



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: Goldsworth Road Development LLP

APPEAL SITE: Land To The North And South of Goldsworth Road, Woking, Surrey, GU21 6JT

APPEAL PROPOSAL: Demolition of all existing buildings and redevelopment of the site for a phased mixed-use scheme, comprising 929 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 37 storeys (including 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.

Pins Ref: APP/A3655/W/21/3276474

LPA Ref: PLAN/2020/0568

November 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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## 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 connection with appeal ref: APP/A3655/W/21/3276474 following refusal of planning application PLAN/2020/0568. 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 site area is 1.15ha and comprises No.20-32 Goldsworth Road, the Woking Railway Athletic Club (WRAC), 15-29 Goldsworth Road and 8 Church Street West. The railway line is sited to the south of the application site.
- 2.2. Towards the south-east of the site, No.20 Goldsworth is a four-storey vacant office building known as Systems House. This building appears to date from the early 1980s and is clad in brown brick and reflective glazing.
- 2.3. No.30 Goldsworth Road sited to the south of the application site is a two storey building which is currently occupied by the York Road Project.
- 2.4. No.32 Goldsworth Road is sited to the south west of the application site and is the largest of the buildings to be demolished. It comprises a four-storey 'C' shaped 1980s office block with surface and basement parking accessed from Goldsworth Road. This site is known as Phillips Court and is finished in brown brickwork under pitched roofs. The building is currently vacant and secured by hoarding.
- 2.5. To the rear of No.20 Goldsworth Road and parallel to the railway embankment is the WRAC a single-storey working men's club/drinking establishment with a pedestrian access onto Goldsworth Road between Systems House and Bridge House.
- 2.6. No.15-29 Goldsworth Road is a three storey building with a mirrored façade site to the north of Goldsworth Road. The building extends above No.27 and No.29 Goldsworth Road. Vehicular access to the surface car park is from Church Street West. The site was previously occupied by the Job Centre, which is now located in the Woking Borough Council offices. The site is currently leased to the Welcome Church (formerly known as Coign Church).

- 2.7. To the north west of the site is No.27 and No.29 Goldsworth Road. No.27 is currently vacant with No.29 occupied by a fast food takeaway.
- 2.8. The site does not lie in a Conservation Area and none of the buildings are statutorily listed or local listed. The closest Conservation Areas to the Site are the Basingstoke Canal Conservation Area to the north and Woking Town Centre Conservation Area to the east.
- 2.9. The wider surroundings are of a varied character and mixture of uses.
- 2.10. The Site is bounded by the railway to the south. Beyond the railway, which is elevated, lies the Day Aggregates facility to the south-west (generally open/low rise development) with two storey suburban housing beyond. To the south and south-east beyond the railway lies a cluster of residential/mixed use development of varying heights from 3 to 21 storeys but most being 5-15 storey.
- 2.11. To the immediate east lies Curchods Estate Agents and Victoria Way, with the railway station and town centre beyond. The tall building development at Victoria Square (approved under PLAN/2014/0014) is nearing completion to the north-east of the appeal site, on the other side of Victoria Way (32/34 storey).
- 2.12. Woking Fire Station and Greenwood House are situated to the west and a mix of three and five storey buildings to the north along Goldsworth Road and three to eleven storey buildings on Church Street West, which lies to the north of the site.
- 2.13. To the north-west is an area of residential properties (2 storey) on Oaks Road and Vale Farm Road.



2.14. Overall the site is situated within an area of transition between the main town centre beyond Victoria Way to the north-east and the lower density/rise developments to the west.

### 3. Site History

- 3.1. Other than the appeal scheme, the other relevant planning history is briefly summarised below;
- 3.2. *PLAN/2020/0120*: EIA Scoping Request for up to 975 residential units and homeless shelter across the site ranging between 9 up to 41 storeys in height, up to 2500 m<sup>2</sup> of flexible ground floor space, 270 parking spaces, public realm and highway works following the demolition of all existing buildings. 20 - 32 Goldsworth Road. Issued 13.03.2020.
- 3.3. *PLAN/2016/0742*: In October 2016, WBC's Planning Committee, resolved to grant planning permission to redevelop part of the current appeal Site for: *Demolition and clearance of the site and erection of a phased development comprising 560 residential units, 10,582 sqm of offices, 843 sqm of retail and gym use (A1-A4 and D2) with 395 parking spaces, public realm improvements and highway works to Goldsworth Road. Block A to comprise ground plus 34 storeys, Block B comprising ground plus 25 and 20 storeys, and Block C comprising ground plus 17, 14 and 10 storeys.* The resolution was subject to the prior completion of a Legal Agreement. The Legal Agreement has not been pursued so a formal decision notice has not been issued. It is accepted that the 2016 Scheme and the resolution to grant are material considerations in the determination of the Appeal. However, if there had been any intention of implementing the scheme it is considered that the S106 would have been progressed over the intervening 5 years.
- 3.4. *PLAN/2008/1350*: Proposed extension and external alterations to existing vacant office building at no. 20 to provide additional B1 office accommodation. Change of Use of existing ground floor to allow occupation by either A1, A2, or A3 uses. Permitted 22.06.2010 – not implemented.

## 4. Description of the Proposal

4.1. The proposal is for the demolition of all the existing buildings and redevelopment of the 1.15 hectare site for a phased mixed-use scheme, comprising:

- 929 residential units (148x studio, 402x one bed, 355x two bed and 24x 3 bed)
- 1,728sqm of homeless shelter floor space (sui generis)
- 2,710 sqm of commercial use floor space (Use Classes A1/A2/A3/A4/B1/D1/D2)
- 367 sqm of floor space for the Woking Railway Athletic Club (WRAC) facility (Use Class A4)
- 263 car parking spaces
- Highway alterations to Goldsworth Road

4.2. The proposal includes the demolition of all the eight buildings on the site including the WRAC, the former Job Centre at No.15-25 Goldsworth Road and No.30 Goldsworth Road which is currently occupied by the York Road Project to provide a day centre for the homeless. The proposal would be organised into five buildings; T1, T2 and T3 joined at the lower levels by a three storey podium located to the south of Goldsworth Road, Building BA sited to the north of Goldsworth Road and Building BB on Church Street West sited to the west of the Premier Inn.

4.3. Buildings T1, T2 and T3 are connected by a three storey podium which would accommodate commercial units with mezzanine level fronting Goldsworth Road, replacement WRAC facility, entrance and lobby areas for the residential units, car parking and ancillary elements such as waste storage, cycling parking and plant rooms. T1 would vary in height from 12 to 21 storeys and accommodate 183 residential units, T2 would vary in height from 20 to 29 storeys and



accommodate 239 residential units and T3 would be 37 storeys (including rooftop amenity) and accommodate 295 residential units.

- 4.4. The podium would also provide internal and external communal amenity spaces for residents and private terraces for the residential units fronting the podium. T1, T2 and T3 also includes roof terraces for use by residents.
- 4.5. Building BA would be part 3 storeys, part 29 storeys (including full height roof enclosure) and accommodate 212 residential units. The ground floor would accommodate commercial units fronting Goldsworth Road and waste storage and plant rooms, the first floor would accommodate plant, cycle storage and residential units and the second floor would accommodate cycle storage and residential units with the remaining floors providing residential units.
- 4.6. The appellant refers to T3 and BA as the Geodes given their relationship to the Victoria Square development and the town centre. T1 and T2 are referred to as the Foothills, describing the transition between the medium-rise developments of Goldsworth Road and the town centre.
- 4.7. Building BB fronting Church Street West would be 9 storeys plus roof terrace and plant enclosures and provide a homeless shelter run by the York Road Project. The York Road Project is a local charity based in Woking. The aim of the charity is to reduce the impact of homelessness on the individual and the wider community.
- 4.8. The York Road Project currently has an 11 bed night shelter on York Road which provides accommodation in hostel style accommodation and 5 move-on properties ranging from small flats to shared houses with common areas. The day facility on Goldsworth Road provides facilities, activities and workshops for clients to use.

- 4.9. The proposed building to be used by the York Road Project will enable the charity to consolidate a number of existing uses into one location ranging from day centre and staff facilities through to accommodation with differing levels of support. The proposed building would provide a day centre, conference suite and staff areas on the lower floors and direct access rooms, long term support accommodation and affordable flats accommodation on the upper floors. All accommodation would be provided in individual rooms with individual washing facilities in accordance with updated government guidance. The proposed York Road Project building will assist Woking Borough Council in securing accommodation and support pathways for rough sleepers in Woking.
- 4.10. The landscaping proposals include the pedestrianisation of Goldsworth Road to provide a new area of public realm which will combine pedestrian and cycle circulation with space for spill-out from the ground floor commercial units. Two new squares the 'eastern square' and 'western square' are also proposed.
- 4.11. The proposed service road wraps around the west and south elevations of T1, T2 and T3 and will provide access to the service yard and car parking sited on the mezzanine, first and second floors of T1, T2 and T3. The pedestrianisation of Goldsworth Road will retain fire tender access and vehicular access to the existing commercial units located to the north of T3 which are sited outside the application site. A vehicle drop off loop is proposed on Goldsworth Road to the north of T1. Waste and cycle storage is provided within the footprint of all the proposed buildings.
- 4.12. With a site area of 1.15ha (11,500m<sup>2</sup>) and a total of 929 proposed dwellings the proposed residential density is 807dph with other uses in addition.

## 5. Reasons for Refusal

5.1. The Council refused planning permission for the following reasons (CD 6.1.4);

5.2. 01. *'The proposed development would result in significantly harmful impacts by reason of loss of daylight, loss of sunlight and loss of privacy to neighbouring properties. The proposed development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the NPPF (2019).*

*02. The proposed development, by reason of the bulk and massing would fail to respect the prevailing character and scale of development in the area. The proposal would consequently result in a harmful impact on the character of the surrounding area, contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2019).*

*03. The proposed development would fail to provide sufficient cycle parking for future occupiers contrary to Supplementary Planning Document 'Parking Standards' (2018).*

*04. In the absence of a Legal Agreement to secure the contributions set out in the Planning Committee report, the proposed development is contrary to the Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations"), saved Policy NRM6 of the South East Plan 2009, Policies CS8, CS12, CS18 and CS21 of the Woking Core Strategy (2012), Supplementary Planning Document Affordable Housing Delivery (2014), the Thames Heaths Avoidance Strategy 2010-2015, the Housing Infrastructure Fund (HIF) Recovery strategy for Woking Town Centre: Section 106 tariff Guidance note, Waste and recycling provisions for new residential developments and the NPPF (2019).'*

## 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 emphasise a few key points below.

### National Planning Policy Framework (NPPF) (2021) - CD 0.1.1

- 6.2. Paragraph 10 states indicates that, so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.
- 6.3. In taking decisions Local Planning Authorities are encouraged to approach decisions in a positive and creative manner (para 38).
- 6.4. Section 11 indicates that planning 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 (para 119).
- 6.5. Section 12 of the NPPF states that *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'* (para 126).

