



Appeal Decision

Inquiry held on 30 November to 3 December and 7 December 2021

Site visits made on 29 November and 1-3 December 2021

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10th January 2022

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

Land to the north and south of Goldsworth Road, Woking

- 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 Goldsworth Road Development LLP against the decision of Woking Borough Council.
 - The application Ref PLAN/2020/0568, dated 20 June 2020, was refused by notice dated 20 January 2021.
 - The development proposed is 'Demolition of the 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 hard and soft landscaping including public realm works, highway alterations to Goldsworth Road, car parking, cycle parking, bin storage, ancillary facilities and plant'.
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Decision

1. The appeal is allowed and planning permission is granted for 'Demolition of the 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 hard and soft landscaping including public realm works, highway alterations to Goldsworth Road, car parking, cycle parking, bin storage, ancillary facilities and plant' on land to the north and south of Goldsworth Road, Woking in accordance with the terms of the application, Ref PLAN/2020/0568, dated 20 June 2020, and subject to the conditions in the attached schedule.

Procedural matters

2. The description of the proposed development given above is taken from the Council's decision notice. It is an agreed and accurate description of the proposed development and shall be adopted for this appeal decision.

3. Oaks and Vale Farm Road Residents Group (OVFRRG) were granted Rule6(6) status and were a main party at the Inquiry. They did not present any evidence but made opening and closing statements and were afforded the opportunity to cross-examine the Appellant's four witnesses.

The appeal site and its surroundings

4. The appeal site is about 1.15 hectares within, and at the west end of, Woking town centre. The site has two elements; the larger element is on the south side of Goldsworth Road and the smaller element is on the north side of the same road and has a narrow north frontage to Church Street West. The site is currently occupied by a variety of buildings, including 30 Goldsworth Road which is the home of the York Road Project (YRP), a day centre for the homeless. To the east of the smaller element of the site is a three storey commercial/residential building and a three storey parade of shops with flats above that has a south frontage to Goldsworth Road and an east frontage to Victoria Way. At the south-east corner of the larger element of the site is the Woking Railway Athletic Club (WRAC).

5. To the south of the site is the mainline railway between London to the east and major cities to the west and south-west. Woking railway station, which is also a hub for local bus services, is about 400 metres to the east of the site with direct access from the site along High Street. To the west of the site on the south side of Goldsworth Road is a five storey fire station and to the north of the site with a frontage onto Church Street West is a ten storey hotel. On the opposite side of Victoria Way to the parade of shops is Victoria Square; a mixed use development nearing completion that includes shops at ground floor level, two residential towers of 34 and 30 storeys, and a hotel of 23 storeys.

6. Victoria Way is a two lane road, part of the A320, that extends under the railway line through Victoria Arch to mainly residential areas. Close to the railway line and opposite Victoria Square is Centrium, a residential development of up to 16 storeys, and opposite the site is New Central, a residential development of up to about 23 storeys. To the north-east of Victoria Square is the 18 storey Export House. To the north-west of the site, though not immediately adjacent to it, is an area of two storey Victorian housing mainly along Oaks Road and Vale Farm Road. To the west of the fire station is the Poole Road Energy Centre, which is nearing completion, and beyond this Combined Heat and Power development is a large supermarket, which is about 300 metres from the appeal site.

Planning history

7. On 18 October 2016 the Council's Planning Committee resolved to grant planning permission, on the part of the appeal site on the south side of Goldsworth Road, 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 to comprise ground plus 25 and 20 storeys, and Block C comprising ground plus 17, 14 and 10 storeys'. The resolution to grant planning permission was subject to the prior completion of a legal agreement made pursuant to the provisions of Section 106 of the Town and Country Planning Act 1990. The legal agreement has not been completed so no formal decision notice on the application has been issued by the Council. This scheme was referred to during the Inquiry as the Resolved to Grant (RTG) scheme.

The proposed development

8. The planning application sought permission for, in summary, the demolition of all buildings on the site, 929 residential units (148 studios, 402 one-bed apartments, 355 two-bed apartments and 24 three-bed apartments), 1,727 sqm of

homeless shelter accommodation for the YRP, 2710 sqm of commercial floorspace, 366 sqm of accommodation for a replacement WRAC, 263 car parking spaces, and highway alterations to Goldsworth Road including its pedestrianisation in front of the south element of the site up to Victoria Way.

9. The south element of the site would be occupied by three buildings over a three storey podium accommodating commercial units with mezzanine levels fronting Goldsworth Road, the replacement WRAC facility, residential entrances, car and cycle parking, waste storage and plant rooms. Building T3, that closest to Victoria Way, would be 37 storeys plus rooftop amenity (295 homes), Building T1, that closest to the fire station, would be 12 to 21 storeys (183 homes), and Building T2, between Buildings T1 and T3, would be 20-29 storeys (239 homes).

10. The north element of the site would be occupied by, adjacent to Goldsworth Road, Building BA which would be 29 storeys (212 homes), and, with a frontage to Church Street West, Building BB which would have nine storeys and which would be a replacement homeless shelter for YRP. All homes exceed minimum space standards and would have balconies, with the exception of 12 studios that would be close to public amenity spaces. 48 of the residential units would be affordable housing secured through a legal agreement. Buildings BA and T3 are known as 'The Geodes' and Buildings T1 and T2 are known as 'The Foothills'.

11. Goldsworth Road would be pedestrianised between the fire station and Victoria Way. It would combine pedestrian and cycle circulation with space for spill out from ground floor commercial units, and the application includes a comprehensive hard and soft landscaping strategy.

Planning Policy

12. The Development Plan includes the Woking Core Strategy (WCS) and the Site Allocations Development Plan Document (SADPD). WCS policy CS1 states, amongst other things, 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 compromising its character and appearance and that of nearby areas. WCS policy CS2 states that the town centre is the preferred location for town centre uses and high density residential development, and that new development proposals should deliver high quality, well designed public spaces and buildings which make efficient use of land.

13. WCS policy CS21 states that proposals for new development 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. The policy also states that tall buildings could be supported in Woking Town Centre, if well designed and can be justified within the context, and that proposals should avoid significant harmful impact in terms of loss of privacy and daylight. WCS policy CS24 requires developments to provide a positive benefit in terms of landscape and townscape character and local distinctiveness.

14. WCS policy CS10 states that the Council will make provision for at least 4,964 net additional dwellings in the Borough between 2010 and 2027. The policy indicates that the indicative number of dwellings to be built in Woking Town Centre is 1,980 at an indicative density range in excess of 200 dwellings per hectare (dph), and that density will depend on the nature of the site and will be influenced by design and the aim to achieve the most efficient use of land.

15. The SADPD seeks to deliver the objectives and development plan requirements of the WCS. It establishes in principle the land uses that will be supported and allocates sites to meet future development needs of the Borough. Site allocation UA11 encompasses the majority of the part of the appeal site on the north side of Goldsworth Road, that part which would be occupied by Building BA, and the parade of shops fronting Goldsworth Road and Victoria Way. The 0.3 hectare site is allocated to be for 55 residential units and 1,200 sqm of office space. Site allocation UA12 is the minority part of the north element of the appeal site with a frontage to Church Street West and is allocated for 900 sqm of office space. Site allocation UA13 is the south element of the appeal site and is allocated for 125 residential units and 1500 sqm of office space.

16. The supporting text to the aforementioned three site allocations, which are known, together with site UA14, as Western Approach allocation sites, requires, generally, development to be of exceptional design quality and to be visually attractive, with footprints, scales and densities that maximise the use of the site. Proposed buildings are also required to be of a height informed by the local and wider town centre context, taking into account local and long distance views of the site and, in particular, development will need to carefully consider the transition in building heights from 34 storeys at Victoria Square to 5 storeys at the fire station.

