
Appeal Decision

Site visit made on 13 June 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 28 June 2017

Appeal Ref: APP/A3655/W/17/3168730

Units 6,8,9 & 10 Centrium, Station Approach, Woking GU22 7PA

- 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 Mr Nick Patel – Redpoint Ltd against the decision of Woking Borough Council.
 - The application Ref PLAN/2016/0933, dated 26 July 2016, was refused by notice dated 10 October 2016.
 - The development proposed is Change of use of unit 6,8,9,10 (intended retail and restaurants (A2/A3) to self contained residential apartments (C3).
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposal on the viability and vitality of Woking town centre; and the effect of the proposal on the Thames Basin Heaths Special Protection Area (TBHSPA).

Reasons

Viability and vitality

3. Units 6, 8, 9 and 10 are located on the ground floor of a large, mixed use development known as Centrium which, according to the evidence, was constructed in 2003. They are within Woking town centre, as defined within the Woking Core Strategy 2012 (Core Strategy). Unit 6 is currently in use as a nursing agency (Class A2) with a lease until September 2018. Units 8, 9 and 10, which currently form a single unit, were last in use as a restaurant (Class A3) until its closure in April 2016. These units have recently been part refurbished to provide a new restaurant, though the appellant states that the tenancy agreement has fallen through. As such, the refurbishment works have not progressed further and these units are currently vacant.
 4. The proposal seeks to convert the units into one, two bedroom and five, one bedroom self-contained residential apartments.
 5. Policy CS2: Woking Town Centre, of the Core Strategy, identifies Woking town centre as the primary centre for economic development in the Borough and requires, amongst other things, development to contribute to the functionality of the centre and to its competitiveness.
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6. The appellant contends that there is no commercial demand for units 8, 9 and 10 on the basis that recent advertising has been unsuccessful in securing a tenant. However, I have not been provided with any substantive evidence in respect of how or to what extent the units have been advertised or whether the advertised rent reflects local market trends. In addition, the units appear to have been largely occupied for prolonged periods over the recent years. This indicates that there is some demand for their commercial use. In addition, the reasons as to why the most recent tenancy agreement fell through are not clear. Moreover, this does not inevitably mean a lack of demand or that the appellant could not agree suitable terms with any future tenant.
7. Whilst the tenants of unit 6 have a three year lease, there is no substantive evidence to indicate that they would not wish to remain in the premises beyond this period. In addition, the appellant has not put forward any compelling reasons as to why it is considered that a three year lease is not a viable option for a commercial landlord. Furthermore, the fact that this unit is currently occupied demonstrates a current demand for its use.
8. The appellant claims that market research carried out over several months has found a large number of vacant commercial properties in the area. However, the detailed findings of any such research has not been provided for my further consideration. Thus, I cannot be certain that this is indeed the case and I afford this claim limited weight.
9. I note that the Council has granted consent¹ for some other ground floor units within Centrium to be converted to residential. However, the Council sets out that those units had been vacant for long periods of time with some having never been occupied since Centrium was constructed. As such, the situation with those units is not wholly comparable to the situation with the units under consideration in this appeal. Thus, that consent does not justify a planning permission in this instance.
10. On the basis of the above, I consider that the evidence is insufficient to demonstrate a lack of commercial demand for units 6, 8, 9 and 10. Consequently, to allow the appeal would harm the viability and vitality of Woking town centre and would erode its functionality and competitiveness. This would be contrary to Policy CS2 of the Core Strategy. It would also conflict with the aims and objectives of the National Planning Policy Framework which seek to promote competitive town centres and to support their viability and vitality.

TBHSPA

11. The appeal site is located within 400m-5km of the TBHSPA. Saved Policy NRM6: Thames Basin Heaths Special Protection Area, of the South East Plan 2009 (SEP); and Policy CS8: Thames Basin Heaths Special Protection Areas, of the Core Strategy, indicate that permission will not be given for development that is likely to have a significant effect, either alone, or in combination with other development, upon the integrity of the TBHSPA within this zone. The Council's Thames Basin Heaths Special Protection Area Avoidance Strategy 2010-2015 (SPAAS) sets out the measures required to avoid harm to the TBHSPA, including in respect of the type of development proposed, setting out

¹ Council Ref PLAN/2016/0424

that financial contributions are required towards Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).

12. The Council has a Community Infrastructure Levy Charging Schedule in place that would ensure the contribution towards SANG. A contribution of £3000 would also be required, secured through a legal agreement, in respect of SAMM. The appellant does not dispute the requirement for this payment and has provided a draft Unilateral Undertaking (UU) under section 106 of the Town and Country Planning Act 1990 in respect of it. However, the draft UU is unsigned and incomplete. As such, it does not adequately secure the necessary mitigation.
13. Accordingly, I conclude that the proposal would result in significant harm to the TBHSPA. This would be contrary to Policy CS8, of the Core Strategy; and saved Policy NRM6, of the SEP. It would also conflict with the requirements of the SPAAS.

Other matters

14. I have been provided with details in respect of the appellant having to pursue legal action to recover back rent from a previous tenant. However, this is a civil matter and is not therefore a material planning consideration to which I afford any significant weight in the determination of this appeal.
15. The proposed residential apartments would occupy a location with a good level of access to local services and facilities for any future occupiers. They would make a contribution, albeit a limited one, to housing supply and housing mix within the Borough. I also acknowledge that the conversion of the units to residential would not have a detrimental effect on the character and appearance of the area. However, these matters, individually or cumulatively, would not be sufficient to outweigh the harm that would arise to the viability and vitality of Woking town centre and to the TBHSPA.

Conclusion

16. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR