"...provide a positive benefit in terms of landscape and townscape character, and local distinctiveness"* and to *"conserve, and where possible, enhance townscape character"*.
7. Section 12 'Achieving well-designed places' of the NPPF (2023) states that *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve"* and that *"Good design is a key aspect of sustainable development..."* and requires proposals to *"add to the overall quality of the area..."*, to be *"visually attractive as a result of good architecture, layout and appropriate and effective landscaping..."* and *"sympathetic to local character and history, including the surrounding built environment and landscape setting..."* and *"establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit"*.

8. Woking Core Strategy (2012) policy CS20 ‘Heritage and Conservation’ and Woking DMP DPD (2016) policy DM20 ‘Heritage Assets and their Settings’ establish a presumption in favour of preserving or enhancing the character of Heritage Assets whilst the NPPF (2023) attaches great weight to the desirability of preserving and enhancing Heritage Assets and states that:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification...*

*...Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss...*

*...The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.*

*Proposed Development:*

9. The proposed development comprises the erection of a building of up to three storeys following demolition of the existing building. The site is irregularly shaped due to its corner plot position and has road frontages on Barrack Path and Robin Hood Road and fronts onto a mini roundabout and Kiln Bridge. The proposal site is bordered on two sides by detached two storey dwellings (Brackendale on Barrack Path and No.3 Robin Hood Road).
10. The immediate area is characterised predominately by two storey development of varying ages however on the opposite side of the Basingstoke Canal at No.1 St Johns Road is a three storey building and to the north is Capstans Wharf which is a modern flatted development of two storeys with accommodation in the roof space. Immediately to the south on Hermitage Road is a piece of land where a two storey block of flats with accommodation in the roof space is currently under construction. Therefore, whilst development is predominately two storeys, there are examples of three storey developments and accommodation at second floor level. Whilst the building would be adjacent to two storey development, the building would step down to two storeys on Barrack Path and steps down to single storey level on Robin Hood Road which is considered to achieve an acceptable transition in height, bulk and massing.
11. The proposal site forms a prominent corner plot in the Local Centre where greater heights can be justified in urban design terms as the greater height can be seen to announce an important nodal or gateway point. The height, scale, bulk and massing of the proposed building is considered acceptable in this location.

12. The proposed building confidently addresses its corner position and provides active frontages and animation on its road frontages. The proposed building would be sited approximately 0.9m from the Barrack Path frontage at its nearest point, 0.6m from the front boundary of the site facing the roundabout and part of the building would be on the boundary on the Robin Hood Road frontage. The building adopts projecting gable features on each of the frontages which creates a varied building line and allows opportunities for elements of soft landscaping around the perimeter of the site.
13. The building would be positioned forward of the building lines along Barrack Path and Robin Hood Road however this is considered acceptable in this corner location and would be more consistent with the character of the Local Centre where buildings are typically positioned directly on the edge of the footpath.
14. The proposed building includes projecting three storey gabled features with the main body of the building having hipped roofs disguising an area of flat roof. The building adopts window openings with a vertical emphasis and includes second floor windows which are set into the eaves as dormer features. The projecting gable features would incorporate integral balconies. The proposal would be finished in brick and includes decorative string course brick detailing in a contemporary arrangement.
15. The building is considered to adopt a traditional form but in a contemporary style and can be seen as a contemporary interpretation of the predominantly traditional forms and styles which typically characterise the surrounding area and nearby Conservation Area. The building is considered to exhibit high quality, well-proportioned and well-considered elevations and the form and design approach is considered to be sympathetic to the context of the proposal site.
16. The development incorporates adequate integral bin and cycle storage and car park with five parking spaces. The development is considered to achieve an acceptable balance of hard and soft landscaping. Further specific details of external materials can be secured by condition. A hedge surrounds most of the site which would be lost as part of the proposal however a detailed hard and soft landscaping which includes planting around the perimeter can be secured by condition.