### The Development Plan documents.

- 6.6. The Woking Core Strategy (adopted October 2012) (the Core Strategy) sets out the strategic policies for the Borough including its housing requirement and the

broad distribution of growth, and covers a plan period of 2010 to 2027. Although the Core strategy is more than 5 years old, the Council conducted a review of the Core Strategy (the Core Strategy Review) in October 2018, which concluded that no updates were required. Accordingly, the Core Strategy continues to provide the strategic policy context for the Site Allocations DPD (SADPD) and should be afforded full weight.

- 6.7. Other parts of the Development Plan of relevance include the Surrey Minerals Plan Core Strategy Development Plan Document (DPD) 2011 (the Minerals Plan); Woking's Development Management Policies DPD (adopted October 2016) and the SADPD (adopted October 2021).
- 6.8. The Council also approved the review of the Development Management (DM) Policies DPD in October 2021. The Council agreed that the DM Policies DPD did not require any immediate modification. It continues to be up to date for the purposes of managing development until its next statutory review in October 2026. This DPD should also be given full weight for the purposes of managing development across the Borough.
- 6.9. The Site Allocation DPD was adopted by WBC on 14<sup>th</sup> October 2021. It should, therefore, be given full weight for the purposes of managing development across the Borough.

#### Core Strategy - CD 1.1.1

- 6.10. The Woking Core Strategy (2012) policy CS1 '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"*.

- 6.11. The reasoned justification section of policy CS1 at paragraph 3.8 of the Core Strategy 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, the building’s mass, the topography of the site and impact on the Borough skyline, and the context of the building’s location in terms of any historic, conservation or amenity constraints.
- 6.12. Core Strategy (2012) Policy CS2 ‘Woking Town Centre’ places great weight on high quality development in the Town Centre and states that “New Development proposals should deliver high quality, well designed public spaces and buildings, which make efficient use of land, contribute to the functionality of the centre and add to its attractiveness and competitiveness”.
- 6.13. Core Strategy (2012) policy CS21 ‘Design’ requires development proposals to “Create buildings and places that are attractive with their own distinct 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 scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land”. Policy CS21 also 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).
- 6.14. Core Strategy (2012) policy CS24 ‘Woking’s landscape and townscape’ requires that “All development proposals will provide a positive benefit in terms of landscape and townscape character, and local distinctiveness and will have regard to landscape character areas.” This policy sets out a number of criteria that development will be expected to provide in order to protect local landscape

and townscape character, including respecting the setting of, and relationship between, settlements and individual buildings in the landscape; and, conserving, and where possible, enhancing townscape character, including structure and land form, landscape features, views and landmarks, and appropriate building styles and materials.

The Site Allocations DPD - CD 1.1.7

- 6.15. The SADPD identifies sufficient land with the capacity to deliver over 3,000 net additional dwellings over the residual plan period. Moreover, when taken together, the indicative capacities of sites with extant planning permission and the allocated Town Centre sites which would benefit from delivery of HIF programmed infrastructure, could yield some 1,745 dwellings. This would equate to around 6 years' worth of deliverable supply based on the adopted housing requirement - and this would be roughly equivalent to the 20% buffer required by the Housing Delivery Test (HDT).
- 6.16. It is accepted that the SADPD makes clear that the estimated capacities of sites are indicative, and serve as a guide to inform development proposals – with the development achievable on any site ultimately to be determined via a planning application.
- 6.17. The appeal Site is split across three proposal sites within the SADPD which promotes high density development. The SADPD allows for 180 dwellings on the UA11 (55 dwellings, however, not all of this site, as allocated in the SADPD is included within the appeal site) and the UA13 site (125 dwellings) with UA12 allocated for 900msq (net) office:
- UA11 (1-7 Victoria Way and 1-29 Goldsworth Road) – 55 dwellings;
  - UA12 (Synergy House, 8 Church Street West); - 900sqm office and

- UA13 (30-32 Goldsworth Road, Woking Railway and Athletic Club, Systems House and Bridge House, Goldsworth Road) – 125 dwellings.

6.18. The 180 units envisaged via the SADPD compares with the 929 residential units proposed as part of the appeal scheme - a more than five-fold increase in density over that envisaged in the SADPD.

6.19. The total dwellings proposed on the Site (929 homes) over a site area of 1.15 hectares equates to a density of 807 dwellings per hectare (dph). The Core Strategy states that density of over 200dph is acceptable given the Site's town centre location.

6.20. It is noteworthy that the following are extracts from the relevant, site specific policies of the SADPD;

UA11 - *Development of the site will be required to:*

*i. Be of exceptional design quality and visually attractive at this prominent corner position as a result of good architecture, and with development footprints, scales and densities that maximise the use of the site whilst reflecting the development grain of the surroundings, in a way that is sympathetic to the prevailing local character – taking into account the immediate context including other Western Approach allocated sites (UA10, UA12 and UA13) and the Victoria Square development;...*

*viii. Be of a height informed by the local and wider Town Centre context, taking into account the local and long-distance views of the site, and the necessity to avoid adverse environmental effects in terms of micro-climate, wind, overshadowing, glare and light pollution. In particular, development will need to carefully consider*



*the transition in buildings from 34 storeys at Victoria Square to 3 storeys at 31 Goldsworth Road;*

