



Appeal Decision

Hearing held and site visit made on 29 January 2020

by Brendan Lyons BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

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

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Thameswey Developments Limited against the decision of Woking Borough Council.
- The application Ref PLAN/2018/0633, dated 14 June 2018, was refused by notice dated 20 November 2018.
- The development proposed is described as: Demolition of existing buildings and erection of mixed-use development ranging in height to 17 storeys, comprising of 2,275 sq.m GIA energy centre (flexible Sui Generis/Class B1), 679 sq.m co-working space (Sui Generis/Class B1), 247 student and co-living rooms (Sui Generis) with shared kitchens and associated communal space totalling 714 sq.m and 312 sq.m rooftop amenity space, in addition to associated landscaping, waste and ancillary spaces. Installation of 3 No. thermal store vessels and ancillary infrastructure structures including above ground pipework. Installation of subterranean district heating main and private wire electricity cables beneath Poole Road, Goldsworth Road and Church Street West.

Decision

1. The appeal is dismissed.

Procedural matters

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

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

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

Main Issues

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

Reasons

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

¹ Ref PLAN/2018/1362

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

Character and appearance

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

² NPPF paragraph 124

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

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

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

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

Parking

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

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

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

Thames Basin Heaths SPA

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

Conclusion

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

Brendan Lyons

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

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

FOR THE LOCAL PLANNING AUTHORITY:

Tanveer Rahman	Senior Planning Officer
Joanne Hollingdale	Principal Planning Officer

DOCUMENTS SUBMITTED AT THE HEARING

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