



Appeal Decision

Inquiry Held on 16-19 and 23-24 January 2024

Site visit made on 24 January 2024

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal Ref: APP/A3655/W/23/3328994

Technology House, 48 - 54 Goldsworth Road, Woking, Surrey, GU21 6LE

- 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 Abri Group Ltd against the decision of Woking Borough Council.
 - The application Ref PLAN/2022/0685, dated 14 July 2022, was refused by notice dated 6 March 2023.
 - The development proposed is for the demolition of existing buildings and erection of a building of up to 25x storeys comprising 224x residential units, ground floor commercial units, landscaping, bin and cycle storage, public realm works and associated works and facilities (Amended Plans).
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of a building of up to 25x storeys comprising 224x residential units, ground floor commercial units, landscaping, bin and cycle storage, public realm works and associated works and facilities (Amended Plans) at Technology House, 48 - 54 Goldsworth Road, Woking, Surrey, GU21 6LE in accordance with the terms of the application, reference, PLAN/2022/0685, dated 14 July 2022, subject to the '**Schedule of Conditions**' set out at the end of this decision.

Application for Costs

2. An application for the partial award of costs was made by Abri Group Limited against the decision of Woking Borough Council (WBC). That application will be the subject of a separate decision.

Procedural Matters

3. I have amended the site address from that given on the Planning Application Form in the above banner, acknowledging that the Decision Notice includes the property name '**Technology** House' first. I also acknowledge the Appeal Form also refers to 'Poole House'. Nonetheless, I have referred to the specific address details which have been subject to public consultation agreed with the appellant during the planning application determination period, which were not in dispute.
4. The impact on the Thames Basin Heaths Special Protection Area (SPA), having regard to relevant local policy and strategy, as well as the Conservation of Habitats and Species Regulations 2017, and any mitigation; and whether an appropriate level of affordable housing would be secured are both referred to in

the Council's reasons for refusal. But these were matters accepted by the main parties as capable of being overcome with a completed planning obligation alongside planning condition(s). A signed Unilateral Undertaking (UU), dated 6 February 2024, was subsequently received after the close of the Inquiry and is legally binding. Therefore, my decision takes it into account, alongside the related development plan compliance considerations for those elements which have been subject to wider third-party commentary.

Main Issues

5. The main issues are: i) the effects of the development on the character and appearance of the area including having regard to waste management arrangements; ii) the adequacy of car parking provision; and iii) the adequacy of resultant living conditions for any future occupants of the development having regard to amenity space provision.

Reasons

Character and appearance

6. At my site visit I could see the appeal site is located close to the corner of Goldsworth Road and Poole Road in Woking Town Centre. Technology House being 4-storeys, reflecting similar heights of nearby buildings along the same side of the road. Woking Fire Station is adjacent, and the local road network converges at a mini roundabout roughly opposite. Poole House is a two-storey smaller building towards the rear of the site with some surface car parking accessed from Butts Road. There is a wide variety of uses; building heights; forms; designs; plus, noticeable pockets of greenery fronting some of the buildings; as well as street trees in the immediate vicinity. Importantly, surrounding development in the street scene of Goldsworth Road includes a backdrop of prominent established tall buildings. A nearby railway line also bisects the townscape further afield. Many built aspects of the town together with its network of public realm have attractive urban design qualities evolved over different periods.
7. The main parties, in the submitted Statement of Common Ground (SoCG), received by the Planning Inspectorate 16 January 2024 agree several design and architectural matters relating to the appeal buildings overall quality. Leaving the height, bulk, and mass of the building as predominant key impacts in dispute.
8. From an adopted local policy perspective, I acknowledge that the content of Woking Local Development Document, Woking Core Strategy October 2012 (WCS) Policies CS1 and CS21 encourage high density and well-designed development within the town centre which could include tall buildings, provided that the character and appearance of the town centre is not compromised.
9. WCS Policy CS2 also supports the town centre as the preferred location for high quality, high density residential development. The Woking Design Supplementary Planning Document (2015) (the Design SPD) indicates that, bearing in mind prevailing heights in the town centre, a tall building would generally be regarded as above 6 storeys. I accept there is no precise locational differentiation as to where such buildings should go, either in the CS or the Design SPD.

10. The Council highlight in their evidence that the appeal site is situated beyond what could be described as the 'core' or 'main body' of the Town Centre, in reference to the Design SPD. I concur with them that the site lies away from the core of the Town Centre, albeit it is clearly still within the Town Centre boundary.
11. The Design SPD at Section 4.3 does highlight areas with a predominantly low-rise character, which are outside the core of the town centre, are not considered suitable for tall buildings. It also notes that Woking train station is a major focal point for the town centre and the suitability of sites for tall buildings should be seen to decrease moving away from it. But the area is not entirely low rise in character factoring what can be seen from Goldsworth Road and recent planning consents also have relevance in gauging these arguments.
12. I agree that any tall building would not be able to come forward without introducing some change of character into some of the more low-rise parts of the town centre. The Design SPD at Section 7B recognises this point in referring to the scale of a new tall building will by definition contrast with surrounding buildings. Ultimately the Design SPD is supportive of the WCS. Thus, its content should be read in tandem with the WCS's overarching policy approach.
13. WCS policy provision indicates that well-designed, high-density development, that could include tall buildings, and which enhances the town centres image is encouraged. But without compromising its character and appearance and that of nearby areas.
14. Some of the arguments relevant to the appeal also refer **to the Council's** Draft Town Centre Masterplan (DTCM) which identified 4-6 storey development being appropriate for the appeal site. Connected to that issue are arguments in **relation to supporting a 'bell curve'** approach when assessing character and appearance impacts of new tall buildings and their subsequent location.
15. I have given the DTCM very little weight. That is because **it is 'draft' and** the evidence details there is significant uncertainty to its adoption. This matter being related to potential strategic conflict arising with the Development Plan as featured in the **appellant's** overall arguments heard. **WBC's** representatives did not dispute the grounds for such uncertainty at the time of the Inquiry.
16. That local policy context aside, Woking is referred to by the main parties as being subject to several regeneration projects largely in the western part of the town centre including Victoria Place (referred to as Victoria Square in some of the evidence), a 34-storey development. Additionally, the allowed 'Eco World' scheme¹ (at land to the north and south of Goldsworth Road) comprising 37-storeys is a significant part of the arguments made.
17. The extant Eco World scheme would step up in height from Woking Fire Station which is located next to the appeal site. In effect extending tall buildings in a westerly direction. The outcome of the appeal at Crown Place² to the east which is an approved 28-storey development is also relevant, as it would also become part of the context of the area.

¹ APP/A3655/W/21/3276474

² APP/A3655/W/20/3259819

18. The existing surrounding development, as well as the extant approvals forming the emerging built environment all have a substantial bearing on my decision. But I have given most weight to what is already built and can be seen in the existing street scene, townscape, and landscape. There is nothing compelling suggesting that the extant approvals would not be completed as identified in the emerging building cluster referred to in the evidence. Indeed, the variety of housing stock need considerations mentioned in the evidence overall relative to the appeal suggests the opposite.
19. The Council does evidence that emerging building heights including the Eco World scheme step down, from 37 stories, to 29 to 20 to 12 stories in trajectory towards Working Fire Station and the appeal site. I have considered that information alongside their design witness's suggestion that a development of 6 to 9 stories would be more appropriate for the appeal site as well as comparative depth and height proportion analysis of other buildings.
20. That said, in gauging the likely impacts of the scheme, the content of the appellant's submitted Heritage Townscape and Visual Impact Assessment December 2022 (HTVIA) provides me with convincing overarching analysis. Its methodology for assessing townscape and visual effects is stated as being based on the third edition of the Guidelines for Landscape and Visual Impact Assessment (GLVIA3), produced jointly by the Landscape Institute and the Institute of Environmental Management and Assessment. Such methodology attracts significant weight in my decision. The cumulative impacts of the emerging cluster of tall buildings with planning permission within the town are also factored in the HTVIA.
21. The HTVIA evidenced is broadly two-fold in nature: it assesses the effects on the townscape as a resource in its own right; and the effects on specific views and visual amenity likely to be experienced by people. The analysis entails different Town Centre Character Areas (TCAs) identified as: Woking Town Centre; Walton Road; Goldsworth Road; Horsell; Horsell Common; Woking South; York Road; Heathside and surrounding residential area; and Lockfield Drive. With different levels of resultant sensitivity and magnitude of effects then gauged for each TCA.
22. The HTVIA found that there would be a slight adverse impact at the lowest end of the scale and deemed negligible at only one of the TCA's. This being in York Road. It also found a moderate beneficial overall effect identified to Woking Town Centre itself, and a minor beneficial effect to Goldsworth Road. The impact on all other remaining TCAs being assessed as neutral. Bearing in mind all evidence submitted, and heard, I have no strong reason to disagree with those technical findings.
23. From wider landscape views of Woking Town Centre, I note that the position and trajectory of the railway line does influence the structural composition of the town to follow a more stretched and linear townscape appearance rather than radial. With low rise housing residential areas and greenery surrounding it. Because of that structural landscape format, a further tall building on the appeal site would not appear as a misplaced feature in the overall skyline relative to the other town centre buildings it would be seen in the context of. The visual relationship in landscape terms would be appropriate.
24. The HTVIA information satisfies me that the prevailing character and appearance of Woking Town Centre would be respected. I agree its image

would be enhanced by adding to the cluster of tall buildings emerging on the western side of the town as a collective landmark feature relative to other existing tall buildings. But even without the emerging tall building cluster, the appeal building taken in isolation would still have a positive effect as a landmark built feature, on this side of the town.