6.21. The supporting text accompanying the policy states;

*With the development of the proposed Victoria Square scheme, the site will be considered to be within a transition area between the approved high density Victoria Square Development and the edge of Town Centre buildings along Goldsworth Road. There is therefore an opportunity to intensify the use of the site to reflect this transition in building heights. Due to the existing mixed use development on the site, the principle of a mixed use is acceptable.*

*UA12 - Development of the site will be required to:*

*i. Be of high design quality and visually attractive as a result of good architecture, and with development footprints, scales and densities that maximise the use of the site whilst reflecting the development grain of the surroundings, in a way that is sympathetic to the prevailing local character – taking into account the immediate context including other Western Approach allocated sites (UA10 ,UA11 and UA13);...*

*vi. Be of a height informed by the local and wider Town Centre context, taking into account the local and long-distance views of the site, and the necessity to avoid adverse environmental effects in terms of micro-climate, wind, overshadowing, glare and light pollution;*

*UA13 – Development of the site will be required to:*

*i. Be of exceptional design quality and visually attractive at this prominent position as a result of good architecture, and with development footprints, scales and densities that maximise the use of the site whilst reflecting the development grain of the surroundings, in a way that is sympathetic to the*

*prevailing local character – taking into account the immediate context including other Western Approach allocated sites (UA11, UA12 and UA14) and the Victoria Square Development;...*

*x. Be of a height informed by the local and wider Town Centre context, taking into account the local and long-distance views of the site, and the necessity to avoid adverse environmental effects in terms of micro-climate, wind, light pollution, overshadowing and glare. In particular, development will need to carefully consider the transition in building heights from 34 storeys at Victoria Square, to five storeys at Woking Fire Station/Greenwood House;*

6.22. The supporting text to the policy states, amongst other things;

*The site is located between the proposed Victoria Square Development and the proposed Woking Fire Station on Goldsworth Road. Any development on the site would need to be designed to provide a transition between the building heights at either end.*

6.23. I consider that the SADPD correctly describes the site as a transitional area between the high density Victoria Square development and the lower buildings along Goldsworth Road. The main 'heart' of the town centre lies to the north-east of the appeal site beyond Victoria Way, which severs the main centre from the transitional area to the west.

6.24. The appeal site abuts the western boundary of the Town Centre as defined in the CS (see map at page 129 – CD 1.1.2).

#### Housing Infrastructure Fund (HIF) – CD 1.1.15

6.25. Woking Town Centre has recently been the subject of a successful bid for the Housing Infrastructure Fund Forward Funding (HIF), which will deliver

infrastructure improvements to enable the development of additional homes. The HIF programme will enable changes and improvements to transport infrastructure in Woking Town Centre through remodelling the Victoria Arch Railway Bridge and reconfiguration of the A320. The programme aims both to release sites for residential development and to increase development capacities over and above those anticipated in the SADPD on allocated sites. The HIF programme aspires to deliver an additional 4,555 homes within the Town Centre by 2030. Moreover, to comply with HIF requirements, the infrastructure improvements that it would facilitate need to be completed at the latest by March 2024. Indeed, the relevant works are anticipated to have been completed by August 2023, well in advance of that deadline. Given that the works are underway and to be completed by 2024, the HIF programme has a strong potential to boost delivery of housing in the latter years of the plan period.

- 6.26. It is important to note that the HIF and supporting information in relation to the bid does not form part of Development Plan and whilst a material consideration it has, in my view, limited weight in this case, given the suite of recently reviewed/adopted/up to date Development Plan documents.

#### Town Centre Masterplan

- 6.27. The Council has committed to preparing a Town Centre Masterplan (TCM) to set out the long term vision for the Town Centre and to provide the necessary framework to help guide development decisions within the Town Centre. As highlighted in the WBCC Corporate Plan, the Council is establishing a stronger commitment to embedding a culture of consultation into the decision making process, empowering communities and making decisions alongside communities.
- 6.28. The TCM will provide a long term conceptual layout and vision that paints a picture of how the Town Centre would potentially look like by 2030. It will set

out detailed standards and principles to guide the day to day decisions to achieve the vision. The TCM will be a document that is informed by a robust evidence base with an iterative community engagement central to its preparation. It will be about setting a vision for what the future could look like and working in partnership with all key stakeholders to achieve that.

6.29. Work on the preparation of the Masterplan is on-going, with analysis of individual sites due to be completed in early 2022. The analysis will be informed by the recently adopted Site Allocations DPD.

#### Woking Design Guide - CD 1.1.10

6.30. The Woking Design SPD (2015) sets out detailed design guidance for new developments. With regards to proposals involving tall buildings, Section 4.4 of the SPD sets out a number of criteria against which proposals will be considered, these include:

- Be of exceptional design quality and subject to a formalised design review process during the evolution of the scheme.
- Not adversely affect the site's surrounds in terms of micro-climate, wind, overshadowing, glare, aviation navigation and telecommunications interference;
- Contribute positively to the setting of identified heritage assets that might be affected by the proposal;
- Take account of key views both across the site and long views towards the building itself. Design proposals will need to take into account the need for the building to be designed so it is seen in the round; and



- Pay particular attention to the environment created at ground floor. Proposals must be appropriate to the streets and spaces they address and should exploit opportunities for improvement of existing and creation of new public spaces.

National Design Guide (2021) – CD 0.1.3

6.31. The guide emphasises the importance of design quality and how context, identity and built form are critical in achieving well-designed places that bring delight.

