

29 JUNE 2021 PLANNING COMMITTEE

6e

PLAN/2021/0260

WARD: Heathlands

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

PROPOSAL: Change of use of part of the existing building to retail shop and use of outside space for cooking and hosting BBQs

APPLICANT: The BBQ Company

OFFICER: Brooke
Bougnague

REASON FOR REFERRAL TO COMMITTEE

The application has been called to the Planning Committee at the request of Councillor Ashall as he believes that the application would be harmful to the green belt in establishing a use class that conflicts with the openness of the green belt.

SUMMARY OF PROPOSED DEVELOPMENT

Change of use of part of the existing building to retail shop and use of outside space for cooking and hosting BBQs. The retail shop would be used to sell BBQ equipment and the outside space used for BBQ demonstrations and teaching sessions. The site would use an existing vehicular access from Smarts Heath Road.

PLANNING STATUS

- Common Land
- Archaeological Interest
- Green Belt
- Surface Water Flooding
- Thames Basin Heaths SPA ZoneB (400m-5km)

RECOMMENDATION

Grant planning permission

SITE DESCRIPTION

This application relates to a site located to the north of Smarts Heath Road. The application site includes the access into the site, the drive up to the existing building and also the existing building and rear of land to the north of the existing building. Access into the site is off Smarts Heath Road. The site is separated from Smarts Heath Road by a verge which is designated as Common Land.

There is one building within the site which is a steel portal framed building faced in corrugated metal. The land outside the building/hard surfacing is laid to grass. The nearest residential properties are located to the north of the application site.

PLANNING HISTORY

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/2019/0586: Certificate of Lawful Development for a proposed use comprising the Use of the building for B1 business use and B8 storage or distribution use within the limitations of

29 JUNE 2021 PLANNING COMMITTEE

Class I, Schedule 2 of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Refused 23.08.2019

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 26.09.2017

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 17.01.17

PLAN/2016/0181: Extension of existing commercial building. Permitted 29.04.2016

PLAN/2013/1205: Removal of Conditions 1, 3 and 4 of PLAN/2013/0174 dated 12.02.2013 for the relocation of existing office/toilet/kitchenette container from within onsite barn to the outside (east of barn). Retention of existing shed (to east of barn). Application Withdrawn

PLAN/2013/0739: Conversion of existing barn to storage (B8 use) and office (B1 use) under Class M. The office use will be in the mezzanine floor and the storage use will be carried out in the main barn. Refused 05.09.2013 Appeal Allowed 10.03.2015

PLAN/2013/0174: Relocation of existing office/toilet/kitchenette container from within onsite barn to the outside (east of barn). Retention of existing shed (to east of barn). Permitted 12.11.2013

PLAN/2012/1102: Lawful Development Certificate to use the existing agricultural land for allotments and poultry business, erection of new internal gate and retrospective internal works to existing barn including mezzanine floor and secure storage. Permitted 26.06.2013

PLAN/2012/1057: Retrospective planning application for the installation of two windows to mezzanine level and planning permission for an external fire door. Permitted 06.02.2013

PLAN/2008/0191: Erection of solar panels to roof and wind turbine. Permitted 03.07.2008

29 JUNE 2021 PLANNING COMMITTEE

PLAN/2008/0083: Renovation and reuse of existing barn for agricultural purposes. Permitted 24.04.2008

PLAN/1993/0275: Notification of Agricultural and Forestry development under Schedule 2, Part 6 of the General Development Order 1988 for the erection of a barn for the storage of hay and food. Details not Required 13.05.1993

CONSULTATIONS

Surrey County Highways: No objection

Environmental Health: No objection, subject to conditions

Surrey County Divisional Rights Of Way Officer: No comments received

REPRESENTATIONS

14 letters of objection (including 2 from the same person) have been received raising the following points:

- Inappropriate for the Green Belt
- The business might want to expand in the future creating the need for more noise, lighting and signage
- Could lead to further expansion of the site
- Disturbance from noise
- Disturbance from vehicular movements
- Opening hours would cause disturbance
- Impact on openness and tranquillity
- Odour
- Impact on wildlife from odour and noise
- Increase in traffic
- Impact on neighbouring properties from noise, odour and smoke
- Set a precedent for full A1 use
- No food preparation/washing area
- Need planning permission for the BBQ
- Concern over use of music
- Concerns over alcohol use
- The proposed use is not covered by B1/B8 use
- Impact on users of the public right of way sited to the west of the site
- Only create a few part time jobs for 6 months of the year
- Concern could lead to more private parties, social events and team building
- Not implemented all applications that have granted planning permission
- We have direct views of the site
- Concerned the classes may be larger than 12 people
- Conditions should prevent alternative uses or expansion of the site without planning permission
- From the website it appears the school is already operating from the site
- The company website does not reflect the planning statement submitted
- The car park should only be used for the stables permitted under PLAN/2016/1235
- Retail spaces in the Green Belt should only be considered if they are rural in nature and can only take place in a rural setting
- Intensification of the Green Belt
- Contrary to policy
- Out of character

