
Appeal Decision

Site visit made on 1 August 2017

by AJ Steen BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 August 2017

Appeal Ref: APP/A3655/W/17/3174234

12 Cable House, Well Lane, Horsell, Woking GU21 4PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Natalie Caamano of Lynton House Vets against the decision of Woking Borough Council.
 - The application Ref PLAN/2016/1151, dated 13 October 2016, was refused by notice dated 9 March 2017.
 - The development proposed was described as "change of use from existing Use Classes B1 (Offices) and B8 (Storage and Distribution) to Use Class D1 (Veterinary Clinic) with associated alterations to existing elevations and landscaping, including the formation of additional car parking bays and entrance ramp, replacement shopfront and installation of fencing, cycle stand and bollard."
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from existing Use Classes B1 (Offices) and B8 (Storage and Distribution) to Use Class D1 (Veterinary Clinic) with associated alterations to existing elevations and landscaping, including the formation of additional car parking bays, replacement shopfront and installation of fencing, cycle stand and bollard at 12 Cable House, Well Lane, Horsell, Woking GU21 4PA in accordance with the terms of the application, Ref PLAN/2016/1151, dated 13 October 2016, subject to the conditions in the schedule at the end of the decision.

Preliminary Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, the application was amended during the course of the application and the entrance ramp was removed from the proposed development and layout of the parking amended. The Council dealt with the proposal on this basis and I have amended the description in my formal decision to reflect those changes.

Main Issues

3. The main issues are:
 - the effect of the proposed change of use to veterinary clinic on the living conditions of occupiers of surrounding dwellings with particular regard to noise and disturbance; and
 - the effect of the proposed frontage parking on the safety of pedestrians.

Reasons

Living conditions

4. Well Lane predominantly comprises two storey dwellings, along with a car repair workshop on the junction with Harelands Lane and the appeal site that was last used for storage and distribution purposes without restrictions on operating hours. The proposal would result in the change of use of the existing two storey front building with single storey rear projection for use as a veterinary surgery. The main front entrance doors would be moved to the corner of the building nearest the neighbour at 10 Well Lane and there is no screening proposed at this boundary. An additional entrance would be on the side of the building, facing toward the open space between the site and Well Path.
5. The surgery would comprise three consulting rooms including separate cat room, plus waiting rooms, wards and other facilities ancillary to the functioning of the surgery. The appellants expect to be open to customers between the hours of 8am and 8pm during the week and shorter hours at weekends for appointments, with each appointment due to be 15 minutes in duration. There would be six members of staff, including two vets who would only be working at the same time for around 2-3 hours each day, suggesting a maximum of 8 patients per hour at the busiest time of day. The Transport Assessment suggests there would be 88 vehicle movements generated by the use per day. This would result in significant activity arising from the comings and goings of staff and customers with their pets (some of which may be distressed).
6. I note that the duration of appointments is greater than in the existing surgery that operates 10 minute appointments. Shorter appointments or other changes to the management of the business would result in more people and animals coming and going from the surgery than is proposed.
7. The surgery would remain open for emergency appointments outside the main hours of opening. I understand that the experience of the other surgeries in the group suggests there may be one emergency appointment per night on average. This would result in limited use out of hours, with access to the building for these appointments via the side door that is located away from neighbouring properties. Use of this door would be explained when customers make the appointment, and appropriately signed. As a result, there would not be undue noise and disturbance from out of hours appointments that could cause harm to the living conditions of occupiers of surrounding dwellings.
8. It is proposed that parking would be located to the side and rear of the building, along with spaces on the frontage. Those to the rear would be adjacent to the rear gardens of 8 and 14 Well Lane and up to the boundary of gardens to the rear of the site. They would be in the location of an area that I understand has not been used for parking in recent years and was overgrown, although I noted on my site visit that it is tarmac, albeit in a poor condition. I consider that the effect of staff coming and going from the parking in this area would be limited.
9. The existing lawful use of the building is for storage and distribution and there are no limits to the hours of use of the building. The previous occupiers were electrical wholesalers, who were only open during normal working hours and did not cause material disturbance to neighbouring occupiers. There is nothing

to restrict the opening hours and it would be possible for an alternative occupier to carry out a similar use 24 hours a day that could lead to more noise and disturbance than the previous occupier. Planning permission has also been granted for the redevelopment of the site to provide two dwellings and it is not clear which of these uses would take place should occupation by the veterinary surgery not take place. Consequently, I give considerable weight to both of these fall-back positions.