## 7. Main Issues

### **Reason for refusal 01 - Impact on Surrounding Properties:**

7.1. The reason for refusal is as follows:

*The proposed development would result in significantly harmful impacts by reason of loss of daylight, loss of sunlight and loss of privacy to neighbouring properties. The proposed development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the NPPF (2019).*

7.2. Consideration of this reason for refusal is largely undertaken within the Proof of Evidence of Paul Hearmon LLB (Hons) - Right of Light Consulting.

7.3. The proof of Evidence of Paul Hearmon deals with the issues of daylight/sunlight and overshadowing impacts. The reason for refusal also considers that there is an unacceptable loss of privacy to neighbouring properties.

7.4. Policy CS21 of the Woking Core Strategy (2012) – CD 1.1.8 requires development proposals to '*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 outlook*'. In terms of potential overlooking and loss of privacy, the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) sets out recommended separation distances for different relationships and different building heights.

7.5. The properties most severely impacted by a loss of privacy are as follows;

- Birchwood Court

- Victoria House (1-7 Victoria Way and 1-9 Goldsworth Road) and
- 11-13 Goldsworth Road

7.6. The properties listed above lie to the north of the proposed buildings T1, T2 and T3. It is acknowledged that some might be redeveloped over the coming years. However, the scale of the proposed buildings would have a harmful impact on the privacy of occupants of those properties, both now and in the future. The proposed buildings are clearly of a considerable scale and will impact significantly on the neighbouring buildings, particularly those listed above.

7.7. In terms of potential overlooking and loss of privacy, the Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) sets out recommended separation distances for different relationships and different building heights. For three storey development and above the Supplementary Planning Document recommends a minimum separation distance of 15m for 'front-to-front' relationships and 30m for 'rear-to-rear' relationships to avoid undue overlooking. It is accepted that, these standards are advisory and the Supplementary Planning Document makes clear that the context of development proposals will be of overriding importance. However, even in the case of a three storey building the appeal proposal would impact upon the privacy of the occupants of the neighbouring buildings because the distance to Birchwood Court, 11-13 and Victoria House would be a minimum of 20m, 24m and 26m respectively from T1/T3. The scale of the proposed buildings (being not 3 but 12-37 storey) and the significant number of overlooking windows would give rise to a tangible sense of overlooking to the detriment of the amenities of those neighbouring dwellings.

### ***Reason for Refusal 02***

*The proposed development, by reason of the bulk and massing would fail to respect the prevailing character and scale of development in the area. The proposal would consequently result in a harmful impact on the character of the*

*surrounding area, contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2019).*

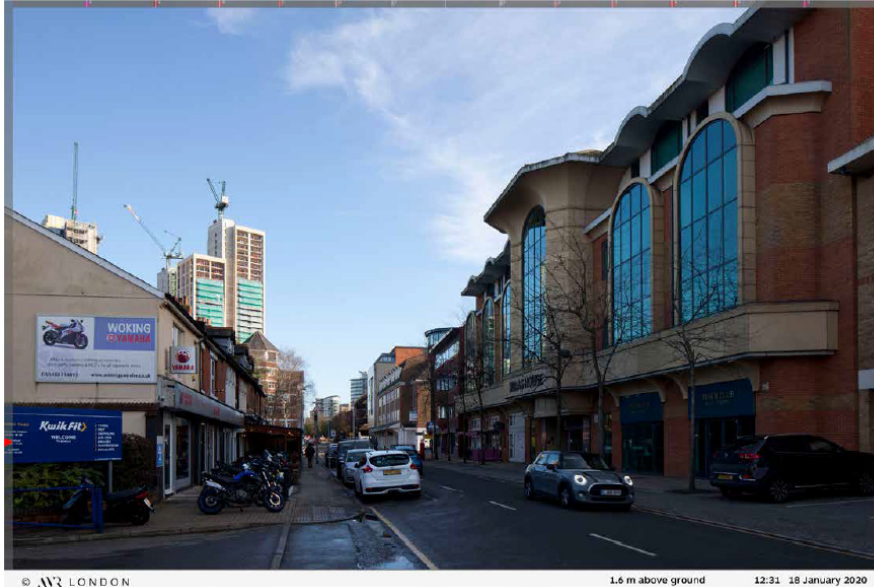
- 7.8. It is accepted that the Woking Core Strategy (2012) policy CS1 'A Spatial Strategy for Woking Borough' establishes Woking Town Centre as the primary focus for sustainable growth and states that "In the town centre, well designed, high density development that could include tall buildings and which enhances its image will be encouraged, but without comprising on its character and appearance and that of nearby areas". Crucially, the policy is not one which indicates that tall buildings will be acceptable, but rather that they could.
- 7.9. The reason for refusal refers to *massing* and *bulk* and I have considered a reasonable definition of those terms to be; massing - the primary three dimensional form of the building and bulk - the mass or size of something, in this case the height, width and depth of a building in relation to it's surroundings.
- 7.10. The site is located within the Town Centre (but at the western edge) as defined within the Woking Core Strategy 2012. It is a zone of transition between Victoria Square and the edge of the town centre immediately to the west. It is acknowledged that the proposed development reduces in scale to the west. However, the appeal scheme results in a development of 21 storeys at the boundary of the Town centre (south-west corner of the site) and one at 37 storeys to the east – higher than any other building in Woking.
- 7.11. Core Strategy (2012) policy CS21 'Design' requires development proposals to "Create buildings and places that are attractive with their own distinct 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 scale,



height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land”.