17. To the north of site UA11 and with frontages to Victoria Way and Church Street West is site UA10. This site is allocated to be for 16,700 sqm of office space and planning permission for an 18 storey office building has not been implemented.

Background information

18. The A320 is the main north to south arterial road through Woking and traffic flows are constrained by the width of the road through the Victoria Arch. The Council has secured a Housing Infrastructure Fund (HIF) grant of £95 million from Homes England to finance a scheme for the widening of Victoria Arch and other highway improvements, to deliver enhanced highway and pedestrian links in Woking town centre. The scheme, when completed and as reported in the Council's document 'Recovery Strategy for Woking Town Centre', will unlock 13 brownfield development sites in Woking that will deliver "...approximately 4,500 much needed new homes". The total scheme cost is £115 million and to bridge the gap between this cost and the HIF grant the Council will seek developer contributions, secured through Section 106 agreements and for development in the town centre, of a minimum of £2000 per residential unit.

19. The HIF scheme will result in the widening of Victoria Way from two lanes to four lanes. The scheme will therefore affect the future of the parade of shops on the west side of the road. To facilitate the HIF scheme the Council resolved on 30 July 2020 to issue a Compulsory Purchase Order (CPO) for the acquisition of, amongst other land, the parade of shops, which is 1-7 Victoria Way and 1-9 Goldsworth Road, and the three storey commercial/residential building to the east of the north element of the appeal site, which is 11-13 Goldsworth Road. Both of these buildings are within site UA11. Solicitors have been instructed to pursue the CPO and it is anticipated that it will be made in early 2022.

20. With regard to paragraph 68 of the National Planning Policy Framework (NPPF), and with regard to the WCS requirement to build an average of 292 dwellings per annum, the Council can demonstrate five years' worth of housing supply. However, in 2015 the Objectively Assessed Need (OAN) for housing in the Borough was calculated to be 517 dwellings per annum for the period 2013-2033,

and the subsequently introduced Standard Method for calculating housing need assessed that need in the Borough to be 431 dwellings per annum. The OAN for the Borough is not being met, principally because large parts of the Borough are Green Belt and for environmental reasons.

Reasons

21. At the opening of the Inquiry the Council was maintaining an objection to the proposed development based on the alleged inadequacy of cycle parking. On day two of the Inquiry the Council withdrew this objection subject to the imposition of a planning condition that would require a review of cycle storage at a specified time after occupation of the development.

22. The Council and the Appellant jointly submitted a Daylight and Sunlight Statement of Common Ground (DSSCG) during the Inquiry. Through the DSSCG the Council confirmed that they no longer maintained any concerns for the effect of the proposed development on sunlight at nearby residential properties.

23. The main issues are the effect of the proposed development on; first, the character and appearance of the area; and second, the living conditions of nearby residents, with regard to daylight and privacy.

The first issue – character and appearance

24. There has been no substantive written or spoken criticism of the proposed uses of the appeal land, of the ground level plan form of the proposed development, of proposed public realm improvements including the pedestrianisation of part of Goldsworth Road, of the bulk of the three storey podium on the south side of Goldsworth Road, or of the architecture of the overall development. Furthermore, proposed building BB and its intended use as a home for YRP is welcomed. Criticism of the proposed development, and with regard to this issue, is limited to the height of the four tallest buildings.

25. There can be no doubt that the Council, through preparation and adoption of the WSC and the SADPD, intends for there to be a cluster of tall buildings in Woking town centre. In fact, there is already a small cluster of tall buildings on the east side of Victoria Way; the 34 and 30 storey towers of Victoria Square, the 23 storey hotel and the 18 storey Export House, and the Council sought to expand the cluster when they granted permission for an 18 storey building on site UA10 and resolved to grant the RTG scheme on the appeal site. Furthermore, the WSC clearly envisages further tall buildings, and policy CS1 encourages such development that enhances the image of the town centre without compromising its character and appearance. The SADPD goes further by allocating land, such as sites UA10, UA12 and UA13, for development that will be of a height informed by the local and wider town centre context and that will maximise use of the sites.

26. It is not, in fact, a question of whether the appeal site is a suitable location for tall buildings but a question of how tall the buildings should be. The emerging cluster at Victoria Square is the immediate local context of the appeal site and if the 34 storey tower was to remain the westernmost tower of the cluster then, in important views of the town centre from the south on the A320 from Guildford, the cluster would be unbalanced; its left side would be a 'cliff edge'. A development of tall buildings on the appeal site, diminishing in height down to the fire station as required by the SADPD, would remedy this imbalance. Mr Rainier, for the Council at the Inquiry, did not, and could not given the SADPD, doubt that this is the

correct approach. His main objection is that the transition down to the fire station should begin with the highest of the Geode buildings whereas this building would be slightly higher, at 37 storeys, than the highest tower at Victoria Square.

27. The difference in height between the existing and proposed towers is slight, would not be readily noticeable, and is, in itself, inconsequential. The main approach into the town centre from the south passes through Victoria Arch and it would be quite appropriate for there to be towers of similar height on both sides to mark entry into the town centre. In more distant views it would also be appropriate for the cluster to have a dense core rather a single tall centre point. In this regard the height of the lower Geode building, at 29 storeys and on the north side of Goldsworth Road, would consolidate the core of the cluster whilst stepping appropriately down to the intended 18 storey building on site UA10, and the 10 storey hotel further to the north.

28. Above the proposed three storey podium and along the south side of Goldsworth Road the proposed tall buildings would step down from 37 storeys to the 20 stories of Building T1 then to the 12 storeys of Building T2, before the 5 storey fire station. From the pedestrianised roadway the heights of the buildings would not be apparent and only the three storey podium and the shopfronts and other features of the building would be elements of the street scene. In more distant views eastwards along the road the heights of the buildings would be apparent but they would be seen to rise up to the centre of the cluster either side of Victoria Way. In these views the low scale existing buildings on both sides of the road would remain the most visible elements of the street scene.

29. Buildings T1 and T2 would rise up towards the railway line; Building T1 from 20 storeys to 29 storeys and Building T2 from 12 storeys to 21 storeys. But this is an appropriate response to maximising land use away from the public realm and to the existence of tall buildings on the south side of the railway line; the Centrium development of up to 16 storeys and New Central which includes a 23 storey tower. The massing of the proposed development has been carefully considered and modelled so that the evolving tall building cluster would have an appropriate and visually pleasing shape in both near and distant views from all directions.

30. Outside the town centre and part of the wider context is the area of Victorian housing along Oaks Road and Vale Farm Road. The three towers of Victoria Square are visible in some views from this area though it is interesting to note that from some parts of the area even two storey buildings wholly obscure the tall buildings. They are, nevertheless, background features though they are not visually dominant or prominent. The proposed development would result in tall buildings being closer in the views out from the area and these views would be of a dense cluster rather than individual buildings. But, as a matter of planning judgement, the development and the enlarged cluster of tall buildings would remain background features and are sufficiently removed from the area for there to be no significant impact on its character and appearance.

31. The proposed development has been the subject of an iterative and extensive design process and has been reviewed by Woking Design Review Panel (DRP) on three occasions for Design South East. It is worth including here a couple of the comments made by the DRP – “The overall approach is positive and well thought through and takes a very welcome proactive stance despite the difficulties of responding to a context that is evolving and emerging without a broader master plan. The strategy and approach make a convincing argument about where it

might make sense to put a cluster of tall buildings in the centre of Woking” – “...the Applicant has approached the scheme as a masterplan ensuring the proposal is well integrated into the urban fabric to promote a sense of place around tall buildings”.

