

## 26 SEPTEMBER 2017 PLANNING COMMITTEE

5f 17/0831 Reg'd: 03.08.17 Expires: 28.09.17 Ward: C  
Nei. 24.08.17 BVPI COU Number 8/8 On Y  
Con. Target of Weeks Target?  
Exp: on Cttee'  
Day:

**LOCATION:** Birch and Pines Public House, 22 Dartmouth Avenue, Sheerwater, Woking, GU21 5PJ

**PROPOSAL:** Demolition of existing public house building and the change of use of land to use as a car park.

**TYPE:** Full

**APPLICANT:** Woking Borough Council

**OFFICER:** Joanne Hollingdale

---

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

The applicant is Woking Borough Council and as such the application falls outside the Scheme of Delegation.

### **SUMMARY OF PROPOSED DEVELOPMENT**

This application seeks full planning permission for the demolition of the existing public house building and the change of use of land to use as a car park.

### **PLANNING STATUS**

- Urban Area
- Thames Basin Heaths SPA Zone B (400m-5km)
- Priority Places Area
- Local Centre
- Tree Preservation Order (adjacent to site)

### **RECOMMENDATION**

**GRANT** planning permission subject to recommended conditions.

### **SITE DESCRIPTION**

The Birch and Pines PH, is located on the south side of Dartmouth Avenue, opposite the Sheerwater local centre. The site extends to around 0.2 hectares in area and comprises a two storey public house with associated extensions, car parking and beer garden. The site is generally flat and contained by low walls, fencing, hedging and mature trees. The site has an in and out vehicular access along the frontage of the site.

The application site is adjoined on all three sides by residential development which comprises mainly two storey terraced and semi-detached properties. Opposite the application site is a parade of shops.

### **RELEVANT PLANNING HISTORY**

## 26 SEPTEMBER 2017 PLANNING COMMITTEE

The Public House was granted planning permission in the mid-1950s and the most recent planning applications relating to the public house site alone are as follows:

PLAN/2008/1301 – Erection of single storey front extension to incorporate new entrance and kitchen extension. Granted 10.02.09

PLAN/2004/0187 - Rear extension to existing Public House to form conservatory. Granted 25.03.04

The application site is also located within the wider Sheerwater Regeneration area to which the following application is relevant:

PLAN/2015/1260 - Hybrid planning application (part outline, part full planning application): for the demolition of 576 residential units, existing non-residential buildings and sports facilities and redevelopment of the site to be implemented in phases with the associated engineering works to provide a mixed-use development comprising: up to 922 residential units (Class C3), 62 units (Class C2), up to 1,110sqm community/youth centre and up to 600sqm nursery/children's centre (Class D1), up to 5,478sqm Leisure Centre (Class D2), 1,650sqm retail (flexible use within Class A1 and/or A2 and/or A3 and/or A4 and/or A5), up to 416sqm health centre (Class D1), an artificial grass pitch (AGP), with spectator seating, erection of sports amenity lighting, improvements to Bishop David Brown School playing fields, a new substation, formation of car park including bus/coach drop-off area, hard and soft landscaping and open space with a multi-use games area (MUGAs) and a skate park, reconfigured and new vehicular and pedestrian accesses and works to the public highway and associated works; including full planning application for detailed first phase comprising: demolition of 5 residential units, 903sqm of ancillary buildings at Bishop David Brown School and existing athletics track and construction of 92 residential units (11no. 2-bed units, 39no. 3-bed units, 39no. 4-bed units and 3no. 5-bed units), 5,478sqm Leisure Centre (Class D2), an artificial grass pitch (AGP) with spectator seating, erection of sports amenity lighting, improvements to Bishop David Brown School playing fields, a new substation, formation of car park including bus/coach drop off area, with hard and soft landscaping and open space, reconfigured and new vehicular and pedestrian access and works to the public highway. (AMENDED DESCRIPTION AND AMENDED/ADDITIONAL INFORMATION RECEIVED 07.12.15, 10.12.15, 25.02.16, 03.03.16, 04.03.16, 29.03.16 AND 06.05.16). Granted 27.07.16

### **PROPOSED DEVELOPMENT**

This application seeks full planning permission for the demolition of the existing public house building and the change of use of land to use as a car park.

