



Town and Country Planning Act 1990

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000, as amended

Woking Borough Council's Proof of Evidence

Planning: Peter Rainier MRTPI

APPEAL BY: GolDev Woking Ltd

APPEAL SITE: Land south of Kingfield Road and east of Westfield Avenue, Westfield, Woking, GU22 9PF

APPEAL PROPOSAL: Redevelopment of site following demolition of all existing buildings and structures to provide replacement stadium with ancillary facilities including flexible retail, hospitality and community spaces, independent retail floorspace (Classes A1/A2/A3) and medical centre (Class D1) and vehicle parking plus residential accommodation comprising of 1,048 dwellings (Class C3) within 5 buildings of varying heights of between 3 and 11 storeys (plus lower ground floor and partial basement levels) on the south and west sides of the site together with hard and soft landscaping, highway works, vehicle parking, bin storage, cycle storage, plant and other ancillary works including ancillary structures and fencing/gates and provision of detached residential concierge building (Environmental Statement submitted).

Pins Ref: APP/A3655/W/20/3265969

LPA Ref: PLAN/2019/1176

April 2021

Prepared by Peter Rainier MRTPI Principal Director of Planning DMH Stallard LLP

Acting as planning consultant for the Local Authority for the Appeal

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9-13 Poole Road and sections of Poole Road, Goldsworth Road and Church Street West, Woking, Surrey GU21 6DY

Appendix 2 – Decision Notice & plans in relation to planning application PLAN/2018/0040 Penlan Kingfield Green Woking Surrey GU22 9BD

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1. Authors Qualifications and Experience

1.1. I am Principal Director of Planning at DMH Stallard. I have more than 30 years planning experience in both the public and private sector. I have degrees in Geography and Town Planning. For over 16 years I worked for Mid Sussex District Council (latterly as a Development Control Team Leader) and subsequently for DMH Stallard for nearly 20 years. I provide advice on a wide range of site promotions, applications and appeals to both public and private sector clients. I have been a Chartered Member of the Royal Town Planning Institute for nearly 30 years. I am a Planning Advisory Service accredited consultant.

1.2. I was invited to provide planning evidence to this inquiry by Woking Borough Council in support of their refusal of planning permission. Prior to deciding whether to take the instruction, I visited the site and perused the planning application documentation. I have, prior to compiling this evidence visited the site and surroundings on two further occasions.

1.3. The evidence which I provide in this document has been prepared in accordance with the guidance of my professional institution, the Royal Town Planning Institute. Where opinions are expressed, these are my own professional and sincerely-held opinions.

2. Site Description/Character of the Area

- 2.1. The appeal site has an area of approximately 5 hectares with Kingfield Road and residential properties associated with Kingfield Road and Kingfield Drive to the north. To the east lie the residential properties associated with Kingfield Green, beyond which is an area of Urban Open Space containing a pond. To the south lies Loop Road Recreation Ground with a footpath along the boundary and residential properties associated with Granville Road. To the west lies Westfield Avenue and residential properties associated with Westfield Avenue and Westfield Grove.
- 2.2. The central area of the site is occupied by a football stadium (Woking Football Club), comprising of various stands and terrace and set on a north-east to south-west orientation. The south-eastern area of the site contains a collection of large-footprint buildings accommodating a David Lloyd Centre (including open-air tennis courts and surface car parking). The north-eastern area of the site contains two large-footprint buildings accommodating Woking Snooker Centre and Woking Gymnastics Club, with associated surface car parking. The north-western area of the site comprises an area of hoarded, largely vacant land and four residential buildings.
- 2.3. Built form within the site is predominantly medium sized footprint, rising between the equivalent of one to three domestic-storeys in height, although the tall stand of the existing stadium rises to the equivalent of approximately five domestic storeys in height. The site accommodates areas of surface car parking. The built form within the site creates a coarse urban grain which contrasts with the finer urban grain present within the surrounding area. The relatively low rise buildings ensure, in a wider context, its impacts are fairly benign, the undeveloped area of land along part of the Westfield Avenue

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frontage is apparent in public views, and detracts from the overall character. The site is broadly level with a small drop of approximately 1 metre between its northern and southern boundaries.

- 2.4. It is particularly important in this case to carefully consider the character of the locality within which the appeal site is situated. The context is one of a mixture of mainly traditional two storey housing with a large number of bungalows and some more recent 5-3 storey development to the north-west. To the north of the site lies Woking Park, which comprises open land to the immediate north of the A247 and then car parking and leisure facilities, including the ground of Westfield FC. To the south and east of the site lies the open space of Loop Road recreation ground.
- 2.5. Taking the surrounding residential streets in turn, Westfield Avenue at the northern end and west of the appeal site, is the recently constructed, fairly tight-knit residential development around Acer Grove and Sycamore Avenue. The development is predominantly three storey, with two relatively small apartment buildings rising to four and five storey's at the northern end of the site. The remainder of Westfield Drive (and Westfield Grove) as it extends southwards, has a predominance of single storey detached residential dwellings. The road has a classically suburban character, with the road separated from the pedestrian paths on both side by wide grass verges and then front gardens/parking areas with the dwellings beyond. Strong soft landscaping is a further characteristic with several street trees.
- 2.6. Granville Road lies to the south of the site and comprises two storey semi-detached dwellings and short terraces. Street trees and parking are present to both sides of the highway with gardens to the front of the dwellings.

- 2.7. To the south/south-east lies the Loop Road Recreation Ground which benefits from a sense of openness, not only derived from the space itself but the predominantly two storey housing which surround the open space. A belt of trees provide some screening between the Recreation Ground and the appeal site.
- 2.8. The housing along Westfield Road and Loop Road is also mainly two storey semi-detached. The appeal site is visible through gaps between the houses and from rear gardens and the dwellings themselves.
- 2.9. Kingfield Close and Kingfield Green are further cul-de-sacs of single and two storey detached housing situated to the east of the appeal site with established planting to the boundary of the appeal site. Further to the north-east lies Kingfield Drive and larger detached dwellings fronting Kingfield Road which are again a mixture of bungalows and two storey dwellings.
- 2.10. Overall, the character of this part of the town is one of low rise development of a relatively low density, typical of a suburban location. The exceptions being the south stand of Woking FC ground and Hazel House/Beech House at the north-western end of Westfield Drive.

3. Site History

3.1. The site has a relatively extensive planning history associated with the existing uses, as set out in the Statement of Case (CD1.8 – Chapter 2).

4. Description of the Proposal

4.1. The application considered by the Council was described as:

Redevelopment of site following demolition of all existing buildings and structures to provide replacement stadium with ancillary facilities including flexible retail, hospitality and community spaces, independent retail floorspace (Classes A1/A2/A3) and medical centre (Class D1) and vehicle parking plus residential accommodation comprising of 1,048 dwellings (Class C3) within 5 buildings of varying heights of between 3 and 11 storeys (plus lower ground floor and partial basement levels) on the south and west sides of the site together with hard and soft landscaping, highway works, vehicle parking, bin storage, cycle storage, plant and other ancillary works including ancillary structures and fencing/gates and provision of detached residential concierge building (Environmental Statement submitted).(CD1.3)

4.2. The appeal scheme proposes a new stadium for Woking Football Club (WFC), being re-provided within the site. The proposal also includes housing on surrounding land. Other associated highways, public realm, car parking and retail/community/commercial development (within the stadium) are proposed. Full planning permission was sought for all development. (CD1.3)

4.3. In summary the appeal proposal is for:

- A 9,026 spectator capacity stadium (4,168 seated and 4,858 standing) with associated public realm works
- A new central axis boulevard along the west and south sides of the stadium
- Two new pedestrian 'streets' linking the boulevard to Westfield Avenue
- 1,048 dwellings

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DMH Stallard

- Other uses including retail (A1/2/3) of 335 sqm, community/commercial (D1/B1) of 429 sqm and medical centre (D1) of 1151 sqm
- Parking for 915 cars (855 for residential development (including 20 tandem spaces and 3 community concierge spaces) and 60 for the stadium/medical centre.

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5. Reasons for Refusal

5.1. The Application was refused by the Planning Committee on 23 June 2020 with the decision notice issued on 2 July 2020. (CD3.4)

5.2. The application was refused for the following five reasons (CD3.4):

- a) By cumulative reason of its excessive height, bulk, mass, housing density and design the proposed development would fail to respect and make a positive contribution to the street scenes and character of the area in which it would be situated. The proposed development is therefore contrary to Policies CS10, CS21 and CS24 of the Woking Core Strategy (2012), Policy DM10 of the Development Management Policies DPD (2016), SPD Design (2015) and Section 12 of the National Planning Policy Framework (NPPF).
- b) The proposed development would fail to provide an appropriate mix of dwelling types and sizes to address the nature of local needs as evidenced in the latest Strategic Housing Market Assessment, and to reflect the established character and density of the neighbourhood, and therefore would fail to create a sustainable and balanced community. The proposed development is therefore contrary to Policy CS11 of the Woking Core Strategy (2012).
- c) The proposed development would result in significantly harmful impacts by reason of overbearing effect and loss of privacy to No.2 Westfield Grove and Penlan (Kingfield Green), significantly harmful impacts by reason of loss of privacy to The Cedars (Kingfield Green) and Nut Cottage (Kingfield Green), significantly harmful impacts by reason of loss of daylight to Beech House (Sycamore Avenue), Hazel House (Sycamore Avenue) and Elm View (Kingfield Road), together with loss of daylight to other residential properties, the effects of which would not be outweighed by other considerations. The proposed

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development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), SPD Outlook, Amenity, Privacy and Daylight (2008) and Section 12 of the National Planning Policy Framework (NPPF).

- d) The proposed development would provide insufficient on-site car parking to serve the stadium and medical centre uses and has failed to demonstrate that the level of on-site parking proposed for these uses would not result in the displacement of vehicle parking onto nearby streets, thereby exacerbating existing pressure for on-street car parking, particularly during match days. The proposed development is therefore contrary to Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and Section 9 of the National Planning Policy Framework (NPPF).

