

28 SEPTEMBER 2021 PLANNING COMMITTEE

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PLAN/2021/0621

WARD: PY

LOCATION: Twisted Stone Golf Club, Pyrford Road, Woking, GU22 8UE

PROPOSAL: Section 73 for variation of condition 15 of planning permission ref: 95/1044 (allowed at appeal), dated 23.06.1997 (Construction of 18 hole pay and play golf course, alterations and extension to the existing farmhouse to form clubhouse and provision of associated car parking accessed from Pyrford Road and the creation of an additional footpath at Lees Farm, Pyrford Road, West Byfleet) to amend the wording which restricts existing use of the clubhouse building to purposes ancillary to and only used in association with golf course use (retaining existing restriction on clubhouse building opening hours) (amended description).

APPLICANT: Twisted Stone Golf Club

OFFICER: Benjamin Bailey

REASON FOR REFERRAL TO COMMITTEE

The application has been called-in to Planning Committee for determination by Cllr Elson.

PLANNING STATUS

- Green Belt
- Surrey Minerals Plan - Concreting Aggregate Safeguarded Site
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone B (400m - 5km)

RECOMMENDATION

Grant planning permission subject to recommended conditions.

SITE DESCRIPTION

The application site encompasses the Twisted Stone Golf Course clubhouse, car parking area, vehicular access from Pyrford Road and immediate environs. The wider golf course falls outside of the red-lined application site although the adjacent land falls within the blue-lined ownership of the applicant. The application site is located on the eastern side of Pyrford Road and falls within the extent of the Green Belt. The clubhouse is set over a combination of two storeys and single storey and externally finished in a combination of red/orange brick and white render below a brown plain tiled roof. Parking areas are located predominantly to the south and north of the clubhouse with vehicular access and internal driveways also apparent. There are residential properties to the north and south of the application site with residential properties also situated on the opposing western side of Pyrford Road immediately opposite the clubhouse and parking area. The wider golf course is situated to the east.

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RELEVANT PLANNING HISTORY

PLAN/2020/0363 - Temporary consent is sought for a period of 12 months for use of part of existing car park as a greenkeepers maintenance compound and siting of storage containers (retrospective).

Refused with Enforcement (22.03.2021) for the following reasons (Appeal pending):

01. The proposed development represents inappropriate development in the Green Belt which is harmful by definition and impacts detrimentally on the openness of the Green Belt. No Very Special Circumstances exist which would clearly outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness. The proposal would therefore be contrary to Woking Core Strategy (2012) policy CS6 'Green Belt', Woking Development Management Policies DPD (2016) policies DM3 'Facilities for outdoor sport and recreation' and DM13 'Buildings Within and Adjoining the Green Belt' and the National Planning Policy Framework (2019).

02. The proposed development, by reason of its form and appearance, results in an incongruous and visually harmful development, to the detriment of the character and visual amenities of the area. The proposal is therefore contrary to Woking Core Strategy (2012) policies CS21 'Design' and CS24 'Woking's Landscape and Townscape', Woking Development Management Policies DPD (2016) policy DM3 'Facilities for outdoor sport and recreation', Pyrford Neighbourhood Plan (2017) policies BE1 'Maintaining the Character of the Village' and BE3 'Spatial Character', Supplementary Planning Document 'Woking Design' (2015) and the National Planning Policy Framework (2019).

03. It has not been demonstrated that the development does not impact unacceptably on the amenities of neighbours through noise and general disturbance. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design', Woking Development Management Policies DPD (2016) policy DM3 'Facilities for outdoor sport and recreation' and the National Planning Policy Framework (2019).

PLAN/2020/0228 - Internal alterations, infill courtyard, ground and first floor extensions, remove existing stairs and enlarge viewing gallery with new stairs, entrance porch, alterations to parking and driveway.

Permitted subject to conditions (04.05.2020)

PLAN/2016/0081 - Variation of condition 15 of PLAN/1995/1044 to enable the use of the clubhouse ancillary to and only used in association with the golf course except for independent functions on not more than 28 days in any calendar year and that the clubhouse shall not be open to customers between 24.00 hours (midnight) and sunrise the following day.

Refused (27.04.2016) & Appeal Dismissed (08.03.2017)

PLAN/2016/0080 - Internal alterations, infill courtyard, ground and first floor extensions, remove existing stairs and enlarge viewing gallery with new stairs, entrance porch, alterations to parking and driveway.

Refused (27.04.2016) & Appeal Allowed (08.03.2017)

PLAN/2012/0129 - Change of use of existing first floor ancillary conference room within clubhouse to use as independent B1 office space.

Permitted subject to conditions (19.04.2012)

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(Officer Note: PLAN/2012/0129 was a time-limited five year permission which expired on 17.04.2017)

PLAN/1999/0023 - Provision of an external fire escape staircase on the southern elevation of the Golf Clubhouse.

Permitted subject to conditions (04.02.1999)

PLAN/1998/0752 - Retention of irrigation pumphouse to be used in connection with the golf course.

Permitted subject to conditions (03.09.1998)

PLAN/1995/1044 - Construction of an 18 hole pay and play golf course, alteration and extension to the existing farmhouse to form a clubhouse and provision of associated parking to be accessed from Pyrford Road and the creation of an additional public footpath (amended plans).

Refused (11.06.1996) & Appeal Allowed (23.06.1997)

(Officer Note: Appeal reference: T/APP/A3655/A/96/272396/P2)

CONSULTATIONS

Environmental Health (WBC): I note the contents of the letter from Carter Planning Ltd to you dated 28th July and have no objection to the proposed Condition 15 wording set out in your email below.

County Highway Authority (CHA) (Surrey CC): The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements.

