

PD14322/SS/BOS

Woking Borough Council  
Civic Offices  
Gloucester Square  
Woking  
Surrey  
GU21 6YL

23 February 2024

[Via Planning Portal: PP-12829889](#)

Dear Sir or Madam,

**LAND TO THE NORTH OF OLD WOKING ROAD AND EAST OF STATION APPROACH, WEST BYFLEET, WOKING, SURREY, KT14 6FD  
APPLICATION FOR A NON-MATERIAL AMENDMENT TO RESERVED MATTERS APPROVAL (PLAN/2022/0266)**

We enclose on behalf of our client, Retirement Villages Group Ltd (“the Applicant”), a Non-Material Amendment (“NMA”) application which seeks to amend the approved plans under condition 2 attached to the Reserved Matters Approval (PLAN/2022/0266) dated 09 May 2022.

Approval was granted 09 May 2022 for the following:

*“Section 73 application for variation of condition 01 (approved plans/documents) of Reserved Matters Approval ref: PLAN/2021/0059 dated 27.04.2021 (Mixed use redevelopment to provide extra care retirement units (Class C2) and communal amenity floorspace, flexible commercial floorspace (Class E and Sui Generis), community floorspace (Class F.1/Class F.2) and car parking spaces together with highway works, public realm improvements and other associated works) for: (i) the substitution of some of the approved inset balconies with projecting balconies on select facades fronting Old Woking Road, Station Approach, Madeira Road, and those fronting the proposed public square, (ii) the conversion of the approved rooftop bar of Block A into a residential unit (Class C2), (iii) facade coordination works, namely regarding the brick detailing, (iv) various internal changes and (v) the replacement of the approved steps along Station Approach with a sloped surface to make the street more accessible.”*

**Power to Make Amendments Under S96A**

Section 96a of the Act gives the power to the Local Planning Authority to “make change to any planning permission if they are satisfied that the change is not material”.

S.96A(2) states that:

*“In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.”*

Planning Policy Practice Guidance (Reference 17a-002-20140306) states that:

*“There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another.”*

The power under S96A is therefore relatively broad in scope and we set out below why, in the context of the overall scheme, the amendment proposed can be dealt with by the Local Planning Authority as a non-material amendment.

### Proposed Amendments

This NMA application seeks to amend the approved plans set out under condition 2. Following a review of the technical design of the proposed development, it has become necessary to make a series of non-material design changes to the approved scheme.

The table below sets out the drawings that are seeking to be replaced as part of this NMA application.

Drawing Number	Drawing Name	Issue	Approved	Under	Proposed Drawing Issue as part of NMA Application
<b>WBF-2012</b>	Lower Ground Floor Plan		B		C
<b>WBF-2013</b>	Ground Floor Plan		B		D
<b>WBF-2043</b>	Block A Elevations		B		D
<b>WBF-2044</b>	Block B Elevations (1 of 2)		B		D
<b>WBF-2045</b>	Block B Elevations (2 of 2)		B		D
<b>WBF-2046</b>	Block C Elevations		B		D

#### 2012 Lower Ground Floor Plan

The changes associated with this plan are as follows:

- The entrance doors and screen to the Waiting Lobby B1, which faces Madeira Road has changed to outward opening and recessed into façade. This design change is necessary to avoid doors opening onto footway.
- The doors to the two refuse stores facing onto Madeira Road have been amended to outward opening and recessed into facade to once again avoid doors opening onto the footway.
- A secondary low voltage room has been added into the private car park due to electrical design requirements. This has resulted in the loss of the minibus parking space and an additional parking space in order to accommodate the required LV room. The total number of car parking spaces within the proposed development now totals 39. It should be noted that the provision of car parking spaces is still within the parameters of the first Reserved Matters application (PLAN/2021/0059) and the most recent Reserved Matters Application (PLAN/2021/0059) – which this NMA is seeking to amend.

- The residents' cycle store location has been moved and parking bays amended due to lack of headroom in the previous location under the ramp.
- The angled splays to the walls in the private car park entrance have been omitted and made 90 degrees due to being unnecessary.
- The substation has been divided into two rooms due to electrical and technical design requirements.
- Refuse B1 room layout has been amended and a new store has been added due to refuse space planning requirements.

