

Our Ref: 16384/vw
Your Ref: n/a
Email: vwalsh@firstplan.co.uk
Date: 04 August 2020

Ms Brooke Bournague
Woking Borough Council
Civic Offices, Gloucester Square
Woking, Surrey
GU12 6YL

By email only: Brooke.Bournague@woking.gov.uk

Dear Ms Bournague

**OBJECTION ON BEHALF OF DAY GROUP LTD TO APPLICATION REF. PLAN/2020/0568
APPLICATION BY GOLDSWORTH ROAD DEVELOPMENT LLP, APPLICATION FOR LAND TO
NORTH AND SOUTH OF GOLDSWORTH ROAD, WOKING GU21 6JT**

1. INTRODUCTION AND SUMMARY

I am instructed by my client, Day Group Ltd, to provide the following objection in respect of application ref. PLAN/2020/0568 in relation to land north and south of Goldsworth Road, Woking for:

“Demolition of all existing buildings and redevelopment of the site for a phased mixed-use scheme, comprising 965 residential units (Class C3), communal residential and operational spaces, commercial uses (Classes A1/A2/A3/A4/B1/D1/D2) at ground floor and homeless shelter (sui generis) within 5 blocks of varying heights of between 9 and 40 storeys (plus rooftop amenity) to the north and south sides of the site together with soft and hard landscaping including public realm works, highway alterations to Goldsworth Road, car parking, cycle parking, bin storage, ancillary facilities and plant.”

As confirmed in correspondence between my colleague, James Emblin, and yourself, we did not receive the consultation letter sent to Day Group in regard to this application and were alerted to it by Network Rail. As such we have agreed with you an extension to the consultation response date of: 5 August 2020. Our response is now provided as agreed.

Day Group currently occupy and operate a substantial rail served aggregates terminal from land located to the south west of the application site, and located south of the main line. The Day's site is known as 'Downside Goods Yard'.

Day Group's key concern is ensuring the safeguarding of the Goods Yard from which they operate their rail served aggregates business. These types of sites comprise a scarce resource which are particularly difficult to replace. Indeed, the importance of safeguarding rail served minerals sites is underpinned by policy requirements both at national level, within the Surrey Minerals Plan and in the emerging Woking Site Allocations DPD as detailed below. This policy context, together with a full appreciation of how the aggregates terminal functions and the role these type of facilities play in assisting with the sustainable supply

of building materials, is critical to understanding the basis for the objection made to the application proposals.

In the context of the above, the key concern is that the application proposals unless appropriately conditioned could allow for the introduction of noise sensitive uses in close proximity to a site expressly safeguarded for rail related mineral uses. As detailed at Section 4 of this letter, we have instructed Walker Beak Mason (WBM), a noise consultant familiar with the rail site and operations, to review the application proposals and their conclusions underpin the response made on this application. In short WBM's review of the application indicates that the proposals do have the potential to prejudice the operation of the Goods Yard and should be objected to unless appropriate conditions are agreed to be imposed in accordance with those detailed in their Technical Note.

It is understood that Surrey County Council (SCC), in their capacity as the minerals authority will also be providing a response to the application proposal in similar terms to the Day Group response.

To underpin the critical need for appropriate conditions to be applied to ensure the future operation of the Goods Yard is not prejudiced – details of the operation of the Goods Yard and relevant policy context and requirements are detailed below.

2. OPERATION OF THE GOODS YARD

Day Group have operated the rail served aggregates depot at Downside Goods Yard since the 1980's. This long-established facility comprises a highly sustainable source of supply to the construction industry. The Goods Yard currently accommodates around 350 train loads of construction aggregates each year. The ability to supply essential materials such as this by train keeps, in the region of, 17,000 long distance lorry loads (that would cover 2.8 million road miles each year) off the road network. This makes a significant contribution to reducing the emission of CO₂, particulates and nitrogen oxides. These sustainably supplied construction materials are vital to supporting existing and planned redevelopment within Woking and other nearby infrastructure, maintenance and improvement projects.