Minerals and Waste Planning Authority (Surrey CC): Thank you for consulting Surrey County Council as the Minerals and Waste Planning Authority on application ref: PLAN/2021/0621. We do not have any specific comments to make, but please keep us informed of future consultations.

Pyrford Neighbourhood Forum: Object - The Forum believes that the relaxation of the condition is contrary to Policy DM3 of the Development Management Policies DPD as it will cause disturbance to Residents close to Twisted Stone. Most Golf Clubs do not have so many residents so close to the club house. Golf is undergoing growth with membership revenues increasing. Believe turnover at Twisted Stone might have reduced particularly as they sold off half the Golf Course reducing it from 18 to 9 holes and also pre-pandemic closed the clubhouse. Regarding an extra café/restaurant to support the closure of facilities in West Byfleet there were three restaurants/cafes in the Sheer House complex. Two of these, Costa & New Haweli have moved elsewhere in West Byfleet and one - The Bakery closed; there remain many restaurants and cafes trading in West Byfleet. Some of the parking spaces are being used as a storage compound. The existing condition limits the use to 23:00 hrs whilst the proposed new condition would extend it to 24:00 hrs. Section 4.20 of the Development Management Policies DPD (2016) states that when residential properties are likely to be affected by amplified music from neighbouring clubs a Noise rating curve NR20 should be sought; has this been sought?

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(Officer Note: The applicant has clarified that they do not seek to extend the existing clubhouse opening hours beyond 23.00 hrs. The existing condition in respect of amplified music would be carried forwards)

REPRESENTATIONS

x22 letters of objection (from x21 parties/originators) have been received (including from the Byfleet, West Byfleet and Pyrford Residents' Association) raising the following main points:

- Generation of noise
- Loss of privacy / overlooking
- Twisted Stone has been deliberately run at a loss in order to facilitate a change of use
- Golf is booming at the moment but there seems to have been no effort to run Twisted Stone Golf Club as a proper business-led 9 hole course
- Any negative impact on the trading of Twisted Stone Golf course will undoubtedly be as a result of the:
 - Reduction in size of the golf course from 18 holes to 9 holes
 - The closure of the clubhouse before the pandemic even began
 - The unsightly, unapproved and disruptive “compound” with its old caravan and shipping containers with its attendant visual pollution, noise and disruption on Pyrford Road
- This would enable the owner to create a wedding venue which would greatly impact the local family community and entire feel of the area
- Will greatly impact local residents in Lees Farm Cottages and directly across the road in Pyrford Road
- Traffic would impact a busy intersection with Ridgeway and Bolton’s Lane, causing congestion and higher risk of accidents
- Do not think a wedding venue is required especially with established larger venues in the area (i.e. Hilton and Silvermere near Weybridge)
- Daytime car park noise (car doors opening and closing) is largely masked by the ambient noise of cars along Pyrford Road; however ambient noise level drops dramatically after 8pm, this will make additional car parking noise more intrusive
- Noise to Green Edge, especially when lounge windows at Green Edge are left open
- Likely to be a 3 hour increase in traffic noise (after 8pm)
- Impact of any music being played, especially if venue is hired out for events such as birthdays and weddings
(Officer Note: The existing 23.00 hours closing time of the clubhouse would remain and the existing condition in respect of amplified noise would be carried forwards)
- Loss of property value to Green Edge
(Officer Note: Potential impact upon property values does not constitute a material planning consideration)
- Could the LPA clarify that p.2 of the applicant’s supporting letter - to change 23.00 hrs to 24.00 hrs in condition 15 - will not be considered as part of this application
(Officer Note: The applicant has confirmed that is a typographical error, that the application form is correct and that the applicant does not seek to extend the existing clubhouse opening hours beyond 23.00 hrs. This would be carried forwards)

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- Original permission was for a golf course
- This application is far too open-ended
(Officer Note: The Case Officer has negotiated a less open-ended revised wording with the applicant)
- There are a number of large metal containers on-site which are not controlled
(Officer Note: Retrospective planning permission has been refused with enforcement in this respect; an enforcement notice appeal is pending)
- This is a residential area with homes in close proximity to three sides of the club
- Risk of adjacent roads being used as overflow car parks
- The inspector in the 2017 appeal noted patrons leaving the premises would be likely to generate noise and disturbance including talking and shouting, the starting up of car engines and manoeuvring of vehicles, and car doors opening and shutting
(Officer Note: A key issue in that 2017 appeal was the proposed extension of the clubhouse opening hours from the existing 23.00 hrs to 24.00 hrs. This is not proposed as part of this application)
- In agreeing to the 18-hole golf course in 1997, the Inspector expressly noted that there was no desire to run the club house as a form of social club
- There are many other existing café and restaurant outlets in the vicinity; these remain present during the current development in West Byfleet. When that development is complete, there will be significantly more
- Owners appear determined to do whatever they want despite the wishes of local people as they have appealed against an enforcement order to remove the containers from the site
(Officer Note: Applicants have a right of appeal against planning decisions, including enforcement notices)
- During the pandemic, the owners erected a footpath across the course fence which was so narrow that people could not pass
(Officer Note: This point is not pertinent to the present application. The diversion/obstruction etc. of public footpaths is the responsibility of Surrey County Council)
- The majority of the land has now been sold off leaving a 9-hole golf course and the clubhouse is far too big to be supported by casual golfers
- Lees Farm Barn and its garden will be overlooked from the proposed balcony
(Officer Note: The present application seeks only to vary condition 15 and proposes no new balcony)
- Concerned that any overflow cars will attempt to use the parking space at the nearby Round & Round the Gardens Nursery and my driveway, which is within 2mins walk from the venue
- There will be an increase in general party rubbish discarded in the ditch along Pyrford Road
- The removal of this condition would permit the creation of a stand-alone late night licenced premises which could be used for any purpose including as a late-night party venue operating up to midnight 7 days a week, every day of the year; the applicant already has planning permission for building alterations which would facilitate this
(Officer Note: Condition 15 would be varied, as opposed to removed. The Case Officer has negotiated a less open-ended revised wording with the applicant and the applicant does not seek to extend the existing clubhouse)

