

**PLANNING
STATEMENT**

IN RESPECT OF

**THE COURTYARD
WISLEY LANE
WISLEY
SURREY
GU23 6QL**

NOVEMBER 2023

1.0 Introduction

- 1.1 This Planning Statement has been prepared to support a Prior Approval application that is being submitted on behalf of Cavendish Green Limited to Guildford Borough Council. The Prior Approval application is in respect of land and buildings known as The Courtyard, Wisley Lane, Wisley, Surrey, GU23 6QL, which is outlined in red on the submitted Site Location Plan.
- 1.2 Prior Approval is being sought under Article 3, Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to change the use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.
- 1.3 We have worked in conjunction with the architects, other professionals and the applicant to ensure that the proposed development is fully compliant with the requisite requirements of the Prior Approval criteria that is relevant to Class MA.
- 1.4 The proposed Prior Approval application only relates to a part of the existing building.

2.0 The Application Drawings

- 2.1 This supporting Planning Statement has been produced after the consideration of the following list of plans and documents, which form part of the proposed Prior Approval application.

Drawing No. A22.004.L(PA)001/PA1	-	Site Location Plan
Drawing No. A22.004.L(PA)002/PA1	-	Site Block Plan
Drawing No. A22.004.L(PA)010/PA1	-	Existing & Proposed Floor Plans
Drawing No. A22.004.L(PA)015/PA1	-	Floor Plans & Elevations - 1, 2 & 3
Drawing No. A22.004.L(PA)001/PA1	-	Floor Plans & Elevations - 4 & 5
Albury SI Limited	-	Phase I Contamination Report
Herrington Consulting	-	Flood Risk Assessment
DHA Planning & Development	-	Planning Statement

3.0 The Application Site and the Surrounding Area

- 3.1 The application site is known as The Courtyard, which is situated off Wisley Lane along its western side in Wisley. It forms part of a nucleus of buildings comprising mainly of residential dwelling houses, including a farmhouse, a church and various commercial buildings and land associated with the neighbouring golf course.
- 3.2 At the time of the earliest mapping, the site formed part of farmland. The original courtyard structures were constructed around 1870 and initially contained a pump and well system, which was removed around 1914. Structures were built within the central area of the site around 1934-1935 and redevelopments occurred in this area of the site around 1961, 1973 and 1989. All structures, with the exception of the existing courtyard structures, were demolished in 1993. The current courtyard structures appeared to have been redeveloped in 2000.
- 3.3 The Courtyard is surrounded by residential properties to the north, north-west, north-east and south-east, and it is bound by Wisley Lane along its north-eastern frontage. Immediately to the west of the site is the local church. The site is surrounded by open fields to the north and east, beyond the site boundaries of the site, and it is situated adjacent to Pyrford Golf Course and its associated buildings and grounds to the south and the west.
- 3.4 The application site and the whole of The Courtyard is situated outside of the settlement area and within the countryside and it is designated as Green Belt. It lies mainly within Flood Zone 2 with a few small areas falling with Flood Zone 3, and it is also within an area of very low risk from surface water flooding.

4.0 Planning History

- 4.1 There is no planning history in relation to the application site that is of direct relevance to the proposed development, save for the fact that The Courtyard has a longstanding authorised use since around 2000, when it was redeveloped as a site for office use, and the land and buildings have been used for such purposes ever since that planning permission was granted and implemented. The land and buildings therefore

have an authorised as offices falling within Class E of the Town and Country Planning (Use Classes) Order (2020).

5.0 The Application Proposal

- 5.1 Prior Approval is being sought under Article 3, Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to change the use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.
- 5.2 The proposed partial conversion of the existing building would result in the creation of 5 individual dwelling units, which would have a gross internal floor area of 275.3 sqm. The proposed dwelling units would all be single-storey and would therefore best be described as a bungalows.
- 5.3 Access to the land and building will remain as per the existing pedestrian and vehicular arrangements, namely by way of the private drive from Wisley Lane. The proposed new dwelling houses would have car parking spaces available to them to the south of the whole courtyard arrangement, as well as electric car charging points, along with a bin store area.
- 5.4 The proposed dwelling houses would also have front private garden areas and the benefit of the whole shared courtyard arrangement for communal use together with the landscaped grounds that surround the existing car park.