25. In reaching those conclusions, I have considered the public views which would be **obtained along Vale Farm Road and Oak's Road** of the appeal building taken in isolation, but also cumulatively with the emerging tall building cluster. Either way the presence of the appeal building would represent a prominent change. However, it is not uncommon for developed urban centres to entail intervisibility of markedly different contrasting building scales in proximity to each other. The same can be said for other visual implications elsewhere such as along Goldsworth Road, where a variety of building heights are publicly viewable and there would be no resulting harmful effect from the development.
26. In tandem with those points, I also recognise that the evolution of the appeal scheme design has been subject to the input of several Design Review Panel's, encouraged by the Design SPD, as well as extensive periods of negotiation. Accordingly, there is some evidence of iterative design responses in how the appeal scheme design has evolved up to appeal stage. Albeit the fundamental issue of the **building's** height, mass, and subsequent relationship with the locality remaining a clear area of disagreement with WBC.
27. Furthermore, the appellant's scheme design makes good use of 'active frontages' given that the ground floor would include four commercial units fronting onto Goldsworth Road and Poole Road. The main residential entrance would feature prominently on the front elevation facing Goldsworth Road, with a secondary access onto Poole Road. Elsewhere there is a good level of articulation and visual interest emphasised in the façades of the building leading to its top. Such details suggest to me the bulk and mass of the building would not appear excessive or inappropriate in its overall proportions.
28. Part of the appeal buildings footprint would be set-back from the highway, creating an area of public realm of around 56m² with indicative tree planting and street furniture as identified on the plans. I agree that subject to condition use and careful execution this would be an attractive and positive design aspect of the scheme in its visual relationship with pedestrian routes on Goldsworth Road. The servicing of the building is also sensibly located on the Butts Road elevation which is far less visually prominent and not a major throughfare.
29. There were objections expressed by WBC about the likelihood of external bin storage and collection arrangements eroding the character and appearance of the area. I agree with WBC that waste management is a crucial part of the design and function of the building. If not undertaken successfully there are risks of the arrangements eroding the appearance of the local street scene.
30. Such waste management arrangements would be able to utilise the internal goods and utility lift to transfer domestic waste to the substantial internal dedicated bin and recycling waste storage areas on the ground floor of the building. I do not find this provision to be deficient bearing in mind the lifts capacity, the option to use alternative lifts or stairwells in an emergency, and the size of the bin storage areas shown within the **building's** internal layout.

31. The appellant has options to utilise private waste collection services as well as appropriate internal facilities management methods for dealing with waste from the occupants. With that in mind there is adequate scope to store the bins internally within the building, rather than leaving them outside within the street scene on collection days.
32. Therefore, with appropriately worded conditions securing appropriate waste management arrangement details there is sufficient flexibility available to ensure there would not be significant visual detriment to the street scene from the storage and collection of bins. This matter would no doubt require thorough attention and negotiation by WBC to ensure any secured management arrangement is successful and can be adhered to. But I have no reason to believe this would not be possible using a planning condition route.
33. I recognise that the appeal scheme as a tall building would be highly visible and noticeable from a variety of public vantages. It would no doubt constitute a major change to the area. I also accept it would not reflect the present most immediate built surroundings in terms of building height. However, that does not mean that the scheme would be harmful or unacceptable in my view.
34. Bearing in mind the design of the building when as a whole I do not find its height and depth proportions would be inappropriate relative to other existing buildings (including the railway station further afield) and the tall buildings with consent. Although it would step up in height from the emerging building height trajectory detailed by WBC the impact would not be harmful.
35. The appeal building would be a positive landmark feature. For all of the reasons given above, I do not find that the proposed development would lead to an adverse visual effect.
36. Overall, the height, bulk and massing of the development and waste management impacts would not harm the character and appearance of the landscape, townscape nor local street scene. It would comply with CS Policies: CS1, CS2, CS21 and CS24 and the supporting principles of the Design SPD, which all combined seek to ensure the scale and design of new development is appropriate to its context.

Car parking provision

37. The overarching rationale behind the appeal scheme is that it would operate primarily as a car free development, except for six disabled car parking spaces and an anticipated one 'Car Club' parking space, the latter secured by planning obligation. The **appellant's Transport Statement**, Travel Plan and transport evidence combined provides me further important information regarding gauging the suitability of this concept.
38. WBC and residents contend in the main that the appeal scheme would provide insufficient on-site car parking provision. And that the displacement of any subsequent car parking demand arising from occupants or use of the scheme would then be transferred onto surrounding roads and streets, to the detriment of the function and amenity of the area.
39. In tandem with those arguments, WCS Policy CS18 sets the overarching aim of developing a well-integrated community linked by a sustainable transport system which connects people to jobs, services, and community facilities, and minimises impacts on biodiversity. I have also had regard to the design criteria

- listed in WCS Policy CS21 insofar as the overlap applicable with supporting accessibility for all members of the community and its encouragement of sustainable means of travel.
40. I note the minimum parking level required by WBC Parking Standards Supplementary Planning Document April 2018 (PSSPD), equates to providing around 179 or so parking spaces. Nevertheless, the absence of on-site parking is still in line with the spatial vision, objectives, and strategy points 6, 7, and 10 of the WCS: which collectively seek to minimise the adverse impacts of climate change; maintain and improve air quality; and to deliver a transport system that enables people to access key services, facilities, and jobs.
 41. At a national level, Section 9 of the National Planning Policy Framework (the Framework) '**promoting sustainable transport**' highlights amongst other things that patterns of movement, street parking, and other transport considerations are integral to the design of schemes. It also encourages that the planning system seeks to actively manage patterns of growth in locations that are sustainable or can be made sustainable offering a genuine choice of transport modes. The advantages of doing so include reducing congestion and emissions.
 42. Paragraph 115 of the Framework goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
 43. The site is within short walking distance of Woking train station giving access to London and other nearby Boroughs. There is a bus transport hub near to the train station with frequent local bus services. There is easy access to the full complement of commercial, leisure, amenity and shopping services offered by the town; nearby health care provision; and nearby local day nursery primary and secondary schools ranging from in the order of 8-25 minutes, or so, away if walking. Consequently, there is lots of opportunity to avoid car use.
 44. Woking Park Leisure Centre and Horsell Moor Recreation Ground are also short distances away readily accessible by foot, cycling or using the bus. Separate to that, existing 'Car Club' locations also feature in the evidence. Where members can book, and drive pool cars typically parked on the street. The walk times for these range between 2-10 minutes, or so.
 45. Based on all of the day-to-day services available as well as the transportation modes evidenced, I agree that the appeal site location does lend itself extremely well to a car free design concept. Nevertheless, the concept is heavily dependent on the choices of occupants choosing to live there knowing there would be no parking other than the car club space and disabled bays.
 46. This would mean that should any occupants own cars they would need to park in surrounding roads and streets in accordance with the substantial car parking restrictions already prevailing in the area. In that regard, there are existing controlled Car Parking Zones (CPZs) in place and other parking restrictions which would limit parking for both occupants and visitors alike. The Town Centre car parks referred to also offer regulated parking provision. The scheme otherwise provides extensive cycle parking (at some 231 spaces altogether, and locker storage) facilities embedded in its overall design, as a further factor.