- e) In the absence of an Executive Undertaking no mechanism exists to secure the requirements set out in the Planning Committee report. The proposed development is therefore contrary to Policies CS8, CS12, CS17, CS18 and CS19 of the Woking Core Strategy (2012), SPDs Parking Standards (2018), Affordable Housing Delivery (2014) and Climate Change (2013), Saved Policy NRM6 of the South East Plan 2009, the Thames Basin Heaths Special Protection Area Avoidance Strategy, the Conservation of Habitats and Species Regulations 2017 and the National Planning Policy Framework (NPPF).

6. The NPPF, Development Plan and Other Emerging Policy/Material Considerations

6.1. A full list of relevant policies is set out within the Statement of Common Ground (CD1.12) and so will not be repeated here in detail. However, I will briefly make reference to a few key points.

6.2. Firstly, Paragraph 123 of the NPPF (CD4.7) states that planning decisions should ensure developments make optimal use of the potential of each site and the LPAs should refuse applications which they consider fail to make efficient use of land. Paragraph 121 of the NPPF (CD4.7) encourages LPAs to take positive approach to applications where these would help in meeting identified development needs.

6.3. The NPPF (CD4.7) reinforces the requirement that Local Plans should be reviewed to assess whether they need updating at least once every 5 years from the date of adoption. The Woking Core Strategy was adopted in 2012 (CD4.1). The Core Strategy has been reviewed in accordance with the revised NPPF, Planning Policy Guidance and the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended by the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017. The review concluded that there was no immediate requirement to modify it either in part or as a whole. Consequently, the Woking Core Strategy (2012) (CD4.1) continues to be considered up-to-date in providing the necessary strategic policy framework for managing development across the Borough.

6.4. Paragraph 73 of the NPPF (CD4.7) states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing requirements. The Council's latest Annual

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Monitoring Report 2019-2020 (CD4.10) identifies that the Borough has a total housing land supply, as at 1 April 2019, to enable the delivery of 2,913 net additional dwellings, compared with the Core Strategy (CD4.1) requirement (including 5% buffer and compensation for previous undersupply) of 1,619 net additional dwellings between 2019/20 and 2023/24. This represents a surplus of 1,294 net additional dwellings against the requirement and an overall supply of 9.0 years. The supply has been strengthened by the progress of the Site Allocations DPD towards adoption and the successful WBC/SCC bid for Housing Infrastructure Fund money for infrastructure to support the delivery of housing in the town centre.

6.5. Existing local policies promote the efficient use of urban land and buildings and new housing schemes in sustainable locations. Core Strategy policies CS10, 21 and 24 are of particular relevance (CD4.1).

6.6. In my view, the policy framework offers no support for tall buildings outside of the town centre, as set out below.

6.7. Policy CS10 (CD4.1) is a borough-wide policy that provides minimum densities for development such that the minimum housing target for Woking can be achieved. This policy sets out an indicative density range for different parts of the plan area with Woking Town Centre being 200+ dwellings per hectare (dph) and other areas varying between 30 and 100 dph. The policy accepts that higher densities than those indicated may be possible but only where higher densities can be integrated into the existing urban form and the character of an area would not be compromised.

6.8. Paragraph 5.61 of the Core Strategy (CD4.1), which states that *“Development proposals in the High Density Residential Areas, as defined on the Proposals Map, will be permitted at densities generally in excess of 70dph in order to*

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make the most efficient use of land". The High Density Residential Area does not include the site but comes to within 60m of the site boundary, covering in Claremont Avenue and Davos Close (to the north-west).

6.9. Therefore, the CS (CD4.1) sets out on the proposals maps areas where very high densities may be achievable (the town centre) and a second zone where high density residential development will be permitted. It is obviously noteworthy that the appeal site falls outside those areas.

6.10. It is noteworthy that, an appeal was recently dismissed (on 27 March 2020) at 9-13 Poole Road, a site on the edge of Woking Town Centre, for a 17 storey building (LPA Ref: PLAN/2018/0633, Appeal Ref: APP/A3655/W/19/3229047 - see Appendix 1 to this proof of evidence). The following paragraphs are pertinent:

"15. National policy set out in the National Planning Policy Framework ('NPPF') states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

16. WCS Policy CS21 sets criteria for the achievement of well designed development, requiring new buildings to be attractive, with their own identity, and to respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the characteristics of adjoining buildings, including their scale, height and proportions. The policy goes on to state that tall buildings could be supported in Woking town centre if well designed and justified within the context. WCS Policy CS1 takes a similar approach in seeking well designed high density development in the town centre.

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17. The policy stance is amplified by the more detailed guidance of the Woking Design Supplementary Planning Document ('SPD') adopted in 2015. The SPD notes the high degree of change in Woking town centre since the 1960s. Its analysis of the character of the borough states that areas on the periphery of the town centre are very variable, with buildings of different age and function often adjacent. A concern is raised that, while variety can enhance local character, it can also undermine it if developments of different types do not complement each other.

18. The SPD sets out a Tall Buildings Strategy for the town centre, noting the emergence of a cluster of tall buildings on the southern part of Victoria Way, where the redevelopment of the Victoria Square with towers up to 34 storeys in height is currently under way, and to the south of the railway line, where the completed New Central development includes a tower of 21 storeys. The strategy for tall buildings in the town centre requires them to be of exceptional quality, subject to a formalised design review process during the evolution of the scheme and to take account of short and long range views. However, the strategy specifies that areas with a predominantly low-rise character, outside the core of the town centre, are not considered suitable for tall buildings....

22. It is clear that the policy framework outlined above offers no support in principle for tall buildings outside the town centre or within low-rise areas within the designated centre. Despite the appeal proposal's closeness to the town centre boundary and its acknowledged very good access to town centre facilities and public transport, there is a fundamental policy obstacle to a proposal for a building of this size."

6.11 Policy CS21 (CD4.1) requires proposals for new development to create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of

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the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land, and should incorporate landscaping to enhance the setting of the development.

- 6.12 Policy CS24 (CD4.1) states that all development proposals *'will be expected to: conserve, and where possible enhance existing character...'* and provide a positive benefit in terms of landscape and townscape character and local distinctiveness.
- 6.13 The emerging Site Allocations Development Plan Document (DPD) (Regulation 19 Consultation with Minor Modifications) (CD4.4), dated July 2019, was subject to examination in public during December 2019. Policy UA44 (now UA42) (CD4.4) relates to the application site, although excludes the four residential buildings close to the junction of Kingfield Road and Westfield Avenue, and a small area fronting Kingfield Road, which fall within the application site. Policy UA42 (CD4.4) seeks to allocate the vast majority of the application site (excluding those small areas set out previously) for a mixed use development to include an enhanced football stadium, residential including affordable housing, and commercial retail uses.
- 6.14 The proposed allocation in the Site Allocations DPD (CD4.4) is a clear indication of the Council's commitment to enable positive action to regenerate the site in the form of a mixed use development and can thus be afforded material weight based on the stage reached in the process. However, policy UA42 (CD4.4) as currently drafted anticipates 93 dwellings, an indication of a scale of development, more sympathetic to the local environment. Furthermore, in my opinion, the policy objectives may be accomplished through a much more modest scheme, sensitive to the local environment.

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7. The Main Issues

a) The effect of the proposed development on the character and appearance of the street-scene and the surrounding area

7.1. The layout of the site (with the exception of the small number of residential properties) is in contrast to development that surrounds the site, which predominantly takes the form of residential properties set within their own plots. Two blocks of flats are evident in the immediate vicinity (Hazel House and Beech House) but the footprint and scale (4/5 storey) of these buildings are modest when compared with the appeal scheme. The existing built form within the site, with the exception of the south-west stand of the football stadium, is visible from relatively few places in the locality, as the viewpoints in the appellants Townscape and Visual Impact Assessment (TVIA) illustrate. The majority of built form within the site, therefore, has very little visual presence in the wider area and as such, is very much in keeping with the low rise setting of the site.

7.2. Owing to their number and extent, the five proposed residential blocks would form an appreciable and, in some views, prominent group of buildings.

7.3. The character of the locality is suburban with mainly single and two storey housing. The appeal scheme is not sympathetic to the character of the locality nor does it integrate in an acceptable way, with the surrounding built form.

7.4. Whilst the NPPF states in paragraph 127 (CD4.7), being “sympathetic to local character” is not to prevent or discourage “appropriate change” it is the extent and acceptability of that change which are important considerations. In this

case the scale of change in terms of built form, density and height are very significant.

- 7.5. The density of the residential element of the scheme is agreed to be 336 dph which illustrates that the scheme is of a very high density. As is the case here, high densities often result in tall buildings, affecting the townscape, the amenity of neighbouring residents and the general character of the area.
- 7.6. The NPPF (Paragraph 127) (CD4.7) also states that planning policies and decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
(my underlining).
- 7.7. Policy CS10 (CD4.1), requires that the character of an area would not be compromised. The supporting text at Paragraph 5.64 of the Woking Core Strategy (2012) (CD4.1) states that *"the design of new housing is therefore of great importance to the delivery of housing. It is important that the densities sought do not affect the quality and character of an area and the general well-being of residents"*.
- 7.8. The proposed housing is provided in a series of five blocks located around the stadium. As noted, the scheme has a high density, which exceeds the applicable density ranges from Policy CS10 of the Woking Core Strategy (CD4.1), and it includes tall buildings that would affect views from neighbouring areas, and affect the skyline in some views.

7.9. SPD Design (2015) (CD4.13) states that tall buildings are defined as buildings which are significantly taller than those around them and that any building two or more storeys higher than neighbouring properties could be considered tall. Whilst the heights of the blocks generally decrease where occurring close to the boundaries of existing development, the blocks would constitute tall buildings, for the purposes of SPD Design (2015) (CD4.13), based upon the maximum heights of each block.

