

10 APRIL 2018 PLANNING COMMITTEE

5i 17/0403 Reg'd: 25.05.17 Expires: 20.07.17 Ward: HE
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LOCATION: Land Rear of No.291-No.301 Connaught Road, Brookwood, Woking, GU24 0AD

PROPOSAL: Change of use to mixed use as Office (Class B1(a)) and Builders Yard (Sui Generis) including Storage (Class B8) (retrospective).

TYPE: Full Application

APPLICANT: Mr D Bellairs

OFFICER: Benjamin
Bailey

REASON FOR REFERRAL TO COMMITTEE

The decision on whether to issue an Enforcement Notice falls outside the Management Arrangements and Scheme of Delegations.

SUMMARY OF PROPOSED DEVELOPMENT

This is a full planning application which seeks retrospective planning permission for a mixed use as Office (Class B1(a)) and Builders Yard (Sui Generis) including Storage (Class B8).

PLANNING STATUS

- Urban Area
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone A (Within 400m)
- Land Contamination suspected
- Adjacent to Green Belt (to south)

RECOMMENDATION

Refuse planning permission and authorise formal enforcement proceedings.

SITE DESCRIPTION

The application site comprises a cleared 1860m² L-shape backland site, sandwiched south of Connaught Road and north of a railway embankment. The site extends to the rear of the gardens of No.291-301/A Connaught Road and abuts the gardens of No.289 and No.303 to the east and west sides respectively. Buildings within the site include a recently refurbished and extended building (sited on the western edge of the site), which appeared to formerly accommodate a bakery (although had formerly become derelict), and a double garage in a state of some disrepair to the rear of No.295. The application site benefits from a single access, which passes between No.299 and No.301/A Connaught Road. The application site is located within the Urban Area and within 400m of the Sheets Heath Special Protection Area (SPA) with the area to the south designated Green Belt.

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RELEVANT PLANNING HISTORY

PLAN/2016/0260 - Erection of first floor side and front extension, 3No. front dormer windows and re-fenestration and change of use from B8 (Storage/Distribution) to B1(a) (Office). Permitted subject to conditions (18.05.2016)

PLAN/2012/0554 - Outline application for the erection of a 36 bed care home and replacement dwelling (with all matters reserved) (amended Plans). Refused (09.07.2013) for the following reasons:

- 01. The proposed development would offer a poor standard of residential accommodation - with inadequate outlook and insufficient external amenity space for future residents/patients. As such the proposed development is contrary to policy CS21 of the Woking Core Strategy 2012; and the Outlook, Amenity, Privacy and Daylight SPD document, adopted in July 2008.*
- 02. The proposed development, by reason of its siting, scale, height, bulk and mass would be out of keeping with the character and appearance of Brookwood. In this regard, the proposal is considered to be contrary to Chapter 7 of the NPPF; policies CS21 and CS24 of the Woking Core Strategy and the Outlook, Amenity, Privacy and Daylight SPD-02 document, adopted July 2008.*
- 03. The proposed development would provide insufficient on-site car parking, which would give rise to car parking over spilling onto Connaught Road, to the detriment of highway safety and the free flow of traffic. Furthermore, the proposed widening of the main access would result in the loss of two residents parking bays on Connaught Road, to the detriment of parking supply within the Controlled Parking Zone (CPZ). As such the proposed development is contrary to policies CS18 of the Woking Core Strategy 2012; and the adopted Parking Standards SPD document, adopted in July 2006.*

PLAN/1998/1174 - Demolition of 299 Connaught Road and erection of 6 dwellings on land at the rear. Refused (30.03.1999)

PLAN/1993/0130 - Renewal of full planning permission 87/0777 for demolition of 301 Connaught Road; the industrial unit; and the double garage at the rear of 295 Connaught Road; and the erection of 12 one-bedroom starter houses in three blocks and a detached single garage. Refused (03.06.1993)