The existing public house building would be demolished and the site will be levelled to enable its use as a car park. The brick boundary wall on the western side of the site which is currently part of the garage would be retained. Any re-surfacing works which may be required to enable the use of the site for parking would be undertaken using a loose bonded 'type 2' material.

In support of the application a Planning Statement, Demolition Method Statement and a Bat Survey report have been submitted.

### **CONSULTATIONS**

**County Highway Authority:** Has undertaken an assessment of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the

## 26 SEPTEMBER 2017 PLANNING COMMITTEE

application would not have a material impact on the safety and operation of the adjoining public highway and thus has no highway requirements.

**Surrey Wildlife Trust:** No comments received

**Surrey Police:** No comments received

**WBC Scientific Officer:** No comments received

**WBC Environmental Health Officer:** The premises are well known to the Environmental Health Service who have had dealings with the premises for the past 20 years, including many complaints regarding music and noise. Out of hours visits have been necessary and the premises have been subject to many protracted investigations. The closure of the buildings will not be a disappointment to many of those living in the vicinity. There is no objection to the use of the land for car parking.

**WBC Arboricultural Officer:** The trees are shown to be removed as part of the Sheerwater regeneration and as such there is no requirement for arboricultural information for this application.

### **REPRESENTATIONS**

0 letters of representation have been received in respect of the application.

### **RELEVANT PLANNING POLICIES**

#### Woking Core Strategy 2012

CS4 – Local and Neighbourhood Centres and shopping parades

CS5 – Priority places

CS7 – Biodiversity and nature conservation

CS18 - Transport and accessibility

CS21 - Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

#### Development Management (DM) Policies DPD 2016

n/a

#### Supplementary Planning Documents

Parking Standards 2006

Design 2015

#### Other Material Considerations

National Planning Policy Framework 2012

National Planning Practice Guidance (NPPG)

### **PLANNING ISSUES**

1. The main issues to be considered in the determination of this application are the loss of the public house in principle, ecology and the impact of the proposed use of the site as a car park on visual amenity, residential amenity and highway safety.

Principle of development

## 26 SEPTEMBER 2017 PLANNING COMMITTEE

2. Policy CS4 of the Core Strategy states that local shopping centres will retain town centre uses wherever viable to meet the day to day needs of the local community. Policy CS5 relates to the Priority Places as a whole and only seeks to resist the loss of existing retail units. A public house, which although retails drink and food for consumption on the premises, does not fall within the Class A1 (retail) use.
3. Policy CS19 of the Core Strategy relates to social and community infrastructure and seeks to resist the loss of such facilities unless the criteria of the policy are satisfied. Paragraph 5.175 of the Core Strategy provides the introduction to Policy CS19 and also states the uses which social and community infrastructure includes. The list provided does not include public houses but it is not considered that the list necessarily excludes a public house from being social and community infrastructure.
4. The applicant's Planning Statement advises that the "*public house has now been closed for some time and no longer fulfils an exclusive role or essential daily need for the local community.*" The public house is located within the Sheerwater Regeneration area which has received planning permission under PLAN/2015/1260. Although the public house was not identified as one of the first phases of development, given the overall scale of the regeneration area it is clear that it will take some time for land assembly (of all of the land within the regeneration area) and that there will also be a time lag between the loss of some existing facilities and the provision of new facilities for the regeneration. The existing public house was not identified as one of the existing services/facilities which needed to be replaced before the existing facility would be removed from the site as part of the planning permission. If the regeneration planning permission is implemented, then separate planning permission would not be required for the demolition of the existing public house. In addition as part of the regeneration planning permission, provision has been made for a new public house to be delivered as part of the master plan.
5. However even in the event that the existing regeneration permission is not implemented it is considered that the loss of this public house would not prejudice the vitality and viability of this local area or undermine the provision of social and community facilities within Sheerwater. The Council's Environmental Health Officer has advised that these premises have given rise to complaints in the past.
6. It is therefore considered that the loss of the existing public house at this stage would comply with the aims and objectives of the Core Strategy and would not result in any harm to the provision of social and community facilities in Sheerwater. In addition suitable facilities have been provided for within the Sheerwater Regeneration development.
7. The applicant also seeks to use the site for car parking, most likely in the interim prior to the progression of the Sheerwater Regeneration. As the site is previously developed land and is located within the existing urban area and local centre, it is not considered that there is any policy objection to such a use of the land.
8. The proposed development is therefore considered to comply with Policies CS4, CS5 and CS19 of the Woking Core Strategy and the policies in the NPPF.