7.10. The significance of effects on townscape character is derived from the interaction between the sensitivity of the townscape, and the nature of the change it is likely to experience as a result of the development. The sensitivity of a townscape reflects its value together with its ability to accommodate change without fundamentally affecting its character; or if so affected in what way. Townscape sensitivity is increased by the presence of designations; by proximity to open spaces or water bodies (which create viewing opportunities); and where built form is predominantly low-rise. Sensitivity tends to decrease as urban density and/or building heights increase, since viewing opportunities are reduced and the townscape becomes more robust to change.

7.11. In the case of the appeal scheme, the surroundings, whilst not designated are sensitive to change given;

- The nearby open spaces to the north and south which create viewing opportunities.
- The surrounding development being predominantly low rise.
- The surrounding development being predominantly low density.

7.12. The magnitude of change to the built form will be high, as the proposal introduces buildings of a much greater scale, height and bulk than the existing development.

7.13. The impact of the proposal is illustrated in various documents submitted with the appeal scheme – a limited number are re-produced below.



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Illustration from the junction of Kingfield Road and Westfield Avenue. This view is typical of a town or city centre streetscape and is at odds with the low rise character of the locality.

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Preliminary Alignment

1.6 m above ground

17:57 25 April 2019

Verified view from the junction of Claremount Avenue and Kingfield Road. The view illustrates the domestic scale of typical residential dwellings to the right rising to Hazel House in the centre and then the appeal development to the left.

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Verified view down Westfield Avenue. This road has a sub-urban character, with wide verges and footpaths, established garden and predominantly bungalows. The appeal scheme becomes increasingly prominent to the east (right) and at up to 11 storeys, towers over the surrounding development as shown in the following drawing.

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0 10 20 40m
SCALE @ 1:500

The application document reproduced above shows, in stark terms the scale of the proposed development in comparison with the surrounding development in the foreground.

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Verified view from Loop Road Recreation Ground. The scale and mass of the development is very evident in this view, with the close proximity of the blocks resulting in a consolidated built form. The tall buildings of the town centre are visible to the right (over 2km away) and the appeal scheme would result in a form of development typical and appropriate there being pulled into the low-rise suburban area to the south.

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- 7.14 It is recognised that there has been an effort to place some of the taller buildings within the site rather than on the edges, however, the overall bulk and massing of the built form proposed is not sympathetic to its context. In particular, the proposed development would appear strikingly different and unfamiliar, to an extent that would cause harm. In the context of the locality the proposed buildings are very prominent. These blocks are not just tall, but also clustered tightly together, creating monoliths that are out of scale with the fine grain of the surrounding urban fabric.
- 7.15 Woking Core Strategy (2012) policy CS1 (CD4.1) 'A Spatial Strategy for Woking Borough' establishes Woking Town Centre as the primary focus for sustainable growth and states that "In the town centre, well designed, high density development that could include tall buildings and which enhances its image will be encouraged, but without comprising on its character and appearance and that of nearby areas".
- 7.16 The reasoned justification section of policy CS1 at paragraph 3.8 of the Core Strategy (CD4.1) states that "Whether a building is considered 'tall' will depend on the relationship between the building and the surrounding built form. In assessing a building's suitability in terms of height, consideration will be given to the relative height of the building compared to neighbouring buildings."
- 7.17 Woking town centre is generally characterised by a modern and varied townscape. The development proposed would be suitable if the site were located a mile to the north, within the centre of the town. I do not consider it to be acceptable in this location.
- 7.18 The proposal would be incongruous and visually jarring, particularly in relation and comparison to the other buildings in the area. The result would be a

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development with a height, scale and massing which would be out of keeping and therefore harmful to the surrounding character of the area.

7.19 The NPPF (para 9) (CD4.7) indicates that the objectives of sustainable development should be delivered through the preparation and implementation of plans and the application of the policies in the Framework. Planning policies and decisions are required to play an active role in guiding development towards sustainable solutions, but, crucially, in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. It is when the local character is properly assessed, that the inevitable conclusion is reached that the appeal scheme is inappropriate.

7.20 Paragraph 124 of the NPPF (CD4.7) highlights the importance of high quality buildings and places as fundamental to the aims of the planning and development process. The scale and form of development in this case cannot be considered high quality in the context of a sustainable development which is appropriate to the context.

7.21 Due to the height, proportions, bulk, scale and massing of the appeal proposal it fails to respect the prevailing character, height, density and scale of the development in the area, and consequently it does not make a positive contribution to the existing character of the surrounding area. The scheme is therefore considered to be contrary to Woking Core Strategy (2012) policies CS10, CS21 and CS24 (CD4.1).

b) Whether the proposed development would provide an acceptable and appropriate mix of dwelling types, and whether it would create a sustainable and balanced community.

7.22 Policy CS11 (CD4.1) requires a mix of dwelling types and sizes to be provided.

The local needs this should address are set out within the latest Strategic Housing Market Assessment (SHMA – 2015) (CD4.15), as shown in the following table. Emerging SA DPD Policy UA42 (CD4.4) supports this with the criterion: *“Development should provide a range of housing sizes as set out in Core Strategy Policy CS11(CD4.1)”*.

Unit size	Proposed market dwellings	SHMA need market dwellings	Proposed affordable dwellings	SHMA need affordable dwellings	Proposed overall
Studio/ 1 bedroom	294 (51%)	10.9%	220 (47%)	50.3%	514 (49%)
2 bedroom	282 (47%)	28.1%	243 (52%)	24.4%	525 (50%)
3 bedroom	4 (1%)	38.3%	5 (1%)	22.3%	9 (1%)
4 bedroom	0 (0%)	22.7%	0 (0%)	2.9%	0 (0%)
Total	580		468		1,048

7.23 It can be seen that the development would provide mostly a mixture of studio/1 bedroom and 2 bedroom dwellings, with a very small amount of 3 bedroom dwellings also Policy CS11 (CD4.1) states that *“lower proportions of family accommodation (2+ bedroom units which may be houses or flats) will be acceptable in locations in the Borough such as the town and district centres that are suitable for higher density developments”* (paragraph 5.73). The application site is in neither Woking Town Centre nor West Byfleet District Centre.

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- 7.24 The SHMA (CD4.15) concludes, as shown in the table above that for market dwellings the need is for over 60% three/four bed units and almost 40% one/two bed dwellings. The proposal completely fails to meet the mix indicated by the SHMA and consequently Policy CS11 of the CS (CD4.1).
- 7.25 In terms of Affordable Housing the proposed number of one and four bed units is close to matching the SHMA (CD4.15) mix. In terms of 2 bedroom dwellings the SHMA (CD4.15) identifies the need at 24.4% - the scheme would deliver 52% (i.e. 243 dwellings. The SHMA (CD4.15) indicates that there is a need for 22.3% three bed units, with only 1% being provided.
- 7.26 High rise and high density developments often give rise to an abundance of small units as is the case here. But on a site which does not fall within the town centre, where most developments have resulted in one/two bedroom dwellings there is a need to take the opportunity for a more balanced development which meets the mix indicated within the SHMA (CD4.15). Furthermore, such a mix would be achievable and desired through emerging policy UA42 (CD4.4), as well as being likely to result in a built form more appropriate to the site surroundings.

c) The effect of the proposed development on the living conditions of nearby residents, with particular reference to overbearing impact, loss of privacy and loss of daylight.

7.27 The decision notice (CD3.4) refers to; ‘significantly harmful impacts by reason of overbearing effect and loss of privacy to No.2 Westfield Grove and Penlan (Kingfield Green), significantly harmful impacts by reason of loss of privacy to The Cedars (Kingfield Green) and Nut Cottage (Kingfield Green), significantly harmful impacts by reason of loss of daylight to Beech House (Sycamore Avenue), Hazel House (Sycamore Avenue) and Elm View (Kingfield Road), together with loss of daylight to other residential properties, the effects of which would not be outweighed by other considerations. The proposed development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012) (CD4.1), SPD Outlook, Amenity, Privacy and Daylight (2008) (CD4.12) and Section 12 of the National Planning Policy Framework (NPPF) (CD4.7).’

7.28 Policy CS21 (CD4.1) advises that proposals for new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or loss of outlook. Further guidance is provided within SPD Outlook, Amenity, Privacy and Daylight (2008) (CD4.12).

7.29 The impact of a development on outlook is a material planning consideration and involves a judgement as to whether the development would give rise to an undue sense of enclosure, or overbearing effect, to neighbouring/nearby residential properties due to bulk, proximity or loss of outlook. There are no established guidelines for what is acceptable or unacceptable in this regard, with any assessment subjective as opposed to empirical, with key factors in this assessment being the existing local context and arrangement of buildings and uses.

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7.30 In the following paragraphs comment will be made on the impact of the appeal scheme from each of the dwellings highlighted in reason for refusal. In most cases there is some vegetation to the site boundaries which filters lower level views. The retention of this vegetation cannot be guaranteed and a reasonable assessment should be made taking this into account.

Overbearing effect and loss of privacy to No.2 Westfield Grove

7.31 This property (a bungalow) is situated to the south-west of the site and has rear garden facing east towards block 4 and north towards block 3. The rear garden facing east is approximately 17m long, with the proposed building just 3m from the mutual boundary at its closest. The rear garden would be completely enclosed by the proposed development. The impact of the envisaged development would be considerable in terms of creating a sense of overbearing enclosure. Block 4 varies from 6 to 9 storey (over 28m). The elevations facing towards the rear garden at No.2 would include balconies and 10 windows (per floor) to living rooms/bedrooms across multiple floors. Overlooking would be considerable leading to a loss of privacy. The outlook from the rear garden close to the bungalow (No.2) itself looking east is as shown in the photograph below.