PLAN/1987/0777 - Demolition of 301 Connaught Road; the industrial unit; and the double garage at the rear of 295 Connaught Road; and the erection of 12 one-bedroom starter houses in three blocks and a detached single garage. Permitted subject to conditions (16.05.1988)

No.299 Connaught Road (dwellinghouse):

PLAN/2016/0176 - Reduction in width, erection of two storey rear extension, erection of front porch canopy and alterations to window openings and external finish (amended description). Permitted subject to conditions (23.03.2016)

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CONSULTATIONS

County Highway Authority (CHA) (SCC):

The County Highway Authority has undertaken an assessment in terms of the impact of the change of use of the site. The CHA notes that this is a retrospective application and that the site has been in operation in its current form since 2012. A check on the Road Traffic Incident (RTI) records indicates no recorded incidents in the previous five years (2016 data) associated with the access. Therefore, in light of the above, the County Highway Authority has no highway requirements.

Scientific Officer:

We will need assurance, via a report on contamination, from the applicant that the use of the land will not give rise to contamination issues such that the site can be deemed contaminated land under the provisions of the Environmental Protection Act 1990 – Part IIA. If the report outlines mitigation measures are required details of these measures must be submitted and demonstrate that following mitigation the site cannot be deemed contaminated land under the provisions of the Environmental Protection Act 1990 – Part IIA.

Network Rail:

Various comments relating to protection of rail infrastructure.

REPRESENTATIONS

x3 letters of objection have been received raising the following main points:

- The land has been used without planning as builders yard since 2012
- Lorry loads of builders waste are dumped on the land on a regular basis creating excessive dust and noise
- On occasions contaminated waste has been left close to my back garden
- Toxic smoke from frequent fires to get rid of the unwanted materials is a concern
- There are large skips being loaded and unloaded on the site
- Builders waste has been dug into the ground – contaminating the land
- A number of trees have been removed from the site causing a loss of privacy
- Mechanical diggers have operated from 7am in the morning and excessive noise can continue all day and at weekends as debris is transferred between lorries and skips

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RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2012)

Achieving sustainable development

Section 1 - Building a strong, competitive economy

Section 4 - Promoting sustainable transport

Section 7 - Requiring good design

Section 11 - Conserving and enhancing the natural environment

Woking Core Strategy (2012)

CS8 - Thames Basin Heaths Special Protection Areas

CS15 - Sustainable economic development

CS18 - Transport and accessibility

CS21 - Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

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

DM5 - Environmental Pollution

DM7 - Noise and Light Pollution

DM8 - Land Contamination and Hazards

Supplementary Planning Documents (SPD's)

Outlook, Amenity, Privacy and Daylight (2008)

Design (2015)

Parking Standards (2006)

Other Material Considerations

National Planning Practice Guidance (NPPG)

Thames Basin Heaths Special Protection Areas Avoidance Strategy

PLANNING ISSUES

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

- Principle of development
- Impact upon design and character
- Impact upon neighbouring amenity
- Highway safety
- Land contamination

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

Principle of development

02. The application site is situated within the Urban Area however is located within the 400m Thames Basin Heaths Special Protection Area (TBH SPA) exclusion zone, where no new residential development (Use Class C3) will be allocated or granted planning permission, because the impacts of such developments upon the TBH SPA cannot be fully mitigated. Furthermore, it is noted that outline planning permission (Ref: PLAN/2012/0554) for a care home (Use Class C2) was refused in 2013.

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03. Policy CS1 sets out the Spatial Strategy for Woking Borough and although it seeks employment uses on previously developed land in the Town, District and Local Centres, the policy does not specifically preclude employment uses on other sites within the Urban Area subject to an assessment of impacts. Policy CS15 relates to sustainable economic development and although this policy primarily relates to development proposals within existing employment areas it again does not specifically preclude employment uses on other sites within the Urban Area, subject to an assessment of impacts.
04. The existing building adjacent to the western boundary of the application site has been altered and extended by virtue of planning permission reference PLAN/2016/0260 for Office (Class B1(a)) purposes. Conditions attached to this grant of planning permission restrict the hours of use of the building and that the building can only be used for Office (Use Class B1(a)) purposes without a further grant of planning permission.