47. There is no information detailing sensitivity analysis to new development on existing road and street parking in the Transport Statement (TS). But that is unsurprising as this occurrence coincides with the fact that the scheme was accepted by WBC to result in a net reduction in vehicle trips comparative to the current uses of the site to warrant a TS rather than a full Transport Assessment. Furthermore, I give substantial weight to the comments from the Highway Authority as statutory consultee raising no objections.
48. I also appreciate that all residents of Woking are able to apply for on street parking permits issued by Surrey County Council (SCC), previously administered by WBC. The process now being managed by SCC's Parking Enforcement Team. It was detailed at the Inquiry that the management arrangement for permits is reviewed around every 12-18 months. Because of those arrangements there would be no guarantees of future occupiers securing a car parking permit to park in the CPZs, and there would likely to be some competing demand for permits with existing residents already relying on these.
49. Without a permit, if a resident of the appeal scheme wished to own a car and they were not disabled, they would have to park on street in the wider vicinity and manage parking around the controlled hours to avoid receiving a parking penalty. Nonetheless, there is nothing to suggest parking restrictions would not be respected by future occupants of the scheme. SCC would have sufficient parking enforcement powers as well as oversight review channels available to ensure this. Beyond that other potential public highway obstructions could be dealt with by the Police.
50. Because of the favourable town centre service provision with realistic alternative transport modes available to car use, coupled with the existing parking controls evident, I am satisfied by the appellant's arguments that the likelihood is that future occupants of the scheme would choose not to own a car if they wanted to live in the units.
51. The associated WBC officer recommendation detailed that on balance subject to conditions and a legal agreement securing the operation of a car club bay, the proposal is acceptable in terms of parking provision. I agree. Existing parking controls are adequate to safeguard against the exacerbation of parking pressures or illegal parking. I am also content there would be no wider highway safety harm owing to the net number of vehicle trips assumed notionally attributed to the scheme applied for, comparative to existing site uses.
52. Furthermore, in the absence of highway safety harm or significant detriment to amenity an additional planning condition seeking to regulate car parking permit applications would not meet the test of necessity. The range of locational and accessibility factors evidenced taken alongside the design measures to encourage cycling embedded into the scheme give me further reasons not to adopt such an approach.
53. **I am aware that WBC's recent planning approval for a mixed-use** development of 329 co-living units and commercial units under reference PLAN/2023/0645 is also referred to as a comparable car free development, granted elsewhere in the town. However, I have been given no clear or convincing explanation as to why that scheme is acceptable on similar car use implication grounds, but this appeal scheme is not. Additionally, there is nothing compelling to suggest the overall transportation capacity of the Town Centre is unable to accommodate

the appeal scheme following that decision or that it would lead to an unacceptable cumulative safety or amenity impact.

54. Thus, I find that the adequacy of car parking provision does not count against the scheme. The development would accord with WCS Policies CS18 and CS21 which collectively seek to ensure appropriate accessibility levels; the promotion of sustainable travel; the safe function of the local road network as well as safeguarding the amenities of the area. It would also be consistent with Section 9 of the Framework which seeks to manage growth and transportation needs in a sustainable manner.

Resultant living conditions

55. WBC contend there is insufficient private outdoor space for recreation and enjoyment provided by the scheme. In that respect, WCS Policy CS21 advocates that proposals for new development should ensure schemes provide appropriate levels of private and public amenity space.
56. When applying the guidance of the Outlook, Amenity, Privacy and Daylight Supplementary Planning Document (2022) (OAPDSPD) I note that Paragraph 3.4 enables contributions towards the creation or improvement of areas of the public realm in lieu of any amenity space provision reasonably required by the development, where there is limited scope or need to provide this provision on site. Paragraph 3.10-3.11 then details that in the densest urban locations such as Woking Town Centre, where multi storey developments including flats, duplex apartments and townhouses are intended for family accommodation, alternative forms of on-site amenity provision may be permitted in lieu of a conventional private garden.
57. I note at levels 2, 22, 23 and the roof of the building combined there would be approximately 650-750 square metres of communal amenity space. The appeal plans propose private balconies for 80% of the flats (in the order of 180 of the total units). The balconies are 5 square metres and over 1.5 metres in depth in line with the OAPDSPD.
58. Based solely on the OAPDSPD the other recommended minimum amenity area space figures subject to WBC dispute were for different types of dwellings across the whole of the district, which are meant to be applied in general terms. To apply such generalised amenity space standards without fully distinguishing between strategic Borough locations such as the Town Centre, is wholly the wrong approach. The type of dwelling under consideration is also key.
59. Aside from balcony space for the majority of the units, as well as the buildings own amenity space provision, future residents of the scheme would have ready access to a wide array of local amenities and public transport options to amenity provision further afield as a direct benefit of living in a high-density town centre development.
60. Nearby examples include access to: Horsell Football Club; Woking and Horsell Cricket Club, a Squash Club; De Lara Way Playground; the Saturn Trail – Basingstoke Canal Bike and Walk Path; the Wheatsheaf recreation ground; Well Lane open Space; Brookhouse Common; and Woking Park.

61. But in any event, the Council have not made a case for other appropriate opportunities for seeking a financial contribution towards public realm or amenity space in lieu of that provided by the scheme, permitted by policy.
62. Furthermore, the nature of the town centre and hierarchy of centres reflected in development plan policy, is also a crucial component in assessing the **strength of WBC's amenity space deficiency arguments.**
63. Overall, because of the building's design provision and the favourable locational factors involved I find an acceptable level of amenity space provision would be able to be enjoyed by future occupants of the scheme in accordance with WCS Policy CS21; the terms of the OAPDSPD; and the provisions of the Framework, which combined all seek to ensure that resultant living conditions are acceptable.

Other planning considerations

64. WCS Policy CS2 (Woking Town Centre) identifies an overarching need to provide 2,180 new homes specifically in Woking Town Centre 2012-2027. The Framework encourages a mix of housing sizes, types, and tenures for people, which include those who require affordable housing. The sustainability levels of the location are high and town centre living is supported by the WCS.
65. Paragraph 8 of the Framework emphasises the social objective of sustainable development to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. Moreover, Paragraph 60 confirms the **Government's objective of significantly boosting the supply of homes.**
66. By way of UU the appellant guarantees a minimum 40% (90 units) would be affordable housing units. Whilst they state a preference to deliver a 100% affordable housing scheme, they were unable to commit to that at the time of the appeal because of grant funding uncertainty with Homes England. In those circumstances I accept there are reasonable grounds to allow due flexibility on affordable housing delivery mechanisms.
67. The **appellant's evidence highlights that in the 15-year period** since the start of the 2009 West Surrey Strategic Housing Market Assessment (SHMA), affordable housing delivery represented just 11% of overall housing delivery, equating to around 32 affordable dwellings per annum. There was also broad **consensus that the WBC's CS strategy pushes development towards previously developed sites in Woking Town Centre** where costs can be high.
68. I acknowledge that it is not uncommon for town centre schemes to have difficulty meeting the 35% affordable housing policy requirement on grounds of a lack of viability. In that vein, the appellant suggests the Crown Place development included no contribution to affordable housing; and the Eco World scheme included 48 shared ownership units equating to a 5% affordable housing contribution. The accuracy of such affordable home delivery outcomes was unopposed by WBC. I am also aware there were some 1,069 households on the Council's Housing Register taken during March 2023.
69. Based on all of the submitted evidence, I accept there has been an under delivery of affordable homes and there remains an urgent need for more affordable housing within the Borough. Consequently, the appeal scheme would

