

04th JUNE 2024 PLANNING COMMITTEE

6a PLAN/2023/0737

WARD: Heathlands

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

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

APPLICANT: Fighting Fitness UK Ltd

OFFICER: Josey Short

REASON FOR REFERRAL TO COMMITTEE

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

PROPOSED DEVELOPMENT

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

PLANNING STATUS

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

RECOMMENDATION

REFUSE planning permission.

SITE DESCRIPTION

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

PLANNING HISTORY

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

Refused 11.07.2023 for the below reasons.

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

04th JUNE 2024 PLANNING COMMITTEE

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

04th JUNE 2024 PLANNING COMMITTEE

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

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

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

Permitted – 02.07.2021

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

Permitted – 23.12.2020

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

Permitted – 19.10.2018

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

Permitted – 28.09.2017

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

Refused 17.01.2017 for the following reason(s):

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

04th JUNE 2024 PLANNING COMMITTEE

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

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

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

CONSULTATIONS

Surrey Wildlife Trust: dated 09.05.2024

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

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

Lead Local Flood Authority: dated 09.04.2024

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

Natural England: dated 26.03.2024

04th JUNE 2024 PLANNING COMMITTEE

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

- Submission of a Construction Environmental Management Plan (CEMP)

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

Environmental Health: *dated 31.10.2023*

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

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

County Highway Authority: *dated 01.11.2023*

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

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

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

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

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

04th JUNE 2024 PLANNING COMMITTEE

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

SCC Countryside Access: dated 13.10.2023

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

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

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

REPRESENTATIONS

Sixty-two (62) representations have been received.

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

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

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

Please see Principle of Development section of this report.

04th JUNE 2024 PLANNING COMMITTEE

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

RELEVANT PLANNING POLICY

04th JUNE 2024 PLANNING COMMITTEE

National Planning Policy Framework (NPPF) (2023):

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

Woking Core Strategy (2012):

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

Development Management Policies DPD (2015):

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

Supplementary Planning Documents:

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

Other Planning Documents:

- National Planning Policy Guidance (online resource)

PLANNING ISSUES

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

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

Principle of use in this location

04th JUNE 2024 PLANNING COMMITTEE

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

04th JUNE 2024 PLANNING COMMITTEE

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

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

Green Belt Policy & Openness

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

04th JUNE 2024 PLANNING COMMITTEE

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

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

Impact on the Character of the Area

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

04th JUNE 2024 PLANNING COMMITTEE

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

Impact on Neighbouring Amenity

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

Impact on Highway Safety and Car Parking Provision

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

04th JUNE 2024 PLANNING COMMITTEE

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

Parking

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

04th JUNE 2024 PLANNING COMMITTEE

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

Ecology and Biodiversity

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

04th JUNE 2024 PLANNING COMMITTEE

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

Local Finance Considerations

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

CONCLUSION

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

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

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

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

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

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

BACKGROUND PAPERS

Site Photographs dated 14th May 2024.

RECOMMENDATION

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

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

04th JUNE 2024 PLANNING COMMITTEE

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

Informatives:

01. The plans the subject of this refusal of planning permission as submitted with the application are:
 - Site Location Plan - received by the Local Planning Authority 28.08.2023
 - Site Plan – 1566/SH/3 –received by the Local Planning Authority 28.08.2023
 - Proposed Plans and Elevations – 1566/SH/1 - received by the Local Planning Authority 28.08.2023
 - Location Plan – GIS/LF/67076/01-01 – dated September 2023 and received by the Local Planning Authority 03.10.2023
 - Site Plan – GIS/LF/67076/01-02 – dated September 2023 and received by the Local Planning Authority 03.10.2023
 - Roof Plan – GIS/LF/67076/01-03 – dated October 2023 and received by the Local Planning Authority 05.10.2023

02. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework (2023). In this instance, the applicant has not engaged with the Council's pre application advice service and there are no minor alterations which could be made which would change the recommendation. Further to this, the recommendation is consistent with previous decisions for similar schemes at the applications site given that there have been no significant changes to national or local policy in this regard.