#### 2013 Ground Floor Plan

The changes associated with this plan are as follows:

- A door has been added to Retail 2 for a fire escape.
- The entrance door to the community space has moved from Lavender Park Road to 'The Cut' in order to suit updated section 278 levels.
- One set of doors have been removed from Retail 3 to allow for adequate shopfront display and passive security. The previously approved plan allowed for 2 x double doors to a small retail unit.
- The doors to Retail 4 have been amended to outward opening for fire escape reasons.
- The public car park access gates have been amended to inward opening to allow for safe opening and to be neatly and tightly stowed away when open.

#### 2043 Block A Elevations

The changes associated with this plan are as follows:

- Elevation 01 – Doors to community space have been added to suit updated section 278 levels. In addition, louvre above ground floor escape door has been added to allow mechanical extract from basement. Louvre also has been added above the shopfront glazing to allow for mechanical extract.
- Elevation 02 - Louvre added above the ground floor escape door to allow for mechanical extract. Window added at first floor level above covered route to provide window to lounge and to match similar apartments on floors above.
- Elevation 04 – Louvres added to the above ground floor shopfront glazing to allow for mechanical extract.
- Elevation 06 – Door to community space facing Lavender Park Road moved to 'The Cut' to suit updated section 278 levels.

#### 2044 Block B Elevations 1 of 2

The changes associated with this plan are as follows:

- Elevation 01 – The facades of the private and public car park entrances have been amended to suit plan layouts. Glazing to the left of Private car park entrance has also amended to suit substation technical requirements. Refuse store doors have been amended to louvre type to provide natural ventilation. Window over B1 entrance waiting area amended to remove railings and match other bedroom type windows.
- Elevation 02 – Entrance doors to retail units have been amended to suit revised external levels following section 278 levels.
- Elevation 03 – The shopfront glazing and doors have been amended to allow for adequate shopfront display and passive security. The previously plans allowed for 2 x double doors to a small retail unit.

- The window over the B2 entrance has been amended to match other bedroom type windows to ensure consistency.
- Elevation 04 – Louvres added at first floor to allow for mechanical extract. Door have also changed to louvre type at first floor roof to suit mechanical plant use behind.

#### 20245 Block B Elevations 2 of 2

The changes associated with this plan are as follows:

- Elevation 02 – The soldier course band over the windows have been rationalised in order to suit the general window approach. Doors opening onto to podium roof have also been amended due to communal use behind.
- Elevation 03 – Four of the fifth floor windowsill heights have been amended to allow space for waterproofing to the roof.

#### 2046 Block C Elevations

The changes associated with this plan are as follows:

- Elevation 01 – Louvres over ground floor shopfront glazing to Lavender Park Road have been amended to suit mechanical and fire extract requirements. A dry riser outlet has been added for fire reasons. A bird box has also been added to suit environmental requirements.
- Elevation 02 – Louvres have been added to façade at ground and first floor level to suit mechanical and fire extract requirements.
- Elevation 04 – Ground Floor doors have been amended from 4 no. per bay to double doors with side screens in order to comply with accessibility requirements. The canopy which is over the Communal entrance doors is indicated within the plan.
- Elevation 05 – The ground Floor double doors previously located in 'The Cut' have been moved to centre of the glazing element with glazed screens either side to comply with accessibility requirements and to be centred to windows above.

The proposed design amendments, as noted above, are all considered to be non-material and will not alter the spirit of the permission. The proposed amendments are necessary for the technical design of the proposed development and as such, should be considered acceptable.

#### **ADMINISTRATIVE MATTERS**

The planning application fee has been calculated in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended) as £357 (excluding the £32.30 Planning Portal administrative charge). This fee has been paid online via the planning portal.

We trust that the information submitted (once the site visit has been undertaken) is sufficient for the condition to be discharged but if you do have any queries on this matter, please contact either Sam Stackhouse [REDACTED] or Bethan O'Sullivan [REDACTED]. [REDACTED] should you require any additional information or have any queries on the enclosed.



Yours faithfully,

*Montagu Evans*

**MONTAGU EVANS LLP**

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