Specifically, the Goods Yard is operated as follows: Aggregate is brought in by rail and is crane/grab-off loaded from the train box wagons into on-site storage areas and then loaded onto HGVs as required for redistribution by road. The site operates under permitted development rights accruing to rail sites, as such there are no restrictions on operating hours nor limitations with regards to importation of material by rail nor the exportation by road. There is also potential for expansion of activities and uses on the site which, as indicated below, is supported by policy.

The introduction of residential development, if not appropriately designed, laid out, mitigated and appropriately controlled by condition(s), with views over the Day Group operational area could result in a potential conflict which could prejudice their existing and future operations. Whilst there are comprehensive site management and operational measures in place to control noise and activity at the Goods Yard, the arrival, unloading and departure of trains as well as activity within the open yard area does, as would be expected in an industrial/freight site of this nature, give rise to a degree of noise and potential disturbance. The operation also generates a significant number of HGV movements to enable the distribution of rail-imported material out by road to the surrounding construction market.

3. POLICY CONTEXT

Critical to the consideration of the application is the existing National, Minerals and Local Plan policy requirements, which are set out below.

i) National Planning Policy

At national level, there is continued and clear policy support and direction in the revised National Planning Policy Framework (NPPF, 2019) with regards to ensuring that rail served sites and established businesses such as this one are appropriately safeguarded.

The NPPF in the context of: *Conserving and enhancing the natural environment*, and in particular with regard to the consideration of 'Pollution', confirms at **Paragraph 182** that:

“Planning policies and decision should ensure that new development can be integrated effectively with existing businesses and community facilities (such as place of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the application (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.” (our underlining)

The NPPF, in the context: of *Facilitating the sustainable use of minerals*, is clear at **Paragraph 204 (e)**, that planning policies should:

“safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material”. (our underlining)

ii) Surrey Minerals Plan

The requirement to safeguard the Goods Yard is further underscored by the Surrey County Council (“SCC”) Minerals Plan Core Strategy DPD (Adopted 2011), which forms part of the development plan for this area.

Policy MC6 of the SCC Minerals Plan Core Strategy DPD – *Safeguarding Mineral Resources and Development* - expressly requires that:

“Infrastructure and sites used, or proposed to be used, for minerals development – rail aggregate depots and sites for production of recycled and secondary aggregates – will be safeguarded. Local planning authorities will be expected to consult the mineral planning authority on proposals for non-mineral development in the consultation area around such sites.” (our underlining)

The supporting text to this policy confirms at paragraph 5.6 that:

“As well as safeguarding mineral resources, the MPA may also advise that development should not be permitted if it would constrain the effective operation of existing sites. This is necessary to protect existing infrastructure that supports the minerals industry and preserve land for future expansion. Of particular importance in this regard are rail aggregates depots, which allow the importation of minerals.... In the case of existing and proposed sites for these forms of minerals development, consultation within 200m of the site boundary should be provided for. This is to ensure that land uses which might prejudice their use for mineral development are not introduced.” (our underlining)

Policy MC16 of the SCC Minerals Plan Core Strategy DPD, *Rail Aggregates Depots*, confirms that:

“The rail aggregate depots at Salford and Woking will be safeguarded from development...”. (our underlining)

Supporting paragraph 7.13 to this policy confirms that these existing rail aggregate depots are well-located with respect to major towns in the southern part of the country and their safeguarding is necessary. It further notes for Woking that this depot has an established market.

Safeguarding of sites such as this is not achieved merely by retaining the land on which they are located for that use. For safeguarding to be effective it must work in a twofold manner. It must seek to reserve safeguarded sites for a particular use **as well as** ensure that surrounding development does not prejudice the use of such sites for its safeguarded purposes. This approach is underpinned by the 200m consultation areas provided for around such sites in the Minerals Plan and within which much of the Goldsworth Road application site is located.

iii) Woking Site Allocations Development Plan Document (DPD) and Proposed Modifications

It is directly in the context of the above consideration (the need to expressly safeguard sites as well as ensure surrounding development does not prejudice it), that Day Group and Surrey County Council made representations on the emerging Woking Site Allocations DPD. The representations were made with the intent of ensuring that allocations coming forward within the minerals consultation area for Downside Goods Yard did not introduce the possibility that unreasonable restrictions would be placed on its operation.