*Loss of Heritage Asset:*

17. The existing building comprises a double-fronted Victorian villa which has been in use as a veterinary practice but is currently vacant. The building is two storeys with a symmetrical front elevation with bay windows and a hipped roof form and is finished in brick with contrasting coign brick detailing. The building is Locally Listed for its townscape merit. The building occupies a prominent position fronting onto the roundabout on a prominent corner plot. The building is considered to have architectural merit and contributes positively to the character of the area.
18. The proposal would result in the demolition of the Locally Listed building and replacement with a building of up to three storeys. In the above policy context, any benefits of the scheme would need to be balanced with the loss of the heritage asset, taking account of the significance of the heritage asset.
19. In support of the application the applicant has submitted a Heritage Statement. The Heritage Statement argues that the unsympathetic alterations and additions and the poor quality concrete hardstanding which surrounds the building significantly reduce the building's contribution to the Conservation Area and lessens the building's significance. The Statement also argues that the proposal provides an opportunity to

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enhance the contribution of the site to the Conservation Area and better emphasises the prominent corner plot.

20. Whilst the existing building has an attractive and well-proportioned front elevation, the building has been unsympathetically extended with a two storey flat roof extension as well as unsympathetic window openings and air conditioning units. The building is largely surrounded by hardstanding. Whilst the building could be sympathetically extended, this is unlikely to achieve the quantum of development proposed in this sustainable location. The building occupies a prominent and important corner plot in the Local Centre and in St Johns generally, but the building sits centrally within the plot and does not make efficient use of the site.
21. The proposal site is in a sustainable location in the Urban Area and within the St Johns Local Centre with good access to local facilities and amenities. The building currently makes a relatively inefficient use of the site and the proposal would allow the redevelopment of a vacant site with a mixed use development at a higher density. The proposal would provide 7x additional residential units in the Local Centre along with a ground floor commercial unit. The proposal would make efficient use of land and would provide additional dwellings in a sustainable location.
22. As discussed above, the proposed building is considered to exhibit high quality design and addresses each road frontage on this prominent corner plot with active frontages, good articulation and animation. The proposed development is considered a contemporary interpretation of a traditional form and is considered a high quality development.
23. These factors are considered to weigh significantly in favour of the proposal.

#### *Impact on the Conservation Area:*

24. The proposal site is not within a Conservation Area but is located opposite the Basingstoke Canal Conservation Area, which is located approximately 15m to the south-east. The St Johns Conservation Area borders the Basingstoke Canal Conservation Area which is located approximately 55m to the south-east. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to have 'special regard' to preserving or enhancing the character of Conservation Areas.
25. The Basingstoke Canal Conservation Area encompasses the part of the roundabout and approach to the bridge over the canal to the front of the site. The Conservation Area follows the length of the canal and is an important part of the historic development of settlements in the area and is now a naturalistic green corridor through the Borough. The St Johns Conservation Area comprises the Victorian core of St Johns village. It has a close relationship with the Basingstoke Canal and the open space of St Johns Lye and has retained a village character and is characterised predominantly by two storey Victorian dwellings and commercial buildings.
26. As discussed above, the proposed building is considered to exhibit high quality design and is considered to respect the characteristics of the surrounding area. Considering this, along with the separation to the Conservation Area, the proposal is considered to preserve the special character and setting of the Conservation Area.

#### *Summary and Planning Balance:*

27. The proposal is considered to deliver public benefits in terms of achieving an efficient use of a sustainable site, achieving a high quality development which responds positively to its corner location and the positive impact on the vitality and viability of the Local Centre arising from the proposed commercial unit and 7x additional residential units. When balanced with the limitations of the existing building and site described above, the loss of the existing Heritage Asset is considered to be outweighed by these public benefits. The proposal is considered to have an acceptable overall impact on the character of the surrounding area and on heritage assets.

Impact on Neighbouring Amenity:

28. Section 12 of the NPPF (2023) states that planning decisions should ensure that a 'high standard of amenity' is achieved for existing and future residents and Woking Core Strategy (2012) policy CS21 'Design' 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*'. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2022) sets out the principles of the '45° test' whereby if a proposal fails the test in both plan and elevation form, then the neighbour is likely to experience a noticeable loss of light and sets out recommended minimum separation distances for different forms of development.