- 7.12. The NPPF sets out that one of the fundamental functions of the planning and development process is to achieve the creation of high quality buildings and places and that good design is a key aspect of sustainable development.
- 7.13. In this case, the surrounding buildings are varied in terms of style, age, massing. There are the tall, modern buildings of Victoria Square to the north-east, lower intervening buildings at Victoria House, along with those to the north and north-west. To the south, beyond the railway lies Olympian Heights varying height from 3 to 21 storeys but most being 5-15 storey. To the west of the site building heights decrease and are generally 2-5 storey.
- 7.14. The proposal would, in my view, be visually jarring, particularly in relation and comparison to the other buildings in the area, given the overall scale, mass and density envisaged. The result would be a development with a height, scale and massing which would be out of keeping and, therefore, harmful to the surrounding character of the area.
- 7.15. Key views which illustrate the unacceptable impact of the scheme are assessed below, in the case of view 1,2,3 and 11 the views are from the initial ES (CD 4.1.5) submission, while views 5 and 10 are revised views showing the reduced height of the T3.

View 1: Goldsworth Road – Existing



View 1: Goldsworth Road – Proposed

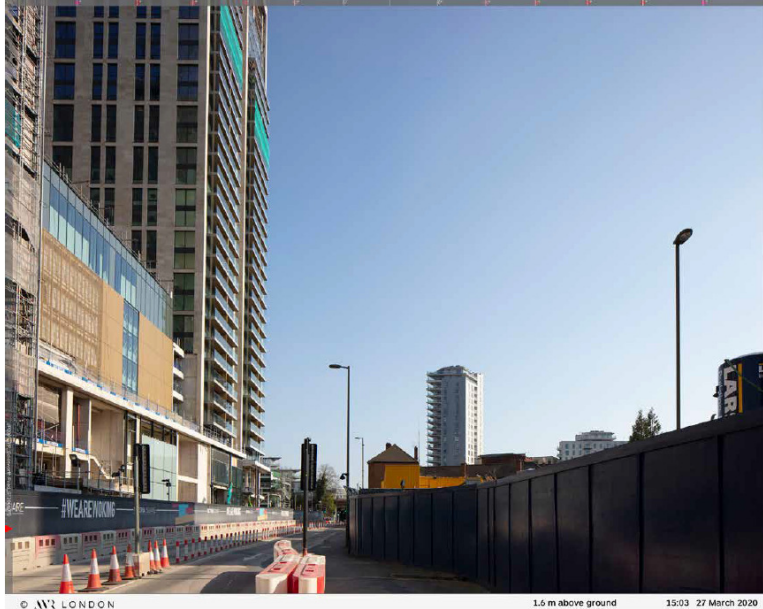


The magnitude of change and impact of the proposal would be high in this view and whilst the value/sensitivity of the location is relatively low, the proposed development does not pay sufficient regard to the low rise character of the area to the west of the site. The bulk and mass of the scheme are a stark contrast with the buildings in the foreground. The supporting information (ES) submitted with the appeal scheme suggests

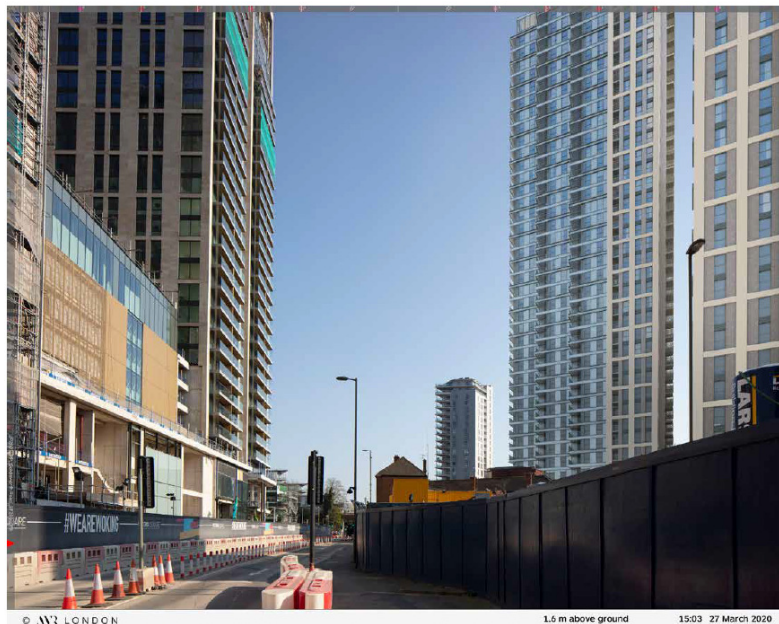


that, in this view, the envisaged development allows for; *a steady mediation and transition of scale*. In my opinion, the quantum of development would need to be reduced in scale considerably, for that to be case. Whilst, it is acknowledged that the buildings step down to the west, in this view the mass of built form reads as single entity to the south (right) which is jarring and uncharacteristic in the local context.