32. The first policy in the WCS, policy CS1, 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 compromising its character and appearance and that of nearby areas. The WCS therefore encourages tall buildings in Woking town centre and the Appellant has responded to that encouragement by bringing forward a proposed development that has been considered, and has been applauded, by the DRP. This should not be underestimated because there is no point in appointing and supporting a DRP if the views of that panel are to be disregarded. The proposed, well designed, high density development would enhance the image of Woking without compromising the character and appearance of the town centre or that of nearby areas. The proposed development would not harm the character and appearance of the area and is wholly in accordance with WCS policies CS1, CS2, CS21 and CS24 and with the SADPD.

The second issue – the living conditions of nearby residents

33. The Council has failed to substantiate their concern, as expressed in a reason for refusal of the application, with regard to the effect of the proposed development on privacy at existing residential properties. The proposed development complies, overall and with regard to privacy, with standards set out in the Council's 'Outlook, Amenity, Privacy and Daylight' Supplementary Planning Document (SPD). It is important to note, also, that the SPD states that the standards “...are for advice only and evidence of design quality and compatibility with context will be of overriding importance”. In some situations, furthermore, separation distances would be greater than exist at present. The proposed development would not adversely affect the privacy of nearby residents.

34. The Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight – A guide to good practice', published in 2011, provides guidance on the effect of development on daylight in neighbouring buildings. As stated in the introduction “The advice given...is not mandatory...” and the guidelines “...should be interpreted flexibly...”. The BRE Guide recommends, to assess the effect of development on daylight, using the Vertical Sky Component (VSC) and No-Sky Line (NSL) tests. The VSC test measures skylight falling on the centre point of a window as a percentage. The guide advises that if a proposed development would reduce VSC to below 27%, and if the reduction is less than 0.8 times its value before development (i.e. more than 20%), then occupants of a room daylit by that window would be likely to notice the reduction in daylight.

35. Retaining a VSC level of 27% in neighbouring properties is unrealistic; as has been recognised in many appeal decisions and other documents. Even retaining 20% VSC is considered, generally, to be reasonably good, and in urban areas retaining around mid-teen % VSC is considered to be acceptable. All habitable rooms in apartments at the Victoria Square development, with balconies appropriately excluded from an assessment, would have retained VSC levels in excess of 19%. All rooms, furthermore, would achieve an average daylight factor (ADF) of 1.5%. The proposed development would not unacceptably reduce daylight levels in apartments at Victoria Square and would not harm the living conditions of future residents of this soon to be occupied development.

36. At Victoria House one living room would retain a VSC of only 10% and three others would be less than 18%, though only one of these four rooms would fail the NSL test, which is of equal importance to the VSC test and establishes the degree to which there is a reduction in daylight reaching the working plane within a room, and a reduction in excess of 20% is regarded to be likely to have an adverse effect. Four kitchens and 12 bedrooms in Victoria House would fail the VSL test and two kitchens and three bedrooms would fail the NSL test. At 11-13 Goldsworth Road four living rooms, two kitchens and two bedrooms would fail the VSC test, with one living room retaining a VSC of only 9%, and one kitchen, one bedroom and three living rooms would fail the NSL test.

37. But assessing the extent to which a proposed development would have on daylight at Victoria House and 11-13 Goldsworth Road, by applying the BRE guidance, is only the first stage in a necessary two stage test; the second stage being consideration of context, including planning policy and wider amenity issues. There are many contextual matters to take into account. The Council has previously resolved, through the RTG scheme, to allow a development that would have the same effect on daylight at the aforementioned properties as the appeal proposal. The Council granted permission for a development, Victoria Square, that has had a similar effect on daylight levels in habitable rooms at Victoria House as would the appeal development. The resolution and grant of permission were made, in all probability, because of the need to maximise the efficient use of land.

38. The need to make efficient use of land remains, and is enshrined in planning policy, both local and national. Residential properties in Victoria House and 11-13 Goldsworth Road are all rental properties and both buildings are in site UA11 as allocated in the SADPD, in which it is stated that "The development of the site would have a regenerative effect in its vicinity and contribute significantly towards the continuous enhancement of the Town Centre and its surrounds". The development plan clearly supports the redevelopment of site UA11 and it is, in this regard, likely that the buildings will be demolished to be replaced by other uses of the land. This likelihood is more certain given the HIF scheme which will result in the widening of Victoria Way, which will be facilitated by the intended making of an Order for the compulsory purchase of the two buildings.

39. The proposed development would reduce daylight in habitable rooms in Victoria House and 11-13 Goldsworth Road but not to such a degree that the living conditions of residents would be unacceptable. The 'second stage' context set out above is compelling and it is concluded that the reduction in daylight levels is not a reason to withhold planning permission for the proposed development. The proposed development, in this regard also, does not conflict with WCS policy CS21.

Other matters

40. OVFRRG maintain that planning permission for the proposed development should be withheld pending the preparation and adoption of a masterplan for Woking town centre. The Council has initiated the preparation of such a masterplan but it is not known when it will be adopted. The WCS supports, and even encourages, the development of tall buildings in Woking town centre. The proposed development complies with the WCS and with the development plan as a whole, and paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development; for decision taking, this means approving development proposals that accord with an up-to-date development plan without delay. There is no reason to withhold planning permission on the grounds

that it would be premature to, or would prejudice, the preparation and adoption of a masterplan for Woking town centre.

41. The proposed development has been the subject, with regard to the provision of affordable housing, of two viability assessments. The proposed 48 shared ownership residential units is as many units as can be provided without the project becoming unviable. The Legal Agreement reviewed below does, however, make provision for a late stage viability review to be undertaken.

42. All matters mentioned in opposition to the proposed development have been taken into account but they do not, either individually or collectively, alter the overall conclusion to be reached in this appeal decision.

Conditions and Section 106 Legal Agreement

43. The Council and the Appellant have agreed conditions that would be imposed if planning permission was to be granted. They have been amended, in the interests of clarity, precision and consistency, but they meet the tests set out in the National Planning Practice Guidance (NPPG). Reasons for the conditions are given in the schedule attached to this decision.

44. A signed and dated Legal Agreement, made pursuant to Section 106 of the Town and Country Planning Act 1990, was submitted at the close of the Inquiry. The Agreement would require a contribution of £592,780 to the Council for Strategic Access Management and Monitoring within the Borough, require a contribution to the Council of £1,858,000 towards the cost of the Victoria Arch scheme, ensure the provision of 48 shared ownership affordable units, require a late stage viability review to be undertaken, provide for one year car club membership for all residential units, require fortnightly non-recyclable waste collection by a private contractor, and would reserve the proposed homeless shelter floorspace to be occupied by YRP.

45. The obligations of the Agreement are all related to requirements of development plan policies and are all necessary to make the development acceptable in planning terms. They are all, furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement therefore complies with the tests set out in the NPPG and with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Conclusion

46. If the proposed development would cause harm it would be necessary to carry out a planning balance exercise. In this case the proposed development would not cause any harm but it is worth noting here, briefly, the considerable benefits that would have been considered in that exercise. The development would provide 929 'much needed' residential units on an unconstrained and sustainably located site. This would contribute significantly to meeting the OAN for housing in the Borough; a need that is unmet year on year. The development would include as many affordable housing units as is viable and would provide, through the Section 106 Agreement, nearly £10 million towards funding the HIF works. The development would, furthermore, secure the future of the WRAC facility and would provide a purpose built facility for the YRP.

47. The proposed development would not harm the character and appearance of the area, would not result in unacceptable daylight levels in nearby residential properties, would not compromise the privacy of local residents, and accords with the up-to-date development plan.