29 JUNE 2021 PLANNING COMMITTEE

- Overlooking
- Other suitable locations in Woking
- Increase in pollution

10 representations have been received expressing support for the proposal. These representations make the following summarised comments:

- The area need more small businesses
- Asset to the local area
- Promote family and outdoor living
- Will help the local economy and small businesses
- Support local businesses
- Good location for the proposed use
- Have a limited impact on the environment and residents due to the small number of BBQs and people

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2019):

- Section 6 - Building a strong, competitive economy
- Section 9 - Protecting Green Belt land
- Section 12 - Achieving well-designed places

Woking Borough Core Strategy (2012):

- CS1 - A spatial strategy for Woking Borough
- CS6 - Green Belt
- CS15 - Sustainable economic development
- CS18 - Transport and accessibility
- CS21 - Design

Woking Development Management Policies DPD (2016):

- DM13 – Buildings in and adjacent to the Green Belt

Supplementary Planning Documents:

- Parking Standards (2018)

PLANNING ISSUES

Principle of development:

1. The application site is located in the designated Green Belt and as such Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of DM Policies DPD (2016) and section 13 of the NPPF (2019) apply and these policies seek to preserve the openness of the green belt. The essential characteristics of the Green Belt are its openness and permanence. Paragraph 146 of the NPPF states *'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

29 JUNE 2021 PLANNING COMMITTEE

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order’.

2. Policy DM13 of the DM Policies DPD (2016) reflects paragraph 146 of the NPPF. The reason justification for Policy DM13 states

‘The re-use of redundant agricultural or rural buildings provides opportunity for the diversification of the rural economy and contributes to the economic growth of the area. It can also contribute towards the reduction in demand for new buildings in the Green Belt and can be a means of conserving traditional buildings which are a distinctive feature within the Borough’s rural landscape’.

3. The proposal is for change of use of part of the existing building to retail shop and use of outside space for cooking and hosting BBQs for patrons of the cooking school.
4. 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 proposed retail shop would operate from an existing container within the building and does not involve any external alterations to the building. The proposed re-use of the existing building and change of use of land to the north of the existing building is considered appropriate development within the green belt.
5. The proposed teaching and demonstration area would be sited immediately to the north of the building on an area of existing hard standing and grass. No additional fencing or structures are proposed to enclose the site. Up to 6 BBQs would be sited on land to the north of the existing building on Fridays, Saturdays and Sundays between March and September to facilitate the proposed classes. The applicant has advised the BBQs will be removed and stored after each class. The area designated for parking and loading bay for deliveries would be sited on an existing area of hardstanding.
6. The applicant has advised that each session will have between 6-12 patrons and run between 12.00pm and 17.00pm on Fridays and Saturdays and 10.00am-15.00pm on Sundays between March and September. The retail unit will only be open during classes for patrons of the cooking school and not for general members of the public.
7. The existing building is already in commercial use and would therefore already have a flow of traffic to and from the site. Due to the proposed hours of operation and low level of activity it is considered that the proposal would preserve the openness of the Green Belt and would not result in inappropriate development. The proposal would therefore comply with Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the DM Policies DPD (2016) and the National Planning Policy Framework (2019).

Impact on Character of the Area

8. The application does not propose any external alterations. The retail unit would be located within an existing building and no external alterations are proposed. The BBQs to be used for the classes will be removed and stored after each class.
9. Overall it is considered that the proposal would not detract from the character of the area. The application is considered to accord with Policy CS21 of the Woking Core Strategy (2012) and the NPPF.

