

7th SEPTEMBER 2021 PLANNING COMMITTEE

6a PLAN/2020/0614

WARD: Canalside

LOCATION: 41-43 Eve Road, Woking, Surrey, GU21 5JS

PROPOSAL: Change of use of existing detached garage and garden land to the rear of No.41-43 Eve Road to vehicle maintenance and repair use (Use Class B2) and associated hardstanding and fencing.

APPLICANT: Mr T.Hussain

OFFICER: David Raper

REASON FOR REFERRAL TO COMMITTEE:

The application has been referred to Planning Committee by Councillor Aziz.

SUMMARY OF PROPOSED DEVELOPMENT

Change of use of existing detached garage and garden land to the rear of No.41-43 Eve Road to vehicle maintenance and repair use (Use Class B2) and associated hardstanding and fencing.

PLANNING STATUS

- Urban Area
- Priority Place
- Surface Water Flood Risk
- TBH SPA Zone B (400m-5km)

RECOMMENDATION

REFUSE Planning Permission.

SITE DESCRIPTION

The proposal relates to the rear portion of two residential gardens which serve two storey semi-detached dwellings dating from the Victorian/Edwardian era. The proposal site currently comprises a detached garage and parking area. Properties along Eve Road typically have parking areas and vehicular crossovers onto Albert Drive to the rear. Eve Road is a residential road characterised by two storey terraced and semi-detached dwellings.

RELEVANT PLANNING HISTORY

PLAN/2020/0212 - Change of use of existing detached garage and garden land to the rear of No.41-43 Eve Road to vehicle maintenance and repair use (Use Class B2) and associated hardstanding and fencing – REFUSED 04/06/2020 for the following reasons:

- 01. The proposed development, by reason of the noise and disturbance associated with the proposed use and the close proximity to neighbouring properties and their rear amenity spaces, would result in significant noise and general disturbance to neighbours, to the detriment of their residential amenity. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design' and the NPPF (2019).*

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02. *The proposal would displace existing off-street parking for two dwellings onto an already heavily parked street and would consequently result in an under-provision of car parking for these dwellings below the minimum standards specified by Woking's 'Parking Standards' Supplementary Planning Document (2018) to the detriment of the amenities of the area. Consequently the Local Planning Authority cannot be satisfied that there would be no adverse effect upon the free flow of traffic or car parking provision within the locality. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS18 'Transport and Accessibility' and Supplementary Planning Document 'Parking Standards' (2018).*

PLAN/2004/1286 (No.41 Eve Road) - To carry out car maintenance in private garage in rear garden – REFUSED 07/01/2005 for the following reason:

01. *The use of the garage for car maintenance (Class B2), by reason of its proximity to residential properties and the nature of the use will have an unacceptable impact on the environment and residential amenities of the area. This is contrary to policies BE4, EMP1 and EMP4 of the Woking Borough Council Local Plan 1999.*

CONSULTATIONS

- **Environmental Health:**

- Note that whilst general activity noise may not be loud, it could still result in annoyance, given the close proximity to neighbours.
- Note that the Noise Assessment proposes a Noise Mitigation Scheme however this could be difficult to enforce in practice.
- Note that the average noise level identified in the Noise Assessment does not give an indication of the individual noise events that could interfere with the residents' enjoyment of their gardens and that there a degree of uncertainty about the type of plant proposed and how noise activities will be controlled.

- **County Highway Authority:** No objection subject to conditions.

- **Drainage and Flood Risk Engineer:** No objection subject to conditions.

REPRESENTATIONS

17x objections have been received raising the following summarised concerns. In addition, a petition in objection to the proposal has been received with 33x signatures.

- Proposed use would cause noise disturbance, fumes and pollution
- Proposal would impact on the amenity of adjoining gardens
- The same proposal has previously been refused by the Council
- This is a residential area and should be protected
- Use of air powered and pneumatic tools would cause noise disturbance
- Proposal would be out of character with the area and would blight the area
- The proposal is contrary to the aims of the Sheerwater regeneration project
- The proposed working hours are unrealistic
- The existing vehicle repair businesses in the area occupy a significant number of on-street parking spaces; the proposal would worsen this
- Eve Road and Arnold Road are already heavily parked
- Proposal would provide insufficient parking and would generate additional traffic and congestion

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- Proposal would result in the loss of existing parking
- Vehicles reversing onto Albert Drive and parking on Albert Drive would pose a highway safety risk
- Proposal would be a fire safety risk
- Proposed fencing would overshadow gardens
- Trees and vegetation have already been removed from the site
- The area is prone to flooding which could be worsened by the proposal
- Proposed use poses a health and safety risk, there is no indication of how dangerous chemicals would be stored
- There is no indication of what would happen to contaminated waste water

In addition to the above, 2x representations and a petition in support of the proposal have also been received.