48. In accordance with paragraph 11 of the NPPF planning permission is thus granted, subject to conditions, for 'Demolition of the 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 hard and soft landscaping including public realm works, highway alterations to Goldsworth Road, car parking, cycle parking, bin storage, ancillary facilities and plant' on land to the north and south of Goldsworth Road, Woking subject to the conditions in the attached schedule.

John Braithwaite

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Straker

Queens Counsel

He called

Mr P Hearmon
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Senior Right of Light Surveyor at Right of Light
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Mr P Rainier MRTPI

Principal Director of Planning at DMH Stallard LLP

FOR THE APPELLANT:

Mr R Harris

Queens Counsel

He called

Mr N Bidwell BA(Hons)
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Partner of Carter Jonas LLP

FOR OAKS AND VALE FARM ROAD RESIDENTS ASSOCIATION:

Ms B Fischler Hooper

Mr G Chrystie

INTERESTED PERSONS:

Mr R Nuttall

Mr P Lonergan

Dr A Fraser

DOCUMENTS

- 1 List of appearances for the Appellant
- 2 Appellant's Opening
- 3 Opening Statement by the Local Planning Authority

- 4 Opening Statement by Oaks and Vale Farm Road Residents Association
- 5 Statement of Common Ground
- 6 Regulation 122 Statement
- 7 Daylight and Sunlight Statement of Common Ground
- 8 Note on CPO/HIF
- 9 Agreed position on daylight
- 10 Draft conditions
- 11 Comments by Dr Fraser
- 12 Statement by Mr Nuttall
- 13 R v Yeovil B C (1972) 23 P&CR 39
- 14 Spackman v Wiltshire C C and SoS for the Environment (1977) 33 P&CR 430
- 15 Closing submissions by the Local Planning Authority
- 16 Closing statement by Oaks and Vale Farm Road Residents Association
- 17 Closing submissions on behalf of the Appellant
- 18 Section 106 Agreement

Richborough Estates

Schedule of conditions for Planning Permission PLAN/2020/0568

1. The development hereby permitted shall begin not later than three years from the date of this decision.

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).

2. The development shall be carried out in accordance with the approved details of phasing shown on 01597_JTP_DR_MP_A_1700 Rev P1 and 01597_JTP_DR_MP_PH_A_1701 Rev P1 unless any variation or amendments have first been approved in writing the Local Planning Authority.

Reason: To ensure the development progresses in an orderly manner without undue loss of amenity to the surrounding area and that satisfactory facilities are provided to service all stages of the development.

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

Site Location and Block Plans:

01597_JTP_DR_MP_XP_A_1000 Location Plan P1
01597_JTP_DR_MP_XP_A_1001 Existing Block Plan & Demolition Plan P1
01597_JTP_DR_MP_XP_A_1002 Proposed Site Plan P2

Proposed Floor Plans:

01597_JTP_DR_MP_PP_A_1100 Level 00 Proposed Plan P3
01597_JTP_DR_MP_PP_A_1101 Level MZ Proposed Plan P2
01597_JTP_DR_MP_PP_A_1102 Level 01 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1103 Level 02 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1104 Level 03 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1105 Level 04 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1106 Level 05 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1107 Level 06 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1108 Level 07 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1109 Level 08 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1110 Level 09 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1111 Level 10 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1112 Level 11 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1113 Level 12 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1114 Levels 13-15 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1115 Level 16 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1116 Level 17 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1117 Level 18 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1118 Level 19 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1119 Level 20 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1120 Levels 21-24 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1121 Level 25 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1122 Level 26 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1123 Level 27 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1124 Level 28-34 Proposed Plan P2

01597_JTP_DR_MP_PP_A_1125 Level 35 Proposed Plan P2
01597_JTP_DR_MP_PP_A_1126 Proposed Roof Plan P2
01597_JTP_DR_BB_PP_A_1150 YRP Level 00 Proposed Plan P2
01597_JTP_DR_BB_PP_A_1151 YRP Level 01 Proposed Plan P2
01597_JTP_DR_BB_PP_A_1152 YRP Level 02 Proposed Plan P2
01597_JTP_DR_BB_PP_A_1153 YRP Level 03 Proposed Plan P2
01597_JTP_DR_BB_PP_A_1154 YRP Level 04 Proposed Plan P2
01597_JTP_DR_BB_PP_A_1155 YRP Level 05 Proposed Plan P2
01597_JTP_DR_BB_PP_A_1156 YRP Level 06 Proposed Plan P2
01597_JTP_DR_BB_PP_A_1157 YRP Level 07 Proposed Plan P2
01597_JTP_DR_BB_PP_A_1158 YRP Level 08 Proposed Plan P2
01597_JTP_DR_BB_PP_A_1159 YRP Level 09 Proposed Plan P2
01597_JTP_DR_BB_PP_A_1160 YRP Level RF Proposed Plan P2

Proposed Elevations:

01597_JTP_DR_MP_PE_A_1200 Proposed Elevation AA P2
01597_JTP_DR_MP_PE_A_1201 Proposed Elevation BB P2
01597_JTP_DR_MP_PE_A_1202 Proposed Elevation CC P2
01597_JTP_DR_MP_PE_A_1203 Proposed Elevation DD P2
01597_JTP_DR_MP_PE_A_1204 Proposed Elevation EE P1
01597_JTP_DR_MP_PE_A_1205 Proposed Elevation FF P2
01597_JTP_DR_MP_PE_A_1206 Proposed Elevation GG P1
01597_JTP_DR_MP_PE_A_1207 Proposed Elevation HH P2
01597_JTP_DR_MP_PE_A_1208 Proposed Elevation II, JJ P1
01597_JTP_DR_MP_PE_A_1209 YRP Proposed Elevation KK LL P2
01597_JTP_DR_BB_PE_A_1210 YRP Proposed Elevation MM NN P2

Proposed Sections:

01597_JTP_DR_MP_PS_A_1300 Proposed Sections AA, BB P2
01597_JTP_DR_MP_PS_A_1301 Proposed Sections CC P2
01597_JTP_DR_MP_PS_A_1302 Proposed Sections DD P2
01597_JTP_DR_MP_PS_A_1303 Proposed Sections EE P1
01597_JTP_DR_MP_PS_A_1310 Proposed Context Section - North & South P2
01597_JTP_DR_MP_PS_A_1311 Proposed Context Section - East & West P2

Proposed Details:

01597_JTP_DR_MP_DT_A_1500 Proposed Elevation - Entrance T1 P1
01597_JTP_DR_MP_DT_A_1501 Proposed Elevation - Entrance T2 P1
01597_JTP_DR_MP_DT_A_1502 Proposed Elevation - Entrance T3 P1
01597_JTP_DR_MP_DT_A_1503 Proposed Elevation - Entrance BA P1
01597_JTP_DR_MP_DT_A_1504 Proposed Elevation - WRAC Entrance P1
01597_JTP_DR_MP_DT_A_1505 Proposed Elevation Commercial Entrances P1
01597_JTP_DR_MP_DT_A_1510 Proposed Façade Details - T1 P1
01597_JTP_DR_MP_DT_A_1511 Proposed Façade Details - T2 P1
01597_JTP_DR_MP_DT_A_1512 Proposed Façade Details - T3 P1
01597_JTP_DR_MP_DT_A_1513 Proposed Façade Details - BA P1
01597_JTP_DR_MP_DT_A_1514 Proposed Façade Details - T3 West P1
01597_JTP_DR_MP_DT_A_1515 Proposed Façade Details - T3 North P1
01597_JTP_SK-MP-0072 Proposed Canopy to South West Facade

Phasing Plans:

01597_JTP_DR_MP_PH_A_1700 Phasing Plan
01597_JTP_DR_MP_PH_A_1700 Phasing Plan 1-5

Landscaping Drawings:

P12902-00-001-GIL-100 Illustrative Landscape Masterplan colour all levels 02
P12902-00-001-GIL-101 Ground Floor General Arrangement Plan B+W 04
P12902-00-001-GIL-102 Podium Level General Arrangement Plan B+W 03
P12902-00-001-GIL-103 Roof Levels General Arrangement Plan 03
P12902-00-001-GIL-104 Ground Floor Levels Plan 05
P12902-00-001-GIL-105 Ground Floor Softworks Plan 02
P12902-00-001-GIL-106 Podium Level Softworks Plan 02
P12902-00-001-GIL-200 Ground Floor Sections - Sheet 1 01
P12902-00-001-GIL-201 Ground Floor Sections - Sheet 2 01
P12902-00-001-GIL-202 Ground Floor Sections - Sheet 3 01
P12902-00-001-GIL-203 Ground Floor Sections - Sheet 4 01
P12902-00-001-GIL-204 Podium Level Sections - Sheet 5 01

Approved Reports:

Design and Access Statement (including Landscape Strategy)
Design and Access Statement Addendum
Affordable Housing Statement
Arboricultural Impact Assessment
Aviation Impact Assessment
Aviation impact Assessment Addendum
BREEAM Pre-Assessment
Daylight and Sunlight Amenity within the Site
Daylight and Sunlight Amenity within the Site Addendum
Energy Strategy
External Lighting
Flood Risk Assessment and Drainage Strategy
Framework Construction Environmental Management Plan (CEMP)
Framework Travel Plan
Planning Statement
Statement of Community Involvement
Sustainability Statement
Transport Assessment
TV and Radio Baseline Report
Ventilation and Extraction
Viability Statement
Viability Statement Addendum
Waste Management Strategy
Environmental Statement Volume 1, Volume 2, Volume 3 and Volume 4
ES Statement of Conformity

Reason: For the avoidance of doubt and in the interests of proper planning.

4. Notwithstanding the details shown on the approved plans and documents listed within condition 3, no works on each phase other than demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural

frame, shall take place until sample panels of all external materials (including: masonry, cladding, metalwork, glazing, balustrades, balcony screening, spandrel panels and soffits) have been inspected by a Council Planning Officer and subsequently approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved sample panels.

Reason: In the interests of visual amenity.

5. Notwithstanding the details shown/annotated on the approved plans and documents listed within condition 3, no works for each phase other than demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame, shall take place until drawings at 1:10 scale (including sections), or at another scale first agreed in writing by the Local Planning Authority, showing all external construction within that phase have been submitted to and approved in writing by the Local Planning Authority. The drawings shall include details of:

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

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

Reason: In the interests of visual amenity.

6. Prior to the commencement any above ground works (excluding demolition, below ground works, groundworks and the erection of the lift/stair core and structural frame) in connection with the development hereby permitted, a soft landscaping scheme showing details of shrubs, trees and hedges to be planted and details of tree pits including underground structured cell rooting systems and details of the long term management and maintenance (including details of funding) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained in accordance with the approved scheme.

Landscaping within each phase shall be carried out in accordance with the approved scheme in the first planting season (November-March) following 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.

Reason: In the interests of visual amenity.

7. Notwithstanding any indication given by the approved plans, prior to the commencement any above ground works (excluding demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame) in connection with the phase of the development hereby permitted, a hard landscaping scheme including details of materials to be used in areas of hard surfacing, details of proposed finished levels, means of enclosure, balustrades, screens, boundary walls, fences, minor structures, play equipment, public art and street furniture, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme prior to the first occupation of any part of the development hereby permitted and thereafter retained for the lifetime of the development.

Reason: In the interests of visual amenity.

8. Protective measures shall be carried out in strict accordance with the arboricultural information provided by Greengage received on 26.06.2020 including the convening of a pre-commencement meeting and arboricultural supervision as indicated. No works or demolition shall take place until the tree protection measures contained in the arboricultural information provided by Greengage received on the 26.06.2020 have been implemented.

Reason: To ensure measures are taken to safeguard trees in the interest of local amenity and the enhancement of the development itself.

9. Prior to the commencement of construction of the external envelope of the relevant phase of the development hereby permitted (excluding demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame) details of the proposed green roof and green wall system (including detailed bay elevations at 1:50) including a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include details of fixings to the building, planting modules, irrigation systems, planting details (including replanting) and a detailed maintenance strategy including management responsibilities and maintenance schedules and for the long-term management and maintenance of the green walls and green roof. Prior to the first use of the relevant phase of the development hereby permitted, the green walls and green roof shall be provided on site and thereafter retained and maintained in accordance with the approved details for the lifetime of the development hereby permitted. Any retained or newly planted plants which die, become seriously damaged or diseased or are removed or destroyed shall be replaced in accordance with the Management Plan.

Reason: In the interests of visual amenity.

10. No commercial unit(s) as identified on approved plan 01597_JTP_DR_MP_PP_A_1100 Level 00 Proposed Plan P2 within Use Class A3/A4 shall be first occupied until details (including external appearance and technical specification) of any necessary extraction and ventilation systems (including acoustic properties) for that unit have been submitted to and approved in writing by the Local Planning Authority. The extraction and ventilation systems shall be installed in accordance with the approved details before the use commences and permanently maintained in accordance with the manufacturer's recommendations for the duration of the use within class A3/A4.

Reason: To protect residents of the area from unacceptable noise.

11. Prior to the installation of any fixed plant and equipment associated with air moving equipment, compressors, generators or plant or similar equipment to be installed in connection with the development hereby permitted details, including acoustic specifications, shall be submitted to and approved in writing by the Local Planning Authority. Approved plant and equipment shall not be installed otherwise than in accordance with the approved specifications.

Reason: To protect the environment and amenities of the occupants of neighbouring properties.

12. Notwithstanding Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no microwave antenna, equipment for the support of microwave antennae or electronic communications apparatus shall be installed, sited or placed on the development hereby permitted without the written approval of the Local Planning Authority.

Reason: To ensure a form of development compatible with Policy CS21 of the Woking Core Strategy.

13. No piling or any other foundation works using penetrative methods shall be undertaken at each phase of the development unless and until a Piling and Foundation Risk Assessment (PFRA) for each phase has been submitted to and approved in writing by Local Planning Authority. Development shall be carried out in accordance with the approved PRFAs.

Reason: To ensure that the proposed development does not harm groundwater resources.

14. Notwithstanding The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any equivalent Order(s) revoking and/or re-enacting and/or modifying that Order), no cables, wires, aerials, pipework (except any rainwater goods as may be shown on the approved plans), meter boxes or flues shall be fixed to any elevation of any building hereby permitted without the prior written approval of the Local Planning Authority.

Reason: To ensure a high quality development in accordance with Policy CS21 of the Woking Core Strategy.

15. Prior to the first occupation of each phase of the development hereby permitted, the internal and external amenity areas identified on the approved plans listed in condition 3 within that phase, including the external amenity space within that phase at ground, podium and roof level, shall be provided in accordance with the approved plans and made available for use. Thereafter these facilities shall be retained and made available for use for the lifetime of the development.

Reason: In the interests of residential amenity.

16. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any orders amending or re-enacting that Order, or superseding equivalent Order, with or without modification(s)), other than where identified as such on the

approved plans the flat roof areas of the residential blocks hereby permitted shall not be used as roof terraces, sitting out areas or similar amenity areas.

Reason: In order to protect adjoining properties from overlooking and noise in accordance with Policy CS21 of the Woking Core Strategy.