10. The use of the site for the hours proposed would result in more comings and goings of people, animals and vehicles than the previous electrical wholesalers. However, taking account of the proposed opening hours, along with the potential for the existing lawful use to operate at a more intensive level, I consider that the level of noise and disturbance from the proposed use would not cause material harm to the living conditions of neighbouring occupiers.
11. For these reasons, I conclude that there would not be material adverse effect of the proposed change of use to veterinary clinic on the living conditions of neighbouring occupiers of surrounding dwellings with particular regard to noise and disturbance. As such, the proposed change of use would comply with Policies CS21 of the Woking Borough Core Strategy (CS), Policy DM7 of the Development Management Policies Development Plan Document and the National Planning Policy Framework (the Framework) that seek to ensure a satisfactory relationship to adjoining properties, in particular relating to noise generation near to sensitive uses.

Pedestrian safety

12. The layout of parking for the proposed development was amended during the planning application process to provide two parking spaces on the frontage of the property and parallel to the road that would be accessed over the narrow pavement. The pavement is fairly busy, including use by children and families walking to and from school. The spaces are proposed to serve staff at the surgery, who would be coming and going from the spaces less regularly than if they were available to customers. Visibility along the pavement would be clear and allow drivers to manoeuvre their vehicles taking account of any pedestrians in the vicinity.
13. The parking spaces to the rear of the site are accessed through a narrow gate, through which vehicles would need to reverse to access or egress these spaces. However, space is provided within the main parking area for these vehicles to turn such that they can enter and leave the highway in a forward gear. As such, these spaces would not affect highway or pedestrian safety.
14. Although this is an unusual layout, I see no reason to consider that it would be inherently dangerous or adversely affect pedestrian safety. As such, I conclude that it would comply with Policies CS18 and CS21 of the CS and the Framework that seek to ensure a safe and secure environment and ensure that development does not undermine highway safety.

Other matters

15. Customers of the veterinary surgery are likely to access it by car, particularly as I understand that there is limited public transport in the locality, which would result in more vehicles using Well Lane and surrounding roads to access the facility. Given the way in which it is proposed to be managed and taking in

into account the existing lawful use of the building for storage and distribution purposes, the number of vehicles using the facility would not lead to congestion or other harm to highway safety and there would be sufficient parking provided to meet the needs of the development.

16. The proposed entrance is closer to 10 Well Lane than the existing, but would be sufficiently separated as to not have an adverse effect on the privacy of occupiers of that dwelling. No new windows are proposed to the rear of the property such that no additional overlooking of neighbouring residential occupiers would be caused by the proposed development.
17. Reference is made to a lack of need for additional veterinary surgeries, but I note that this surgery is moving from another location that will no longer be available to the business. Reference is made to the alternative scheme for residential development being preferable, but I need to consider the proposed development on its individual merits. There is some dispute as to ownership of part of the appeal site, but ownership matters are a private matter between the relevant parties and not within my jurisdiction. Separate advertisement consent may be required for some of the signage indicated on the drawings.