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Overbearing effect and loss of privacy Penlan (Kingfield Green)

7.32 Penlan (a chalet bungalow) is situated to the southern end of the eastern boundary of the appeal site. Currently the dwelling has an overgrown belt of conifers along the western side of the curtilage. The trees encroach significantly into the garden, due to their width and the height of the trees limits the use of the garden. The trees are likely to be removed in the near future. Some further screening is afforded by trees on the appeal site, but at five storey the building (block 5) - 65m in length down the full mutual boundary would be overbearing at just 10m away. Again, multiple windows to habitable rooms face towards the neighbouring property, resulting in the potential for significant overlooking and loss of privacy. It should be noted that the site at Penlan has an extant planning permission for two dwellings (WBC ref PLAN/2018/0040 – Appendix 2). If implemented the impacts to those two proposed dwellings would be even more noticeable, than with Penlan retained.

Loss of privacy to The Cedars (Kingfield Green)

7.33 The Cedars (a two storey house) is situated to the east of the appeal sit. Windows within the northern elevation of block 5 would directly overlook the rear garden of the dwelling. Block 5 is 6 storey (19.5m high) building at the north-eastern corner of the building - 37m to the south (building to building) with balconies and windows to habitable rooms which would afford actual and perceived overlooking.

Loss of privacy to Nut Cottage (Kingfield Green)

7.34 Nut Cottage (a bungalow) has a rear garden facing west towards the appeal site. The garden is approximately 18m in length with a 1.8m fence and circa 4m conifer hedge along the rear boundary, as shown in the photograph below. The appeal site has very limited screening in this location. A vehicular turning area, hardstanding and transformer are all proposed immediately adjacent to the mutual boundary, with no room for landscaping on the appeal site.. When

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DMH Stallard

looking rearwards (west) from the garden of Nut Cottage, the right-hand part of the aspect would be of the south-eastern corner of the proposed stadium at a distance of 37m (building to building). The left-hand part of the view would be towards the north-eastern corner of block 5 (30m away at a height of 19.5m/6 storey). Windows to habitable rooms and balconies within the northern elevation of block 5 would directly overlook the rear garden of the dwelling.



Loss of daylight to Beech House (Sycamore Avenue), Hazel House (Sycamore Avenue) and Elm View (Kingfield Road)

7.35 The three properties listed above would all suffer from an unacceptable loss of daylight.

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7.36 Policy CS21 (CD4.1) states that proposals for new development should achieve a satisfactory relationship to adjoining properties, avoiding significant harmful impacts in terms of loss of, inter alia, daylight.

7.37 The impact of the proposed development upon nearby existing residential properties has been assessed by the appellant within the Environmental Statement which accompanied the planning application, in compliance with the methodology outlined within the Building Research Establishment (BRE) Guide 'Site Layout Planning for Sunlight and Daylight: A Guide to Good Practice (2011)'. The BRE Guide is, however, a guide and compliance is not mandatory, since the actual effect can be influenced by other factors. The BRE Guide is referred to within SPD Outlook, Amenity, Privacy and Daylight (2008). The SPD (CD4.12) at para 2.1 makes the important point that; whilst recommended dimensions to achieve the minimum level of outlook, amenity, privacy and daylight in residential layouts are suggested, these dimensions, and others set out in the guidance, are for advice only and evidence of design quality and compatibility with context will be of overriding importance. Context means (as set out in the SPD –CD4.12 para 2.1) the setting of a proposed development, which must be well integrated with and complement the neighbouring buildings and the local area more generally in terms of character, appearance, scale, density, layout and access.

7.38 The BRE Guide provides numerical guidelines although emphasizes that the advice given is not mandatory and the BRE Guide should not be seen as an instrument of planning policy; the (numerical guidelines) are to be interpreted flexibly since natural lighting is only one of many factors in site layout and design.

7.39 The Vertical Sky Component (VSC) quantifies the amount of skylight falling on a vertical wall or window, measured on the outer pane of the window. According

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to the BRE Guide if the VSC, with the new development in place, is both less than 27% and less than 0.8 times (ie. a greater than 20% reduction) of its former value (pre-development), occupants of the existing building will notice the reduction in the amount of skylight.

7.40 Where room layouts are known, the impact on the daylighting distribution in existing buildings can be found by plotting the 'no sky line contour' (NSC) in each of the main rooms. For housing this would include living rooms, dining rooms and kitchens; the BRE Guide states that bedrooms should also be analysed although they are less important due to their use. However, in my view, for many the last year has been spent working and studying in bedrooms and with the likelihood of increased home working in the future, the light available in bedrooms is increasingly important. The no sky line contour divides points on the working plane (in housing assumed to be horizontal and 0.85m high) which can and cannot see the sky. The BRE Guide states that if, following construction of a new development, the no sky line contour moves so that the area of the existing room, which does not receive direct daylight, is reduced to less than 0.8 times its former value (ie. a greater than 20% reduction) this will be noticeable to the occupants, and more of the room will appear poorly lit.

7.41 The buildings most impacted are the three mentioned in the reason for refusal;

Elm View - impact as described by the appellant as moderate adverse

7.42 17 windows tested (VSC) – target 27%

7.43 8 negligible VSC impacts

7.44 3 minor harmful VSC impacts (reductions of between 26.6% - 29.6%)

7.45 6 moderate harmful VSC impacts (reductions of between 31.7% - 35.0%).

7.46 7 of 9 rooms would have a modest change in NSC level. Both of the remaining 2 rooms would see major harmful NSC impacts (reductions of 49.8% and 55.1%).

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Beech House - impact as described by the appellant as moderate adverse

- 7.47 30 windows tested (VSC)
- 7.48 13 negligible VSC impacts (i.e. BRE compliant)
- 7.49 7 minor harmful VSC impacts
- 7.50 7 moderate harmful VSC impacts
- 7.51 3 major harmful VSC impacts
- 7.52 It is noted that there is some mitigation due to dual aspect rooms and the impacts of existing balconies.

Hazel House - impact as described by the appellant as moderate adverse

- 7.53 54 windows tested (VSC)
- 7.54 1 minor harmful VSC impact
- 7.55 25 moderate harmful VSC impacts
- 7.56 8 major harmful VSC impacts
- 7.57 It is noted that there is some mitigation due to dual aspect rooms
- 7.58 2 moderate harmful NSC impacts (reductions of 33.6% and 39.8%) and 13 major harmful NSC impacts are recorded at Hazel House.
- 7.59 Of the 13 major harmful NSC impacts, 7 occur in bedrooms, (reductions of between 40.7% - 57.4%). The remaining 6 major harmful NSC impacts (40.5% - 59.4%) occur in larger lounge/kitchen/dining rooms. Overall the appellants consultant describes the impact as a 'moderate harmful impact'.
- 7.60 In conclusion, the development would give rise to a significantly harmful overbearing effect, loss of privacy and daylight to various dwellings, as set out above. In this regard the development conflicts with Policy CS21 (CD4.1), SPDs Outlook, Amenity, Privacy and Daylight (2008) (CD4.12) and Design (2015) (CD4.13).

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7.61 The properties listed in this reason for refusal illustrate the harm which would be caused by the appeal development and those impacts are a manifestation of the excessive scale and density proposed via the appeal scheme.

d) Transport matters and the effect of the proposed development on parking provision and the impact of possible overspill parking

7.62 Evidence on parking demand and the implication of it is given by Mr David Lewis Regional Director at Motion Transport Consultants. The following is a brief summary.

7.63 The proposed stadium will result in parking demand for 2,360 to park in the vicinity of the site, this is an increase of 1695 cars seeking to park off site in comparison with a current typical matchday. The proposed stadium will result in an increase in off-site parking demand of 1,138 cars compared to the surveyed matchday and this will result in all streets within a circa 1.5km radius of the site being 100% occupied by parked cars on a matchday.

7.64 The level of parking stress as result of the proposed stadium is detrimental to local parking conditions and will result in harm to highway safety and residential amenity.

7.65 The impact of additional overspill parking, is that the amenities of local residents will be harmed. For the duration of matches and a period before and after the game vehicular activity will increase with resultant noise and disturbance. Furthermore, 100% of on street parking spaces will be occupied within a one mile radius. There is a likelihood of occasions where supporters attending matches do not park safely/considerately. There is a high probability that there will be occasions when residents or visitors to local residents cannot park in the vicinity of their homes due to the lack of available spaces.

7.66 The Proposed Development will result in a significant increase in on-street parking in the vicinity of the site which is not being managed or mitigated by the Appellant and this will result in a significantly detrimental effect on local

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parking conditions. Therefore, the Proposed Development does not accord with the Woking Core Strategy (CD4.1), SPD Parking Standards (2018) (CD4.11) and the National Planning Policy Framework (CD4.7).

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e) Whether the Executive Undertaking would adequately and satisfactorily address the impacts of the proposed development.

7.67 With regard to the fifth reason for refusal, in the absence of an Executive Undertaking no mechanism exists to secure the requirements set out in the Planning Committee report (CD3.1).

7.68 It is considered that mitigation measures set out in the Planning Committee Report (CD3.1) need to be secured via an Executive Undertaking and that this has previously been agreed as acceptable by the Appellant, the LPA and the Executive of WBC. It is noted that negotiations are ongoing with the LPA and the Appellant on finalising this agreement. Therefore, subject to the completion of this document, the fifth reason for refusal will not be pursued by WBC at the Inquiry.

8. The Planning Balance/Conclusion

8.1 The impacts of the proposal are considerable and wide-ranging. The appeal proposal is one of significant scale. Consequently, the benefits are numerous, but the impact upon the locality is also very significant.

8.2 The proposed football stadium with ancillary and other facilities, and the new housing, would make a major positive contribution to the strategic objectives of the Development Plan, to promote the redevelopment of previously developed land, including for provision of additional market and affordable housing and employment opportunities. In assessing the proposal I have carefully considered the full range of benefits which the scheme would bring to the Borough and which weigh in favour of the envisaged development, along with the general aim of promoting brownfield/sustainable proposals as set out in national and local policy.

8.3 Section 4 of the NPPF (Paragraph 38) (CD4.7) states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way and that decision-makers at every level should seek to approve applications for sustainable development where possible. Section 11 of the NPPF (Paragraph 117) (CD4.7) states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This involves balancing the economic, social and environmental aspects of a proposal, particularly in large scale developments such as in this case.