RELEVANT PLANNING POLICIES

National Planning Policy Framework (NPPF) (2021):

Section 2 - Achieving sustainable development

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Woking Core Strategy (2012):

CS1 - Spatial strategy for Woking Borough

CS5 - Priority Places

CS9 - Flooding and Water Management

CS15 - Sustainable economic development

CS18 - Transport and accessibility

CS21 - Design

CS24 - Woking's landscape and townscape

CS25 - Presumption in favour of sustainable development

Woking Development Management Policies DPD (2016):

DM7 - Noise and Light Pollution

DM8 - Land Contamination and Hazards

DM16 - Servicing Development

Supplementary Planning Documents:

Parking Standards (2018)

Design (2015)

Outlook, Amenity, Privacy and Daylight (2008)

PLANNING ISSUES

Background:

1. The proposal is identical to a proposal which was refused by the LPA under application ref: PLAN/2020/0212 (see Planning History). Another similar proposal was also previously refused in 2005 under PLAN/2004/1286. The only difference between the current application and PLAN/2020/0212 is that the current application is accompanied by a Noise Assessment. The proposal has been assessed on its own merits as set out below.

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Impact on Neighbours:

2. Section 12 of the NPPF (2021) states that planning decisions should ensure that a 'high standard of amenity' is achieved for existing and future residents whilst Woking Core Strategy (2012) policy CS21 'Design' states that new development should "*Be designed to avoid significant harm to the environment and general amenity, resulting from noise, dust, vibrations, light or other releases*". The proposal relates to the rear portion of the rear gardens of No.41 and No.43 Eve Road. Eve Road is a relatively high density residential road and the proposal site directly borders the rear gardens of No.39 and No.45 Eve Road and would border the remaining rear gardens of No.41 and No.43 themselves.
3. The proposal is for the change of use of the garden area and an existing domestic garage to be used for vehicle repair and maintenance (Use Class B2). This use has the potential to generate significant noise disturbance through the activities associated with vehicle repairs and maintenance, including the use of tools and machinery and engines being started and revved, along with the general disturbance generated by the operation of a commercial venture on the site and the associated vehicle movements and comings and goings. The proposal site directly borders the rear gardens of neighbours and the site boundary is positioned 10m-10.5m from the neighbours themselves; it is considered that the proposed use would generate significant and unacceptable noise disturbance to surrounding neighbours to the detriment of their residential amenity.
4. The applicant indicates in their submission that they anticipate 1-5 customers per day, however it would be difficult to enforce customer numbers by way of planning condition. In any case, 1-2 customers a day would result in at least one vehicle being worked on at any given time which has the potential to generate significant noise disturbance as discussed above. Furthermore the applicant indicates that mostly hand tools would be used however this also cannot be secured by condition as such a condition would be unenforceable. In any case, hand tools can still generate loud, repetitive and jarring noises. Furthermore, if the proposed use were permitted, any occupier could occupy the premises and use it for B2 (General Industrial) use which could be different in nature to how the applicant intends to use the site. Hours of operation could be controlled by condition however the disturbance to neighbours would still occur during the hours of operation during the day.
5. Whilst the proposal would utilise an existing garage, there is open space around the garage where works could take place outside and it is highly unlikely that works would take place solely within the garage with the doors closed, particularly in summer months. Whilst there are sources of noise in the surrounding area from the Employment Area to the north and road noise from Albert Drive, it is considered that the proposal would add a further undesirable source of noise directly adjacent to residential properties which would detract from the amenity of adjoining gardens and would further reduce the opportunities for peaceful enjoyment of these gardens and dwellings.
6. At No.29 Eve Road to the west a vehicle repair and maintenance operates to the rear of the site. This however is an established use which has not been expressly authorised by the LPA; this site has been historically used for industrial purposes since at least the 1930s. The existence of this business is not considered to set a precedent for similar developments elsewhere in the area, particularly because of the negative impacts of the proposed development outlined above.