- make a key (affordable home policy compliant) contribution towards addressing an important unmet need and carries substantial positive weight.
70. Equally, the remaining market housing potentially forming the scheme if delivered as such, would also be a significant contribution to CS2 aims and housing stock choice in the Borough, where market home affordability is an additional issue. Boosting the supply of homes is encouraged nationally, which the scheme is aligned with.
71. Some public objections have suggested such concentrated affordable housing in one location would be inappropriate; the scheme mostly provides smaller units which does not meet the aims of WCS Policy CS11 or the need identified **in the SHMA; the housing mix is also not in line with the report to the Council's** overview and scrutiny committee report (14 September 2020) which identified a need for 2 and 3 bed homes for families; and that the market is already over-saturated with flats.
72. Nevertheless, WBC support the overall housing mix secured by way of planning obligation. I have no doubt there may be a variety of other important pressing housing needs for the area but that is not a strong basis to turn away a scheme which guarantees substantive affordable home delivery. Bearing in mind the appellant's grant funding position as well as the content of the UU, none of the housing mix or tenure objections give me sufficient reasons to conclude there is non-compliance with Policy CS11 nor CS12.
73. The appeal scheme would enable the redevelopment of the site to a more efficient use of land in a highly sustainable central location. The four new commercial premises would also complement town centre vitality and viability in accordance with Policy C2. There would be substantial economic benefits arising from construction work to build the development; as well as from the potential purchase of new housing stock; and future occupants living and spending in the town. Furthermore, the building would provide efficiency levels in accordance with modern day Building Regulation standards, which are likely to exceed other older more dated buildings elsewhere. All of those constitute benefits, which combined, carry substantial weight.
74. Separate to those points, I agree there is likely to be some adverse noise and disruption amenity impacts arising from large scale construction activity and construction traffic. But those periods would be temporary and short lived. Planning condition use would ensure this is appropriately managed and otherwise acceptable in public safety terms. Therefore, I attribute such harm only limited weight.
75. In terms of SPA effects, the Thames Basin Heaths SPA is defined as a European Site by the Habitats Regulations, owing to its rare bird populations (including Dartford warbler; nightjar and woodlark) inhabiting areas of lowland heathland. The SPA is also made up of a number of Sites of Special Scientific Interest (SSSI). The SSSI components of the SPA within the 5 km consultation zone of the site include: Horsell Common; Ash to Brookwood Heaths; and Chobham Common. The nearest of these is Horsell Common, approximately 1.7 km to the northwest of the appeal site.
76. I acknowledge that new residential development within the zone of influence of the SPA has the potential to result in increased visitor trips to it, thereby resulting in potentially harmful ecological disturbance and effects. Because of

that WCS Policy CS8 requires new residential development beyond a 400m threshold, but within 5 kilometres of the SPA boundary, to make an appropriate contribution towards mitigation via The Thames Basin Heaths SPA 'Avoidance Strategy' 2022, developed with Natural England (NE). The strategy includes securing Suitable Alternative Natural Greenspace (SANG), and a Strategic Access Management and Monitoring tariff (SAMM) from the development.

77. I understand SANG is green space that is of a quality and type suitable to be used as mitigation within the Thames Basin Heaths Planning Zone. Its role is to provide alternative green space to divert visitors from visiting the Thames Basin Heaths SPA. Locally established strategy delivers this through a combination of CIL and planning condition use.
78. It is important to note that the Avoidance Strategy does not address all possible effects to the SPA but only those resulting from recreational visits. In light of that situation, **a 'Shadow Appropriate Assessment' has been conducted** by the appellant to inform the appeal. This includes regard to urbanisation; hydrology; atmospheric pollution; light disturbance; direct loss; and any other relevant pathway impacts. But no adverse implications arise from those. In summary, the shadow assessment concludes that subject to SANG and SAMM provision there would be no harm to the integrity of the SPA.
79. Regulation 63 (3) of the Habitats Regulations 2017 requires me as the competent authority for the purposes of appropriate assessment to consult the appropriate nature conservation body and have regard to any representations made by that body. NE have been consulted post closure of the Inquiry and have no objections subject to SANG and SAMM provisions being secured, as was indicated during the WBC determination period. I note that the SANG and Landowner Payment elements of the SPA tariff are encompassed within the CIL charging schedule payments live in the area. However, the SAMM element of the SPA tariff is required to be addressed outside such payments. Overall given those circumstances, there is no scientific doubt that the impacts of the development on the SPA cannot be successfully mitigated through compliance with the Avoidance Strategy.
80. Accordingly, the completed UU securing an appropriate SAMM financial contribution together with a planning condition for securing related SANG details (linked to separate CIL Charging Schedule provision and the locally established delivery mechanism in place) gives me sufficient basis to conclude that the proposed development would not affect the integrity of the SPA either alone, or in combination, with other plans and projects in relation to urbanisation and recreational pressure effects. It would therefore accord with WCS Policy CS8, saved policy NRM6 of the South East Plan 2009; The Thames Basin Heaths SPA Avoidance Strategy 2022 and the Habitats Regulations 2017, which collectively seek to prevent harm to sites of ecological importance.

Other Matters

81. The statutory duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving conservation areas and listed buildings or their setting, or any features of special architectural or historic interest which they possess.

82. The SoCG with WBC confirms their agreement that the setting of relevant town centre heritage assets would be preserved. I have no strong reason to disagree given the variation of buildings already evident within the town. Following my site visit I am satisfied there would not be any harm to surrounding designated heritage assets nor other non-designated assets referred to in the evidence, because of distance and the variation of heights already in the townscape.
83. I have carefully considered other public objections relating to: café loss impacts; noise disturbance from the Poole Road Energy Centre; overlooking and loss of privacy; overshadowing and loss of light; pressures on local schools, nurseries and services; local flooding, human waste and drainage issues; as well as anti-social behaviour occurrence. But there is nothing compelling or convincing to suggest any of these concerns should significantly weigh against the scheme bearing in mind the content of the officer committee recommendation, **WBC's** subsequent determination as well as all potential forms of planning condition use applicable.
84. Moreover, in relation to most aspects of the appeal I have also been referred to an extensive list of other decisions, appeal decisions, judgements and decisions made by the Secretary of State. I do not find any contradiction with the broad principles of decision making triggered in those examples. Collectively, they involve a combination of different sites and sets of circumstances which do not lead me to alter my findings in this case.

Planning obligation (UU)

85. The covenants applicable are contained within 4 Schedules which have been agreed between the main parties. I note the UU includes an appropriate clause whereby any individual covenant it contains would cease to be operable if it was found to be non-compliant with relevant legislation. This includes compliance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.
86. Schedule 1 defines the appeal site by way of plan, linking the site to the obligations entered into. The plan is consistent with the application plans informing the appeal.
87. Schedule 2 includes that a SAMM Contribution of £181,193 (and Retail Index Price Linked) is paid to the Council prior to commencement of development. The Council indicated the contribution would meet the requirements of their updated Thames Basin Heath Avoidance Strategy 2022. And its justification has already been explained.
88. Schedule 3 includes provisions for the first occupying household of each unit to get a one-year pre-paid membership of the Woking Town Centre Car Club (or should that the Car Club cease to exist a similar car club operating within Woking Town Centre as nominated by the Council). Whilst the appeal site is in a highly accessible location, for some trips I accept residents may wish to have access to this service. The obligation is required to provide an alternative choice to car ownership. This accords with the terms of policy WCS Policy CS18 encouraging sustainable transport.
89. Schedule 4 secures affordable housing provision through 'Option A' or 'Option B' tenure mixes, unless otherwise agreed by the Council. If the development is to comprise 40% affordable units, then the Option A mix must be delivered. This

equates to 64 units Affordable Rented Housing or Social Rented Housing; 3 units as Intermediate Housing (shared ownership) and 23 units as First Homes. Whereas if 100% affordable units are delivered then the mix in Option B is triggered comprising of: 159 units Affordable Rented Housing or Social Rented Housing; and 65 units Intermediate Housing (shared ownership). Such overall provision and flexibility accord with the WCS taken as a whole and the advice of the Framework.

90. I find that the obligations in Schedules 1, 2, 3 and 4 are all justified and meet the provisions of Regulation 122 of the CIL Regulations. All the Schedule provisions within the UU are necessary; directly related to the development; and fairly related in scale or kind. They also all accord with the terms of the Framework and National Planning Practice Guidance, combined.

Conditions

91. Without prejudice, the main parties compiled an agreed list of planning conditions in the event the appeal is allowed. Subject to minor amendments the suggested wording would meet relevant legal tests. Standard conditions would be needed to specify the time limit and plans in line with statutory provision and to provide a formal mechanism for amendment.
92. A condition to secure SANG provision to meet the Habitats Regulations as well as WCS Policy C8 seeking to protect ecological interests in addition to securing the provisions of the Ecology Report 213319/JDT prepared by AA Environmental also in the interests of enhancing biodiversity would be necessary.
93. Materials and further detailing conditions would ensure a high-quality development. Landscaping conditions would be required to ensure visual integration of the scheme. A suite of transport related conditions would be needed to ensure adequate highway safety. The securing of: electric vehicle charging points; Car Club space provision; a Travel Plan statement; and cycle storage conditions would be needed to ensure the adequate promotion of sustainable travel and related interests.
94. Conditions are necessary to ensure appropriate waste management is secured without harm to the street scene. Conditions linked to securing amenity space provision serving the building and allowing suitable access arrangements in accordance with the approved plan drawings would also be necessary in the interests of ensuring the adequacy of amenity space.
95. A range of conditions securing noise test information and appropriate subsequent mitigation alongside mechanical ventilation details; other plant details; lift shaft noise mitigation; an overheating risk assessment; and implementation of the measures within the Wind Microclimate Study would all be required to ensure resultant living conditions are acceptable. Similarly, there would need to be a restriction on playing amplified music in the ground floor commercial units as well as a limitation on opening and closing hours for the same reason.
96. Withdrawal of permitted development rights for use changes on the ground floor of the building would be necessary and appropriate to protect the vitality of the town centre and maintain an active frontage supporting the design of the scheme; the removal of permitted development rights for telecommunication

apparatus would be required to protect the visual appearance of the area. Piling method work details would need to be secured to avoid damage to existing underground infrastructure in the vicinity. Additionally, external lighting details would need to be secured to ensure there is no harm to the living conditions of neighbouring residents.