8.4 Whilst the NPPF states in paragraph 127 (CD4.7), being “sympathetic to local character” is not to prevent or discourage “appropriate change” it is the extent

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and acceptability of that change which is a key consideration. In this case, the scale of change in terms of built form, density and height are very significant.

8.5 The density of the residential element of the scheme is agreed to be 336 dph which illustrates that the scheme is of a very high density. As with the appeal scheme, high densities often result in tall buildings, affecting the townscape, the amenity of neighbouring residents and the general character of the area.

8.6 The NPPF (Paragraph 127) (CD 4.7) also states that planning policies and decisions should ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

It is, consequently, crucial in assessing the fundamental to the quality of the appeal scheme to pay proper regard to the surrounding development.

8.7 In my view, the policy framework offers no support for tall buildings outside of the town centre. Policy CS10 (CD4.1) is a borough-wide policy that provides minimum densities for development such that the minimum housing target for Woking can be achieved. This policy sets out an indicative density range for different parts of the plan area with Woking Town Centre being 200+ dwellings per hectare (dph) and other areas varying between 30 and 100 dph. The policy accepts that higher densities than those indicated may be possible but only where higher densities can be integrated into the existing urban form and the character of an area would not be compromised.

- 8.8 Paragraph 5.61 of the Core Strategy (CD4.1), which states that “Development proposals in the High Density Residential Areas, as defined on the Proposals Map, will be permitted at densities generally in excess of 70dph in order to make the most efficient use of land”. The High Density Residential Area does not include the site but comes to within 60m of the site boundary, covering Claremont Avenue and Davos Close (to the north-west).
- 8.9 Therefore, the CS sets out on the proposals maps areas where very high densities may be achievable (the town centre) and a second zone where high density residential development will be permitted. It is obviously noteworthy that the appeal site falls outside those areas.
- 8.10 Policy CS21 (CD4.1) requires proposals for new development to create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land, and should incorporate landscaping to enhance the setting of the development.
- 8.11 Policy CS24 (CD4.1) states that all development proposals ‘will be expected to: conserve, and where possible enhance existing character...’ and provide a positive benefit in terms of landscape and townscape character and local distinctiveness.
- 8.12 In the case of the appeal scheme, the surroundings, are sensitive to change given;
- The nearby open spaces to the north and south which create viewing opportunities.
 - The surrounding development being predominantly low rise.

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- The surrounding development being predominantly low density.

8.13 Emerging Site Allocations DPD Policy UA42 (CD4.4) provides in principle support for a new or enhanced stadium. However, the policy also envisages a much lower quantum of residential development and approval of the appeal scheme would undermine the plan-led approach and emerging policy.

8.14 Overall, therefore, it is considered that the appeal proposal fails to meet the aim of the NPPF and Development Plan policies for high quality development, sensitive to its surroundings. The scheme is, therefore contrary to established planning policy.

8.15 The proposal would be incongruous and visually jarring, particularly in relation and comparison to the other buildings in the area. The surrounding dwellings are predominantly bungalows and two storey houses (generally 6-9m high). The development rises to 11 floors (actually 12.5 with the plant above and the semi basement parking below) and up to 36.6m high (or 38.6m with plant). The density of the scheme is also at odds with the prevailing character at 336dph when compared to the surrounding residential development being less than 30 dph. The result would be a development with a density, height, scale and massing which would be totally out of keeping and therefore harmful to the surrounding character of the area.

8.16 In terms of housing mix, the SHMA (CD4.15) concludes, as shown in the table above (at para 7.22) that for market dwellings the need is for over 60% three/four bed units and almost 40% one/two bed dwellings. The proposal completely fails to meet the mix indicated by the SHMA (CD4.15) and consequently Policy CS11 of the CS (CD4.1).

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- 8.17 In terms of Affordable Housing the proposed number of one and four bed units is close to matching the SHMA (CD4.15) mix. In terms of 2 bedroom dwellings the SHMA identifies the need at 24.4% - the scheme would deliver 52% (i.e. 243 dwellings). The SHMA (CD4.15) indicates that there is a need for 22.3% three bed units, with only 1% being provided.
- 8.18 High rise and high density developments often give rise to an abundance of small units as is the case here. But on a site which does not fall within the town centre, where most developments have resulted in one/two bedroom dwellings there is a need to take the opportunity for a more balanced development which meets the mix indicated within the SHMA (CD4.15). Furthermore, such a mix would be achievable and desired through emerging policy UA42 (CD4.4), as well as being likely to result in a built form more appropriate to the site surroundings.
- 8.19 The development would also give rise to a significantly harmful overbearing effect, loss of privacy and daylight to various dwellings. In this regard the development conflicts with Policy CS21 (CD4.1), SPDs Outlook, Amenity, Privacy and Daylight (2008) (CD4.12) and Design (2015) (CD4.13). The properties particularly impacted are; No.2 Westfield Grove, Penlan (Kingfield Green), The Cedars (Kingfield Green), Nut Cottage (Kingfield Green), Beech House (Sycamore Avenue), Hazel House (Sycamore Avenue) and Elm View (Kingfield Road). The harm which would be caused by the proposed development to the amenity of local occupiers are a manifestation of the excessive scale and density proposed via the appeal scheme.
- 8.20 Turning to parking, the Proposed Development will result in a significant increase in on-street parking in the vicinity of the site which is not being managed or mitigated by the Appellant and this will result in a significantly detrimental effect on local parking conditions. Therefore, the Proposed Development does

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not accord with the Woking Core Strategy (CD4.1), SPD Parking Standards (2018) (CD4.11) and the National Planning Policy Framework (CD4.7).

8.21 The impact of additional overspill parking, is that the amenities of local residents will be harmed. For the duration of matches and a period before and after the game vehicular activity will increase with resultant noise and disturbance. Furthermore, 100% of on-street parking spaces will be occupied within a one mile radius. There is a likelihood of occasions where supporters attending matches do not park safely/considerately. There is a high probability that there will be occasions when residents or visitors to local residents cannot park in the vicinity of their homes due to the lack of available spaces.

8.22 Finally, it is necessary to consider the implications of the development not proceeding;

- The benefits as set out as part of the appeal scheme may be lost in the short term. However, it is likely that they will, at least in part, be realised through revised proposals in due course, with the site likely to be allocated under Policy UA42 (CD4.4) for a more appropriate level of development.
- The David Lloyd facility would remain in the current location and would not be lost.
- Woking FC would remain at their existing facility, with a capacity which is sufficient for current demand.
- The vacant land around the stadium including the snooker and dance facilities could be utilised for enhanced accommodation for Woking FC and/or the provision of additional housing in accordance with policy UA42 (CD4.4).

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- The character and residential amenity of the local area would be protected.
- The integrity of Development Plan policies and a Plan-led approach to major development would be preserved.
- The land at Egley Road would be either protected from development (if the site remains within the Green Belt) or made available for the policy intended uses (if the site is removed from the Green Belt).
- The important trees at Egley Road would not be lost.

8.23 In conclusion, the adverse impacts of the appeal scheme would be considerable and permanent for the reasons indicated. Consequently, the adverse impacts of granting planning permission would,, significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework and Development Plan taken as a whole.

8.24 For the reasons stated above, the Inspector is therefore respectfully requested to dismiss this appeal.

Appendix 1

Appeal Decision in relation to Appeal Ref: APP/A3655/W/19/3229047

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April 2021



Appeal Decision

Hearing held and site visit made on 29 January 2020

by Brendan Lyons BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/A3655/W/19/3229047

9-13 Poole Road and sections of Poole Road, Goldsworth Road and Church Street West, Woking, Surrey GU21 6DY

- 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 Thameswey Developments Limited against the decision of Woking Borough Council.
 - The application Ref PLAN/2018/0633, dated 14 June 2018, was refused by notice dated 20 November 2018.
 - The development proposed is described as: Demolition of existing buildings and erection of mixed-use development ranging in height to 17 storeys, comprising of 2,275 sq.m GIA energy centre (flexible Sui Generis/Class B1), 679 sq.m co-working space (Sui Generis/Class B1), 247 student and co-living rooms (Sui Generis) with shared kitchens and associated communal space totalling 714 sq.m and 312 sq.m rooftop amenity space, in addition to associated landscaping, waste and ancillary spaces. Installation of 3 No. thermal store vessels and ancillary infrastructure structures including above ground pipework. Installation of subterranean district heating main and private wire electricity cables beneath Poole Road, Goldsworth Road and Church Street West.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. At the Hearing, an application for costs was made by the appellants against the Council. That application is to be the subject of a separate Decision.
3. At the Hearing, the appellants stated that their name had been incorrectly entered on the planning application and appeal forms and asked for it to be amended to that shown above. It was also requested that the address be altered to that shown on the Council's decision notice to include sections of the streets surrounding the site named on the application form.
4. The proposal was amended significantly during consideration of the planning application, increasing the number of residential rooms to 247, and the description was altered accordingly. The description set out in the heading above is taken from the Council's decision notice and is confirmed by both main parties in a Statement of Common Ground submitted for the appeal.
5. The plans on which the Council made the decision had also been amended to reflect these changes. Since the refusal, the appellants were granted planning

permission¹ for a reduced proposal of the same footprint but comprising only the energy centre and ancillary office space. That involved a very minor adjustment to the location of the building to accommodate site ownership issues. The plans submitted for the appeal have been amended to show the appeal building in the same location, and supporting specialist reports in respect of noise and trees have been updated. The Council raise no objection to this change and I am satisfied that no other parties' interests would be prejudiced by considering the appeal on the basis of the revised plans.