6.0 Planning Considerations

- 6.1 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) sets out that development is permitted for development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

- 6.2 As set out in Paragraph MA.1 of Class MA, development is not permitted if:
- (a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;
 - (b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;
 - (c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;
 - (d) if land covered by, or within the curtilage of, the building—
 - (i) is or forms part of a site of special scientific interest;
 - (ii) is or forms part of a listed building or land within its curtilage;
 - (iii) is or forms part of a scheduled monument or land within its curtilage;
 - (iv) is or forms part of a safety hazard area; or
 - (v) is or forms part of a military explosives storage area;
 - (e) if the building is within—
 - (i) an area of outstanding natural beauty;
 - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(1);
 - (iii) the Broads;
 - (iv) a National Park; or
 - (v) a World Heritage Site;
 - (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
 - (g) before 1 August 2022, if—
 - (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
 - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a

direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

- (2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—
- (a) the following classes of the Schedule as it had effect before 1st September 2020—
 - (i) Class A1 (shops);
 - (ii) Class A2 (financial and professional services);
 - (iii) Class A3 (food and drink);
 - (iv) Class B1 (business);
 - (v) Class D1(a) (non-residential institutions - medical or health services);
 - (vi) Class D1(b) (non-residential institutions - crèche, day nursery or day centre);
 - (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;
 - (b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Conditions

MA.2.—(1) Development under Class MA is permitted subject to the following conditions.

- (2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
- (a) transport impacts of the development, particularly to ensure safe site access;
 - (b) contamination risks in relation to the building;
 - (c) flooding risks in relation to the building;
 - (d) impacts of noise from commercial premises on the intended occupiers of the development;
 - (e) where—
 - (i) the building is located in a conservation area, and

- (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
 - (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
 - (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
 - (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(2), the impact on the local provision of the type of services lost.
- (3) An application for prior approval for development under Class MA may not be made before 1 August 2021.
- (4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in subparagraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”.
- (5) Development must be completed within a period of 3 years starting with the prior approval date.
- (6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.”.

7.0 Assessment of Proposed Use and Development

- 7.1 The proposed development would comply with the provisions of Class MA.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015

(as amended) including its subsequent 2020 amendments, for all of the reasons set out below.

- 7.2 The part of the building that is subject to the proposed development has been vacant for at least 3 months prior to the date of the Prior Approval application. The unit was in use as an office (previously Class B1), prior to the date of the application. The proposal therefore complies with criteria MA.1.-1(a) and (b).
- 7.3 The cumulative floor space of the existing building changing use amounts to 275.3 sqm which does not exceed 1,500 square metres. The proposal therefore complies with criteria MA.1.-1(c).
- 7.4 None of the considerations set out in respect of criteria MA.1.-1(d) and (e) apply to the proposals.
- 7.5 The site is not occupied under an agricultural tenancy. Therefore, criteria MA.1.-1(f) is not applicable.
- 7.6 Criteria MA.1.-1(g) is not applicable to the application proposals.
- 7.7 With regard to criteria MA.1.-2(a) and (b), please refer to MA.1.-1(a) and (b) above.
- 7.8 The site is not the subject of any Article 4 Direction, either past or present.

8.0 Prior Approval Considerations and Assessment

- 8.1 As set out in Paragraph MA.2 of Class MA (as amended), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the Prior Approval of the local authority will be required as to:

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;

- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
- (h) where the development involves the loss of services provided by—
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act the impact on the local provision of the type of services lost.

8.2 Since April 2021, there is also now a requirement for any new dwellinghouse to comply with the nationally described space standard issued by the Department for Communities and Local Government on 27 March 2015 (also referred to as the Technical Housing Standards).

Transport and Highways Impacts

8.3 The site is located off Wisley Lane. Access to the building via the private driveway from Wisley Lane will remain as existing, which provides suitable access and turning areas with good levels of visibility. The whole site provides for a total of 48 off-street car parking spaces.

8.4 The proposed new dwellinghouses will have a total of 6 off-street car parking spaces allocated to them in accordance with the Council's car parking standards, along with some visitor spaces, electric car charging points, bin and cycle store areas. These matters could be further conditioned if deemed necessary.