97. Conditions relating to internal water use efficiency and securing a sustainable drainage system would be warranted to ensure the development protects against unnecessary natural resource overuse and also achieves an acceptable level of flood risk management. Contaminated land conditions would be necessary to ensure risks to human health are appropriately managed. Construction and Environmental Management Plan information submission and subsequent adherence would also be warranted in the interests of public safety.

Planning Balance and Conclusion

98. Pursuant to Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, local planning authorities and other decision makers should first have regard to the development plan and then to any other material considerations.
99. If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
100. The proposed development would integrate successfully with its surroundings and result in no adverse effect on the character and appearance of the area in accordance with WCS Policies CS1, CS2, CS21 and CS24. There would be adequate amenity space provision and resultant living conditions in accordance with Policies CS18 and CS21. I have found that the car free rationale of the scheme, as well as resultant amenity space provision accords with WCS Policies CS18 and CS21 which collectively seek to ensure appropriate accessibility levels; the promotion of sustainable travel; the safe function of the local road network; ensuring the adequacy of resultant living conditions; as well as safeguarding the amenities of the area. The PSSPD is not adhered to, but the content of the development plan taken as a whole gives me appropriate policy justification to conclude there is overall compliance with it.
101. The development includes affordable housing delivery, at an acceptable amount relative to future grant funding outcomes, and ensures due ecological protection of the Thames Basin Heath SPA in accordance with WCS Policies CS11, CS12, CS8 and saved policy NRM6 of the South East Plan 2009, as well as the Conservation of Habitats and Species Regulations 2017.
102. In this case I find that the appellant demonstrates compliance with the development plan because of the design of the scheme, taken together with the sustainability credentials of Working Town Centre underpinning much of the important strategic aims contained within the WCS relevant to the appeal. The appeal site location being inherently sustainable.
103. As the development accords with the development plan, subsequently it leads me to apply paragraph 11 (c) of the Framework which means that planning permission for the appeal scheme should be granted without delay.

104. But in any event, the magnitude of combined benefits attributed to the development is considerable relative to the limited construction phase noise and disruption harm I have identified. The direct benefits arising from the development relative to all considerations give me sufficient reasons to allow the appeal. There are no other considerations of sufficient weight counting against it to conclude otherwise.

105. For the reasons set out above the appeal succeeds.

M Shrigley

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Reuben Taylor	Counsel (KC)
WHO CALLED:	
Tim Burden	Planning Witness
James Stacey	Affordable Housing Witness
Stephen Eyton	Transport Witness
Jason Clemons	Character and appearance Witness

FOR THE LOCAL PLANNING AUTHORITY:

Poonam Pattni	Counsel
WHO CALLED:	
David Raper	Planning Witness
Fran Balaam	Character and appearance Witness

RULE 6 PARTY (concerning planning conditions): The Day Group

INTERESTED PARTIES (WHO SPOKE AT THE INQUIRY):

John Summers	Resident
Graham Hills	Resident

DOCUMENTS SUBMITTED DURING THE INQUIRY:

- 1) **Appellant's Opening**
- 2) **Council's Opening**
- 3) Draft planning obligation/list of agreed planning conditions
- 4) Rulings
- 5) Written closings of the Council
- 6) **Appellant's written costs claim**
- 7) Written closings of the Appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY:

- 1) **WBC's** response to **Appellant's** costs claim
- 2) **Appellant's final response to WBC's costs claim response**
- 3) Completed Planning Obligation

Schedule of Planning Conditions

Time limit

- 1) The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Approved Plans

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Location and Site Plans: 2107-SPP-TH-00-DR-A-PL-02-0001 Rev.P01 (Existing Location & Site Plan) received 15.07.2022; 2107-SPP-TH-00-DR-A-PL-00-0001 Rev.P02 (Proposed Location & Site Plan) received 20.01.2023.

Existing Plans: 2107-SPP-TH-0G-DR-A-PL-02-1000 Rev.P01 (Existing Ground Floor Plan) received 15.07.2022; 2107-SPP-TH-01-DR-A-PL-02-1001 Rev.P01 (Existing First Floor Plan) received 15.07.2022; 2107-SPP-TH-02-DR-A-PL-02-1002 Rev.P01 (Existing Second Floor Plan) received 15.07.2022; 2107-SPP-TH-03-DR-A-PL-02-1003 Rev.P01 (Existing Third Floor Plan) received 15.07.2022; 2107-SPP-TH-RL-DR-A-PL-02-1004 Rev.P01 (Existing Roof Level) received 15.07.2022.

Existing Elevations: 2107-SPP-TH-ZZ-DR-A-PL-02-3001 Rev.P01 (Existing North Elevation) received 15.07.2022; 2107-SPP-TH-ZZ-DR-A-PL-02-3002 Rev.P01 (Existing South Elevation) received 15.07.2022; 2107-SPP-TH-ZZ-DR-A-PL-02-3003 Rev.P01 (Existing East Elevation) received 15.07.2022; 2107-SPP-TH-ZZ-DR-A-PL-02-3004 Rev.P01 (Existing West Elevation) received 15.07.2022.

Demolition Plans: 2107-SPP-TH-0G-DR-A-PL-95-1000 Rev.P01 (Demolition Ground Floor Plan) received 15.07.2022; 2107-SPP-TH-01-DR-A-PL-95-1001

Rev.P01 (Demolition First Floor Plan) received 15.07.2022; 2107-SPP-TH-02-DR-A-PL-95-1002 Rev.P01 (Demolition Second Floor Plan) received 15.07.2022; 2107-SPP-TH-03-DR-A-PL-95-1003 Rev.P01 (Demolition Third Floor Plan) received 15.07.2022; 2107-SPP-TH-RL-DR-A-PL-95-1004 Rev.P01 (Demolition Roof Level) received 15.07.2022; 2107-SPP-TH-ZZ-DR-A-PL-95-3001 Rev.P01 (Demolition North Elevation) received 15.07.2022; 2107-SPP-TH-ZZ-DR-A-PL-95-3002 Rev.P01 (Demolition South Elevation) received 15.07.2022; 2107-SPP-TH-ZZ-DR-A-PL-95-3003 Rev.P01 (Demolition East Elevation) received 15.07.2022; 2107-SPP-TH-ZZ-DR-A-PL-95-3004 Rev.P01 (Demolition West Elevation) received 15.07.2022.

Proposed Plans: 2107-SPP-TH-0G-DR-A-PL-20-1000 Rev.P02 (Proposed Ground Floor) received 20.01.2023; 2107-SPP-TH-0G-DR-A-20-1030 Rev.P01 (Proposed Ground Floor – Waste Strategy) received 27.02.2023; 2107-SPP-TH-01-DR-A-PL-20-1001 Rev.P01 (Proposed Level 1) received 15.07.2022; 2107-SPP-TH-02-DR-A-PL-20-1002 Rev.P02 (Proposed Level 2) received 20.01.2023; 2107-SPP-TH-03-DR-A-PL-20-1003 Rev.P01 (Proposed Level 3-5-7) received 15.07.2022; 2107-SPP-TH-04-DR-A-PL-20-1004 Rev.P01 (Proposed Level 4-6) received 15.07.2022; 2107-SPP-TH-08-DR-A-PL-20-1008 Rev.P02 (Proposed Level 8) received 24.01.2023; 2107-SPP-TH-09-DR-A-PL-20-1009 Rev.P02 (Proposed Level 9-11-13-15-17-19-21) received 24.01.2023; 2107-SPP-TH-10-DR-A-PL-20-1010 Rev.P02 (Proposed Level 10-12-14-16-18-20) received 24.01.2023; 2107-SPP-TH-22-DR-A-PL-20-1022 Rev.P01 (Proposed Level 22) received 15.07.2022; 2107-SPP-TH-23-DR-A-PL-20-1023 Rev.P01 (Proposed Level 23) received 15.07.2022; 2107-SPP-TH-24-DR-A-PL-20-1024 Rev.P01 (Proposed Level 24) received 15.07.2022; 2107-SPP-TH-RL-DR-A-PL-20-1025 Rev.P02 (Proposed Roof Level) received 20.01.2023; 2107-SPP-TH-0G-DR-A-20-1030 (Proposed Ground Floor Plan – Waste Strategy) received 16.09.2022.