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7. Notwithstanding the presence of the business at No.29 Eve Road, Eve Road is residential in nature and comprises residential gardens and domestic buildings to the rear. The proposal would introduce a B2 (General Industrial) use to an area of domestic rear gardens and would adjoin neighbouring gardens; the proposed use is not considered a neighbourly or compatible use in a residential area, particularly due to the close proximity to neighbouring gardens and dwellings.
8. The application is accompanied by a Noise Assessment which concludes that the noise generated from the proposed use would be masked by existing background noise during the daytime. However the assessment assumes plant noise and does not make an assessment of specific plant or tools to be used. The assessment does not take account of sudden unexpected noise described above which are likely to be sudden, jarring noises which could cause annoyance to neighbours, such as repetitive noise from tools. Furthermore the Noise Assessment recommends a Noise Management Scheme as a mitigation measure which would include measures such as instructions to personnel to minimise noise and instructions to keep engines off when not in use. Such measures would be difficult to control, would be reliant on the actions of individuals and are not considered sufficient to overcome the concerns described above.
9. Environmental Health have been consulted and note that whilst noise from general activity associated with the proposed use may not be loud, it could result in annoyance to neighbours, given the close proximity between the closest car parking space and the façade of the neighbouring building. Environmental Health note that the Noise Assessment proposes a Noise Mitigation Scheme however they note that this could be difficult to enforce in practice. Environmental Health also notes that the average noise level identified in the Noise Assessment does not give an indication of the individual noise events that could interfere with the residents' enjoyment of their gardens and that there a degree of uncertainty about the type of plant proposed and how noise activities will be controlled.
10. As discussed above, it is not considered that planning conditions could adequately mitigate the negative impacts of the development and it is not realistic or enforceable for works to only take place within the garage building.
11. In terms of proposed operational development, this is limited to new fencing which is identified as being up to 2.2m in height. This would be 0.2m higher than what could be erected under 'Permitted Development' rights and is not considered to result in an undue overbearing or loss of light impact on neighbours or their rear gardens.
12. Overall, the proposed development, by reason of the noise and disturbance associated with the proposed use and the close proximity to neighbouring properties and their rear amenity spaces, would result in significant noise and general disturbance to neighbours, to the detriment of their residential amenity. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design' and the NPPF (2021).

Transportation Impact:

13. The proposal relates to the rear of No.42-43 Eve Road which is accessed from Albert Drive rather than Eve Road; dwellings on the north side of Eve Road typically have vehicular crossovers and garages accessed from Albert Drive which provide off-street parking for these properties. The Council's Parking Standards SPD (2018) sets maximum parking standards for B2 uses of one space per 30m². The proposed plans identify capacity for five parking spaces in a tandem and parallel arrangement. Whilst

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this is not an ideal arrangement it is considered appropriate and sufficient for the nature of the proposed use in the context of the SPD. The County Highway Authority has reviewed the proposal and raises no objection on highway safety and capacity grounds subject to conditions.

14. Eve Road is a no-through road characterised by pairs of semi-detached and terraced dwellings with frontages of dwellings not deep enough to accommodate vehicles and few properties have the ability to park off-street. Consequently the majority of residents park on-street and there are no parking controls on the road. As a result, the road is heavily parked and there is clearly parking pressure in the area, with the majority of on-street spaces typically occupied during weekday daytime hours. The proposal would remove the existing off-street parking for both No.41 and No.43 Eve Road; No.43 currently has space for two cars and No.43 has an existing single garage and on-street parking on Albert Drive is not possible due to the presence of double yellow lines. As a consequence, the proposal would displace the existing off-street parking for these properties onto Eve Road which is already heavily parked and would add to the significant parking pressure in the area. The existing dwellings are understood to be three bedroom dwellings and so have a minimum parking requirement of two spaces per dwelling in accordance with the Council's Parking Standards SPD (2018).
15. The proposal would displace existing off-street parking for two dwellings onto an already heavily parked street and would consequently result in an under-provision of car parking for these dwellings below the minimum standards specified by Woking's Parking Standards SPD (2018) to the detriment of the amenities of the area. Consequently the Local Planning Authority cannot be satisfied that there would be no adverse effect upon the free flow of traffic or car parking provision within the locality. The County Highway Authority raises no objection however the remit of the County Highway Authority is limited to highway safety and operation rather than parking pressure and amenity. The proposal is therefore considered contrary to Woking Core Strategy (2012) policy CS18 'Transport and Accessibility' and Supplementary Planning Document 'Parking Standards' (2018).