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opening hours beyond 23.00 hrs. This would be carried forwards. The licensing regime operates under separate regulatory provisions to planning control)

- Proposal would be contrary to the Pyrford Neighbourhood Plan and Policy DM3 of the Development Management Policies DPD (2016)
- This request has been denied in the past
(Officer Note: The present application materially differs to refused and dismissed PLAN/2016/0081)
- There will be loud music until midnight, fireworks (which appear at most events now), noise and a general disturbance of a quiet residential area
(Officer Note: The existing 23.00 hours closing time of the clubhouse would remain and the existing condition in respect of amplified noise would be carried forwards. The potential use of fireworks cannot be controlled under planning)
- The new Sheer House development underway will add many more newly retired people keen to play golf/sport locally; we are set to see many more new residents too at the Parvis Road/Octagon development, a real boon for local sports facilities and local restaurants and leisure facilities
- The proximity of houses to the car park and access driveway is such that car headlights can shine directly and intrusively causing disturbance and nuisance
- Taking a holistic look at actions, applications and appeals to date, there appears to be a persistent intention to re-purpose the golf course and clubhouse

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (20 July 2021)

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 6 - Building a strong competitive economy

Section 8 - Promoting healthy and safe communities

Section 9 - Promoting sustainable transport

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 13 - Protecting Green Belt land

Section 15 - Conserving and enhancing the natural environment

Section 17 - Facilitating the sustainable use of minerals

Woking Core Strategy (2012)

CS1 - A spatial strategy for Woking Borough

CS6 - Green Belt

CS17 - Open space, green infrastructure, sport and recreation

CS18 - Transport and accessibility

CS21 - Design

CS25 - Presumption in favour of sustainable development

Development Management Policies Development Plan Document (DM Policies DPD) (2016)

DM3 - Facilities for outdoor sport and outdoor recreation

DM7 - Noise and light pollution

DM13 - Buildings in and adjacent to the Green Belt

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Pyrford Neighbourhood Plan (2016 - 2027):

BE2 - Parking provision

Surrey Minerals Plan 2011 Core Strategy Development Plan Document

MC6 - Safeguarding mineral resources and development

Supplementary Planning Documents (SPD's)

Outlook, Amenity, Privacy and Daylight (2008)

Parking Standards (2018)

Other Material Considerations

Planning Practice Guidance (PPG) (online resource)

SECTION 73 APPLICATION

This application has been submitted under the provisions of section 73 of The Town and Country Planning Act 1990 (as amended) (the 1990 Act). An application can be made under section 73 of the 1990 Act to vary or remove conditions associated with a planning permission. Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and un-amended.

A section 73 application must be considered against the Development Plan and material considerations, under section 38(6) of the 2004 Act, and conditions attached to the existing planning permission. Local Planning Authorities must, in making their decisions, focus their attention on national and Development Plan policies, and other material considerations which may have changed significantly since the original grant of planning permission. In the case of refusal of a section 73 application the original planning permission, with existing planning conditions, remains in place although a right of appeal against refusal exists under section 78 of the 1990 Act.

PLANNING ISSUES

01. The main planning issues to consider in determining this section 73 application are:

- Principle of use (including Green Belt considerations);
- Impact upon neighbouring amenity;
- Highways and parking implications; and
- Surrey Minerals Plan

having regard to the relevant policies of the Development Plan, other relevant material planning considerations and national planning policy and guidance.

Principle of use (including Green Belt considerations)

02. This is a Section 73 application which seeks to vary condition 15 of PLAN/1995/1044 (Allowed on Appeal (23.06.1997) - Appeal Reference: T/APP/A3655/A/96/272396/P2).

03. The golf course was granted planning permission on appeal in 1997. The Inspector in determining the appeal did not specify a reason for imposing condition 15. However, in their reasoning they clearly referred to safeguard the amenity of surrounding occupiers of residential properties. As existing condition 15 states:

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“The use of the clubhouse building hereby permitted shall be ancillary to and only used in association with golf course use and shall not be open to customers between 23.00 hours on any day and sunrise the following day and during these hours it shall be cleared of all customers and locked.”

04. At initial submission of the present section 73 application the applicant sought to vary the wording of condition 15 to state:

“The clubhouse building shall not be open to customers between 23.00 hours on any day and sunrise the following day and during these hours it shall be clear of all customers and locked.”

05. Concerns were raised by the case officer during the application process that the preceding proposed varied wording would enable the whole of the existing clubhouse to be used for non-golf course purposes on a permanent basis and potentially result in the loss of the existing clubhouse (in respect of use) which is vital for the operation of an existing golf course, this constituting an outdoor sport and recreational facility. The case officer also raised a concern with the applicant that it is reasonable to expect that a golf course should have a clubhouse building to provide amenities for golfers including WC's, changing facilities and provision of refreshments etc. and that it would not be realistic to expect a golf course to viably operate without such facilities and that, if the existing clubhouse were to be wholly lost (in respect of use), this would be likely to result in the clubhouse facility being displaced into a new building (subject to planning permission); the end result of which would potentially be two buildings in the Green Belt where there is presently one.
06. Following correspondence between the applicant and the case officer the proposed varied wording of condition 15 now sought by the applicant, and which is presented for the determination of the Planning Committee, states:

“The use of the clubhouse building hereby permitted shall be ancillary to and only used in association with golf course use. In addition a maximum of 285 square metres of gross internal floorspace at ground floor level which may be used for unrelated purposes only within the meaning of Schedule 2, Part A, Class E (b) of The Town and Country Planning (Use Classes) Order 1987 (as amended) together with alcohol (and any order(s) amending and/or re-enacting that Order with or without modification(s)) (that is, use, or part use, for the sale of food and drink principally to visiting members of the public where consumption of that food and drink together with alcohol is mostly undertaken on the premises) and for no other purpose(s) within Schedule 2, Part A, Class E of The Town and Country Planning (Use Classes) Order 1987 (as amended) together with alcohol (and any order(s) amending and/or re-enacting that Order with or without modification(s)) and for no other purpose(s) otherwise permitted by the provisions of Article 3, Schedule 2, Parts 3 and 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (and any order(s) amending and/or re-enacting that Order with or without modification(s)). The clubhouse building shall not be open to customers between 23.00 hours on any day and sunrise the following day and during these hours it shall be clear of all customers and locked.”

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The preceding amended condition 15 wording has resulted in a slight amendment to the wording of the description of the proposal from the initial "...to **remove** the wording which restricts existing use of the clubhouse building..." to the revised "to **amend** the wording which restricts existing use of the clubhouse building" (emphasis added). It was not necessary to undertake further public consultation following this change as the amended condition 15 wording would have less impacts than that initially proposed by the applicant.

07. The applicant states that the intention of the proposal is to "*enable the establishment of a café/restaurant to serve not only the golfers but residents of West Byfleet during redevelopment work*". The applicant states that "*the alterations to the condition are required because of the economics of golf currently at the national level which is reflected in conditions at Twisted Stone. The number of rounds is falling and there is increasing competition. Green fee income is declining. Constant redecorating and the provision of modern facilities requires continued investment. Expanding the client base will better meet the needs of customers and enhance the overall viability of the overall business and cross subsidise the golf activity. Since the original planning permission for the golf course was approved the nature of what constitutes a public golf facility has changed. Private golf courses are now openly competing with municipal or pay and play courses. Furthermore, an examination of the other golf courses within and adjacent to Woking show few with restrictions on the use of the clubhouse. Work in West Byfleet is restricting existing businesses and this facility would provide an alternative venue for local residents to have coffee, teas, snacks and meals at least in the meantime*".
08. It should be noted that the preceding points advanced by the applicant have not been determinative in arriving at the recommendation before the Planning Committee. Whilst the applicant asserts that there is a lack of restriction on other golf clubs in the area, in respect of use of the clubhouse, the applicant has not provided details of the operation of other clubs and their local context as part of the application, and therefore a direct comparison has been unable to be undertaken between other golf clubs and Twisted Stone. The reference made by the applicant to redevelopment in West Byfleet (this is assumed to refer to the redevelopment of the former Sheer House site by Retirement Villages Group) has also not been evidenced by the applicant to necessitate any further restaurant/café provision in the area and has therefore been afforded very limited weight. In any case disruption resulting from that redevelopment is temporary.
09. It is noted that, in granting planning permission on appeal in 1997, the Inspector stated that "*in regard to the noise from the clubhouse...given the appellants' expressed desire not to run the clubhouse as a form of social club it seems to me that if its use and hours are limited as agreed then it would not unacceptably affect the reasonable rights of those living nearby*".
10. Notwithstanding the preceding it should be noted that the proposed revised varied wording of condition 15 would ensure that part of the ground floor level, and the entirety of the first floor level, of the existing clubhouse would be retained for purposes ancillary to and only used in association with the golf course use. This wording would inherently restrict the gross internal floorspace of the clubhouse which could be used for unrelated purposes up to a maximum of 285 square metres (sq.m). Taken together these provisions would ensure that the clubhouse building would continue to be capable of providing amenities

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for golfers including WC's, changing facilities and space for a professionals shop, as well as office space etc. required for the operation of the golf club, ensuring that the golf course use would not be rendered operationally unviable in this respect and that the clubhouse facility would not be displaced into a new building (subject to planning permission).

11. The wording before the Planning Committee would also restrict use of this 285 sq.m area to purposes falling only within the meaning of Schedule 2, Part A, Class E (b) of The Town and Country Planning (Use Classes) Order 1987 (as amended) together with alcohol (that is, use, or part use, for the sale of food and drink principally to visiting members of the public where consumption of that food and drink together with alcohol is mostly undertaken on the premises). The wording would preclude use of this 285 sq.m area for any other purposes falling within Schedule 2, Part A, Class E of the Use Classes Order - which would not otherwise constitute development for planning purposes - without planning permission being first obtained and would also preclude changes of use otherwise permitted (as 'permitted development') by the provisions of Article 3, Schedule 2, Parts 3 and 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The restriction on the clubhouse opening hours would remain as existing, at 23.00 hours.
12. The application site, including the clubhouse building, is located within the Green Belt. Paragraph 150 of the National Planning Policy Framework (NPPF) (2021) states that "*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...(including) the re-use of buildings provided that the buildings are of permanent and substantial construction*". Policy CS6 of the Woking Core Strategy (2012) and Policy DM13 of the Development Management Policies DPD (2016) reflect the position of the NPPF in respect of Green Belt policy. As such the proposal is not inappropriate development in the Green Belt as it would re-use part of an existing building which is of permanent and substantial construction and would involve no operational development for planning purposes (i.e. no extension or alteration of the existing clubhouse building or car parking area).
13. Policy DM3 (Facilities for outdoor sport and outdoor recreation) of the Development Management Policies DPD (2016) states that "*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:*
 - *the development is of an appropriate design, scale and layout relative to its intended use and surrounding area;*
 - *the development will not have an adverse visual impact;*
 - *the development, if involving agricultural land, is located on the lowest practicable grade and seeks to avoid the loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) unless there are overriding planning benefits for the development;*
 - *the development will not cause harm to a site of nature conservation, landscape or historic value that cannot be satisfactorily mitigated;*
 - *the re-use of any existing buildings is prioritised and, in the case of a new facility, is satisfactorily integrated with existing buildings where present;*