*Brackendale, Barrack Path:*

29. The proposal site has a close relationship with the neighbour at Brackendale to the west. This is a detached dwelling whose flank elevation is positioned on the boundary with the proposal site. This neighbour is unusual in that it has a limited rear garden space and a larger front garden area which is relatively private as it enclosed by 1.8m high fencing, and appears to be used as outdoor amenity space by the occupants.
30. This neighbour features no side-facing windows but features habitable room windows on the front and rear elevation in close proximity to the boundary. The ground floor front-facing window appears to have originally been a garage which has been converted to a habitable room.
31. The proposed building would be located 7.6m from this neighbour at its nearest point and projects approximately 7.9m beyond the front elevation of this neighbour. The element of the building nearest this neighbour would be two storeys, with the taller three storey element set-in a further 5m from this neighbour. The proposal would pass the 45° test with this neighbour and is not considered to result in a significantly harmful loss of light impact on this neighbour. The separation to this neighbour and the stepping down of height is considered sufficient to avoid a significantly harmful overbearing impact on this neighbour.
32. The development includes first and second floor windows facing towards this neighbour however these serve a stairwell and so can be required to be obscurely glazed with restricted opening by condition to avoid undue overlooking and loss of privacy. Remaining new window openings would have only oblique views towards this neighbour and the proposal is not considered to result in a significantly harmful overlooking or loss of privacy impact on this neighbour.

*No.3 Robin Hood Road:*

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33. This neighbour is a detached two storey dwelling which borders the site to the north. The flank elevation of this neighbour is located approximately 1.5m from the boundary with the proposal site and the flank elevation features ground and first floor side-facing windows. The three ground floor side-facing windows serve as secondary windows to a lounge which is served by a bay window on the principal front elevation. One of the first floor flank windows serves a bathroom and the other serves as a secondary window to a bedroom.
34. The element of the proposed building nearest this neighbour would be single storey, stepping up to three storeys. Whilst the proposed building would project forward of the building line on Robin Hood Road, the proposed building is not considered to unduly dominate views from the front habitable room windows of this neighbour. The proposal would pass the 45° test with this neighbour and is not considered to result in a significantly harmful loss of light impact on this neighbour. The separation to this neighbour and the stepping down of height is considered sufficient to avoid a significantly harmful overbearing impact on this neighbour.
35. A first floor window facing towards this neighbour is proposed however this would serve the stairwell and so can be required to be obscurely glazed with restricted opening by condition to avoid undue overlooking and loss of privacy. Remaining new window openings would have only oblique views towards this neighbour. Adequate boundary treatments between the proposal site and this neighbour can be secured as part of a landscaping scheme.

### *Development adjacent to No.1 Hermitage Road:*

36. Immediately to the south on the opposite side of Barrack Path is a development of two flats which is currently under construction after being permitted under PLAN/2020/1202. The approved development includes first and second floor habitable room windows facing towards the proposal site. The proposed development would be located approximately 8m from this neighbour at its nearest point. Whilst this falls short of the recommended 'front-to-front' separation distances set out in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2022), this relationship is considered acceptable given the location of the proposal site in a Local Centre. The proposal is not considered to result in a significantly harmful overbearing, overlooking, loss of privacy or loss of light impact on these neighbours.
37. Other neighbours in the surrounding area are considered a sufficient distance from the proposal in order to avoid an undue amenity impact.
38. Overall, the proposal is considered to form an acceptable relationship with surrounding neighbours and is not considered to result in a significantly harmful impact on neighbouring amenity.

### Transportation Impact:

39. The Council's Parking Standards SPD (2018) sets minimum residential parking standards of 0.5x spaces per one bedroom flat and 1x space per two bedroom flat. For commercial uses the SPD sets maximum parking standards, with a 50% reduction recommending in District, Local and Neighbourhood Centres. The SPD refers to the former Use Classes Order which was amended in September 2020. The SPD sets standards 'A' class uses (e.g. A1 retail), which are now Class E uses.
40. For retail uses under 500m<sup>2</sup>, a maximum of 1x space per 30m<sup>2</sup> is specified (reducing to 0.5x space in Local Centres). The former use was a veterinary surgery which now comes within Class E.

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41. The proposed development comprises the following:
  - 5x one bed units (SPD requirement of 2.5x spaces)
  - 2x two bed units (SPD requirement of 2x spaces)
  - Class E Commercial unit of 109m<sup>2</sup> (Maximum SPD requirement of 3.6x spaces, reduced to 1.8x spaces in the Local Centre)
42. The proposed development includes the provision of 5x off-street parking spaces as part of the development. This would be sufficient to meet the minimum parking requirements of the SPD as set out above. There would effectively be no off-street parking serving the commercial unit however given that the SPD sets maximum standards and considering the sustainable location of the site in a Local Centre, this arrangement is considered acceptable in terms of parking provision. There are two free public car parks serving St Johns Local Centre; whilst it is acknowledged that these are often at full capacity, they nonetheless provide an option for overspill parking.
43. The development would utilise the existing vehicular access onto Barrack Path. The County Highway Authority has reviewed the proposal and raises no objection on highway safety and capacity grounds subject to conditions. The proposal site is bordered by footpaths and a short section of cycle lane to the front of the site however the proposal would not interfere with the operation of these.
44. Sufficient space is identified for integral bin and cycle storage and bins would be collected via Barrack Path.
45. Overall, the proposal is considered to have an acceptable transportation impact subject to conditions.