### Impact of demolition on ecology

9. The NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. This approach is supported by Circular 06/05 –

## 26 SEPTEMBER 2017 PLANNING COMMITTEE

Biodiversity and Geological Conservation and is reflected in Policy CS7 of the Woking Core Strategy.

10. As the proposal relates to the demolition of a building, there is potential for bats/bat roosts to be present in the building. The applicant has submitted a Bat Survey report with the application. The Bat Survey report concludes that no evidence of any bat species was detected during the survey in respect of both the building and the garage on the site. The existing trees on the site were also included within the survey and they were all found to have low or negligible potential for bat roosts. No further bat surveys are therefore required, although advice is given with regard to the timing of the proposed demolition works and the need for workers to be aware of the potential for the presence of bats. Condition 5 requires the development to proceed in accordance with these recommendations. The submitted report also advises that any vegetation removal on the site is undertaken outside the bird nesting season, although no trees are proposed to be removed as part of this application. Subject to condition 5 the proposal is therefore considered to comply with Policy CS7 of the Core Strategy, the policies in the NPPF relating to ecology and biodiversity and the guidance in Circular 06/05.

### Visual impact on the area

11. One of the core principles of planning as identified in the NPPF is securing high quality design. Policy CS21 of the Core Strategy states that "*proposals for new development should...respect and make a positive contribution to the street scene and character of the area in which they are situated.*"
12. Whilst the loss of the public house building would change the appearance of the site as there will no longer be a building on the site, it is considered that the cleared site would be visually preferable to a disused building which could potentially suffer from acts of vandalism or its condition could deteriorate over time and which would result in harm to the character and appearance of the site and surrounding area. The application proposes to retain the existing grassed area at the rear of the site and also the existing trees on the site, although permission would not be required to remove any vegetation or any un-protected tree. In addition it is noted that the principle of the removal of these trees has been accepted through the grant of outline planning permission under PLAN/2015/1260. The application also includes the use of the land as a car park and it is not considered that this use would be harmful to the character and appearance of the site and surrounding area, which is mixed in character.
13. The proposal is therefore considered to comply with Policies CS21 and CS24 of the Core Strategy and the NPPF.

### Impact upon neighbouring amenity

14. Policy CS21 of the Core Strategy advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impacts.
15. The loss of the public house building is not considered to result in any adverse neighbour impacts and as evidenced by the Council's Environmental Health Officer the premises have given rise to complaints in the past. Construction hours would be controlled by the relevant legislation (informative 3). The use of the land as a car park would accommodate approximately 36 parking spaces, which is around 10 more car parking spaces than is currently available for the public house. The grassed area to

## **26 SEPTEMBER 2017 PLANNING COMMITTEE**

the rear of the site would be retained as grassed and condition 3 would prevent its use for the parking of vehicles.