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- *the development will not generate unacceptable activity or give rise to loss of amenity by virtue of noise, smell, light pollution, overlooking, traffic or other general disturbance; and*
 - *opportunities are taken to connect to the surrounding Green Infrastructure Network”.*
14. With regard to Golf facilities Policy DM3 also states that “*in addition to the criteria under ‘General Principles’ above, **proposals for the development of new golf courses and extensions to existing golf courses** will be permitted provided that the following criteria are met:*
- *the development preserves and respects important natural features and topography of the landscape including trees and water features; and*
 - *proposals only include buildings which are genuinely ancillary and which are sited so as to avoid damage to the open character of the area and minimise noise and disturbance to residents”.* (emphasis added)
15. The present application is not for the development of a new golf course, and is also not for the extension to an existing golf course, and therefore the preceding ‘Golf facilities’ criteria of Policy DM3 are not applicable to the present proposal.
16. The reasoned justification text to Policy DM3 states (at para 3.28) that “*Alterations or extensions to existing golf facilities will require particular attention due to the predominance of golf courses in the Borough. Buildings should be designed to provide ancillary facilities for golfers only - whilst buildings may include a bar and refreshment facilities, such areas will be critically examined to ensure they are kept to the minimum necessary for the reasonable use of golfers”.* The reasoned justification text (at para 3.31) also goes on to state that “*in all cases the Council will consider the possible cumulative impact of proposals and may impose appropriate planning conditions to address the impact e.g. restricting times or frequency of use.”*
17. It is clearly highly material that previous PLAN/2016/0081, which was refused and subsequently dismissed on appeal, also sought to vary the wording of condition 15. Under PLAN/2016/0081 the applicant sought to open the clubhouse up for events on not more than 28 days within any calendar year, in order to diversify the business and increase revenue. Under PLAN/2016/0081 the applicant also sought to allow an extension of the clubhouse opening hours to 24.00 hours (i.e. Midnight) every day (compared to the existing 23:00 hours closing restriction); it must be noted that the applicant does not seek extended clubhouse opening hours as part of the present application.
18. The Local Planning Authority refused PLAN/2016/0081 on the basis that the proposed use of the entirety of the clubhouse building for independent functions, albeit representing the use of an existing building of permanent and substantial construction within the Green Belt, was not considered to represent a genuinely ancillary use to the golf course use and that such use would therefore be contrary to saved policy REC9 of the Woking Local Plan 1999 (which no longer forms extant Development Plan policy) and Policy DM3 of the, at that time emerging, Development Management Policies DPD. However in paragraph 5 of their appeal decision (dated 8 March 2017) the Inspector stated that:

“Whilst the Council is concerned that the proposed use of the clubhouse

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for independent functions would not be ancillary to the golf course use [SIC]. However, the identity of those using the clubhouse would make no impact on those living nearby. Furthermore, there would be no harm to the Green Belt from limited activities taking place which are unconnected with the Golf Club.”

19. Whilst that appeal decision is now in excess of four years old there have been no material changes to local or national planning policy during the intervening period which indicate that the 2017 conclusions of the Inspector in this respect should be afforded anything other than significant weight.
20. In terms of potential harm to the Green Belt, it is important to consider whether the proposal would result in increased commercial activity and traffic movements to the site that could harm the Green Belt. At present the golf club is a large commercial activity operating within the Green Belt with a number of staff members and players visiting the club, which is free to operate seven days per week. The existing clubhouse building is restricted by way of planning condition to only be open to customers between sunrise until 23.00 hours on any day; this restriction would be re-imposed. Through varying condition 15 and therefore permitting the use of part of the existing clubhouse for unrelated purposes, albeit only in the form of the proposed revised wording of condition 15 which is before the Planning Committee, there would likely be some increase, albeit unlikely a significant increase, over and above the existing situation, in commercial activity and traffic movements to and from the site by reason of additional visitors to the café/restaurant. Whilst the golf club may not be presently attracting a large number of golf rounds in planning terms the golf club, including the clubhouse, can be open to customers until 23.00 hours on any day and therefore noise and general disturbance in the vicinity of the clubhouse up until 23.00 hours on any day is not in breach of planning control.
21. Given the large extent of existing surface car parking provision at the site, and the location of the site adjacent to Pyrford Road, it is not considered that a significant increase in activity would result given that the existing clubhouse building would not increase in size/floorspace (as a result of the present application) and that the clubhouse building already provides a form a café/restaurant for the use of golfers. Therefore, compared to the existing commercial activities associated with the golf course use, the proposal would not result in material planning harm to the Green Belt to an extent that would justify a potential reason for refusal on this basis that could potentially be upheld; this conclusion is consistent with the 2017 appeal decision.
22. It is also material that paragraph 81 of the NPPF states that *“Planning...decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”* Paragraph 120 of the NPPF also states that *“Planning...decisions should...encourage multiple benefits from both urban and rural land, including through mixed use schemes”.*
23. Given the preceding, together with the conclusions of the Inspector in the 2017 appeal in this respect, and notwithstanding the requirements set out by Policy DM3 of the Development Management Policies DPD (2016), it is considered that no in-principle objection can be sustained in respect of the use of part of the existing clubhouse for unrelated purposes, albeit only in the form of the

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proposed revised wording of condition 15 which is before the Planning Committee.