### Standard of Accommodation:

46. The NPPF (2023) states that planning decisions should ensure that a 'high standard of amenity' is achieved for existing and future residents. The National Technical Housing Standards (2015) sets minimum standards for internal floor areas for dwellings. The minimum standard for a one bedroom, one person flat is 39m<sup>2</sup>, 50m<sup>2</sup> for a one bedroom, two person flat, 61m<sup>2</sup> for a two bedroom, three person flat and 70m<sup>2</sup> for a two bedroom, four person flat. These standards are not formally adopted by Woking Borough Council but nevertheless provide a useful indication as to whether the flats would provide an acceptable standard of accommodation.
47. The flats would range from 39m<sup>2</sup> to 72m<sup>2</sup> and would meet the National Technical Housing Standards specified above. Habitable rooms would have relatively open outlooks and the proposed flats are considered to offer an acceptable standard of internal accommodation for future residents.
48. The Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2022) sets out guidance for amenity space for different types of accommodation. The SPD states that there is no specific requirement for private amenity space provision for non-family accommodation but encourages all dwellings to achieve some modest private amenity space. For family dwellings (i.e. two bedroom flats over 61m<sup>2</sup>) the SPD states that a suitable sunlit area of predominantly soft landscaped private amenity space, appropriate in size and shape for the outdoor domestic and recreational needs of the family it is intended to support, is required. However, the SPD goes on to state that in the densest urban locations, alternative forms of on-site amenity provision may be

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permitted such as a communal amenity space or suitable area of landscaped roof garden or terrace.

49. The proposed development has been designed so that each residential unit has access to a private balcony. Whilst modestly proportioned, the balconies are inset and relatively sheltered and offer opportunities for outdoor seating and would have amenity value for occupants. It is also borne in mind that the proposal site is in close proximity to the Basingstoke Canal and the large public open space of St Johns Lye. The proposal is therefore considered to achieve an acceptable level of amenity space provision.
50. The Council's Environmental Health Team has been consulted and raises no objection subject to conditions. The use and opening hours of the ground floor commercial unit can be controlled by condition, as can the installation of air moving plant and equipment. The commercial unit is not considered to result in an unduly harmful impact on neighbouring amenity or the amenity of future occupants.
51. Overall, the proposal is considered to achieve an acceptable size and standard of internal accommodation and external amenity space for future occupants.

### Housing Mix:

52. Core Strategy (2012) policy CS11 'Housing Mix' requires proposals to address local needs as evidenced in the latest Strategic Housing Market Assessment (SHMA) which identifies a need for family accommodation of two bedrooms or more. The most recent published SHMA (September 2015) is broadly similar to the mix identified in policy CS11. However policy CS11 goes on to state that "*The appropriate percentage of different housing types and sizes for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme*" and the reasoned justification for policy CS11 goes on to state that "*Lower proportions of family accommodation (2+ bedroom units which may be houses or flats) will be acceptable in locations in the Borough such as the town and district centres that are suitable for higher density developments*". The proposal would comprise 5x one bedroom flats and 2x two bedroom flats. This is considered an acceptable mix of unit sizes for this location.

### Ecology:

53. The NPPF (2023) states that the planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. This approach is supported by Circular 06/05 – Biodiversity and Geological Conservation and is reflected in Policy CS7 of the Woking Core Strategy (2012). Bats and their roosts are protected under the Wildlife and Countryside Act (1981) (as amended). The Conservation of Habitats and Species Regulations (2017) (as amended) transpose the Habitats Directive into national law. Schedule 2 of the Regulations lists all species of bats as being European Protected Species. It is an offence to kill or disturb bats or their roosts. However, such actions can be made lawful through the grant of a license from Natural England, but only after it is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on the species concerned.
54. The application is accompanied by a Preliminary Roost Assessment and a bat emergence / re-entry survey on the building which would be demolished. The survey concludes that the buildings are unlikely to support roosting bats and low overall bat activity was recorded. The report sets out recommend precautions, mitigation and



enhancement measures and compliance with these can be secured by condition. Details of biodiversity enhancement measures can be secured by condition. Surrey Wildlife Trust has reviewed the proposal and raises no objection. Overall, the proposal is considered to have an acceptable impact on ecology.