View 2: Victoria Way – Existing

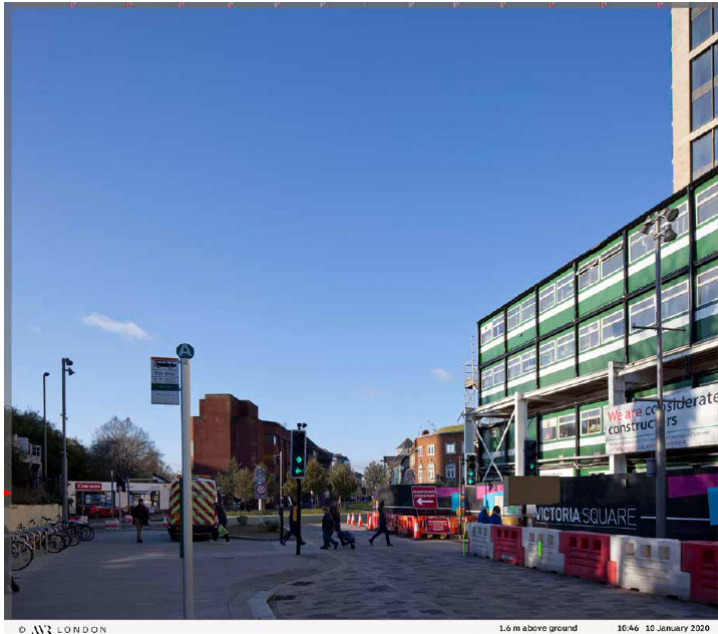


View 2: Victoria Way – Proposed

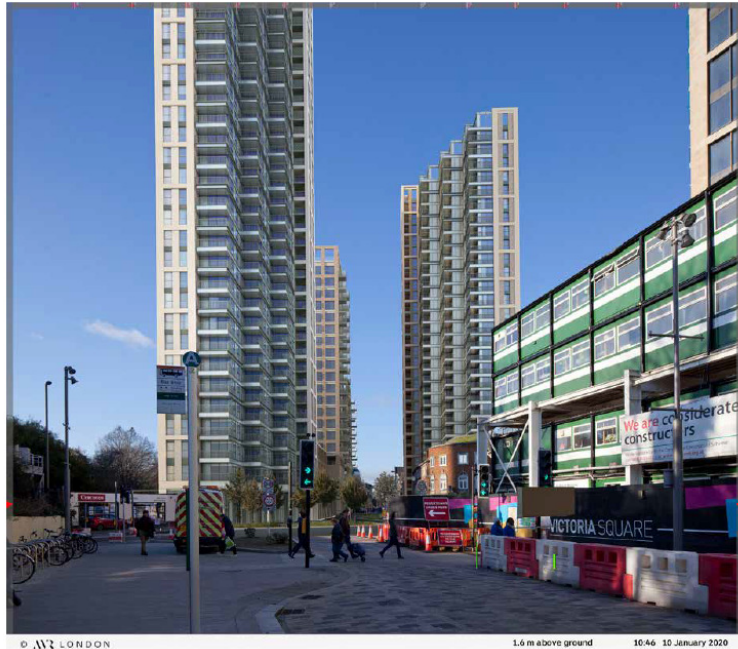


The visual impact of the proposed development as shown in View 2 is considerable and whilst accepting that other tall buildings are nearing completion to the east, the lower rise developments to the west (right) are typical and appropriate in this 'transition zone' given that the heart of the town centre lies to the east (left).

View 3: Victoria Square (High Street) – Existing



View 3: Victoria Square (High Street) – Proposed



Again the view is impacted to a considerable degree by the proposed development, whilst there are tall buildings the north (right - Victoria Square) and residential blocks to the south of the railway (left) the overall mass of built form proposed is considered excessive in terms of bulk and density. A scheme of reduced bulk and mass would sit

more comfortably and appropriately as a transition towards the western edge of the town centre aiding overall legibility.

View 5: Goldsworth Road, Morrisons Roundabout – Existing



View 5: Goldsworth Road, Morrisons Roundabout – Proposed



Similar comments apply to those given under View 1. The town centre is already signposted by the Victoria Square development to the north (left). The mass of built form overall, but particularly that to the south (right) is uncharacteristic with the lower rise approach to the town centre from the west. It should also be noted that views

from the modest two storey Vale Farm Road residential area to the north (left) of this view would be impacted in a similarly detrimental manner.

View 10: Church Hill – Existing



View 10: Church Hill – Proposed



In the view from Church Hill the existing tall building have a negative impact, although provide a degree of legibility, however, the addition of a further group of very tall buildings would have a negative effect.

View 11: York Road – Existing



View 11: York Road – Proposed





This view, similar to the Vale Farm Road impact is illustrative of the uneasy juxtaposition of tall buildings in a suburban setting. Whilst the existing town centre buildings are already discordant the proposed development, as illustrated, would have an even greater impact to the detriment of the character of the locality.

7.16. At lower level the three storey podium connecting T1, T2 and T3 would have a maximum width of approximately 116m and maximum depth of approximately 67m to the west of the site. The perceived mass of the proposed development podium and towers add to the overall scale and massing of the scheme and are not considered to be sympathetic with the character of the locality.

7.17. The development is of a scale, bulk and massing that would have an unacceptably adverse impact on the character of the area in short and medium range views towards the site, particularly those from the west and north-west but also those from the east, and south-west (as set out above). The appeal scheme would not respond satisfactorily to the local urban grain or urban form. The proposed buildings would be of an unacceptable bulk and massing given the context.

7.18. It is noteworthy that the Design Review panel (CD 9.1.1) consistently stated in their responses that; *'In the absence of a tall building framework or wider public realm framework for Woking Town Centre to guide the location of tall buildings, we cannot comment on whether this is the correct location for buildings of this height or on whether these proposals are the appropriate height for this location. We can comment on the design quality of the proposed scheme and on its impact on the town and surrounding environment, but we are conscious that we are commenting on the scheme without clarity about its potential future relationship with others coming forward, despite the fact that the impact on the townscape will be collective. As tall building developments in Woking town centre progress, issues arising out of the absence of a tall building or*

*public realm framework will become more prevalent; this is of increasing concern.'* (my underlining).