As a result of the representations made, safeguarding of the Goods Yard was a matter raised by the Inspector as an issue to be debated at the EIP hearing sessions under Matter 4: *Are the allocated sites in the urban area justified and deliverable?*; Issue (ii) *is the SADPD’s approach to the delivery of other uses in the urban area justified and deliverable?*; and Question 3:

Would the allocations for residential development (UA6, UA10, UA11, UA13 and UA34), including the proposed modifications included in the July 2019 version of the SADPD, ensure that dwellings would be integrated effectively with the safeguarded²⁶⁸ rail aggregates depot, and ensure that unreasonable restrictions would not be placed on its operation²⁶⁹?

²⁶⁸ Per Policy MC6 of the Surrey Minerals Plan Core Strategy 2011

²⁶⁹ Per paragraph 182 of the Framework

In advance of the hearing sessions agreement was reached between WBC, SCC and Day Group with regard to how the minerals consultation/safeguarding provisions would be reflected within the Site Allocations DPD. For the proposed allocation immediately adjacent the Goods Yard (UA34) a range of modifications as proposed by WBC in July 2019 were agreed. These are reflective of immediate proximity of UA34 and the Goods Yard operations and the key requirements of the allocation now include the following:

Any planning application submitted will be required to demonstrate what engagement has been undertaken with the MPA, NR and the safeguarded rail aggregates depot operator; how the relevant safeguarding requirements at national and county level and how the agent of change principle have been adhered to. Specifically, any application will need to detail the means by which the design of the proposal and mitigation

measures to be incorporated will ensure that the existing use, and any potential expansion, of the safeguarded rail aggregate depot will not be prejudiced.

For the other proposed allocation sites located within the minerals consultation zone, such as proposed Allocation UA11 and UA13 relevant to the current application site, further proposed modifications were also agreed in response to the Inspector's Questions. As detailed in WBC's own EIP Hearing Statement, this was to strengthen the objective of safeguarding the rail aggregates depot by the addition of the following key requirement to the Site Allocations Policies to read as follows:

*'In view of the sites location within the consultation zone of the safeguarded Downside Goods Yard rail aggregates depot, as detailed in the Surrey Minerals Plan Policy MC6, applicants are advised at an early stage to consult Surrey County Council to ensure that development would not prevent, directly or indirectly, the minerals function and the operational requirements of the Aggregates Depot.'*²⁷¹

²⁷¹ See modification reference 73 in the revised Schedule of Proposed Modifications (WBC/SA/002)

It is noted that Planning Statement accompanying the application submission confirms the applicant's own Hearing Statement response on this matter (Question 3) at the EIP as follows:

Yes, residential development on Sites UA11 and UA13 would be integrated effectively with the safeguarded rail aggregates depot. EcoWorld's proposals require effective design to mitigate the railway operation located to the south of the site in any case and furthermore, land immediately to the east of the depot has been identified within the SADPD (UA34) as being suitable for redevelopment, which is in closer proximity.

In this context it is noted that there should be no suggestion that because a residential allocation has been proposed adjacent to the Goods Yard (UA34) – that therefore residential uses at the Goldsworth Road application site can by de facto be considered as acceptable simply because they are further away. This is a highly simplified assessment of the actual situation. As detailed, reflective of the much closer proximity of Allocation Site UA34 very specific additional requirements have been put in place as a result of modifications agreed during the Site Allocations Review process between WBC, SCC and the Goods Yard operator. Any application coming forward will need to have full regard to these requirements and the application, whenever it is submitted, will be very carefully reviewed by the Operator and no doubt SCC to ensure that these specific requirements are accorded with.

4. OBJECTION AND REQUIRED CONDITIONS

Whilst the Goldsworth Road development is not immediately adjacent to the Goods Yard it is located within the 200m minerals consultation area for the Goods Yard. The fact that the consultation distance is set at 200m is reflective of the fact that even at this distance there is potential for the proposed development which is introducing new sensitive receptors to prejudice the future operation of the safeguarded facility. The policy context at National level, Surrey and Local Plan level is clear in its requirements in terms of the need to safeguard the minerals operation at Downside Goods Yard.