29 JUNE 2021 PLANNING COMMITTEE

Impact on Neighbours

10. The nearest neighbouring dwellings are in excess of 150m to the north of the site. Concerns have been raised over odour and noise arising from the proposed use. Environmental Health have been consulted and raised no concerns with the retail element, but advised that there is the potential for noise and smell from the outside BBQs. However, due to the approximate 120m separation distance to the rear gardens of the nearest properties fronting Saunders Lane and that there would be a maximum of 12 patrons and 6 BBQs on the site during the proposed opening times Environmental Health consider that noise and odour would not cause a significant impact to neighbouring properties. Conditions are recommended to limit the hours of operation and number of patrons as well as amplified music and sound reproduction equipment to protect neighbouring properties. The applicant has also advised that the proposed retail shop would have the same opening hours as the cooking school and will only be open to patrons of the school. A Condition is recommended to restrict the opening hours of the retail shop.
11. 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.
12. Concerns has also been raised over the impact on users of the public right of way (footpath 33) known as Muddy Lane sited to the west of the application site. Due to the intensity of the proposed use it is considered that there would not be a significant impact on users of the footpath walking past the application site.
13. Overall the proposal is therefore considered to have an acceptable impact on the amenities of neighbours and accords with Policy CS21 of the Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the policies in the NPPF (2019).

Impact on parking and highway safety

14. The site would use the existing access from Smarts Heath Road and existing area of hardstanding to the south of the building. The County Highway Authority has advised that the proposal would not result in any material impact on the safety and operation of the adjacent public highway.
15. The proposal would use 20 existing parking spaces to the south of the site that were permitted under PLAN/2016/1235 to serve the commercial use of the existing building and new block of 6 stables that has not be built to date. 10 spaces were allocated to the stable use although it was considered unlikely that all the spaces would be used at the same time. Typically owner visits to stables are early in the morning and in the evening.
16. Due to the hours of operation of the proposed BBQ cooking school it is considered that the patrons of the BBQ cooking school would be using the parking spaces when users of the stables (which has not yet been implemented) would not typically be visiting the site.
17. Overall therefore the proposal is considered to result in an acceptable impact upon highway safety and car parking provision and accords with Policy CS18 of the Woking Core Strategy (2012), Supplementary Planning Document 'Parking Standards' (2018) and the National Planning Policy Framework (2019).

29 JUNE 2021 PLANNING COMMITTEE

Impact on Ecology

18. To the south of the site is the Smarts and Prey Heath SSSI. The proposed BBQs would be sited over 130m from the SSSI, due to the separation distance and number of BBQs it is considered there would not be a significant impact on the SSSI.

Community Infrastructure Levy (CIL)

The proposal would not be CIL liable.

CONCLUSION

19. Considering the points discussed above, the proposal is considered an acceptable form of development in the Green Belt which would have an acceptable impact on the amenities of neighbours, on the character of the surrounding area and in transportation terms. The proposal therefore accords with Policies CS1, CS6, CS15, CS18 and CS21 of the Woking Core Strategy (2012), Policy DM13 of the DM Policies DPD (2016), Supplementary Planning Documents 'Parking Standards' (2018) and the National Planning Policy Framework and is recommended for approval.

BACKGROUND PAPERS

1. Site visit photographs

RECOMMENDATION

It is recommended that planning permission be Granted subject to the following Conditions:

01. The development hereby permitted shall be commenced not later than three years from 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 in this notice.

21-P0122-01 received by the Local Planning Authority on 29.03.2021

21-P0122-02 received by the Local Planning Authority on 29.03.2021

21-P0122-03 received by the Local Planning Authority on 29.03.2021

Reason:

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

03. At no time shall the number of patrons at the BBQ cooking school exceed 12 and the number of BBQs exceed 6.

29 JUNE 2021 PLANNING COMMITTEE

Reason: To safeguard the amenities of nearby neighbouring dwellings

04. The retail shop hereby permitted shall be restricted to the blue hatched area within the existing buildings on the site as annotated as small retail shop on plan 21-P0122-01.

Reason: In order to control the development on the site in the interests of the visual amenity of the site and the surrounding area, neighbour impact and highway safety.

05. The BBQ cooking classes and demonstrations hereby permitted shall be restricted to the red hatched area to the north of the existing building on the site as annotated as hosting classes on plan 21-P0122-01.

Reason: In order to control the development on the site in the interests of the visual amenity of the site and the surrounding area, neighbour impact and highway safety.

06. No amplified music shall be played on the premises.

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

07. No sound reproduction equipment which conveys messages, music or other sound by voice or otherwise which is audible outside the premises shall be installed on the site without the prior written consent of the Local Planning Authority.

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

08. The BBQ cooking school and associated retail shop shall only be open between the hours of 12.00 to 17.00 on Fridays and Saturdays and 10.00 to 15.00 on Sundays between March and September.

Reason: In the interests of the character and appearance of the site, to safeguard the amenities of nearby occupiers.

09. The retail shop hereby permitted shall not be open to the general public and only sell BBQs and associated equipment.

Reason: In order to control the development on the site in the interests of the visual amenity of the site and the surrounding area, neighbour impact and highway safety.

Informatives

1. 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 2019.
2. You are 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.