8.5 The likely traffic generation from 5 single dwellinghouses would be minimal and would not have a material impact on the safety and operation of the adjoining highway, but

when compared to its former office use, there would be a material benefit as lesser trips and no commercial vehicles would be involved.

- 8.6 In conclusion on this issue, the proposed development would be acceptable in terms of its impact on transport and highways, subject to the use of any planning conditions.

Contamination Risks at the Site

- 8.7 The applicant commissioned a Phase I desktop contamination study, which identified a number of potential sources of contamination as would be expected from a site with a historical agricultural use, on and in the immediate vicinity of the site which may pose a risk to the proposed development. Therefore, it was recommended that an intrusive investigation should be carried out to assess the identified risks and to prove the depth of the made ground.

- 8.8 The proposed scope of testing should include for contaminants identified within the CSM, which includes heavy metals, PAH, TPH and pesticides. Standpipes or monitoring wells should be installed in order to determine the depth of groundwater at this site and to sample the groundwater for analysis should it be encountered.

- 8.9 In conclusion on this issue, the proposed development may result in a risk from the limited made ground, which could be remediated by further works, and this can form part of a planning condition.

Flood Risks at the Site

- 8.10 According to the Government's flooding data and interactive website, which is consistent with the Council's own flooding data, the application site falls within a very low risk area with regard to flooding from the sea and surface water flooding.

- 8.11 The application site is predominantly located within Flood Zone 2 with some small elements located within Flood Zone 3. Accordingly therefore, a Flood Risk Assessment was commissioned by the applicants to assess the implications of the proposed development and that it would not increase flooding risks at the site or elsewhere.

- 8.12 The Flood Risk Assessment confirms that the risk of flooding has been considered across a wide range of sources and it is only the risk of fluvial flooding that has been shown to have any bearing on the proposed development. Therefore, a number of mitigation measures are recommended in order to ensure that the proposed development is safe in terms of flood risk.
- 8.13 In conclusion on this issue, the proposed development would not be affected by any flood risks or result in any flood risks subject to the incorporation of the proposed mitigation measures, which can be conditioned as part of any Prior Approval.

Impacts of Noise from Commercial Premises on the Intended Occupiers of the Development

- 8.14 Given the scale, nature and siting of the proposed development, it would not result in any adverse noise impacts and would not exceed acceptable levels.
- 8.15 The site is situated adjacent to other residential properties to the north, east and south, and the church to the west. There are no noise generating activities in close proximity to the proposed development, which would result in any noise or disturbance to an unreasonable degree.
- 8.16 The site has private access off Wisley Lane. The site is close to the A3 and there are neighbouring residential properties to the north, east and south. The application site is within the Green Belt but is in reasonable proximity to other residential dwellings to the north, east and south of the site.
- 8.17 Turning to the siting of the existing building within its existing curtilage, significant separation distances are retained to neighbouring houses to the north, east and south, combined with landscaping and fields beyond. Hence, there would be no adverse impact on neighbouring amenity to those properties, nor the adjacent building(s), which are in the ownership and control of the applicant. The proposed dwellinghouses would have their own private garden space.
- 8.18 The only commercial use in close proximity to the proposed development would be the existing office use in the remainder part of the building. Office uses are by definition acceptable within residential areas and given the very low use of the

remainder of the building, which is soon to become vacant, this would not pose any risk of noise generating activities.

- 8.19 The adjacent church is a local community use, which is visited by the local community, and again its use is very low with attendance averaging one congregation in every four Sundays, and therefore would not interfere with the use and enjoyment of the proposed dwelling houses. The commercial buildings associated with Pyrford Golf Course are situated a significant distance away from the application site, and given their low use, which is primarily for storage, the noise impacts would be negligible and confined to day time activities only. That said, these buildings are much closer to other residential properties, and they happily co-exist as neighbours.
- 8.20 In conclusion on this issue, the noise impacts from any commercial uses would not result in an unreasonable impacts on the use and enjoyment of the proposed dwelling houses. Furthermore, the proposed development would not result in any noise impacts and nor would it be affected by any attendant noise generating uses or activities to an unreasonable degree.