6. The appeal was accompanied by a draft Unilateral Undertaking ('UU') intended in its final form to provide a deed of obligation under S106 of the Town and Country Planning Act 1990 (as amended). The UU was to covenant for a financial contribution as mitigation for potential adverse effects on nature conservation interest of the Thames Basin Heaths Special Protection Area ('SPA'). Following adverse legal comment on the draft by the Council in the run-up to the Hearing, the appellants confirmed their intention to submit a revised version. However, just before the event, the appellants withdrew the draft and submitted an Executive Undertaking ('ExU') signed by the Chief Executive of the Council on 23 November 2018, which was shortly after the planning application had been refused. At the Hearing, the appellants explained that they are a wholly-owned subsidiary of the Council and had no legal interest in the site, which is owned by the Council. Therefore, they did not have the standing to make a valid UU. The ExU endorses this conclusion and seeks to resolve the position in the Council's role as landowner. It states that the Council is unable to enter a formal planning obligation with itself, but that the Chief Executive is empowered on behalf of the Council to make a similar commitment in respect of the proposed mitigation payment. The ExU also sets out commitments on the occupation of the residential units. The implications of the ExU are considered later in this Decision.

Main Issues

7. In the light of the reasons for refusal of the application, the main issues are:
 - the proposal's effect on the character and appearance of the surrounding area, including the town centre of Woking;
 - The adequacy of proposed parking arrangements and the potential effect on the surrounding area.
8. A further issue relates to the potential effect on the Thames Basin Heaths SPA.

Reasons

9. Poole Road lies just to the west of Woking town centre, off Goldsworth Road, which is a main local route. It is commercial in character, bounded to one side by the rear of a large modern office block and to the other by a mix of small business units and larger enterprises open to the general public.
10. The core of the appeal site is a plot of land of some 0.183 ha in area that was previously occupied by two two-storey buildings in commercial use. It lies at the sharp bend of Poole Road and is bounded to the south by the raised embankment of the railway line and to the north by Butts Road, which gives access to the adjoining fire station yard.

¹ Ref PLAN/2018/1362

11. Construction has now commenced of the energy centre and office space for which permission has been granted. This will comprise a three-storey-building, but with double-height ground and first floors, forming a rectangular block along the eastern boundary of the site. The office space will occupy the top floor. There will also be three large cylindrical thermal storage vessels standing forward of the building in a line to the road boundary. The energy centre is to provide combined heat and power to developments in the town centre. The remainder of the defined appeal site comprises sections of the surrounding streets through which the pipes and cables are to be laid.
12. The appeal proposal involves building on top of the approved building to a total of 17 storeys. The upper floors would each be made up of 2 shared kitchen/lounges and 19 individual bedrooms with private bathrooms. These would be let either as student accommodation or as 'co-living' units intended for occupation by single people, potentially graduates or young professionals. Residents would have use of a roof garden and of communal facilities on the third floor, such as a gym and laundrette. The office space on the second floor would be designated as 'co-working' space to be used as flexible workspace either by residents or others.
13. The functional floors of the energy centre would be clad in metal louvres and the office and communal floors in full-height glazing. Apart from the corner kitchens, which would be largely glazed, the bedroom floors would be mainly clad in metal panels, some of which would be perforated to allow ventilation. A cluster of boldly painted flues, surrounded by an exposed steel frame, would rise above the full height of the building at one corner.
14. The mix of uses is not opposed by the Council. Policy CS15 of the Woking Core Strategy ('WCS') adopted in 2012, supports redevelopment for mixed office and residential use within the Butts Road/Poole Road Employment Area, which includes the appeal site, if there would be no loss of employment space. Draft Policy UA14 of the emerging Site Allocations Development Plan Document ('DPD') enlarges on this approach, with an emphasis on office and warehousing development together with the energy centre, and offers more detailed criteria for the form of development. But as the DPD has not yet completed its examination, it does not attract full weight at this stage.

Character and appearance

15. National policy set out in the National Planning Policy Framework ('NPPF') states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development².
16. WCS Policy CS21 sets criteria for the achievement of well designed development, requiring new buildings to be attractive, with their own identity, and to respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the characteristics of adjoining buildings, including their scale, height and proportions. The policy goes on to state that tall buildings could be supported in Woking town centre if well designed and justified within the context. WCS Policy CS1 takes a similar approach in seeking well designed high density development in the town centre.

² NPPF paragraph 124

17. The policy stance is amplified by the more detailed guidance of the Woking Design Supplementary Planning Document ('SPD') adopted in 2015. The SPD notes the high degree of change in Woking town centre since the 1960s. Its analysis of the character of the borough states that areas on the periphery of the town centre are very variable, with buildings of different age and function often adjacent. A concern is raised that, while variety can enhance local character, it can also undermine it if developments of different types do not complement each other.
18. The SPD sets out a Tall Buildings Strategy for the town centre, noting the emergence of a cluster of tall buildings on the southern part of Victoria Way, where the redevelopment of the Victoria Square with towers up to 34 storeys in height is currently under way, and to the south of the railway line, where the completed New Central development includes a tower of 21 storeys. The strategy for tall buildings in the town centre requires them to be of exceptional quality, subject to a formalised design review process during the evolution of the scheme and to take account of short and long range views. However, the strategy specifies that areas with a predominantly low-rise character, outside the core of the town centre, are not considered suitable for tall buildings.
19. The Council's first reason for refusal of the application is founded on concern about the proposed building's excessive bulk and mass and lack of outstanding design quality.
20. The appeal site lies immediately outside the designated town centre, with the buildings on the opposite side of Poole Road and Butts Road included within the centre, as well as land within the fire station car park and the railway. But the site's closeness to the boundary does not necessarily mean that it has town centre character. The boundary has apparently been drawn to include the frontage buildings and curtilages along Goldsworth Road, which has the predominant character of a main town centre street with retail and leisure frontages and office or residential upper floors. Poole Road, which is included on the Local Plan map within an employment area and a high density residential area but is shown on the WCS key diagram as an employment area, has a different physical character as a minor road lined with a mix of low-rise commercial units and the rear of the Midas House office building. It is quite typical of many such zones on the fringes of town centres which often provide a transition between the centre and residential suburbs. The approved energy centre, although larger in scale than some of the nearby buildings, would be appropriate to this setting. The appeal proposal would, by contrast, contain a hybrid mix of uses, with the residential and communal elements grafted on above the energy centre.
21. It is clear that the policy framework outlined above offers no support in principle for tall buildings outside the town centre or within low-rise areas within the designated centre. Despite the appeal proposal's closeness to the town centre boundary and its acknowledged very good access to town centre facilities and public transport, there is a fundamental policy obstacle to a proposal for a building of this size.
22. The appellant's case seeks to draw on the continuing emergence of tall building proposals in addition to those identified in the SPD, which are said to provide a context of building height with the appeal proposal at the western end of an enlarged cluster. Some of the schemes included in the analysis are still at

- planning or pre-planning stage, so that very little weight can be given to them as part of any assessment of the impact of the current appeal proposal.
23. Particular importance is placed on the redevelopment of the low/medium-rise buildings at 20-32 Goldsworth Road close to the site with three towers up to 35 storeys in height. The nearest of these to the site, just to the east of the fire station, would be similar in height to the current appeal proposal. A resolution to grant planning permission for this scheme, subject to the conclusion of a planning obligation, was made in 2016. Were this scheme to proceed, it would extend the town centre cluster of tall buildings significantly to the west and considerably alter the context for the appeal proposal. However, I agree with the Council that the lack of progress on the scheme since the approval was made must cast very substantial doubt on the likelihood of it going ahead. The Hearing was informed that public consultation was shortly to take place on a revised concept for the site. Even if this only related to a different mix of uses, it does provide a strong indication that the approved scheme is no longer favoured. As there is no certainty that any future proposal for the site would have the same ambition in terms of height and site coverage, I consider it unwise to place significant weight on the indicative form of development as the context for the appeal proposal.
24. With the Goldsworth Road proposal left out of consideration, the appeal proposal would be seen much more as an isolated tall building, some considerable distance away from the central development at Victoria Square. The perception of the proposal as part of the 'emerging cluster' of tall buildings would be greatly reduced, and it would appear much more as a freestanding outlier. Its massing and bulk must be assessed on that basis. A 17 storey building in this location, surrounded by low-rise buildings on Poole Road and low/medium height development on Goldsworth Road, would appear very much taller and larger in scale than its context.
25. The appellants stress that the north-south orientation of the block, with its long elevations facing east and west, would limit its impact on the wider surrounding residential areas. But the illustrative views prepared for the appeal show that in views from the west, including the important the approach to the town centre, there would be a head-on view of the full width of the west elevation. Without the Goldsworth Road development, the building would appear as a wide slab that would dominate its setting. Ground-level views from the east within the town centre would be very limited, other perhaps than a glimpsed view from next to the Victoria Way railway bridge, where the context would be difficult to assess. However, both sides of the building would be prominent in views from the railway. It would be seen largely in isolation, rather than as a gateway to the centre as envisaged by the appellants, and would appear over-sized for this edge of centre location.
26. The NPPF advises that regard should be had to the recommendations of design review panels. The proposal was submitted for a formal design review, but only after the submission of the planning application and not during the evolution of the design, as advocated by the SPD. Following the review, the application was significantly amended, including the introduction an extra floor within the same overall height, and the submitted Design and Access Statement ('DAS') superseded by an Addendum. However, the revised proposals, which the Council officers recommended for approval, were not taken back to the review panel for confirmation that its concerns had been successfully addressed.