17. Each phase of the development hereby permitted shall not be first occupied unless and until the proposed accesses to Goldsworth Road relevant to that phase have been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved scheme and thereafter visibility splays shall be kept permanently clear of any obstruction over 0.6m high.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users.

18. Each phase of the development hereby approved shall not be first occupied unless and until existing redundant vehicle access relevant to that phase from the site to Goldsworth Road and to Church Street West have been permanently closed and the road kerbs and footways fully reinstated.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users.

19. Each phase of the development hereby permitted shall not be first occupied unless and until space has been laid out within that phase in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users.

20. Each phase of development hereby permitted shall not be first occupied unless and until electric vehicle charging spaces have been provided in accordance with a phasing scheme, totalling 53 active and 53 passive charging spaces, to be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme prior to first occupation of each phase of the development and thereafter retained in accordance with the approved scheme.

Reason: In the interests of achieving a high standard of sustainability with regards to electric vehicle charging infrastructure requirements.

21. The parts of the development hereby permitted that remove the existing vehicle turning head located at the eastern end of Goldsworth Road, shall not be commenced unless and until the highway works that provide a replacement vehicle turning head within Goldsworth Road have been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users.

22. The works proposed to pedestrianise the adjacent section of Goldsworth Road shall not commence until the Surrey County Council/Woking Borough Council works associated with the widening of Victoria Arch have provided the left turn at the junction of Victoria Way with Church Street West, allowing for left turning traffic from Victoria Way towards the west.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users.

23. The development hereby permitted shall not be first occupied unless and until the proposed delivery bay, alterations to the existing parking restrictions on Goldsworth Road, and the associated Traffic Regulation Orders, have been designed, implemented and obtained at the developer's expense, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users.

24. No development of each phase shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority for that phase. Each CTMP shall include details of:

- a. loading and unloading of plant and materials within the site and/or to/from the public highway;
- b. storage of plant and materials within the site and/or on the public highway;
- c. provision of any boundary hoarding on the public highway frontage(s) of the sited;
- d. the routing of heavy goods vehicles to/from the site;
- e. measures to prevent the deposit of earth or other construction-related materials from the site onto the public highway;
- f. turning for heavy goods vehicles clear of the public highway; and
- g. any proposed temporary occupation of the public highway, associated with the construction of the development together with proposals to temporarily divert public highway users during any such highway occupation.

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

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users.

25. Prior to the first occupation of each phase of the development hereby permitted a Service and Deliveries Management Plan (SDMP), for the residential, commercial or homeless shelter, shall be submitted to and approved in writing by the Local Planning Authority. The SDMP shall include details of:

- a. hours of service operation;
- b. hours of operation for the service yard gate and its method of control;
- c. details of the parcel drop facilities and its management;
- d. maximum service vehicle sizes; and
- e. service area management

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

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users.

26. The phases of the development hereby permitted that include balconies which overhang public highway land in Goldsworth Road, namely Tower T1 and T2, shall not be commenced unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- a. an assessment of the risk of an object falling from a balcony onto the highway below, including measures and restrictions on its use to minimise this risk;
- b. a schedule of structural assessments of each balcony to ensure its structural integrity, and remedy any structural fault identified; and
- c. the enclosure of the handrail / balustrade of each balcony to its full height.

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

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users.

27. Each phase of the development hereby permitted shall not be first occupied unless and until a Sustainable Travel Plan (STP) Has been submitted to an approved in writing by the Local Planning Authority. The STP shall include:

- a. an Information Pack to be provided to residents regarding the availability of and whereabouts of local public transport, walking / cycling opportunities and car clubs;
- b. the provision of 5 car club spaces within the developments boundary.

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

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users.

28. (a) Each phase of the development hereby permitted shall not be first occupied unless and until the cycle parking relevant to that phase has been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be for a total minimum of 1064 cycle spaces within the development and a further 25 cycle parking spaces within the external landscaping areas of the scheme. Development shall be carried out in accordance with the approved scheme, which shall thereafter be retained and maintained.

(b) Monitoring surveys will be undertaken every 12 months from the date of first occupation of the final phase of the development hereby permitted for a period of three years to confirm cycle parking usage against supply, with the survey methodology to be agreed in writing by the Local Planning Authority prior to commencement of the final phase. If the threshold of 75% occupancy of cycle parking is reached a scheme for additional cycle parking (including quantum, location, access) shall be submitted to and approved in writing by the Local

Planning Authority within 6 months. The approved scheme shall be implemented within 6 months of the date of the scheme being approved and thereafter shall be permanently retained and maintained in accordance with the agreed scheme.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users.

29. No above ground works shall begin unless and until a scheme to secure occupation of the development hereby permitted as 'Low Car Ownership' has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that:

- a. in respect to the Woking Controlled Parking Zones (CPZ area 1 to 5), residents (not being holders of a disabled person's badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation) of the development are excluded from entitlement to resident's parking permit;
- b. where a parking permit is issued by the relevant local planning authority in error and/or contrary to this Agreement, the occupant/holder of the resident's parking permit shall surrender the permit to the Local Planning Authority immediately;
- c. the restrictions contained in this condition shall apply to and be communicated to all future residential occupiers of the development including successors in title as well as any persons occupying the premises as a tenant or licensee;
- d. the approved 'Low Car Ownership' scheme shall be implemented prior to the first occupation of the development hereby permitted.

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

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users.

30. The works proposed to pedestrianise the adjacent section of Goldsworth Road shall not commence until the two on-street Car Club spaces impacted by the works have been replaced within the local area in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users.

32. The refuse and recycling bin storage and other associated facilities (including chutes, bin lifts etc) for each phase shown on the approved plans shall be provided prior to the occupation of that phase and thereafter made permanently available for the lifetime of that building.

Reason: In the interests of amenity and to ensure the appropriate provision of infrastructure.

33. The development hereby permitted shall be carried out in accordance section 5 of the Preliminary Ecological Appraisal by Greengage dated June 2020 (within the ES), Section 5 of the Bat Survey Report by Greengage dated June 2020 (within the

ES) and Section 3 of the Ecological Management Plan by Greengage dated June 2020 (within the ES).

Reason: In order to protect and enhance biodiversity on the site.

34. Any scrub, hedgerow and tree clearance shall be undertaken outside the bird breeding season (March to August inclusive) unless the developer has first carried out a survey of such vegetation which shows that there are no nesting species within relevant parts of the application site and any such survey results have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent birds being injured or killed during site clearance works and to comply Policy CS7 of the Woking Core Strategy.

35. Prior to any above ground works (excluding demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame) in connection with the development hereby permitted, a scheme specifying the provisions to be made for protecting residential units within the development hereby permitted from noise emanating from the A1/A2/A3/D1/D2 uses at ground and mezzanine floor level hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development hereby permitted and thereafter shall be permanently retained and maintained in accordance with the approved scheme.

Reason: To protect the occupants of the new development from noise disturbance.

36. No external fixed plant or equipment associated with air moving equipment, compressors, generators or plant or similar equipment shall be installed on each phase of the site until details, including acoustic specifications, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried and the plant and equipment maintained in accordance with the approved details.

Reason: To protect the occupants of the new development from noise disturbance.

37. No sound reproduction equipment which conveys messages, music or other sound by voice or otherwise which is audible outside the development hereby permitted shall be installed on the site without the prior written approval of the Local Planning Authority.

Reason: To protect the occupants of the new development from noise disturbance.