16. The boundaries of the site around the existing hard surfacing area are mostly formed by close boarded timber fencing or walls, except for a small part of chain link fence on the eastern side boundary. Except for one dwelling which has its side elevation facing the application site all of the other dwellings adjoining the application site, adjoin it with their rear garden boundary with the gardens being around 15 metres in depth, although of greater depth in many cases. The dwelling which has its side elevation onto the site has the existing wall as the boundary treatment. Therefore whilst vehicles utilising the car park would result in additional activity (i.e. engines, car headlights and doors opening and closing etc) given the relationship of the hard surfaced areas and the neighbouring dwellings and the previous use of the car park with the public house, it is not considered that the use of the land for car parking would be significantly detrimental to the amenities of the adjoining residential occupiers even if the car park is in use during night time hours.
17. The use of the land as a car park would not result in any overbearing impacts or loss of light or loss of privacy to neighbouring occupiers given the existing land use. The proposal is therefore considered to comply with Policy CS21 of the Core Strategy and the policies in the NPPF.

### **Impact upon highway safety**

18. The existing site has been used as a public house and has 26 car parking spaces laid out. Following the demolition of the existing building the applicant has advised that the surface would be made good with a type 2 aggregate material which would make the land available for parking but no additional spaces will be formally laid out. Parking for a further 10 vehicles would be available on the site following the demolition of the building. The applicant has also advise that the existing barriers to the site will not be used (although if they are retained on site the applicant will have the option to use them if required).
19. The County Highway Authority has assessed the application and has no highway requirements in respect of the application. The proposal therefore complies with Policy CS18 of the Woking Core Strategy and the policies in the NPPF.

### **LOCAL FINANCE CONSIDERATIONS**

20. The Council implemented the Community Infrastructure Levy (CIL) on 1<sup>st</sup> April 2015. As the proposal relates to a demolition/change of use of the land the proposal is not CIL liable development.

### **CONCLUSION**

21. The proposed demolition of the existing public house building and the use of the site for car parking is acceptable and would not result in any adverse impacts to the planning matters considered above. The proposals are considered to comply with Policies CS2, CS18, CS20, CS21, CS24 and CS25 of the Woking Core Strategy, Policies DM7, DM16, DM17, DM19 and DM20 of the DM Policies DPD and also the policies in the NPPF. It is therefore recommended that planning permission is granted subject to the recommended conditions as set out below.

### **BACKGROUND PAPERS**

Planning file PLAN/2017/0831

**RECOMMENDATION**

It is recommended that planning permission be **GRANTED** subject to the following conditions:

1. The demolition of the existing building on the site hereby permitted shall be commenced not later than three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings all received with the application:

Site location plan rec 20.07.17

Reason: To ensure that the development is completed in accordance with the approved plans and in the interests of visual amenity and to accord with Policy CS21 of the Woking Core Strategy 2012.

3. The existing area of the site which is currently laid to grass at the rear of the existing building shall be retained as a natural grass surface and shall not be utilised for the parking of vehicles unless otherwise first approved in writing by the Local Planning Authority.

Reason: As the surface is not suitable for regular parking, in the interests of visual amenity and in the interests of ecology and the trees to be retained on the site and to comply with Policies CS7 and CS21 of the Woking Core Strategy and the policies in the NPPF.

4. Following the demolition of the existing building on the site the existing surface shall be made good utilising a type 2 aggregate finish or similar to enable the use of this part of the land for car parking unless otherwise first approved in writing by the Local Planning Authority.

Reason: In the interest of the visual amenities of the site and surrounding area and to comply with Policy CS21 of the Woking Core Strategy and the policies in the NPPF.

5. The demolition of the building hereby approved shall only be undertaken in accordance with recommendations 1 and 2 of submitted Bat Survey report relating to timings and tool box talk.

Reason: In the interests of ecology and to comply Policy CS7 of the Woking Core Strategy 2012, Circular 06/05 Biodiversity and Geological Conservation and the policies in the NPPF.

**Informatives**

## 26 SEPTEMBER 2017 PLANNING COMMITTEE

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
2. The applicant is advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.
3. The applicant is advised that, under the Control of Pollution Act 1974, site works which will be audible at the site boundaries are restricted to the following hours:-  
08.00 – 18.00 Monday to Friday  
08.00 – 13.00 Saturday  
and not at all on Sundays and Bank/Public Holidays.