Drainage and Flood Risk:

55. The proposal site is not within a Flood Zone or surface water flood risk area but parts of the carriageway of Barrack Path are designated as being at risk from surface water flooding. The Lead Local Flood Authority has been consulted and raises no objection subject to a condition securing a sustainable drainage scheme. The proposal is therefore considered acceptable in this regard.

Impact on the Thames Basin Heaths Special Protection Area (SPA):

56. The Thames Basin Heaths Special Protection Area (TBH SPA) has been identified as an internationally important site of nature conservation and has been given the highest degree of protection. Policy CS8 of the Core Strategy states that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBH SPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment. 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 of 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.
57. Policy CS8 of Woking Core Strategy (2012) 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 proposed development would require a SAMM financial contribution of **£5,320** based on a net gain of 5x one bedroom dwellings (5x £690) and 2x two bedroom dwellings (2x £935) which would arise from the proposal. The Appropriate Assessment concludes that there would be no adverse impact on the integrity of the TBH SPA providing the SAMM financial contribution is secured through a S106 Legal Agreement. CIL would be payable in the event of planning permission being granted.
58. Subject to securing the provision of the SAMM tariff and an appropriate CIL contribution, and in line with the conclusions of the Appropriate Assessment (as supported by Natural 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 Policy CS8 of Woking Core Strategy (2012), the measures set out in the Thames Basin Heaths SPA Avoidance Strategy, and the requirements of the Habitat Regulations 2017.

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### Affordable Housing:

59. Woking Core Strategy (2012) policy CS12 states that all new residential development will be expected to contribute towards the provision of affordable housing and that, on sites providing between five and nine new dwellings, the Council will require a financial contribution equivalent to the cost to the developer of providing 20% of the number of dwellings to be affordable on site. However, the NPPF (2023) states that “*Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)*”. The NPPF goes on to clarify that ‘major’ development means developments of 10x or more dwellings or where the site is over 0.5ha or non-residential developments of over 1,000m<sup>2</sup> (which reflects the definition of ‘major’ development in The Town and Country Planning (Development Management Procedure) (England) Order 2015).
60. Whilst it is considered that weight should still be afforded to Policy CS12 it is considered that more significant weight should be afforded to the NPPF (2023). The proposal is not major development and is not within a designated rural area, therefore no affordable housing contribution is sought.

### Community infrastructure Levy (CIL):

61. The proposal would be liable to make a CIL contribution of approximately £91,940.16 based on a proposed residential floor area of 482m<sup>2</sup> and a net gain in 30m<sup>2</sup> of commercial floor space. This figure may change due to indexation.

### **Conclusion and Planning Balance:**

62. The proposal is considered to deliver public benefits in terms of achieving an efficient use of a sustainable site, achieving a high quality development which responds positively to its corner location and the positive impact on the vitality and viability of the Local Centre arising from the proposed commercial unit and 7x additional residential units. When balanced with the limitations of the existing building and site described above, the loss of the existing Heritage Asset is considered to be outweighed by these public benefits. The proposal is considered to have an acceptable overall impact on the character of the surrounding area and on heritage assets.
63. The proposal is considered to form an acceptable relationship with neighbours and is considered acceptable in transportation terms and in all other respects. The proposal therefore accords with the Development Plan and is recommended for approval subject to conditions and a Legal Agreement.

### **PLANNING OBLIGATIONS**

The following obligation has been agreed by the applicant and will form the basis of the Legal Agreement to be entered into.

	<b>Obligation</b>	<b>Reason for Agreeing Obligation</b>
1.	SAMM (SPA) contribution of <b>£5,320</b>	To accord with the Habitat Regulations, policy CS8 of the Woking Core Strategy 2012 and The Thames Basin Heaths SPA Avoidance Strategy 2022.