Impact upon neighbouring amenity

24. Policy CS21 of the Woking Core Strategy (2012) states, inter alia, that *“proposals for new development should...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.”*
25. The closest residential properties to the clubhouse are located to the south at Nos.1 and 2 Lees Farm Cottages and Nos. 3, 4 and 5 Lees Farm Barn, to the west on the opposite side of Pyrford Road and to the north at Green Edge and Iris House. Given the relevant separation distances to surrounding residential properties although the proposal would likely result in some intensification of use of the existing clubhouse no overlooking, over and above the existing situation, would occur as the relevant floorspace in the unrelated use would be restricted to ground floor level. Because no alterations or extensions are proposed to the existing clubhouse as part of this application no significantly harmful impact, by reason of potential loss of daylight, sunlight or overbearing effect, would occur to surrounding residential properties.
26. Policy CS21 of the Woking Core Strategy (2012) also states, inter alia, that *“proposals for new development should...be designed to avoid significant harm to the environment and general amenity, resulting from noise, dust, vibrations, light or other releases.”* Policy DM3 of the Development Management Policies DPD (2016) states that *“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...the development will not generate unacceptable activity or give rise to loss of amenity by virtue of noise, smell, light pollution, overlooking, traffic or other general disturbance”*. Policy DM7 of the Development Management Policies DPD (2016) relates to noise and light pollution. Paragraph 185 of the NPPF (2021) states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and the quality of life as a result of new development.
27. In granting the original planning permission for the golf course on appeal in 1997 the Inspector stated that *“given these distances (from the nearest point of any car park from the nearest houses to the north, south and west) existing and proposed landscaping, existing levels of background noise and imposition of agreed opening times (limiting use to times before 23.00 hours on any day) I find no justification to support local fears that use of the car parks will give rise to such unacceptable levels of aural and visual intrusion as to justify refusal of the application”*. The Inspector also stated in their appeal decision that *“in regard to the noise from the clubhouse...given the appellants’ expressed desire not to run the clubhouse as a form of social club it seems to me that if its use and hours are limited as agreed then it would not unacceptably affect the reasonable rights of those living nearby”*.
28. It should be noted that the proposed revised varied wording of condition 15 would ensure that part of the ground floor level, and the entirety of the first floor level, of the existing clubhouse would be retained for purposes ancillary to and

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only used in association with the golf course use. This wording would inherently restrict the gross internal floorspace of the clubhouse which could be used for unrelated purposes up to a maximum of 285 square metres (sq.m). The wording before the Planning Committee would also restrict use of this 285 sq.m area to purposes falling only within the meaning of Schedule 2, Part A, Class E (b) of The Town and Country Planning (Use Classes) Order 1987 (as amended) together with alcohol (that is, use, or part use, for the sale of food and drink principally to visiting members of the public where consumption of that food and drink together with alcohol is mostly undertaken on the premises). The wording would preclude use of this 285 sq.m area for any other purposes falling within Schedule 2, Part A, Class E of the Use Classes Order - which would not otherwise constitute development for planning purposes - without planning permission being first obtained and would also preclude changes of use otherwise permitted (as 'permitted development') by the provisions of Article 3, Schedule 2, Parts 3 and 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The restriction on the clubhouse opening hours would remain as existing, at 23.00 hours.

29. Condition 16 of the original planning permission, granted on appeal in 1997, which the applicant does not seek to vary and which would thus be re-imposed, states:

"No amplified or other music shall be played in the premises outside 08.00 and 23.00 hours Monday to Saturdays and 10.00 and 23.00 hours on Sundays"

30. Condition 17 of the original planning permission, granted on appeal in 1997, which the applicant also does not seek to vary and which would thus also be re-imposed, states:

"No deliveries shall be taken or dispatched from the site outside 08.00 and 21.00 hours nor at any time on Sundays".

31. In the 2017 appeal decision (in respect of refused PLAN/2016/0081) the Inspector stated that (paragraph 6):

"The appeal site is located within a quiet, residential area and is surrounded by houses directly opposite and to the south of the car park, with the nearest residential properties about 25 metres from the site. There is a separate condition restricting the use of amplified music after 2300 hours, and the appellant does not seek to vary this".

32. At present the golf club is a large commercial activity operating within the Green Belt with a number of staff members and players visiting the club, which is free to operate seven days per week. The existing clubhouse building is restricted by way of planning condition to only be open to customers between sunrise until 23.00 hours on any day; this restriction would be re-imposed. Through varying condition 15 and therefore permitting the use of part of the existing clubhouse for unrelated purposes, albeit only in the form of the proposed revised wording of condition 15 which is before the Planning Committee, there would likely be some increase, albeit unlikely a significant increase, over and above the existing situation, in commercial activity and traffic movements to and from the site by reason of additional visitors to the café/restaurant. Whilst the golf club may not be presently attracting a large

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number of golf rounds in planning terms the golf club, including the clubhouse, can be open to customers until 23.00 hours on any day and therefore noise and general disturbance in the vicinity of the clubhouse up until 23.00 hours on any day is not in breach of planning control.