Walker Beaker Mason (WBM), the Operator's noise consultant, has reviewed the submission documentation and have prepared a Technical Note dated 3 August 2020, accompanying this letter. The WBM Note sets out the technical basis for our objections and should be read in full alongside this letter. The main points and conclusions as detailed in the Technical Note are as follows:

- *Introducing hundreds of additional people into residential units with balconies and uninterrupted views directly onto the rail unloading operation must raise potential noise concerns from the proposal in terms of its future relationship with the Day Group Goods Yard Operations.*
- *The provision and use of balconies is clearly an unsatisfactory situation for Day Group and future residents in terms of 'major negative impacts' and 'no engineering methods of noise control' for balconies.*
- *There appears to have been no consideration given to removing balconies entirely on those facades that have been identified as subject to 'major negative noise impacts' which would of course be a very effective method of noise control for external noise.*
- *The conclusion is that Day Group should be requesting the planning authority to impose conditions that secure appropriate mitigation/noise levels (on balconies, outdoor amenity space and inside habitable rooms) along with proper assessment of the relationship between acoustics, ventilation and overheating.*
- *The noise conditions should replicate in full those agreed between WBC, SCC and Day Group to be imposed on an entirely comparable development proposal by New Central Development, application ref: PLAN/2019/0753, for land at Guildford Road, Woking. This application raised similar concerns in respect of potential to prejudice the future operation of the Goods Yard. As attached at Appendix 1 to this TN, the Committee Report (Addendum to Item 6A dated 12 November 2019) details WBC's consideration of the need for the conditions and details the final agreed Conditions themselves in full and comprising Conditions 13, 14 and 15.*
- *Recommended that objection to the proposal is made but that objection be removed if agreement on the noise conditions can be reached. These should replicate in full the conditions agreed for the New Central Development.*

It is acknowledged that the applicant has engaged with both Day Group and SCC in advance of preparing the application and this has been very much welcomed. Nonetheless, the advice from WBM is clear and on that basis the application is objected to unless agreement can be reached with regard to the proposed conditions that should be applied to safeguard the facility if WBC are minded to grant planning permission.

The proposed conditions are as detailed in the WBM TN and comprise those agreed by WBC, SCC and Day Group in November 2019 as required to be imposed on a comparable proposal for residential development with views over the safeguarded Goods Yard (Application Reference PLAN/2019/0753). The need for the conditions to be imposed were dealt with as an addendum item to the Committee Report. The Addendum Report is clear in confirming that the conditions were required to: *'..provide a good standard of residential amenity to future occupiers and preclude any prejudicial impact upon the existing and future operation of the safeguarded rail aggregates depot'*. These same requirement applies to the Goldsworth Road proposals.

It is noted that the applicant references in the Noise Chapter of the ES (para 9.265) the likelihood of a requirement for suitably worded planning conditions. If agreement can be reached on the noise conditions proposed to secure appropriate mitigation/noise levels (on balconies, outdoor amenity spaces and inside habitable rooms) along with proper assessment of the relationship between acoustics, ventilation and overheating then the objection can be withdrawn.

5. CONCLUSIONS AND NEXT STEPS

In the context of the above, Day Group and their consultant team would be keen to review the points raised by the WBM TN with WBC and the applicant's consultant team and specifically the proposed conditions. If these conditions can be agreed the objection can be withdrawn. In the meantime the application is objected to on the basis that contrary to national and Minerals Plan requirements the application proposals could prejudice the existing and future operation of the safeguarded rail aggregates depot.

We would be grateful in the first instance for your confirmation that this letter of objection has been received and accepted as duly made. We would request that a copy of this objection is passed directly to the applicant for review. It is confirmed that we will be in contact in due course to seek to agree how best to take matters forward and would be happy to arrange a meeting with yourselves/the applicant if that would assist. In the meantime please do get in contact should you require any further information or clarification on any point raised within this letter and the accompanying WBM TN.

Yours sincerely,



VILNA WALSH
Director

Enc.

cc. Phil Aust - Day Group