**RECOMMENDATION**

Grant Planning Permission subject to the following condition(s):

01. The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

S201 (Site Location Plan) received by the LPA on 24.01.2024

S202 (Existing Site Survey) received by the LPA on 24.01.2024

360G/22048B/200 PLANS (Existing Floor Plans) received by the LPA on 17.01.2023

360G/22048B/300 ELEVS (Existing Elevations) received by the LPA on 17.01.2023

P210 (Proposed Floor Plans) received by the LPA on 24.01.2024

P211 (Proposed Elevations) received by the LPA on 24.01.2024

P201 (Proposed Site Plan – Ground Level) received by the LPA on 24.01.2024

P202 (Proposed Site Plan – Roof Level) received by the LPA on 24.01.2024

P212 (Proposed Street Scene) received by the LPA on 24.01.2024

Bat Emergence and Re-entry Surveys prepared by Arbtech dated 19.09.2022 received by the LPA on 24.11.2022

Preliminary Roost Assessment prepared by Arbtech dated 02.09.2022 received by the LPA on 24.11.2022

Reason: For the avoidance of doubt and in the interests of proper planning.

03. ++ Notwithstanding the material details outlined on the approved plans, no above ground development associated with the development hereby permitted shall commence until a written specification of the details of the materials to be used in the external elevations of the development hereby permitted and details, including plans drawn at scale 1:50 or less, of architectural features including, balconies, detailing, window reveals, doors and shopfronts, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the visual amenities of the area.

04. Notwithstanding any indication otherwise given by the approved plans listed in this notice, no cables, wires, aerials, satellites, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any external

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elevation of the development hereby permitted without the prior written approval of the Local Planning Authority.

Reason: To safeguard the appearance of the building and the visual amenities of the area.

05. ++Prior to the commencement of any above ground works in connection with the development hereby permitted (excluding demolition), a hard and soft landscaping scheme showing details of shrubs, trees and hedges to be planted, details of materials for areas of hardstanding and details of boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development (in that phase) whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the site and surrounding area.

06. Notwithstanding any indication otherwise given by the approved plans listed in this notice, the first and second floor windows in the west and north-west facing elevations of the development hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the finished floor levels of the rooms in which the windows are installed. Once installed the windows shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining properties.

07. Prior to the first occupation of the development hereby permitted, space shall be laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be permanently retained and maintained for their designated purposes.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and in the interests of public safety and amenity.

08. No part of the development hereby permitted shall be first occupied unless and until the proposed modified vehicular access to Barrack Path has been constructed in accordance with the approved plan numbered P201 received by the Local Planning Authority on 24.01.2024. Thereafter the access shall be kept permanently clear of any obstruction over 1.05m high.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users and in the interests of public safety and amenity.

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09. ++Prior to the first occupation of the development hereby permitted, details of secure cycle storage for the residential units and commercial unit hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be fully implemented in accordance with the agreed details and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained and made available for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided.

10. The development hereby permitted shall take place in accordance with the precautions and recommendations set out in the within the Bat Emergence and Re-entry Surveys dated 19.09.2022 and Preliminary Roost Assessment dated 02.09.2022 prepared by Arbtech received by the LPA on 24.11.2022 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect and enhance biodiversity on the site.

11. ++Prior to any above ground works in connection with the development hereby permitted (excluding demolition), details of the measures for the enhancement of biodiversity on the site and a timetable for their provision on the site, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in full accordance with the agreed details prior to the first occupation of the development hereby permitted and thereafter shall be permanently retained and maintained in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect and enhance biodiversity on the site.

12. ++ Prior to the commencement of any above-ground works (excluding demolition) in connection with the development permitted, written evidence must be submitted to, and approved in writing by, the Local Planning Authority demonstrating that the dwellings within the development will achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence must be in the form of a Design Stage water efficiency calculator.

Development must be carried out wholly in accordance with such details as may be approved and the approved details must be permanently maintained and operated for the lifetime of the development unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance with Policy CS22 of the Woking Core Strategy (2012), the Climate Change SPD (2013) and the provisions of the National Planning Policy Framework (NPPF).

13. ++No development shall commence until details of a scheme for disposing of surface water by means of a sustainable drainage system have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full in accordance with the approved details prior to the first occupation of the development.

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Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policies CS9 and CS16 of the Woking Core Strategy 2012.

14. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) or Article 3, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting those Orders with or without modification) the use of the unit labelled 'D1 Unit' at ground floor level identified on the approved plans listed in this notice shall be restricted solely to uses falling within Use Classes E(a) (retail), E(b) (restaurant/café), E(c) (financial/professional services), E(d) (indoor sport, recreation or fitness), E(e) (medical or health services) and E(g)(ii) (office) of The Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other use whatsoever without the consent in writing of the Local Planning Authority.

Reason: In the interests of the vitality and viability of the Local Centre and in the interests of the amenity of future occupants and adjoining neighbours.

15. The ground floor commercial unit hereby permitted shall not be used/open to clients/customers and no deliveries shall be taken into or dispatched from the site outside the hours of 08:00 to 18:30 Monday-Saturday and not at any time on Sundays, Bank or Public Holidays.

Reason: In order to protect the residential amenities of the neighbouring properties.

16. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any orders amending or re-enacting that Order with or without modification) no extension or enlargement of the development hereby permitted shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of nearby properties and the character of the area and for this reason would wish to control any future development.

17. Prior to the installation of any fixed plant and equipment associated with air moving equipment, compressors, generators or plant or similar equipment to be installed in connection with the development hereby permitted details, including acoustic specifications, shall be submitted to and approved in writing by the Local Planning Authority. Approved plant and equipment shall not be installed otherwise than in accordance with the approved specifications.

Reason: To safeguard the residential amenities of future occupiers in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DM Policies DPD (2016) and the NPPF.

18. ++No above ground development associated with the development hereby permitted shall commence until a fully detailed scheme for protecting the residential units in the proposed development from road traffic noise and from noise emanating from the ground floor commercial unit has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise acoustic double glazing with ventilation and any other means to protect the building from noise. The approved scheme shall be carried out concurrently with the development of the site and shall then be implemented in full as agreed in writing by the Local Planning Authority before each dwelling is occupied and shall be permanently retained thereafter.

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Reason: To protect the occupants of the new development from noise disturbance.

19. No above ground development associated with the development hereby permitted shall commence until a scheme for the installation of equipment to control the emission of fumes and smell from the premises has been submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be fully implemented prior to the first use of the ground floor commercial unit hereby permitted. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with the approved details and retained as such thereafter.

Reason: To protect the environment and amenities of the occupants of neighbouring properties and prevent nuisance arising from fumes and smell.

20. No external lighting including floodlighting shall be installed until details (demonstrating compliance with the recommendations of the Institute of Lighting Engineers "Guidance Notes for Reduction of Light Pollution" and the provisions of BS 5489 Part 9) have been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be installed prior to the first use/ occupation of the development hereby approved and maintained in accordance with the approved details thereafter.

Reason: To protect the appearance of the surrounding area and the residential amenities of the neighbouring properties.

### Informatives

01. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework (2023).
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 provisions of the Party Wall etc. Act 1996 may be applicable and relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. An explanatory booklet, prepared by the Ministry of Housing, Communities and Local Government, and setting out your obligations, is available at the following address:  
<https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance#explanatory-booklet>
04. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within their ownership.
05. The applicant is advised that under the Control of Pollution Act 1974, works which are audible at the site boundary are restricted to the following hours: 8.00 a.m. - 6.00 p.m. Monday to Friday, 8.00 a.m. - 1.00 p.m. on Saturdays and not at all on Sundays and Bank Holidays.
06. 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

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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.

07. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: <https://www.surreycc.gov.uk/roads-and-transport/permits-and-licences>
08. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
09. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
10. Your attention is specifically drawn to the conditions above marked ++. These condition(s) require the submission of details, information, drawings, etc. to the Local Planning Authority PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ON THE SITE or prior to the relevant trigger point. Failure to observe these requirements will result in a contravention of the terms of the permission and the Local Planning Authority may serve Breach of Condition Notices to secure compliance. You are advised that sufficient time needs to be given when submitting details in response to conditions, to allow the Authority to consider the details and discharge the condition. A period of between five and eight weeks should be allowed for.
11. All species of Bat and their roost sites are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2017. All Bats are therefore European Protected species. Offences under this legislation include any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual. Destruction of a Bat roost is therefore an offence, even if the bat is not present at the time of roost removal. An EPS Mitigation Licence will be required from Natural England before any actions which may affect bats are undertaken.
12. 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.



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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>

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).

13. The applicant is advised that this is a DRAFT decision only.