- 7.19. Due to the proportions, bulk, scale and massing of the appeal proposal it fails to respect the prevailing character, height 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) policy CS21 and CS24.

***Reason for Refusal 03***

*The proposed development would fail to provide sufficient cycle parking for future occupiers contrary to Supplementary Planning Document 'Parking Standards' (2018).*

- 7.20. A cycle store is proposed in T1, T3 and BA with a cycle hub with repair and maintenance facilities proposed in T2. A total of 1,064 cycle spaces would be provided for residents in a two-tier cycle stacking system. 1 cycle space would be provided for each studio/1 bed flat/2 bed flat (905 spaces) with 2 cycle spaces for each 3 bed flat (48 spaces) and 111 surplus cycle spaces. 25 cycle spaces will be provided within the public realm for visitors.
- 7.21. Supplementary Planning Document 'Parking Standards' (2018) sets a minimum standard of two spaces per dwelling . it is accepted that the SPD states that this applies to *C3 Dwelling houses - family houses, up to 6 residents living as a single household...*' However, this is simply referring to the definition of a dwelling house as set out in the Town and County Planning Use Classes Order. The requirement for 2 cycle spaces is applicable to all dwellings regardless of size. The importance of sustainable modes of transport in a town centre location and facilitating occupants in not owning a motorised vehicle is crucial in the drive towards the use of sustainable modes.

- 7.22. The SPD is clear in that the policy applies to single residential dwellings of any size. Overall, the shortfall in cycle spaces is not inconsiderable being some 784 spaces.
- 7.23. Town centre sites with good public transport links and a real opportunity for residents to not own cars is precisely the location where requiring cycle parking to meet standards through the provision of 2 per dwelling is fully justified. The cycle parking provision is already not particularly convenient for uses being located on multiple floors. A scheme of this magnitude should provide compliant cycle parking provision, particularly given the likely lifespan of the development and the emphasis on encouraging sustainable modes of travel, nationally and locally.

***Reason for Refusal 04***

*In the absence of a Legal Agreement to secure the contributions set out in the Planning Committee report, the proposed development is contrary to the Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations"), saved Policy NRM6 of the South East Plan 2009, Policies CS8, CS12, CS18 and CS21 of the Woking Core Strategy (2012), Supplementary Planning Document Affordable Housing Delivery (2014), the Thames Heaths Avoidance Strategy 2010-2015, the Housing Infrastructure Fund (HIF) Recovery strategy for Woking Town Centre: Section 106 tariff Guidance note, Waste and recycling provisions for new residential developments and the NPPF (2019).*

- 7.24. It is understood that the appellant will submit a S106 to address the fourth reason for refusal, and that at the time of writing negotiations on this agreement are still ongoing. The Council do not, therefore, envisage the need to defend this reason for refusal at appeal. However, should this agreement not be completed prior to the Inquiry, the Council will, of course, pursue this reason for refusal.

## 8. The Planning Balance/Conclusion

- 8.1. The appeal proposal is one of significant scale. The impacts of the proposal are considerable and wide-ranging, however, it is also accepted that there are considerable benefits to be weighed in the planning balance.
- 8.2. The proposed new housing, would make a major positive contribution to the strategic objectives of the Development Plan, to promote the redevelopment of previously developed land within the town centre, including for provision of additional market and affordable housing and employment opportunities. Furthermore , there would be improvements to the public realm, as well as S106 and CIL contributions.
- 8.3. 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.
- 8.4. Section 4 of the NPPF (Paragraph 38) 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 119) 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.
- 8.5. Whilst the NPPF states in paragraph 130, being “sympathetic to local character” is not to prevent or discourage “appropriate innovation or change” it is the extent and acceptability of that change which is a key consideration. In

this case, the scale of change in terms of built form, bulk and massing are very significant. It is, consequently, crucial in assessing the fundamental acceptability and quality of the appeal scheme to pay proper regard to the surrounding development.

- 8.6. The density of the residential element of the scheme is agreed to be 807 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.
- 8.7. In my view, the policy framework whilst offering general support for tall buildings within the town centre, indicates via Policy CS10 - 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. The Site Allocations DPD provides support for the redevelopment of the site. However, the policy also envisages a much lower quantum of residential development.
- 8.9. 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, given both reasons for refusal 1 and 2. The scheme is, therefore contrary to established planning policy.
- 8.10. The development would also give rise to a significantly harmful loss of privacy and daylight and sunlight to various dwellings. In this regard the development conflicts with Policy CS21, SPDs Outlook, Amenity, Privacy and Daylight

(2008) and Design (2015). 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.

- 8.11. There are many instances of very low retained levels of daylight and sunlight, such that the appeal proposal would leave neighbouring properties with an unacceptable living standard.
- 8.12. Turning to cycle parking, the appeal scheme would result in a not insignificant shortfall when judged against the SPD Parking Standards (2018) of some 784 spaces. Town centre sites with good public transport links and a real opportunity for residents to not own cars is precisely the location where requiring cycle parking to meet standards through the provision of 2 per dwelling is fully justified. A scheme of this magnitude should provide compliant cycle parking provision, particularly given the emphasis on encouraging sustainable modes of travel, nationally and locally.
- 8.13. 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 redeveloped for a more appropriate level of development.
  - 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.

8.14. 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.

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