33. As previously set out, the proposed revised varied wording of condition 15 would ensure that part of the ground floor level, and the entirety of the first floor level, of the existing clubhouse would be retained for purposes ancillary to and only used in association with the golf course use. This wording would inherently restrict the gross internal floorspace of the clubhouse which could be used for unrelated purposes up to a maximum of 285 square metres (sq.m). The wording before the Planning Committee would also restrict use of this 285 sq.m area to purposes falling only within the meaning of Schedule 2, Part A, Class E (b) of The Town and Country Planning (Use Classes) Order 1987 (as amended) together with alcohol (that is, use, or part use, for the sale of food and drink principally to visiting members of the public where consumption of that food and drink together with alcohol is mostly undertaken on the premises). The wording would preclude use of this 285 sq.m area for any other purposes falling within Schedule 2, Part A, Class E of the Use Classes Order - which would not otherwise constitute development for planning purposes - without planning permission being first obtained and would also preclude changes of use otherwise permitted (as 'permitted development') by the provisions of Article 3, Schedule 2, Parts 3 and 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The restriction on the clubhouse opening hours would remain as existing, at 23.00 hours.
34. Furthermore paragraph 5 of the Inspectors appeal decision (dated 8 March 2017), in respect of refused PLAN/2016/0081, must also be afforded significant weight. The Inspector stated that:

"However, the identity of those using the clubhouse would make no impact on those living nearby."
35. Whilst the appeal against the refusal of PLAN/2016/0081 was dismissed it was dismissed due to the unacceptable impact upon residential amenity of the extension of opening hours proposed until 24.00 hours (i.e. Midnight) every day; under the present application the restriction on the clubhouse opening hours would remain as existing, at 23.00 hours.
36. Taken together the provisions of the proposed revised wording of condition 15 are considered to result in a materially different proposed scenario, and one more benign in respect of potential noise and disturbance to surrounding residential occupiers, than was the case with refused PLAN/2016/0081. As such the proposal is considered to avoid significant harm to the environment and general amenity, resulting from noise, dust, vibrations, light or other releases and to not generate unacceptable activity or give rise to loss of amenity by reason of noise, smell, light pollution, overlooking, traffic or other general disturbance. The noise implications of the proposal are considered to avoid significant adverse impacts on health and the quality of life.

Highways and parking implications

37. Policy CS18 of the Woking Core Strategy (2012) relates to transport and accessibility and states that maximum car parking standards will be

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implemented for all types of non-residential development. Policy BE2 of the Pyrford Neighbourhood Plan (2016 - 2027) states that *“Development proposals must demonstrate that they will not result in on-road parking to the detriment of highway safety or adverse impact on the character of the area”*.

38. Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
39. The site provides car parking provision totalling 151 spaces plus 3 disabled spaces. SPD Parking Standards (2018) identifies a (maximum) car parking standard for Golf Clubs and driving ranges of 1 space per 0.3 holes or per driving bay or individual assessment/justification. It is understood that, although until relatively recently providing an 18 hole golf course, Twisted Stone Golf Club presently provides a 9 hole golf course with no associated driving range. In any case, rounded up this produces a maximum car parking requirement of 60 spaces (on basis of 18 hole course) and 30 spaces (on basis of 9 hole course) to serve the golf course use.
40. On the basis of the maximum of 285 sq.m unrelated floorspace within the clubhouse being used for purposes falling only within the meaning of Schedule 2, Part A, Class E (b) of the Use Classes Order together with alcohol (that is, use, or part use, for the sale of food and drink principally to visiting members of the public where consumption of that food and drink together with alcohol is mostly undertaken on the premises), that being a use most readily comparable to former Use Class A3 (Officer Note: SPD Parking Standards (2018) does not entirely reflect the Use Classes Order as it was substantively amended in September 2020) in which the SPD sets a maximum parking standard of 1 car space per 6 sq.m, the unrelated use within the clubhouse would have a maximum parking standard of 48 car parking spaces.
41. Therefore, assuming a ‘worst case’ scenario, that is when the golf course exerts its maximum car parking standard of 60 spaces (on the ‘worst case’ basis of an 18 hole course) and the unrelated floorspace within the clubhouse exerts its maximum car parking standard of 48 spaces, a combined total maxima car parking requirement of 108 spaces would result against the provisions of SPD Parking Standards (2018). Given that the car parking provision of 151 spaces plus 3 disabled spaces would be retained the resulting parking provision would exceed the required standards set out by SPD Parking Standards (2018); this is also considered to indicate that the proposal would not result in on-road parking to the detriment of highway safety or adverse impact on the character of the area in accordance with Policy BE2 of the Pyrford Neighbourhood Plan (2016 - 2027).
42. Whilst it is noted that the unauthorised use of part of the existing car park as a greenkeepers maintenance compound (recently refused retrospective planning permission with enforcement under ref: PLAN/2020/0363) reduces present on-site car parking below 151 spaces it does not reduce car parking below the 108 spaces (maxima) required to serve the combined golf course use and the unrelated floorspace within the clubhouse; as such this factor has no material consequence in respect of the present application. The vehicular access from Pyrford Road would remain as existing.

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43. The County Highway Authority (Surrey CC) has commented that an assessment has been undertaken in terms of the likely net additional traffic generation, access arrangements and parking provision and that the County Highway Authority are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements. Overall the proposed variation of condition 15 is considered to avoid unacceptable impact on highway safety, to avoid severe impact on the road network, and would not give rise to on-road parking.

Surrey Minerals Plan

44. The application site forms part of a significant area identified on the Council's Proposals Map as a Concreting Aggregate Safeguarded Site within the Surrey Minerals Plan. The Minerals and Waste Planning Authority (Surrey CC) have been consulted on the application and have responded that "*We do not have any specific comments to make, but please keep us informed of future consultations*". In the absence of objection from the Minerals and Waste Planning Authority no objection is raised to the proposal in respect of the Surrey Minerals Plan/on minerals grounds.