Land Use:

16. The proposal is in a predominately residential area; whilst there is an Employment Area to the north the proposal site is not within it. The proposal site is within a 'Priority Place' as defined by Woking Core Strategy (2012) policy CS5 however this policy only encourages employment uses in existing Employment Areas. Whilst the NPPF (2021) and Core Strategy (2012) policy CS15 are generally supportive of the development of new business, this does not override other material consideration which are set out above.

Impact on Character:

17. The proposal would utilise an existing detached garage and operational development would be limited to fencing and hardstanding. This in itself is not considered to result in a detrimental impact on the character of the surrounding area compared to the existing situation. Overall the proposal is considered to have an acceptable impact on the character of the surrounding area.

Drainage and Flood Risk:

18. Parts of the proposal site are designated as being at risk from surface water flooding and the proposal site is in an area which is known to have previously flooded. The

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Council's Drainage and Flood Risk Engineer has reviewed the proposal and raises no objection subject to a condition requiring details of a sustainable drainage scheme. The proposal is therefore considered acceptable in this regard subject to conditions.

Impact on Garden Size:

19. The size of the rear gardens of No.41 and No.43 Eve Road would be reduced as a result of the proposal. However, the remaining garden areas would be at least proportionate to the footprint of the dwellings in accordance with the guidance in the Council's 'Outlook, Amenity, Privacy and Daylight' SPD (2008) and are considered sufficient in size.

Community Infrastructure Levy (CIL):

20. The proposal would not be liable to make a CIL contribution as 'B' class uses attract a nil CIL charge.

CONCLUSION

21. The proposed development, by reason of the noise and disturbance associated with the proposed use and the close proximity to neighbouring properties and their rear amenity spaces, would result in significant noise and general disturbance to neighbours, to the detriment of their residential amenity. Furthermore, the proposal would displace existing off-street parking for two dwellings onto an already heavily parked street and would consequently result in an under-provision of car parking for these dwellings below the minimum standards specified by Woking's Parking Standards SPD (2018) to the detriment of the amenities of the area. Consequently the Local Planning Authority cannot be satisfied that there would be no adverse effect upon the free flow of traffic or car parking provision within the locality.
22. The proposal has not therefore overcome the reasons for refusal of PLAN/2020/0212 and is contrary to Woking Core Strategy (2012) policies CS18 'Transport and Accessibility' and CS21 'Design', Supplementary Planning Document 'Parking Standards' (2018) and the NPPF (2021) and is recommended for refusal.

BACKGROUND PAPERS

1. Site visit photographs
2. Consultation responses
3. Representations

RECOMMENDATION

REFUSE for the following reasons:

01. The proposed development, by reason of the noise and disturbance associated with the proposed use and the close proximity to neighbouring properties and their rear amenity spaces, would result in significant noise and general disturbance to neighbours, to the detriment of their residential amenity. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS21 'Design' and the NPPF (2021).
02. The proposal would displace existing off-street parking for two dwellings onto an already heavily parked street and would consequently result in an under-provision of car parking for these dwellings below the minimum standards specified by Woking's

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'Parking Standards' Supplementary Planning Document (2018) to the detriment of the amenities of the area. Consequently the Local Planning Authority cannot be satisfied that there would be no adverse effect upon the free flow of traffic or car parking provision within the locality. The proposal is therefore contrary to Woking Core Strategy (2012) policy CS18 'Transport and Accessibility' and Supplementary Planning Document 'Parking Standards' (2018).

Informatives

01. The plans and documents relating to the development hereby refused are listed below:

Unnumbered plan showing a Location Plan received by the LPA on 15/07/2020

1740-FE101A (Existing and Proposed Floor Plans) received by the LPA on 15/07/2020

1740-FE102A (Proposed Site Plan) received by the LPA on 15/07/2020

1740-FE103 (Existing and Proposed Fencing) received by the LPA on 15/07/2020

1740-FE104 (Existing Site Plan) received by the LPA on 15/07/2020

1740-FE111A (Existing and Proposed Elevations) received by the LPA on 15/07/2020

Noise Impact Assessment Report dated June 2020 received by the LPA on 15/07/2020