38. Prior to the commencement of superstructure works for any residential building hereby permitted details of a scheme for protecting the habitable rooms of any dwelling within the development from noise emanating from the Downside Goods Yard shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. Presentation of predicted noise contours, and calculation of noise levels inside apartments, including the information set out below;
- b. Preparation of noise contour plots showing the areas on each façade of the residential development where rating levels, for the closest approach

of the rail unloading operation of Downside Goods Yard, are greater than 55 dB LAr 1 hour (see note below);

- c. The noise calculations must allow for the use of two machines unloading wagons simultaneously as well as two wheeled loaders for placing material into road vehicles;
- d. Each of the noise contour plots for buildings T1, T2 and T3 must indicate where windows, doors and balconies are exposed to a rating level greater than 55 dB LAr, 1hour;
- e. For each window where rating levels are greater than 55 dB LAr 1 hour, the apartment or studio type shall be identified;
- f. For each apartment and studio type, the highest rating level shall be used as the basis for the calculation of internal noise levels arising from the Downside Goods Yard operation;
- g. The calculations shall be undertaken in accordance with G.2.1 Calculation method and G.2.2 in BS8233:2014 'Guidance on sound insulation and noise reduction in buildings';
- h. For each apartment and studio type, using the highest rating level from the noise contour plots, the calculations will demonstrate that the following internal noise levels can be achieved for all habitable rooms due to noise from Downside Goods Yard:
 - a. 30 dB LAeq, 1 hour between 0700 and 2300 hours;
 - b. 25 dB LAeq, 1 hour (in bedrooms only) between 2300 and 0700 hours;
 - c. 45 dB LAF, max
- i. If the initial calculations demonstrate that these internal noise levels cannot be achieved, the sound insulation specification will be improved until compliance can be demonstrated.

Development shall be carried out in accordance with the approved scheme and installed noise control measures shall thereafter be permanently retained.

Note – LAr is the rating level as calculated using British Standard 4142 (Currently version 2014 + A1:2019). Any presentation of the rating level shall also include any corrections for impulsivity, tonality, intermittency or general character. As the unloading of aggregates is impulsive, and highly perceptible in the absence of concurrent train pass-bys, a character correction of +9dB would be expected. Any deviation from this correction shall require evidence as to how the correction has been derived.

Reason: To ensure a good standard of residential amenity for future occupiers and to protect the existing and future operation of the safeguarded Downside Goods Yard.

39. Prior to the occupation of the development hereby permitted, a scheme for the testing of the internal noise environment of dwellings within the development affected by noise emanating from the Downside Goods Yard, to demonstrate compliance with the internal noise level criteria within condition 38, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for:

- a. Witnessed compliance testing for internal noise levels in a minimum of five (maximum of ten) of the apartments / studios which the noise contour plots for Condition 39 a) indicate have the highest rating levels per building block. The compliance testing shall be undertaken during a period when train unloading is taking place and at times when construction site activity and

mainline rail noise are less than during typical weekdays e.g. evenings/weekends;

b. The measurements shall be for a minimum period of 1-hour per apartment or studio using a sound level meter that logs 'sound pressure level versus time' trace set to maximum of 1-second interval. The passage of trains shall be marked on the trace and notes shall be made about the noticeable external events that affect the measurements;

c. If the Downside Goods Yard operations exceed 45 dB LAF, max at any time during the 1-hour measurement the sound insulation specification shall be compared with the actual construction in the apartment / studio. The sound insulation shall be improved and testing repeated to demonstrate compliance with the internal noise level of 45 dB LAF, max.

Development shall be carried out in accordance with the approved scheme and results of the testing shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the apartments/studios affected.

Reason: To ensure a good standard of residential amenity for future occupiers and to protect the existing and future operation of the safeguarded Downside Goods Yard.

40. Prior to the commencement of superstructure works for any residential building hereby permitted a scheme for protecting habitable rooms of any dwelling within the development from noise emanating from the mainline railway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

a. Presentation of predicted noise contours, and calculation of noise levels inside apartments, including the information set out below;

b. Preparation of noise contour plots showing the areas on each façade of the residential development where rail noise levels are greater than 55 dB LAeq, 16 hour;

c. Each of the noise contour plots for buildings T1, T2 and T3 must indicate where windows, doors and balconies are exposed to levels greater than 55 dB LAeq 16 hour;

d. For each window where rail noise levels are greater than 55 dB LAeq 1 hour, the apartment or studio type shall be identified;

e. For each apartment and studio type, the highest level shall be used as the basis for the calculation of internal noise levels arising from train movements on the railway;

f. The calculations shall be undertaken in accordance with G.2.1 Calculation method and G.2.2 in BS8233:2014 "Guidance on sound insulation and noise reduction in buildings";

g. For each apartment and studio type, using the highest rating level from the noise contour plots, the calculations shall demonstrate that the following internal noise levels can be achieved for all habitable rooms:

30 dB LAeq, 16 hour during the day;

25 dB LAeq, 8 hours (in bedrooms only) during the night;

45 B LAF, max (in bedrooms only) during the night.

h. With Mechanical ventilation operating under normal operating conditions, the following total noise levels for all studios and apartments shall be met:

35 dB LAeq, 16 hours during the day;
30 dB LAeq, 8 hours (in bedrooms only) during the night;
45 dB LAF, max (in bedrooms only) during the night;

i. If the calculations demonstrate that these internal noise levels cannot be achieved the sound insulation specification will be improved until compliance can be demonstrated.

Details of the calculations and supporting information relating to the sound insulation specification shall be supplied to the planning authority for verification and approval.

Reason: To ensure a good standard of residential amenity for future occupiers and to protect the existing and future operation of the safeguarded Downside Goods Yard.

41. Prior to the commencement of superstructure works for any residential building, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a. how overheating shall be addressed through glazing and ventilation design; and
- b. that building design does not lead to unacceptably high levels of noise when glazing and ventilation are operating to prevent overheating.

Development shall be carried out in accordance with the approved details and residential buildings shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

Reason: To safeguard the residential amenities of future occupiers in accordance with Policy CS21 of the Woking Core Strategy and Policy DM7 of the DM Policies DPD.

42. Prior to the commencement of superstructure works for any residential building, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a. That all external amenity spaces for that building meet 50 dB LAeq,T during normal conditions; and
- b. Where external amenity space(s) are predicted to be higher than the above criteria a scheme of mitigation to reduce external amenity space noise to a minimum, or access to/provision of suitable, alternative, external amenity space for affected residents, shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the residential amenities of future occupiers in accordance with Policy CS21 of the Woking Core Strategy and Policy DM7 of the DM Policies DPD.

43. Prior to the first occupation of each phase of the development hereby permitted details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- a. CCTV;
- b. general external lighting;
- c. security lighting; and
- d. access control measures for residential core entrances on or around the building and within the adjoining public realm.

The details shall include the location and specification of all lamps, light levels/spill, illumination, cameras (including view paths) and support structures including type, materials and manufacturer's specifications, and an assessment of the impact of any such lighting on the surrounding residential environment and the environment of Woking Town Centre.

Development shall be carried out in accordance with the approved details prior to first occupation of each phase and shall be maintained thereafter for the lifetime of the development.

Reason: To protect the general amenities of the area and the residential amenities of neighbouring and nearby properties from nuisance arising from light spill in accordance with Policy CS21 of the Woking Core Strategy.

44. Prior to the first occupation of each phase of the development hereby permitted, the wind mitigation measures set out in chapter 5 wind microclimate of the ES dated June 2020 by Greengage shall be implemented on-site in full. The measures for that phase shall thereafter be permanently retained and maintained for the lifetime of the development hereby permitted.

Reason: To ensure a satisfactory wind microclimate.

45. Notwithstanding the provisions of Part 16 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any equivalent Order revoking and re-enacting that Order, the installation of any structures or apparatus for purposes relating to telecommunications shall not be undertaken without the prior written approval of the Local Planning Authority.