CONCLUSION

45. In conclusion, for the reasoning set out within this report, and notwithstanding the requirements set out by Policy DM3 of the Development Management Policies DPD (2016), it is considered that no in-principle objection can be sustained in respect of the use of part of the existing clubhouse for unrelated purposes, albeit only in the form of the proposed revised wording of condition 15 which is before the Planning Committee.
46. Taken together the provisions of the proposed revised wording of condition 15 are considered to result in a materially different proposed scenario, and one more benign in respect of potential noise and disturbance to surrounding residential occupiers, than was the case with refused PLAN/2016/0081. As such the proposal is considered to avoid significant harm to the environment and general amenity, resulting from noise, dust, vibrations, light or other releases and to not generate unacceptable activity or give rise to loss of amenity by reason of noise, smell, light pollution, overlooking, traffic or other general disturbance. The noise implications of the proposal are considered to avoid significant adverse impacts on health and the quality of life.
47. The proposed variation of condition 15 is considered to avoid unacceptable impact on highway safety, to avoid severe impact on the road network, and would not give rise to on-road parking.

CONDITIONS

48. The Planning Practice Guidance (PPG) states, in respect of applications made under section 73 of the 1990 Act, that "*A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect.*" The majority of the 24 conditions imposed on original PLAN/1995/1044 relate to the construction of the golf course and the

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operational development involved in that respect; as such they do not need to be restated on any new permission as the golf course has been complete and operational for many years. Those conditions that continue to have effect (as below), should be restated:

PLAN/1995/1044 Condition No.	PLAN/2021/0621 Condition No.	Any change to existing wording?
11 (relevant part)	01	No
15	02	Yes
16	03	No
17	04	No
20	05	No

LOCAL FINANCE CONSIDERATIONS

49. The proposal would result in no uplift over and above existing floorspace. The proposal is not Community Infrastructure Levy (CIL) liable.

BACKGROUND PAPERS

Letters of objection
Site & Press Notices (Major Development)
Consultation response(s) from Environmental Health (WBC)
Consultation response from County Highway Authority (CHA) (Surrey CC)
Consultation response from Minerals and Waste Planning Authority (Surrey CC)
Consultation response(s) from Pyrford Neighbourhood Forum

RECOMMENDATION

Grant planning permission subject to the following conditions:

01. Once use of any vehicular access or parking area has commenced all relevant sightlines shall be kept permanently clear of obstructions and parking areas shall only be used for the parking and manoeuvring of vehicles once the course opens for play.

Reason: In the interests of highway safety and the provision of sufficient on-site parking in accordance with Policies CS18 and CS21 of the Woking Core Strategy (2012), Policy DM3 of the Development Management Policies DPD (2016), Policy BE2 of the Pyrford Neighbourhood Plan (2016 - 2027), SPD Parking Standards (2018) and the provisions of the National Planning Policy Framework (NPPF).

02. The use of the clubhouse building hereby permitted shall be ancillary to and only used in association with golf course use. In addition a maximum of 285 square metres of gross internal floorspace at ground floor level which may be used for unrelated purposes only within the meaning of Schedule 2, Part A, Class E (b) of The Town and Country Planning (Use Classes) Order 1987 (as amended) together with alcohol (and any order(s) amending and/or re-enacting that Order with or without modification(s)) (that is, use, or part use, for the sale of food and drink principally to visiting members of the public where consumption of that food and drink together with alcohol is mostly undertaken on the premises) and for no other purpose(s) within Schedule 2, Part A, Class E of The Town and Country Planning (Use Classes) Order 1987 (as amended)

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together with alcohol (and any order(s) amending and/or re-enacting that Order with or without modification(s)) and for no other purpose(s) otherwise permitted by the provisions of Article 3, Schedule 2, Parts 3 and 4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (and any order(s) amending and/or re-enacting that Order with or without modification(s)). The clubhouse building shall not be open to customers between 23.00 hours on any day and sunrise the following day and during these hours it shall be clear of all customers and locked.

Reason: To ensure that the existing clubhouse, which is vital for the operation of an existing golf course, would continue to provide amenities for golfers, and to control the use and hours of clubhouse opening in the interests of the amenity of surrounding residential occupiers and the general amenity of the area in accordance with Policies CS6, CS17 and CS21 of the Woking Core Strategy (2012), Policies DM3, DM7 and DM13 of the Development Management Policies DPD (2016) and the provisions of the National Planning Policy Framework (NPPF).

03. No amplified or other music shall be played in the premises outside 08.00 and 23.00 hours Monday to Saturdays and 10.00 and 23.00 hours on Sundays.

Reason: In the interests of the amenity of surrounding residential occupiers and the general amenity of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), Policies DM3 and DM7 of the Development Management Policies DPD (2016) and the provisions of the National Planning Policy Framework (NPPF).

04. No deliveries shall be taken or dispatched from the site outside 08.00 and 21.00 hours nor at any time on Sundays.

Reason: In the interests of the amenity of surrounding residential occupiers and the general amenity of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), Policies DM3 and DM7 of the Development Management Policies DPD (2016) and the provisions of the National Planning Policy Framework (NPPF).

05. No new greens, tees, bunkers or other course features shall be constructed subsequent to the completion of the course without the prior written permission of the local planning authority.

Reason: In the interest of the Green Belt and the landscape character of the area in accordance with Policies CS6 and CS21 of the Woking Core Strategy (2012), Policy DM3 of the Development Management Policies DPD (2016) and the provisions of the National Planning Policy Framework (NPPF).

Informatives

01. This statement is provided in accordance with Article 35(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015. Woking Borough Council seeks to take a positive and proactive approach to development proposals. The Council works with applicants in a positive and proactive manner by:

- Offering a pre-application advice service; and

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- Where possible officers will seek minor amendments and/or additional information to overcome issues identified during the application process. Following an amended revised condition 15 wording suggested to the applicant by the case officer during the application process the application was considered to be acceptable.
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.