Impact upon design and character

05. The application site comprises a cleared 1860m² L-shape backland site, sandwiched south of Connaught Road and north of a railway embankment. The site extends to the rear of the gardens of No.291-301/A Connaught Road and abuts the gardens of No.289 and No.303 to the east and west sides respectively. Buildings within the site include a recently refurbished and extended building (sited on the western edge of the site), which appeared to formerly accommodate a bakery (although had become derelict), and a double garage in a state of some disrepair to the rear of No.295. The application site benefits from a single access, which passes between No.299 and No.301/A Connaught Road.
06. Policy CS21 of the Woking Core Strategy (2012) requires development proposals to *“respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land”*.
07. The settlement of Brookwood is largely enclosed by the railway to the south and Basingstoke Canal to the north. The linear nature of the settlement directs views along the main street (Connaught Road), with infill development behind this frontage generally not intruding into views. Along Connaught Road, the buildings relate strongly to the road alignment and typically front on to the main road. There are three main cul-de-sacs of Post War development to the north of the Connaught Road frontage; Lockswood, Heath Drive and Connaught Crescent. To the south of the Connaught Road frontage only Elphinstone Close and Church Close extend to the rear of properties fronting Connaught Road to the west of the railway station.
08. Views into the application site are obtainable only through the existing single access, which passes beside No.299 and No.301/A Connaught Road. The built development along Connaught Road screens the application site from wider, more oblique, views notwithstanding that the land rises from Connaught Road towards the railway line. The railway line is set on an embankment at a higher level and obscures, together with intervening vegetative screening, the application site from views from the south.

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09. Very limited details have been submitted in support of the application although a proposed site plan indicates the siting of x4 storage containers in the south-western corner of the site and car parking (x11 spaces) extending along the southern site boundary (adjacent to the railway embankment) towards the east, with a further x4 parking spaces adjacent to the existing garage and opposite the existing office building.
10. The storage containers are shown on the proposed site plan in excess of 45 metres from the Connaught Road frontage and would therefore not appear prominent or incongruent from Connaught Road, with obtainable views restricted to those through the vehicular access. The rear garden of adjacent No.303 Connaught Road (to the west) extends to a depth measuring approximately 40 metres. Whilst x2 storage containers are shown adjacent to the common boundary with No.303 these would be sited towards the very terminus of the rear garden of No.303, such that they are not considered to appear visually incongruous or discordant when viewed from No.303. Similarly the storage containers are shown located in excess of approximately 20 metres from the rear garden boundaries of No.299 and No.297 Connaught Road (to the north), the rear gardens of which measure in excess of 20 metres in depth. For these reasons the storage containers are not considered to appear visually incongruous or discordant when viewed from No.299 and No.297 Connaught Road.
11. Whilst car parking is shown on the proposed site plan this is primarily located along the southern site boundary (adjacent to the railway embankment) whereby it would not be readily apparent, in visual terms, from Connaught Road, nor appear unduly visually incongruous when viewed from dwellings fronting Connaught Road.
12. If the application was otherwise considered to be acceptable a planning condition could be attached to restrict the external storage of items outside of the storage containers and existing garage; however such planning conditions can be difficult and onerous upon the Local Planning Authority to enforce on a day-to-day basis and the applicant has not responded as to whether such a potential restriction would be practical and capable of being complied with.
13. Overall it is not considered, subject to appropriate and effective site management, that the use of the application site as a builders yard would appear unduly harmful or incongruous, in visual terms, in the site specific circumstances of this case.