Facade Details: 2107-SPP-TH-ZZ-DR-A-PL-21-4001 Rev.P02 (Proposed Facade Typical Details - Sheet 01) received 20.02.2023; 2107-SPP-TH-ZZ-DR-A-PL-21-4002 Rev.P02 (Proposed Facade Typical Details - Sheet 02) received 20.02.2023; 2107-SPP-TH-ZZ-DR-A-PL-21-4003 Rev.P03 (Proposed Facade Typical Details - Sheet 03) received 20.02.2023; 2107-SPP-TH-ZZ-DR-A-PL-21-4004 Rev.P02 (Proposed Facade Typical Details - Sheet 04) received 20.02.2023.

Proposed Elevations: 2107-SPP-TH-ZZ-DR-A-PL-25-3001 Rev.P02 (Proposed North Elevation) received 20.01.2023; 2107-SPP-TH-ZZ-DR-A-PL-25-3002 Rev.P02 (Proposed South Elevation) received 20.01.2023; 2107-SPP-TH-ZZ-DR-A-PL-25-3003 Rev.P02 (Proposed East Elevation) received 20.01.2023; 2107-SPP-TH-ZZ-DR-A-PL-25-3004 Rev.P02 (Proposed West Elevation) received 20.01.2023; 2107-SPP-TH-ZZ-DR-A-25-3011 Rev.P02 (Proposed North Elevation - Colour) received 20.01.2023; 2107-SPP-TH-ZZ-DR-A-25-3012 Rev.P02 (Proposed South Elevation - Colour) received 20.01.2023; 2107-SPP-TH-ZZ-DR-A-25-3014 Rev.P02 (Proposed West Elevation - Colour) received 20.01.2023.

Proposed Sections: 2107-SPP-TH-ZZ-DR-A-PL-26-2001 Rev.P02 (Proposed Section 1) received 20.01.2023; 2107-SPP-TH-ZZ-DR-A-PL-26-2002 Rev.P02 (Proposed Section 2 & 3) received 20.01.2023; 2107-SPP-TH-ZZ-DR-A-PL-26-2003 Rev.P02 (Proposed Section 4) received 20.01.2023.

Schedules: 2107-SPP-TH-XX-SH-A-PL-02-6001 Rev.P1 (Existing Area Schedule) received 15.07.2022; 2107-SPP-TH-XX-SH-A-PL-XX-6001 Rev.P01 (Proposed Area Schedule) received 15.07.2022; 2107-SPP-TH-XX-SH-A-PL-XX-6002 Rev.P02 (Proposed Accommodation Schedule) received 20.01.2023; 2107-SPP-TH-XX-SH-A-PL-XX-6003 Rev.P02 (Proposed Residential Unit Schedule) received 20.01.2023.

Reports: Noise Assessment dated 01.12.2022 ref: H3294 – NV – v7 prepared by Hawkins Environmental received 09.12.2022; Daylight and Sunlight Report ref: 2017/E rev01 prepared by Schrodgers Begg received 15.07.2022; Internal Daylight and Sunlight Report ref: 2017/E rev01 prepared by Schrodgers Begg received 15.07.2022; Aviation Risk Assessment prepared by Pagerpower received 15.07.2022; Air Quality Assessment ref: H3294 – AQ – v3 prepared by Hawkins Environmental received 15.07.2022; Ecology Report ref: 213319/JDT prepared by AA Environmental received 15.07.2022; Television and Radio Signal Survey & Reception Impact Assessment prepared by GTech Surveys Ltd received 15.07.2022; Ventilation and Extraction Statement prepared by Meinhardt received 15.07.2022; Energy Statement Issue P02 prepared by Meinhardt received 15.07.2022; Flood Risk Assessment and Drainage Strategy Technology House - Woking 14496 Issue 2 prepared by Tully De’Ath received 31.08.2022; Fire Statement dated 23.08.2022 prepared by OFR received 24.08.2022; Wind Microclimate Study Rev.C prepared by Wilde received 25.11.2022

SANG

- 3) No residential development within any phase of the development hereby permitted shall commence (excluding demolition) until written confirmation has been obtained from the Local Planning Authority that Suitable Alternative Natural Green Space (SANG) has been secured for that phase and no dwelling within a phase of the development shall be first occupied until written confirmation has been obtained from the Local Planning Authority that the works required to bring the land up to acceptable SANG standard for that phase have been completed.

Materials/Detailing

- 4) Notwithstanding the details shown/annotated on the approved plans and documents listed within Condition 2 of this notice, no works other than demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame, shall take place until sample panels of all external materials have been inspected by a Council Planning Officer and subsequently approved in writing by the Local Planning Authority. The development shall be carried out and thereafter permanently retained in accordance with the approved details.
- 5) Notwithstanding the details shown/annotated on the approved plans and documents listed within Condition 2 of this notice, no works other than demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame, shall take place until drawings at 1:10 scale (including sections) or at another scale first agreed in writing by the Local Planning Authority showing all external construction detailing have been submitted to and approved by the Local Planning Authority. The drawings shall include details of:

- a) the facade of the building including typical bay details
- b) brick detailing
- c) main entrances
- d) balconies and terraces including balustrades
- e) roof and parapet including detailed design of plant
- f) windows and doors including service entrances
- g) photovoltaic panels and flues
- h) facade cleaning apparatus

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

Landscaping

- 6) Prior to the commencement any above ground works (excluding demolition) in connection with the development hereby permitted, a soft landscaping scheme showing details of shrubs, trees, and hedges to be planted and details of tree pits including underground structured cell rooting systems and details of the long-term management and maintenance (including details of funding), shall be 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 scheme.
- 7) All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development, whichever is the sooner, and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species.
- 8) Notwithstanding any indication otherwise given by the approved plans, prior to the commencement any above ground works (excluding demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame) in connection with the development hereby permitted, a hard landscaping scheme including details of materials to be used in areas of hard surfacing, details of proposed finished levels, means of enclosure, balustrades, screens, boundary walls, fences, minor structures, play equipment, public art and street furniture, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of any part of the development hereby permitted and thereafter retained for the lifetime of the development.

Transport

- 9) No development shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors

- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
- (j) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15 am and 3.15 and 4.00 pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Poole Road, Butts Road, Goldsworth Road, Oaks Road or Church Street West during these times
- (k) on-site turning for construction vehicles (or measures for traffic management)

The approved details shall then be implemented during the construction of the development hereby approved.

- 10) The development hereby permitted shall not be first occupied until the proposed vehicular crossovers onto Butts Road, the proposed footways around the site and the new loading bay on Poole Road, have been constructed and provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be permanently retained and maintained for their designated purposes.
- 11) The development hereby approved shall not be first occupied unless and until existing redundant vehicle access onto Poole Road has been permanently closed and the road, kerbs, and footways fully reinstated.
- 12) Prior to the first occupation of the development hereby permitted, details of Electric Vehicle charging points to be provided shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with the approved details unless the Local Planning Authority subsequently agrees in writing to their replacement with more advanced technology serving the same objective.
- 13) No above ground development in connection with the development hereby permitted (excluding demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame) shall take place until details of at least one Car Club Bay has been submitted to and approved in writing by the Local Planning Authority. The bay(s) shall be provided in accordance with the agreed details prior to the first occupation of the development hereby permitted and thereafter permanently retained and maintained for their designated purpose.

- 14) Prior to the first occupation of the development hereby permitted, a Travel Statement shall be submitted to and approved in writing by the Local Planning Authority. The Travel Statement shall include details of an Information Pack to be provided to residents which details the availability and whereabouts of local public transport, sustainable transport links and Car Clubs. The agreed details shall thereafter be carried out in accordance with the agreed details.
- 15) Prior to the first occupation of the development hereby permitted, space shall be laid out within the site for vehicles to be parked in accordance with the approved plans. Thereafter the parking and turning areas shall be permanently retained and maintained for their designated purposes.
- 16) Prior to the first occupation of the development hereby permitted cycle storage facilities shall be provided in accordance with the approved plans listed in this notice and thereafter the cycle storage areas shall be permanently retained and maintained for their designated purpose.