Conditions

18. I have imposed a condition specifying the relevant drawings as this provides certainty. A condition is necessary for samples of materials to be submitted and approved prior to development commencing to ensure that they would maintain the character and appearance of the area. Conditions are necessary to provide details of insulation and ventilation of the building and any external fixed plant and equipment to ensure that noise emanating from inside the building and that plant and equipment would not disturb neighbouring occupiers. A condition is necessary to ensure provision of bollards, fencing and gates as shown on drawing number 1375-101 Rev J to protect the living conditions of neighbouring occupiers and the character and appearance of the area.
19. A condition is necessary to ensure adequate parking and turning is provided to meet the needs of the veterinary surgery and in order to protect highway safety. Conditions are necessary limiting the opening hours and delivery times to the veterinary surgery in order to protect the living conditions of neighbouring occupiers. The restriction of the use of the building is necessary to ensure the use is compatible with the surrounding area and ensure the use will take place without undue disturbance to neighbouring occupiers.
20. A condition is necessary for further details of any external lighting to ensure this does not adversely affect the living conditions of neighbouring occupiers. A condition is necessary to control the access to the building out of hours to ensure it takes place without undue disturbance to neighbouring occupiers.
21. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity. Given the above conditions relating to insulation and ventilation of the building, it is not necessary to also include a condition restricting the use of sound reproduction equipment within the building.

Conclusion

22. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

AJ Steen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1375-99 (Location Plan), 1375-101 Rev J (Proposed Site Plan), 1277-102 Rev A (Vehicle Tracking), 1375-200 (Existing Floor Plans), 1375-201 Rev G (Proposed Floor Plans), 1375-300 (Survey Elevations), 1375-301 Rev C (Proposed Elevations), 1375-500 (Block Plan).
- 3) No development shall take place until samples of all external facing materials (including colour, finish and treatment) have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) Notwithstanding the details annotated on the approved plans listed within this notice), the veterinary practice hereby permitted shall not be opened to clients/members of the public until details of measures to be undertaken to acoustically insulate and ventilate the building for the containment of internally generated noise have been submitted to and agreed in writing by the local planning authority. The development shall be carried out and thereafter retained in accordance with the approved details.
- 5) Notwithstanding the details shown/annotated on the approved plan numbered/titled 1375-201 Rev G (Proposed Floor Plans) and 1375-301 Rev C (Proposed Elevations), no fixed plant and equipment associated with air moving equipment, compressors, generators or plant or similar equipment shall be installed external to the building envelope until details, including acoustic specifications, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.
- 6) The veterinary surgery hereby permitted shall not be opened to clients/members of the public unless and until the following features as shown on the approved plan numbered/titled '1375-101 Rev J (Proposed Site Plan)' have been installed on the site in strict accordance with this approved plan:
 - 1.8m high acoustic fence (as denoted by the orange dashed line);
 - 1.8m high close-boarded timber fence;
 - 1.8m high hit and miss timber fence;
 - 1 No. collapsible bollard;
 - 1 No. hooped top cycle stand; and
 - Gate to restrict access outside of opening hours.

The development shall be carried out and thereafter retained in accordance with the approved details.

- 7) The veterinary surgery shall not be occupied until space has been laid out within the site in accordance with drawing no. 1375-101 Rev J (Proposed Site Plan) for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 8) The premises shall only be open for customers (except for the purpose of out-of-hours emergency animal care admission) between the following hours:
0800 - 2000 Mondays - Fridays
0800 - 1600 Saturdays
0900 - 1200 Sundays, Bank or Public Holidays.
- 9) Deliveries shall be taken at or despatched from the site only between the following hours:
0800 - 2000 Mondays - Fridays
0800 - 1600 Saturdays
0900 - 1200 Sundays, Bank or Public Holidays.
- 10) The premises shall be used as a Veterinary Surgery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)).
- 11) Prior to the installation of any external lighting on the site details of any such external lighting (demonstrating compliance with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for Reduction of Light Pollution') shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall thereafter be permanently maintained in accordance with the approved details.
- 12) For the purposes of out-of-hours emergency animal care admission (outside of the hours identified as normal opening hours by condition 8) only the doorway annotated as 'Staff Access & Emergency Exit' on the approved plan numbered/titled '1375-101 Rev J (Proposed Site Plan)' shall be utilised. Furthermore no external intercom system (or similar) shall be installed to serve this doorway outside of normal opening hours.