27. The most important of the design review panel's findings was that the proposal's massing and bulk would feel appropriate in this location. But in making this judgment it is clear the panel gave weight to the site's relationship with the potential development at 20-32 Goldsworth Road.
28. The panel also raised concern about the articulation of the elevations. The application scheme presented to the panel was well articulated vertically, appearing almost as an assemblage of vertical components, whose identity was emphasised by differing fenestration and a varied roof profile. The amended proposal has introduced greater horizontal articulation of the layers of different uses, in what is seen by the designers as a more structured and legible treatment. The communal floors are now more clearly defined by full height glazing, although it is doubtful that this would amount to the 'more playful expression' sought by the panel. But the upper floors would now appear considerably more monolithic, appearing as a wide slab with a highly modular grid of glazing and cladding. This would provide a quite elegant façade treatment, involving a system of horizontal and vertical fins, and the use of perforated panels. But the design illustrations, both in elevation and three-dimensions, suggest that the principal effect would be of vertical strips of glazing and cladding. Even with the higher proportion of glazing around two opposing corners, which the designers see as animating the façade, the overall impression of a single monolithic form of considerable scale and mass would not be mitigated.
29. The evidence suggests that completed and approved tall buildings within the town centre have tended to adopt either the form of relatively slender rectangular towers or more tapering curved forms. The appellants draw attention to the hotel component of the Victoria Square development now under construction, but that block would appear as part of the group of towers, which would partly absorb any perception of excess width. The appeal proposal would differ in standing alone and in its limited articulation of form. But even if the Goldsworth Road development were taken into account, the proposal's wider proportions would not sit comfortably when seen from the key approaches from the west. The Council's comparison of the appeal proposal with the proportions of the 1970s Export House would not be unreasonable, but clearly not in respect of the rather brutalist design of that block.
30. In response to the design panel's support for a more expressive and celebratory form for the proposed flues the amended design places the group of flues as brightly painted elements in an open steel frame at one corner of the building that would rise above roof level. This feature would certainly draw attention to the building's important role as an energy generator, but its quasi-industrial aesthetic would not sit comfortably with the polished treatment of the adjoining curtain wall and it would not succeed in bringing together the building's disparate functions into a fully convincing whole. The DAS Addendum's vignettes of the former Battersea and Bankside power stations would not lend support for the solution proposed.
31. The appellants' architectural evidence for the appeal concludes that 'when viewed in respect of the emerging context, the building does not have excessive mass and bulk'. For the reasons set out above, I find that too much reliance has been placed on the potential future context and that the appeal proposal's mass and bulk would be excessive for its location. In its own right it would have an adverse effect on the character and appearance of the

surrounding area and of the town centre. The quality of the proposed design would not reach the exceptional level that might overcome the policy framework's lack of support for tall buildings outside parts of the identified town centre. The proposal would be contrary to WCS Policy CS21 and to the guidance of the Design SPD.

Parking

32. The appeal proposal includes 12 parking spaces all dedicated to the energy centre's operational needs, and 8 cycle parking spaces. There is no dispute that this would be an appropriate level of provision for this element of the scheme.
33. The remainder of the building would have no dedicated car parking provision. The Council's second reason for refusal raises concern that the lack of provision would result in displacement of demand onto surrounding streets, where there is already pressure on available spaces.
34. The application was supported by a Transport Statement ('TS') and a Travel Plan Statement ('TPS'), both of which have been updated for the appeal. The TS confirms the site's very good accessibility, with the town centre and main railway station within a short walking distance and a major supermarket very close by. There is no dispute that public transport accessibility, which has been calculated at a PTAL 6a rating, would be excellent, with good bus and train services to major local centres and London. The proposal would also include some 130 cycle parking spaces. In principle the proposal would accord with WCS Policy CS18, which seeks to locate most development in main urban areas well served by a variety of transport modes.
35. Policy CS18 states that parking standards will be applied to avoid conflict with overall sustainability objectives. The management of parking supply will be considered in order to encourage the use of sustainable modes of transport.
36. The Woking Parking Standards SPD was updated in 2018 and now seeks to apply minimum standards of parking provision for residential development. It is accepted that development of student housing and co-living space is not covered by the adopted residential standards and requires an individual assessment and justification of the level of proposed provision.
37. The appellants' evidence includes examples of broadly comparable developments, all with reduced or no on-site parking. Those with similar PTAL ratings are car-free, and although these are in London, where slightly different circumstances apply, there is no dispute that a PTAL rating of 6a is exceptional in a location such as Woking.
38. The SPD contemplates below minimum standards for residential development in the town centre and sets a reduced maximum for non-residential. In this case, the site's accessibility would be equivalent to that of the town centre. There is strong justification for greatly reduced parking provision.
39. The case for zero provision relies on lack of car ownership by the target occupier groups. The supporting argument is founded more on the experience of student housing rather than of co-living, which is a relatively new type. This is compounded by the proposal's lack of any set proportion of the two models of occupancy, with some suggestion that less student housing was now contemplated. Nevertheless, I accept that with the type of accommodation offered, the limitation to occupancy by single people and the restricted duration

of tenancies, the development would be attractive to residents who could readily accept lack of constant access to a private car. The appellants report that their existing units above the nearby fire station are let without difficulty on this basis.

40. The site's location within the Controlled Parking Zone ('CPZ') means that opportunities for any daytime on-street parking within reasonable walking distance of the site would be extremely limited. Those further afield would involve regular movement of cars to evade restrictions. The presence of the CPZ would thus provide a strong disincentive to car ownership. The TS does not examine the possibility of residents applying for CPZ permits, and the submitted ExU does not seek to prevent this although other controls on tenancies are included. But it was confirmed at the Hearing that certain buildings are already excluded from the permit scheme and it would be open to the Council to add the appeal building to this list were the development to proceed.
41. Further mitigation of potential pressure for parking would be offered by the implementation of a Travel Plan, for which draft main provisions to secure maximum use of sustainable modes of travel are outlined in the submitted TPS. The final details and implementation measures of a Travel Plan could be secured by a condition if the proposal were to proceed.
42. The evidence of comparable schemes sourced from the TRICS database strongly indicates that when no parking is provided, trip generation rates for private vehicles are greatly reduced. Although the appellants concede that the TRICS data is not conclusive, as it relies on identifying a best fit with the circumstances of the appeal proposal, it is sufficient to give confidence that the appeal proposal could function with minimal demand for private car travel other than some taxi trips, deliveries and visits.
43. The TS explains that adequate on-street parking for Blue Badge holders would be available within 50m of the main entrance.
44. For the above reasons, I find that sufficient justification has been provided for the development to offer no on-site car parking for residents, and that this should not result in unacceptable parking pressure on surrounding streets. The development's other parking and servicing needs would be satisfactorily met. There would be no conflict with the provisions of WCS Policy CS18 or of the Parking SPD.

Thames Basin Heaths SPA

45. The appeal site lies within 5km of the boundary of the Thames Basin Heaths SPA. It is common ground that in the absence of mitigation the appeal proposal would be likely to have a significant effect on the purposes and integrity of the SPA. It was agreed at the Hearing that planning permission could only be granted following an appropriate assessment of effects. The appellants seek to provide mitigation by a payment towards monitoring and management of access to the SPA, in accordance with WCS Policy CS8 and the adopted SPA Avoidance Strategy. However, the late change to reliance on the ExU means that this would not have the same legal enforceability as a formal planning obligation. But as the appeal fails for other reasons, an appropriate assessment is not necessary and the adequacy and delivery of the proposed mitigation has not been fully tested.

Conclusion

46. I have found that the proposal would not be of sufficiently high standard of design to justify its bulk and mass in the location of the appeal site, so that there would be an adverse effect on the character and appearance of the surrounding area and of the town centre, but that the proposed lack of on-site residential parking provision would not give rise to adverse effects. Given the importance of development plan policies relating to the future role of the town centre and the potential impact of the development, I find that the proposal would be contrary to the plan taken as a whole and that the conflict would not be outweighed by other considerations. I conclude that the appeal should be dismissed.

Brendan Lyons

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Simon Owen	HTA Design LLP
James Jackson	Broadway Malyan Architects
Stephen Giles	Motion Consultants
Mark Rolt	Thamesway Developments Limited
Sean Rendall	Thamesway Group

FOR THE LOCAL PLANNING AUTHORITY:

Tanveer Rahman	Senior Planning Officer
Joanne Hollingdale	Principal Planning Officer

DOCUMENTS SUBMITTED AT THE HEARING

- 1 WBC Note: On-street parking permits
- 2 Appellants' costs application
- 3 Council photographs of developments in Woking town centre and of parking controls in CPZ
- 4 Revised schedule of planning conditions
- 5 Council's response to costs application

Appendix 2

Decision Notice & plans in relation to planning application PLAN/2018/0040

Land south of Kingfield Road and east of Westfield Avenue, Westfield,
Woking, GU22 9PF

Proof of Evidence

April 2021



Mr Martyn Cox
Martyn Cox Associates
Lower Farm Cottage
Upton Road
Upton
Aylesbury
HP17 8UA

Civic Offices
Gloucester Square
Woking
Surrey GU21 6YL

Telephone (01483) 755855
Facsimile (01483) 768746
DX 2931 WOKING
Email wokbc@woking.gov.uk
Website www.woking.gov.uk

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

**DECISION NOTICE: GRANT PLANNING PERMISSION
(subject to conditions)**

This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as an approval under the Building Regulations 2000 or for the purpose of any other statutory provision whatsoever.

Woking Borough Council, in pursuance of their powers under the above mentioned Act and Order **GRANTS** full planning permission for the following development as shown on the drawings submitted and subject to the conditions specified in the Schedule below:-

SCHEDULE

Reference: PLAN/2018/0040 **Application Type:** Full Planning Application
Proposal: Erection of two four-bedroom detached dwellings following demolition of an existing bungalow.
Location: Penlan, Kingfield Green, Woking, Surrey, GU22 9BD,

Conditions (See next page.)