Waste Management

- 17) Prior to any above ground works (excluding demolition) in connection with the development hereby permitted, details of a Waste and Recycling Storage and Management Strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be fully implemented and retained and maintained thereafter for the lifetime of the development.
- 18) Prior to the first occupation of the development hereby permitted, bin storage facilities shall be provided in accordance with the approved plans listed in this notice and thereafter the bin storage areas shall be permanently retained and maintained for their designated purpose for the lifetime of the development hereby permitted.
- 19) The passenger and goods lift shall be installed and made operational prior to the first residential occupation of the development hereby permitted. Thereafter they shall be permanently retained and maintained for their designated purposes for the lifetime of the development hereby permitted.

Amenity areas

- 20) Prior to the first occupation of the development hereby permitted, the internal and external amenity areas identified on the approved plans listed in this notice, including the external amenity spaces at Levels 2, 22 and 23, shall be provided in accordance with the approved plans and made available for use. Thereafter these facilities shall be retained and made available for use for the lifetime of the development.
- 21) Prior to the first occupation of the development hereby permitted, a management and access strategy for the internal and external communal amenity spaces hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the first occupation of the development hereby permitted and shall be maintained for the development.

Noise

22) Prior to any above ground works in connection with the development hereby permitted (excluding demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame), a methodology and scheme of pre-completion noise testing shall be submitted to and approved in writing by the Local Planning Authority.

In addition, the noise tests shall demonstrate compliance with noise limits that are 5 dB lower than BS8233:2014 internal ambient noise levels for habitable rooms on the southern and western façade affected by noise from the Goods Yard and shall be submitted to and approved in writing by the Local Planning Authority. The noise limits for façades exposed to noise from Goods Yard activities (southern and western façades) are:

- 30 dB LAeq,T in all habitable rooms between the hours of 07:00 and 23:00.
- 25 dB LAeq,T in bedrooms between the hours of 23:00 and 07:00.

The noise tests shall also demonstrate compliance with the noise limits from BS8233:2014 for habitable rooms on the other facades. The noise limits for other façades are:

- 35 dB LAeq,T in all habitable rooms between the hours of 07:00 and 23:00.
- 30 dB LAeq,T in bedrooms between the hours of 23:00 and 07:00.

In addition, a maximum noise limit applies to the bedrooms of all façades at night:

- 45 dB LAmax, in bedrooms exceeded no more than 10 times between the hours of 23:00 and 07:00.

23) Within three months of the first residential occupation of any part of the development hereby permitted, a post-completion verification report including ventilation conditions (expected to be at 100% operation capacity unless there are satisfactory reasons why this is not the case), acoustic test results, acoustic performance data for the glazing system and ventilation system to the residential units, and confirmation that the above maximum noise standards have been complied with, must be submitted and approved in writing by the Local Planning Authority. Any approved noise mitigation measures must be implemented concurrently with the development prior to the first residential occupation of the development hereby permitted. The development must thereafter be permanently maintained in accordance with the approved details for the lifetime of the development.

24) Prior to any above ground works in connection with the development hereby permitted (excluding demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame), details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- that all external amenity spaces for that building meet 55 dB LAeq,T during normal conditions;
- that the rating levels from activities from the Goods Yard, affecting all external amenity spaces including private balconies on the southern **and western facades, are below "significant adverse impact" during the**

day, based on the guidance in BS 4142:2014_A1:2019 (or equivalent) when compared to the average daytime LA90,T background level between 07.00 and 23.00 hours LA90.average (07.00-23.00) ; and

- Where the rating levels affecting external amenity space(s) are **predicted to be at or above "significant adverse impact", a scheme of mitigation is required to reduce external amenity space noise to a minimum, or provide access to/provision of suitable, alternative, external amenity space for affected residents.**

The development shall be carried out in accordance with the approved details and the amenity spaces shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

- 25) Prior to any above ground works in connection with the development hereby permitted (excluding demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame), details of an Overheating Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority, taking into account the Mechanical Ventilation with Heat Recovery (MVHR) already proposed for all dwellings with comfort cooling already proposed for residential units on the southern facade.

MVHR with Comfort cooling is also to be provided for any other residential units on the western façade where the Overheating Risk Assessment identifies that external doors and/or windows would need to be opened more than 10% of daytime hours (0700 – 2300 hours), or, where open windows are permitted at night under Approved Document O, they need to be opened more than 10% at night (2300-0700 hours) as part of the mitigation against overheating.

The Overheating Risk Assessment, identification of any other adversely affected residential units and requirement for additional MVHR with comfort cooling must be submitted to and approved in writing by the Local Planning Authority. Any approved measures must be implemented concurrently with the development and fully implemented prior to first residential occupation of the development hereby permitted and thereafter be permanently maintained in accordance with the approved details for the lifetime of the development.

- 26) Prior to any above ground works (excluding demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame) in connection with development hereby permitted, details of the glazing specifications and mechanical ventilation and comfort cooling systems to be provided to each of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The submitted details must include calculations of the predicted internal sound levels undertaken in accordance with the method provided in BS 8233:2014 Annex G.2 and must demonstrate compliance with the internal levels set out in Condition 22. The approved details shall be implemented prior to the first occupation of the development hereby permitted and thereafter shall be permanently retained and maintained in accordance with the agreed details.

- 27) Prior to any above ground works (excluding demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame) in connection with the development hereby permitted, a scheme specifying the provisions to be made for protecting residential units within the development hereby permitted from noise emanating from the ground floor commercial uses

hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development hereby permitted and thereafter shall be permanently retained and maintained in accordance with the agreed details.

- 28) Prior to the installation of any fixed plant and equipment associated with air moving equipment, compressors, generators or plant or similar equipment to be installed in connection with the development hereby permitted details, including acoustic specifications, shall be submitted to and approved in writing by the Local Planning Authority. Approved plant and equipment shall not be installed otherwise than in accordance with the approved specifications.
- 29) No amplified music or sounds shall be played in the ground floor commercial units hereby permitted which are audible outside the premises without the written consent of the Local Planning Authority.

Wind

- 30) Prior to the first occupation of any part of the development hereby permitted, the wind mitigation measures set out in the Wind Microclimate Study Rev.C prepared by Wilde received 25.11.2022 shall be implemented on-site in full. The measures shall thereafter be permanently retained and maintained for the lifetime of the development hereby permitted.

Use class restrictions and permitted development:

- 31) Prior to the first occupation of any part of the residential component of the development hereby permitted, the commercial units at ground floor level identified as '**Retail 1**', '**Retail 2**', '**Retail 3**' and '**Retail 4**' on the approved plans listed in this notice must be constructed at least to '**shell and core**' level on site in accordance with the approved plans. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) or Article 3, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting those Orders with or without modification) the use of the commercial units at **ground floor level identified as 'Retail 1', 'Retail 2', 'Retail 3' and 'Retail 4' on the approved plans listed in this notice shall be restricted solely to uses falling within Use Class E of The Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other use whatsoever without the granting of planning permission by the Local Planning Authority.**
- 32) Notwithstanding Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no microwave antenna, equipment for the support of microwave antennae or electronic communications apparatus shall be installed, sited, or placed on the development hereby permitted without the written approval of the Local Planning Authority.
- 33) Notwithstanding The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any equivalent Order(s) revoking and/or re-enacting and/or modifying that Order), no satellite dishes, antennas, aerials, cables, wires, pipework (except any rainwater goods as may be shown on the approved plans), meter boxes or flues shall be fixed to any elevation of the building hereby permitted without the prior written approval of the Local Planning Authority.

- 34) The commercial units at ground floor level of the development hereby permitted shall not be open to customers outside the hours of 0700 to 2300 Monday to Saturday and 0900 to 2200 on Sundays and Bank Holidays.

Piling

- 35) No piling or any other foundation works using penetrative methods shall be undertaken unless and until a Piling Method Statement Assessment (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by Local Planning Authority. Development shall be carried out in accordance with the approved Piling Method Statement Assessment.