Impact upon neighbouring amenity

14. The application site is bordered on three sides (east, west and north) by residential properties and associated private rear garden areas. The dwellinghouse of No.299 Connaught Road abuts the existing vehicular access to the eastern side. No.301/A Connaught Road, abuts the western side of the existing vehicular access and is within Office (Class B1(a)) use (No.301) with the residential use of No.301A occurring largely at first floor level and to the rear of the ground floor.
15. Policy CS21 of the Woking Core Strategy (2012) advises that proposals for new development should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impact in terms of loss of privacy, loss of daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook. Further guidance on assessing neighbouring amenity impacts is provided within SPD 'Outlook, Amenity, Privacy and Daylight (2008)'. Taking account of the siting of the storage containers and car parking in relation to adjacent residential curtilages it is not considered that these elements give rise to significantly harmful impact, by reason of

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potential loss of privacy, loss of daylight or sunlight, or overbearing effect due to bulk, proximity or loss of outlook.

16. A key objective of the Woking Core Strategy (2012) is to maintain and improve air and water quality and manage effectively the impacts of noise and light pollution. Policy CS21 requires development to be designed to avoid significant harm to the environment and general amenity resulting from noise, dust, vibrations, light or other releases. Excessive levels of air, land and water pollution have the potential to impact adversely on environmental amenity, biodiversity and, both directly and indirectly, on health and wellbeing. It is not the role of the planning system to duplicate the controls of other bodies, but to play a complimentary role, regulating the location of development and the control of the operations to minimise any adverse impacts. An unacceptable impact in pollution terms is defined as an adverse impact on the environmental amenity or biodiversity of the surrounding area by reason of fumes, dust, noise, vibration, smell, light or other forms of air, land or water pollution or creating exposure to contaminated land.
17. It is acknowledged that development will often result in some additional degree of light or sound which is not necessarily harmful. However, when the degree of light or sound becomes such that it is respectively considered light or noise pollution, it can have significant impacts on the environment and the quality of life enjoyed by communities and individuals. Policy CS21 of the Woking Core Strategy (2012) requires new development to be designed to avoid significant harm resulting from noise and light.
18. Policy DM5 of the Development Management Policies DPD (2016) states that *“development proposals should ensure that there will be no unacceptable impacts on: (i) Air quality; (ii) Surface and ground water quality; (iii) Land quality and condition; (iv) Health and safety of the public”*.
19. With regard to noise Policy DM7 of the Development Management Policies DPD (2016) states that *“the Council will require noise generating forms of development or proposals that would affect noise-sensitive uses to be accompanied by a statement detailing potential noise generation levels and any mitigation measures proposed to ensure that all noise is reduced to an acceptable level...Development will only be permitted where mitigation can be provided to an appropriate standard with an acceptable design, particularly in proximity to sensitive existing uses or sites”*. Noise-sensitive development includes housing and a builders yard is considered to constitute noise-generating development. It is important that new development involving noisy activity, such as a builders yard, should, if possible, be sited away from noise-sensitive uses, such as housing.
20. Submitted letters of representation indicate that waste materials have previously been burnt, and have previously been buried, on the application site. It also appears that relatively significant vehicle movement occurs accessing and egressing the application site, which appears to include HGVs delivering and removing skips and materials, alongside smaller commercial vehicles and private cars. The existing site access between No.299 and No.301/A is narrow and the movement of HGVs along this access is likely to cause disturbance, by reason of noise and vibration, to residential occupiers of adjacent No.299 and No.301/A Connaught Road.