Reason: To ensure that the visual impact of any telecommunication equipment upon the surrounding area can be considered in accordance with Policy CS21 of the Woking Core Strategy and SPD Design.

46. Prior to the commencement of any above ground works at each phase of the residential development hereby permitted (excluding demolition, below ground works, groundworks and the erection of the lift/stair core(s) and structural frame), written evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the phase of development will:

- a. Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence shall be in the form of a Design Stage Standard Assessment

Procedure (SAP) Assessment, produced by an accredited energy assessor; and,

b. Achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence shall be in the form of a Design Stage water efficiency calculator.

c. Each phase of the residential development shall not be occupied until written documentary evidence has been submitted to and approved in writing by the Local Planning Authority demonstrating that the phase of development has complied with requirements (a) and (b) above.

Development shall be carried out in accordance with the approved details and shall be maintained in perpetuity.

Reason: To ensure that the development achieves a high standard of sustainability.

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

Reason: To ensure that the development achieves a high standard of sustainability.

48. The non-residential units of each phase of the development hereby permitted shall achieve a minimum post-construction BREEAM 2018 rating of at least 'Very Good' (or such equivalent national measure of sustainable building which replaces that scheme). Within 3 months of the completion of the phase of development a final Certificate confirming that the development has achieved a BREEAM 2018 rating of at least 'Very Good' (or such equivalent national measure of sustainable building which replaces that scheme) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability.

49. Prior to the commencement of development of each phase (excluding demolition), the construction drawings of the surface water drainage network, associated sustainable drainage components (including green/brown roofs and rain gardens), flow control mechanisms and a construction method statement shall be submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved construction drawings, Flood Risk Assessment and Drainage Strategy Rev3 and calculations.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy.

49. Prior to the first use of each phase of the development hereby permitted, a detailed maintenance and management plan of the Sustainable Drainage Scheme within that phase shall be submitted to and approved by the Local Planning Authority. The plan shall include:

- a. a timetable for its implementation, and
- b. a location plan of each feature, detailed maintenance requirements of each feature, inspection records sheet, structure specification in case of replacement of features and components, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Development shall be carried out in accordance with the approved management plan and the Local Planning Authority shall be granted access to inspect the Sustainable Drainage Scheme for the lifetime of the development.

Reason: To ensure that the development achieves a high standard of sustainability, continues to be maintained as agreed for the lifetime of the development, and to comply with Policies CS9 and CS16 of the Woking Core Strategy.

51. Prior to occupation/use of any phase of the development hereby permitted a verification report, appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the permanent surface water drainage scheme relating to that phase, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy.

52. Prior to commencement of the development hereby permitted (except demolition and site clearance) further contaminated land site investigation and risk assessment shall be undertaken in accordance with the recommendations of idom report IDOM-GEA 22102- 20-268 dated Sept 2020. The findings shall be collated in accordance with the standards of DEFRA's and the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR 11) and British Standard BS 10175, and shall be submitted to and approved in writing by the Local Planning Authority. If applicable, ground gas risk assessments shall be completed in line with CIRIA C665 guidance.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment.

53. Prior to the commencement of each phase of the development hereby permitted (except demolition and site clearance) a detailed remediation method statement shall be submitted to and approved in writing by the Local Planning Authority. The remediation method statement shall detail the extent and method(s) by which the site is to be remediated and shall detail the information to be included in a validation report. The remediation method statement shall also provide

information on a suitable discovery strategy to be utilised on site should unanticipated contamination be found. The Local Planning Authority shall be given a minimum of two weeks written prior notice of the commencement of the remediation works on site. Development shall be undertaken in accordance with the approved remediation method statement.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment.

54. Prior to first occupation of each phase of the development hereby permitted, a remediation validation report for the phase shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail evidence of the remediation, the effectiveness of the remediation carried out and the results of post remediation works, in accordance with the approved remediation method statement, so as to enable future interested parties, including regulators, to have a single record of the remediation undertaken at the site. Should specific ground gas mitigation measures be required to be incorporated into the development the testing and verification of such systems shall have regard to CIRIA C735 guidance document entitled 'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases' and British Standard BS 8285 Code of Practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that a satisfactory strategy is in place for addressing contaminated land, making the land suitable for the development hereby approved without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment.

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

Reason: To accord with the Habitat Regulations, Policy CS8 of the Woking Core Strategy and The Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy.

56. No development in any phase shall take place, including any works of demolition until a Construction Environmental Management Plan (CEMP), for that phase of development has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the principles for such a plan proposed in the Environmental Statement submitted with the application. The CEMP shall include the following matters:

- a. Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers;

- b. Delivery and collection times for demolition and construction;
- c. Hours of working on the site;
- d. Dust management - measures to control the emission of dust/dirt during demolition and construction including wheel washing and measures to control dust/dirt on the public highway by providing a Dust Management Plan in accordance with paragraph 10.134 of the submitted Environmental Statement;
- e. Measures to control noise and vibration during demolition and construction and the
- f. use of best practical means to minimise noise and vibration disturbance from works
- g. Measures to prevent ground and water pollution from contaminants on site/a scheme to treat and remove suspended solids from surface water run-off during construction, including the use of settling tanks, oil interceptors and bunds;
- h. Soil management measures;
- i. Identification of areas/containers for the storage of fuels, oils and chemicals;
- j. Details of any temporary lighting to be used for demolition/construction purposes including confirmation from the project Ecologist that the temporary lighting would not be harmful to the ecology of the site and measures for monitoring of such lighting;
- k. Details of measures to mitigate the impact of demolition and construction activities on ecology in accordance with a Construction Ecological Management Plan (prepared by the Ecological Clerk of Works) to be submitted as part of the CEMP;
- l. Site fencing/hoarding and security measures;
- m. The prohibition of burning of materials and refuse on site;
- n. Management of materials and waste;
- o. External safety and information signing and notices;
- p. Liaison, consultation and publicity arrangements including dedicated points of contact and contact details;
- q. Complaints procedures, including complaints response procedures;
- r. Access and protection arrangements around the site for pedestrians, cyclists and other road users including temporary routes;
- s. Procedures for interference with public highways, permanent and temporary realignment, diversions and road closures; and
- t. Construction management plan for surface water run-off during the construction period.

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

Reason: To ensure the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety and to protect the environmental interests and the amenity of the area and to comply with Policies CS7, CS9 and CS21 of the Woking Core Strategy.

57. Prior to any above ground work relating to each phase of the development hereby permitted an Interim Strategy relating to cycle and car parking, landscaping and servicing (including waste) shall be submitted to and approved in writing by

the Local Planning Authority. The temporary measures shall remain as required until the development is complete in accordance with the approved Strategy.

Reason: To acknowledge the large scale of the proposed development and necessary solution to provide flexibility for temporary arrangements until the development is complete.

58. Prior to the commencement of the development hereby permitted (excluding demolition, groundworks and the erection of the lift/stair core) in relation to Buildings BA, T2 and T3, a 'Crane Operation Plan' shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved Crane Operation Plan.

Reason: In the interests of aviation safety.

59. Prior to completion of Buildings BA, T2 and T3 hereby permitted details of obstacle lights to be placed on the towers, periods of illumination of obstacle lights at night, obstacle light locations and obstacle light intensity, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the requirements of 'CAP168' Licensing of Aerodrome and development shall be carried out in accordance with the approved details.

Reason: In the interests of aviation safety.

60. Commercial uses at ground and mezzanine floor levels of the development hereby permitted shall not be open to customers outside the hours of 0700 to 2400.

Reason: In the interests of residential amenity.