Biodiversity

- 36) The development hereby permitted shall take place in accordance with the precautions and recommendations set out in the within the Ecology Report ref: 213319/JDT prepared by AA Environmental received on 15.07.2022.
- 37) Prior to any above ground works (excluding demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame) in connection with the development hereby permitted, details of the measures for the enhancement of biodiversity on the site and a timetable for their provision on the site, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in full accordance with the agreed details prior to the first occupation of the development hereby permitted and thereafter shall be permanently retained and maintained in accordance with the agreed details.

Lighting

- 38) Prior to the first occupation of the development hereby permitted details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) CCTV;
 - b) general external lighting;
 - c) security lighting; and
 - d) access control measures for residential core entrances

The details shall include the location and specification of all lamps, light levels/spill, illumination, cameras (including view paths) and support structures including type, materials, **and manufacturer's specifications. The details should include an assessment of the impact of any such lighting on the surrounding residential environment and the environment of Woking Town Centre.** Development shall be carried out in accordance with the approved details prior to first occupation and maintained as such thereafter for the lifetime of the development.

Sustainability

39) Prior to the commencement of any above-ground works (excluding demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame) in connection with the development permitted, written evidence must be submitted to, and approved in writing by, the Local Planning Authority demonstrating that the dwellings within the development will achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence must be in the form of a Design Stage water efficiency calculator.

Development must be carried out wholly in accordance with such details as may be approved and the approved details must be permanently maintained and operated for the lifetime of the development.

40) Prior to the commencement of the development hereby permitted (excluding demolition, below ground works, groundworks and the erection of the lift/ stair core(s) and structural frame), details, including timescales, of the connection of the development to the local Combined Heat and Power (CHP) network, or details of a dedicated CHP to serve the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall include measures to ensure compliance with good practice for connecting new buildings to heat networks by reference to CIBSE Heat Networks Code of Practice for the UK. Development shall be carried out in accordance with the approved details prior to first occupation of development and shall be maintained thereafter for the lifetime of the development hereby approved.

Drainage

41) The development hereby permitted shall not commence (excluding demolition) until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy.

Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 5 l/s.

b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross Flood Risk, Planning, and Consenting Team Whitebeam Lodge Merrow Lane Guildford Surrey GU4 7BQ2 sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

c) A plan showing exceedance flows (i.e., during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall be carried in accordance with the approved details prior to first occupation of the development and shall be maintained thereafter for the lifetime of the development hereby approved.

42) Prior to the first occupation of the development, a Verification Report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Contamination

43) Prior to the commencement of the development (excluding demolition) a contaminated land site investigation and risk assessment shall be undertaken, that determines the extent and nature of contamination on site reported in accordance with current best standards and guidance, (e.g., LCRM and British Standard BS 10175), shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). If applicable, ground gas risk assessments should be completed in line with CIRIA C665 guidance.

44) Prior to the commencement of the development (excluding demolition) a detailed remediation method statement shall be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). The remediation method statement shall detail the extent and method(s) by which the site is to be remediated, to ensure that unacceptable risks are not posed to identified receptors at the site and shall detail the information to be included in a validation report. The remediation method statement shall also provide information on a suitable discovery strategy to be utilised on site should contamination manifest itself during site works that was not anticipated. The Local Planning Authority shall be given a minimum of two weeks written prior notice of the commencement of the remediation works on site. The development shall then be undertaken in accordance with the approved details.

45) Prior to the first occupation of the development hereby permitted, a remediation validation report for the site shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail evidence of the remediation, the effectiveness of the remediation carried out and the results of post remediation works, in accordance with the approved remediation method statement and any addenda thereto, so as to enable future interested parties, including regulators, to have a single record of the remediation undertaken at the site. Should ground gas mitigation measures be required to be incorporated into the development the testing and verification of such systems shall have **regard to CIRIA C735 guidance document entitled 'Good practice on the testing**

and verification of protection systems for buildings against hazardous ground **gases' and British Standard BS 8285 Code of practice for the design of** protective measures for methane and carbon dioxide ground gases for new buildings.

- 46) Contamination not previously identified by the site investigation, but subsequently found to be present at the site shall be reported to the Local Planning Authority as soon as is practicable. If deemed necessary development shall cease on site until an addendum to the remediation method statement, detailing how the unsuspected contamination is to be dealt with, has been submitted to and approved in writing to the Local Planning Authority (including any additional requirements that it may specify). The development shall then be undertaken in accordance with the approved details. Should no further contamination be identified then a brief comment to this effect shall be required to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

Construction Environmental Management Plan

- 47) No development shall take place, including any works of demolition until a Construction Environmental Management Plan (CEMP), has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following matters:
- a) Delivery and collection times for demolition and construction;
 - b) Hours of working on the site;
 - c) Dust management - measures to control the emission of dust/dirt during demolition and construction including wheel washing and measures to control dust/dirt on the public highway by providing a Dust Management Plan;
 - d) Measures to control noise and vibration during demolition and construction;
 - e) Use of best practical means to minimise noise and vibration disturbance from works;
 - f) Measures to prevent ground and water pollution from contaminants on site/a scheme to treat and remove suspended solids from surface water run-off during construction, including the use of settling tanks, oil interceptors and bunds;
 - g) Measures to prevent the deposit of materials on the highway;
 - h) Identification of areas/containers for the storage of fuels, oils and chemicals;
 - i) Details of any temporary lighting to be used for demolition/construction purposes;
 - j) Site fencing/hoarding and security measures;
 - k) The prohibition of burning of materials and refuse on site;
 - l) Management of materials and waste;
 - m) External safety and information signing and notices;

- n) Liaison, consultation and publicity arrangements including dedicated points of contact and contact details;
- o) Complaints procedures, including complaints response procedures;
- p) Access and protection arrangements around the site for pedestrians, cyclists and other road users including temporary routes;
- q) Procedures for interference with public highways, permanent and temporary realignment, diversions and road closures; and
- r) Construction management plan for surface water run-off during the construction period.

Development shall be carried out in accordance with the approved CEMP.

End of Schedule



Costs Decision

Site visit made on 24 January 2024

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal Ref: APP/A3655/W/23/3328994

Technology House, 48 - 54 Goldsworth Road Woking, Surrey, GU21 6LE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Abri Group Ltd against Woking Borough Council.
 - The appeal was against the refusal of planning permission the demolition of existing buildings and erection of a building of up to 25x storeys comprising 224x residential units, ground floor commercial units, landscaping, bin and cycle storage, public realm works and associated works and facilities (Amended Plans).
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The **Applicant's** cost claim relates to (1) addressing the reason for refusal relating to parking; and (2) addressing the matters raised by Ms Balaam (as the character and landscape witness) which went beyond and did not form part of the reasons for refusal which the Council has resolved to pursue. As a result, the appeal has caused unnecessary expense.
3. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised, or inaccurate assertions about a **proposal's impact which are unsupported by any objective analysis**.
5. While the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council must demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
6. Even though I have not found parking provision matters to count against the scheme in my main decision, I acknowledge the parking arguments put by Woking Borough Council (WBC) largely stem from reflecting on the views and concerns of people who live in the area. Such local knowledge of how the area functions has innate value to have regard to. Thus, I accept that parking sensitivity issues and potential resultant stresses are clear and valid planning

concerns of local residents. Albeit there is little in the way of a more formal supporting analysis.

7. Nonetheless, those issues are still adequately substantiated by virtue of local experience for it not to constitute unreasonable behaviour. I also find that potential scope for planning condition use, if it was deemed to be required by the Council, was not an entirely clear-cut matter, inclusive of how this would relate to wider ranging affordable housing requirements and associated implications. Consequently, it does not undermine the approach WBC took.
8. As to Reason for Refusal 1 of the Decision Notice, the Council identified a breach of the development plan as arising from an alleged harmful impact on the character and appearance of the surrounding area. Therefore, the methodological matters raised; commentary on harm arising from the **building's** height, bulk, and mass (owing to the number of units, which could also be described as density); as well as a critique of any waste management arrangements probable are all reasonable character and appearance related points to make.
9. I find that the wider design issues **referred to by the Council's witness** were planning arguments chiefly linked to **WBC's** reason(s) for refusal. I also acknowledge there is substantial overlap in some elements of the arguments given the amenity space reason for refusal also **forming WBC's** reasoning. To excessively narrow those points would be overly restrictive in these case circumstances and would not enable the Council fair opportunity to properly defend its reasons which led to the appeal.
10. Accordingly, in all respects, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Thus, **the applicant's claim for costs fails.**

M Shrigley

INSPECTOR