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21. During consideration of the application the applicant has been requested to provide details regarding the nature of the operation from the application site. Whilst such details have not been provided it appears that the operation generally deals with insurance related building works (ie. repairing water damage following burst pipes etc) and therefore building materials are required at short notice and often remain from completed jobs in quantities that require storage until they can be used on further jobs. Builders appear to work across the south-east of England (and further afield) and generally to utilise the application site for the storage of materials and disposal of waste, often during unsociable hours when local waste disposal sites are closed. It appears that deposited waste is stored in skips and collected from the site as required on a commercial basis, although that waste has also been burnt and buried on the application site.
22. It is noted that extant planning permission exists at the dwelling of No.299 Connaught Road to the front of the site (eastern side) (Ref: PLAN/2016/0176), which, if implemented, would reduce the width of this dwelling by approximately 2.0m. However it is not evident whether the dwelling at No.299 Connaught Road is within the same ownership as the application site, nor whether this extant planning permission is intended to be implemented. Furthermore the potential decrease in width of this existing dwellinghouse would not, in itself, necessarily avoid harmful impacts to neighbouring dwellings by reason of noise and vibration resulting from vehicular movements, particularly if occurring during unsociable hours.
23. During consideration of the application the applicant has also been requested to provide further details regarding:
 - The likely number of vehicles accessing and egressing the application site during a typical week (Monday-Sunday).
 - Whether it would be feasible for storage to be facilitated only within storage containers (Officer Note: Some external storage of building materials was noted during the site visit).
 - Whether vehicles would access/egress the application site during evenings/weekends and, if so, what are the earliest/latest times at which this would be likely to occur.
 - How often HGV movements occur accessing/egressing the site.
 - How often waste skip delivery/collections occur to/from the site.
 - What type of waste is generally stored in skips at the site.
24. Despite being allowed sufficient time the applicant has failed to provide a response to this request for additional information from the Local Planning Authority. It should be noted that it is not for the Local Planning Authority to demonstrate that the use of the application site may be incompatible with adjoining residential uses but rather for the applicant to demonstrate that no harm, by reason of noise, dust, vibrations, light or other releases would occur to adjoining residential occupiers. The applicant has not provided existing levels of background noise, measures to reduce or contain generated noise, fumes, dust, vibration and smell, nor hours of operation and servicing.

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25. Overall the applicant has failed to demonstrate that the use as a builders yard does not give rise to adverse impact upon the environmental amenity of the surrounding area, including the quality of residential amenity enjoyed by adjacent and nearby dwellings, by reason of noise, fumes, dust, vibration and smell, including that resulting from associated vehicular movements, contrary to Policy CS21 of the Woking Core Strategy (2012), Policies DM5 and DM7 of the Development Management Policies Development Plan Document (2016) and the provisions of the National Planning Policy Framework (NPPF) (2012).

Highway safety

26. Connaught Road is a 30mph traffic calmed single carriageway road that provides access to Knaphill and Woking to the east and Pirbright to the south-west. In the vicinity of the application site access there are traffic calming speed humps and road width restrictions caused by vehicles parked in the on-street parking bays along Connaught Road
27. The application site benefits from a single access, which passes between No.299 and No.301/A Connaught Road and grades uphill from Connaught Road. The narrowest point of this existing access (between the built form of No.299 and No.301/A) measures approximately 2.9m in width.
28. It is acknowledged that extant planning permission (Ref: PLAN/2016/0176) exists at the dwellinghouse of No.299 Connaught Road, and that the implementation of this planning permission, would result in the existing building width of No.299 decreasing by approximately 2.0m. However it is not evident whether the dwellinghouse of No.299 is within the same ownership as the application site, nor whether this extant planning permission is intended to be implemented. Furthermore the potential decrease in width of this existing dwellinghouse would not, in itself, necessarily avoid harmful impacts to neighbouring dwellings by reason of noise and vibration resulting from vehicular movements.
29. The existing building adjacent to the western boundary of the application site has been altered and extended by virtue of planning permission reference PLAN/2016/0260 for Office (Class B1(a)) purposes. In granting this planning permission it was considered that the car parking requirement of x6 spaces to serve this extended building would not give rise to material noise and disturbance to neighbouring properties, taking into account the condition attached which restricts the hours of use of this building and that vehicles serving an Office building are likely to be smaller private cars, as opposed to HGVs likely to serve a builders yard.
30. The County Highway Authority (CHA) (SCC) has undertaken an assessment in terms of the impact of the change of use of the site. The CHA notes that this is a retrospective application and that the site appears to have been in operation in its current form since 2012. The CHA comment that a check on the Road Traffic Incident (RTI) records indicates no recorded incidents in the previous five years (2016 data) associated with the access. Therefore, in light of the above, the County Highway Authority has no highway requirements.
31. Whilst the existing vehicular access is relatively narrow, and it appears that HGVs are accessing and egressing the application site on a regular basis to deliver and collect skips for example, alongside smaller private and commercial vehicles, it appears that vehicles are able to access, turn within the application site, and egress the application site in a forward gear such that highway safety is not being unacceptably