The Building is located in a Conservation Area and the Development involves a Change of Use of the Whole or Part of the Ground Floor, the Impact of that Change of Use on the Character or Sustainability of the Conservation Area

- 8.21 The existing building falls within the Wisley Conservation Area. The proposals would not involve any material changes to the existing external appearance of the building, and the number of existing window and door apertures and rooflights within the roof would all remain the same. To this end, the proposed change of use of part of the existing building would not change the character or appearance of the existing building.
- 8.22 In terms of the proposed residential use of part of the existing building, the site and the surrounding area comprises of similar residential uses, which co-exist with the other non-residential uses, namely the church and the partially occupied office building, and the nature and mix of these uses happily co-exist without any impacts on each other.

- 8.23 Office and residential uses are compatible with one another, which is demonstrated by the existing partial office use of the building. In terms of sustainability, there is a greater nucleus of residential properties in the area, and the proposed change of use would result in a reinforcement of that use along with fewer car borne trips to the site and the surrounding area, including no commercial vehicular traffic. In addition, the proposed change of use would improve the sustainability of the existing building through internal improvements to the fabric along with the electric vehicle charging points that will be installed within the car park and a much more greening of the environment through soft planting and landscaping within the courtyard area.
- 8.24 In conclusion on this issue, the proposed partial change of use of the existing building from offices to residential would not materially alter or affect the character or appearance of the Wisley Conservation Area. In fact, it would enhance it through the measures described above.

The Provision of Adequate Natural Light in all Habitable Rooms of the Dwellinghouses

- 8.25 The proposal includes the retention of various windows and doors, ensuring that all habitable rooms would receive adequate natural light and ventilation. Additionally, there is good separation to other buildings within the site and those that adjoin the site. Therefore, any light would not be unduly obstructed from reaching the windows of the new dwellinghouses.
- 8.26 In conclusion on this issue, there would be adequate provision of natural light and ventilation to all habitable rooms of the proposed new dwellinghouse.

The Impact on Intended Occupiers of the Development of the Introduction of Residential Use in an Area the Authority Considers to be Important for General or Heavy Industry, Waste Management, Storage and Distribution, or a Mix of such Uses

- 8.27 For all of the reasons given under intended noise impacts above and the prevailing co-existence of residential uses with commercial and community uses, the site is not located in such an area, and therefore this assessment is not applicable in this case.

Where the Development Involves the Loss of Services Provided by a Registered Nursery, or a Health Centre maintained under Section 2 or 3 of the National Health Service Act the Impact on the Local Provision of the Type of Services Lost

8.28 The above is not relevant to the proposed development.

Nationally Described Space Standards

8.29 The proposed dwellinghouses would fully comply with the nationally described space standards, as demonstrated on the submitted floor plans, and set out on a unit by unit basis below.

Dwelling Unit 1 - 1 Bedroom 2 Person Unit with a floor area of 57.0 sqm

Dwelling Unit 2 - 1 Bedroom 1 Person Unit with a floor area of 41.8 sqm

Dwelling Unit 3 - 1 Bedroom 2 Person Unit with a floor area of 56.2 sqm

Dwelling Unit 4 - 2 Bedroom 3 Person Unit with a floor area of 69.5 sqm

Dwelling Unit 5 - 1 Bedroom 2 Person Unit with a floor area of 50.0 sqm

8.30 The proposed dwelling units would also meet the following criteria, where relevant:

- have one double or twin bedroom with a floor area of at least 11.5 square metres;
- have one double or twin bedroom which is at least 2.75 metres wide and every other double or twin room is at least 2.55 metres wide;
- have a minimum floor to ceiling height of 2.3 metres for at least 75% of the gross internal; area.

8.31 In conclusion on this issue, the proposed dwellinghouses would meet all of the relevant nationally described space standards.

9.0 Conclusion

- 9.1 The proposed development would comply with the provisions of Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and its subsequent 2020 amendments.
- 9.2 In accordance with Section MA.2 of the above Order, the proposed change of use should be deemed acceptable in relation to transport, noise, contamination, flooding, light provision and internal space, and in relation to the provisions of the National Planning Policy Framework (2021) as required by paragraph W (10) of the said Order.
- 9.3 In conclusion, it has been demonstrated that the Prior Approval application submitted under Article 3, Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to change the use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order, should be granted.