Conditions

01. The development hereby permitted shall be commenced not later than three years from the date of this permission.

Reason:

To accord with the provisions of Section 91 (1) of The Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

02. The development hereby permitted shall be carried out in accordance with the approved drawings listed below:

- o 1:1250 location plan Drwg no.S101 (received by the LPA on 15.01.2018)
- o 1:500 proposed site plan Drwg no.9844(PP)002 (received by the LPA on 15.01.2018)
- o 1:200 proposed block plan Drwg no.9844(PP)001 (received by the LPA on 15.01.2018)
- o 1:200 proposed roof/block plan Drwg no.9844(PP)031 (received by the LPA on 22.03.2018)
- o 1:100 House 01 proposed plans Drwg no.9844(PP)004 (received by the LPA on 15.01.2018)
- o 1:100 House 01 proposed east and west elevations Drwg no.9844(PP)006 rev.B (received by the LPA on 13.03.2018)
- o 1:100 House 01 proposed north and south elevations Drwg no.9844(PP)005 rev.B (received by the LPA on 13.03.2018)
- o 1:100 House 01 sections Drwg no.9844(PP)007 rev.B (received by the LPA on 13.03.2018)
- o 1:100 House 02 proposed plans Drwg no.9844(PP)008 (received by the LPA on 15.01.2018)
- o 1:100 House 02 proposed east and west elevations Drwg no.9844(PP)010 rev.B (received by the LPA on 13.03.2018)
- o 1:100 House 02 proposed north and south elevations Drwg no.9844(PP)009 rev.B (received by the LPA on 13.03.2018)
- o 1:100 House 02 sections Drwg no.9844(PP)011 rev.B (received by the LPA on 13.03.2018)
- o 1:200 proposed street scene drawings Drwg no.9844(PP)003 Rev.B (received by the LPA on 22.03.2018)

Reason:

For the avoidance of doubt and to ensure that the development is completed in accordance with the approved drawings.

03. The development hereby permitted shall not commence until details and a written specification of the materials to be used in the external elevations, hard surfaced areas and boundary walls have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason:

To protect the visual amenities of the area in accordance with the principles set out in the NPPF and policy CS21 of the Woking Core Strategy (2012).



04. The westernmost first floor window in the front elevation of House 01 hereby permitted shall be glazed entirely with obscure glass and non-opening unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the window shall be permanently retained in that condition unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the amenities of the adjoining properties in accordance with policy CS21 of the Woking Core Strategy (2012).

05. The development hereby permitted shall not commence until details have been submitted for the written approval of the Local Planning Authority demonstrating that the development will be constructed to achieve a water consumption standard of not more than 105 litres per person per day maximum indoor water consumption and not less than a 19% CO2 improvement over the 2013 Building Regulations TER Baseline (Domestic). Such details as may be approved shall be installed prior to the first occupation of the development and maintained and operated in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the development achieves a high standard of sustainability and makes efficient use of resources and to comply with policies CS21 and CS22 of the Woking Core Strategy (2012).

06. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A of Part 1 of Schedule 2 of that Order shall be erected on the application site without the prior written approval of the Local Planning Authority of an application made for that purpose.

Reason:

To protect the amenity and privacy of the occupants of neighbouring properties in accordance with policy CS21 of the Woking Core Strategy (2012).

07. Protective measures shall be carried out in strict accordance with arboricultural Information Ref: LLD1212-ARB-RE01 rev:00 (received by the LPA on 16.02.2018) including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protective measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

Reason:

To ensure reasonable measures are taken to safeguard trees in the interest of local amenity and the enhancement of the development itself to comply with policy CS21 of the Woking Core Strategy (2012).



08. The development hereby permitted shall not commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/ shrubs and hedges to be planted. 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 (in that phase) 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the locality in accordance with policies CS7, CS17, CS21 and CS24 of the Woking Core Strategy (2012).

09. The development hereby permitted shall not commence until details of any modifications to boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved modifications shall be implemented prior to the occupation of the dwelling hereby approved and permanently maintained thereafter.

Reason:

To ensure adequate security and a satisfactory appearance of the completed development in accordance with policy CS21 of the Woking Core Strategy (2012).

Informatives

01. Site Inspections:

You are advised that Council officers may undertake inspections without prior warning to check compliance with approved plans and to establish that all planning conditions are being complied with in full. Inspections may be undertaken both during and after construction.

02. The applicant is advised that this planning permission does not convey the right to enter onto or build on land not within his ownership.

03. The application will not be formally approved until the applicant has entered into a legal agreement with the council to secure a provision of £2,016 to provide avoidance measures against the impact of the site on the TBH SPA in accordance with the formula in the Avoidance Strategy and the £39,392.20 CIL contribution.

04. The applicant is advised that In order discharge their obligations under Regulations 55 of the Conservation of Habitats and Species Regulations 2017 they should:

-Obtain a European Protected Species (EPS) licence from Natural England following the receipt of planning permission and prior to any works which may affect bats commencing and to;

-Undertake all the actions which will be detailed in the Method Statement attached to the EPS License, based on the mitigation, compensation and enhancement actions presented within the section 5.4 of the above referenced ecology report.



05. The applicant is advised that undertaking survey effort that is less than best practice recommendations potentially leaves them in the situation that they may not be granted the necessary EPS license by Natural England, where, on the basis of the further emergence surveys, it is subsequently found that proposed impact avoidance, mitigation, compensation and enhancement measures are not adequate. In this circumstance the applicant would not therefore be able to build out the planning application as granted and would need to resubmit a revised planning application. Undertaking proposed planning works would in this circumstance, be a breach of European protected species legislation.
06. The applicant is advised that, under the Control of Pollution Act 1974, site works which will be audible at the site boundaries are restricted to the following hours:-
0800 - 1800 Monday to Friday
0800 - 1300 Saturday
and not at all on Sundays and Bank/Public Holidays.

Date Decision Notice Issued: 23 November 2018

Christopher Dale
Development Manager

***ATTENTION IS DRAWN TO THE NOTES ATTACHED ***



NOTES

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
 1. If this is a decision to refuse planning permission for a Householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
 2. If this is a decision to refuse planning permission for a minor commercial application (as defined in the Development Management Procedure Order) if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
 3. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
 4. If you want to appeal against your local planning authority's decision regarding a planning application, then you must do so within 6 months of the date of this notice.
 5. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
 6. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
 7. Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
 - The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.





Civic Offices
Gloucester Square
Woking
Surrey GU21 6YL

Telephone (01483) 755855

Facsimile (01483) 768746

DX 2931 WOKING

Email wokbc@woking.gov.uk

Website www.woking.gov.uk

Dear Sir/Madam,

You have now obtained Planning Permission please remember that separate approval under Building Regulations is also usually required. If you have not already made a Building Regulations application, or you are not sure whether you require regulations consent please visit our website for advice or contact us. In order to receive the most from our services please make your application in advance of works commencing.

Whatever the works you are carrying out, we can offer the following services:

- comprehensive information and application forms
- prompt registration of applications that are checked within ten days
- you will have ready access to our experienced, qualified Surveyors each of whom is contactable by fax, personal email and direct dial telephone, they have first class local knowledge and access to unique and invaluable historic records
- same weekday inspections when notified before 10am and
- your completion certificate will be issued within 24 hours of authorisation.

Our previous customers say that we offer a first rate service, see comments below:

“Extremely helpful and very understanding of the problems I have had” Feb 2015

‘Thank you for a truly excellent service, we really appreciated the help’ April 2015

‘Very patient at explaining technical stuff to me very constructive in approach’ April 2015

‘Very well dealt with from start to finish all surveyors on the case were excellent’ June 2015

‘Excellent knowledge and practical advice have been invaluable’ Aug 2015

‘I would like to thank him you, helpful friendly approach to all matters’ Sept 2015

We look forward to working with you.

Yours faithfully,

David Edwards
Chief Building Control Surveyor

Email: buildingcontrol@woking.gov.uk

Tel: 01483 743841

Fax: 01483 756842



EAST FACING ELEVATION
SCALE 1:100



WEST FACING ELEVATION
SCALE 1:100



NOTES
 Figure dimensions only to be taken from this dwg. All dimensions to be checked on site. All discrepancies to be brought to the attention of the client prior to commencement of work.
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Project Stage	1. APPRAISAL/SURVEY	2. SKETCH DESIGN	3. PLANNING APPLICATION	4. PRE CERTIFICATE	5. TENDER DRAWINGS	6. CONTRACT DOCUMENT	7. CONSTRUCTION DRAWINGS	8. FINAL DRAWINGS	9. SUPERCEDED DRAWINGS
	AP	SK	PP	FC	T	CT	CN	FL	SS

REV	STAGE	NOTES	DATE	BY
A	PP	REVISIONS TO WINDOWS, LANDSCAPE NOTES	01.10.17	KB
B	PP	Height of Wall raised to 1700mm above Terrace level	12.03.18	KB

PLANNING DRAWING

CLIENT: RODNEY GALLAGHER
 PROJECT: PENLAN, KINGFIELD CLOSE, WOKING

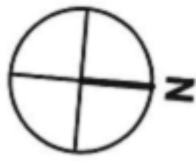
DATE: MAY 2017 SCALE: 1:100@A3 DRAWN BY: C.B. CHECKED BY: D.R. PROJECT STAGE: PP JOB No: 9844

GILROYMCMAHON
 177 Highways Road Lower, Rushmore, Dublin 6

9844/PP/000 B



SITE PLAN
SCALE 1:200



NOTES
Figures & dimensions only to be taken from this drawing. All dimensions to be taken to face unless otherwise stated. All dimensions to be taken to the center of the object unless otherwise stated.

1. APPRAISAL / SURVEY	2. SKETCH DESIGN	3. PLANNING APPLICATION	4. PRELIMINARY CONTRACT	5. TENDER DRAWINGS	6. CONTRACT DOCUMENT	7. CONSTRUCTION DRAWINGS	8. FINAL DRAWINGS	9. SUPPLEMENTARY DRAWINGS
AP	SK	PP	FC	T	CT	CH	FL	SS

REV	STAGE	NOTES	DATE	BY
A	PP	REVISIONS TO WINDOWS, LANDSCAPE NOTES	01.10.17	KB

PLANNING DRAWING

CLIENT: RODNEY GALLAGHER
 PROJECT: PENLAN, KINGFIELD CLOSE, WOKING

GILROYMCMMAHON
 177 Rye Green, Woking, Surrey, GU24 0NF
 T: 01483 871212

TITLE: PROPOSED SITE PLAN
 REF: 9544PP.001

DATE: MAY 2017
 SCALE: 1:200@A3
 DRAWN BY: C.B.
 CHECKED BY: D.R.
 PROJECT CODE: PP
 APP NO: 9844