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compromised. However the seeming absence of harm in this respect does not outweigh the harm to the quality of residential amenity enjoyed by adjacent and nearby dwellings, by reason of noise, fumes, dust, vibration and smell, including that resulting from associated vehicular movements, previously identified.

Land contamination

32. Paragraph 120 of the NPPF (2012) advises that in order to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate to its location. Policy DM8 of the Development Management Policies DPD (2016) accords with the NPPF (2012) and seeks to ensure, amongst other things, that proposals for new development should ensure that the site is suitable for the proposed use taking into account ground conditions, pollution arising from previous uses and any proposals for land remediation.

33. Policy DM8 of the Development Management Policies DPD (2016) states that:

Sites that are known or suspected of being impacted by contamination should be identified at an early stage, and development proposals assessed to determine the suitability of the proposed use.

Proposals for new development, including change of use, should demonstrate that:

(i) any existing contamination of the land or groundwater will be addressed by appropriate mitigation measures, including the remediation of existing contamination, to ensure that the site is suitable for the proposed use and that there is no unacceptable risk of pollution within the site or in the surrounding area; and

(ii) the proposed development will not cause the land or groundwater to become contaminated, to the detriment of future use or restoration of the site or so that it would cause unacceptable risk of pollution in the surrounding area.

Adequate site investigation information should be provided with development proposals, including the site's history, potential contamination sources, pathways and receptors, and where appropriate, physical investigation, chemical testing, and a risk assessment to cover ground gas and groundwater.

34. The Scientific Officer has been consulted on the application because the application site appears as potentially contaminated land on the Council's records and comments that the "site has been used for infilling land, potentially with degradable waste. Whilst no further buildings are identified on the infilled area there is a concern for storage on this land. Land stability is a key issue in this location due to the proximity of the railway line. Infilled land can also give rise to land gasses".

35. The Scientific Officer comments that "Gas can accumulate in void spaces, caused by degradation. Such void spaces can lead to collapse when heavy machinery and equipment is placed upon infilled land. Surface pressures on infilled land can also give rise to migration of land gas, and there are residential homes close by. If the infilled land has no cover layer then there can be contaminants on the surface that could give rise to wind blown deposition, dermal contact, inhalation and ingestion of contamination. Given the above we will need assurance, via a report on contamination, from the applicant that the use of the land will not give rise to

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contamination issues such that the site can be deemed contaminated land under the provisions of the Environmental Protection Act 1990 – Part IIA. If the report outlines mitigation measures are required details of these measures must be submitted and demonstrate that following mitigation the site cannot be deemed contaminated land under the provisions of the Environmental Protection Act 1990 – Part IIA”.

36. Overall, taking into account ground conditions, the applicant has not demonstrated that the site is suitable for use as a builders yard and that the use would not result in unacceptable risks from pollution and land instability contrary to Policies DM5 and DM8 of the Development Management Policies Development Plan Document (2016) and the provisions of the National Planning Policy Framework (NPPF) (2012).

Expediency of Enforcement Action

37. It appears to the Local Planning Authority that the use as a builder’s yard constitutes a breach of planning control. It is considered expedient to issue an Enforcement Notice, having regard to the provisions of the Development Plan, and to any other material considerations, because the applicant has failed to demonstrate that the use as a builders yard does not give rise to adverse impact upon the environmental amenity of the surrounding area, including the quality of residential amenity enjoyed by adjacent and nearby dwellings, by reason of noise, fumes, dust, vibration and smell, including that resulting from associated vehicular movements, and, taking into account ground conditions, the applicant has not demonstrated that the site is suitable for use as a builders yard and that the use would not result in unacceptable risks from pollution and land instability.

LOCAL FINANCE CONSIDERATIONS

38. The proposal is not Community Infrastructure Levy (CIL) liable.

CONCLUSION

39. Overall, the applicant has failed to demonstrate that the use as a builders yard does not give rise to adverse impact upon the environmental amenity of the surrounding area, including the quality of residential amenity enjoyed by adjacent and nearby dwellings, by reason of noise, fumes, dust, vibration and smell, including that resulting from associated vehicular movements, contrary to Policy CS21 of the Woking Core Strategy (2012), Policies DM5 and DM7 of the Development Management Policies Development Plan Document (2016) and the provisions of the National Planning Policy Framework (NPPF) (2012).
40. Furthermore, taking into account ground conditions, the applicant has not demonstrated that the site is suitable for use as a builders yard and that the use would not result in unacceptable risks from pollution and land instability contrary to Policies DM5 and DM8 of the Development Management Policies Development Plan Document (2016) and the provisions of the National Planning Policy Framework (NPPF) (2012).

BACKGROUND PAPERS

Site visit photographs

x3 Letters of objection

Consultation response County Highway Authority (CHA) (SCC)

Consultation response Scientific Officer

Consultation response Network Rail

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RECOMMENDATION

Refuse planning permission for the following reasons:

01. The applicant has failed to demonstrate that the use as a builders yard does not give rise to adverse impact upon the environmental amenity of the surrounding area, including the quality of residential amenity enjoyed by adjacent and nearby dwellings, by reason of noise, fumes, dust, vibration and smell, including that resulting from associated vehicular movements, contrary to Policy CS21 of the Woking Core Strategy (2012), Policies DM5 and DM7 of the Development Management Policies Development Plan Document (2016) and the provisions of the National Planning Policy Framework (NPPF) (2012).
02. Taking into account ground conditions, the applicant has not demonstrated that the site is suitable for use as a builders yard and that the use would not result in unacceptable risks from pollution and land instability contrary to Policies DM5 and DM8 of the Development Management Policies Development Plan Document (2016) and the provisions of the National Planning Policy Framework (NPPF) (2012).

It is further recommended:

- a) That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of The Town & Country Planning Act 1990 (as amended) in respect of the above land requiring the remedy of the breach of planning control to be achieved through the cessation of the use of the application site for builders yard purposes within four (4) months of the Enforcement Notice taking effect. For the avoidance of doubt the use of the existing building adjacent to the western site boundary for Office (Class B1(a)) purposes is lawful under the terms of planning permission reference PLAN/2016/0260 and the use of this building for this purpose shall not be required to cease by the Enforcement Notice.

Informatives

01. The plans relating to the retrospective planning application hereby refused are numbered/titled:
 - Untitled, unnumbered 1:1250 scale Site Location Plan, dated 24.05.2017 and received by the Local Planning Authority on 24.05.2017.
 - Untitled, unnumbered 1:500 scale Block/Site Plan, dated 24.05.2017 and received by the Local Planning Authority on 24.05.2017.
 - Untitled, unnumbered plan showing site layout, undated and received by the Local Planning Authority on 06.04.2017.
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 paragraph 186-187 of the National Planning Policy Framework (NPPF) (2012). The application is retrospective in nature, seeking to remedy a breach of planning control. Additional information was requested by the Local Planning Authority during consideration of the application however this information was not forthcoming from the applicant.