



Appeal Decision

Hearing Held on 9 February 2021

Site visit made on 11 February 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2021

Appeal Ref: APP/A3655/W/20/3252346

New Central Development, Bradfield Close, Woking, GU22 7PU

- 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 Simon Connolly (Connolly, Crowther & Hofbauer) against the decision of Woking Borough Council.
 - The application Ref PLAN/2019/0753, dated 29 July 2019, was refused by notice dated 13 November 2019.
 - The development proposed is the erection of rooftop extensions to existing apartment blocks (Blocks A, B, C, D and F) (known as Nankeville Court, Bradfield House and Cardinal Place) ranging in height from 1 to 2 storeys to provide x37 apartments (x24 studio/1 bed and x13 2 bed) together with private and shared roof terraces. Associated alterations to existing basement level to provide cycle and refuse/recycling storage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of rooftop extensions to existing apartment blocks (Blocks A, B, C, D and F) (known as Nankeville Court, Bradfield House and Cardinal Place) ranging in height from 1 to 2 storeys to provide x37 apartments (x24 studio/1 bed and x13 2 bed) together with private and shared roof terraces. Associated alterations to existing basement level to provide cycle and refuse/recycling storage at New Central Development, Bradfield Close, Woking, GU22 7PU in accordance with the terms of the application, Ref PLAN/2019/0753, dated 29 July 2019, subject to the following conditions on the attached Schedule A.

Procedural Matters

2. A Unilateral Undertaking (UU) dated 16 February 2021 has been submitted. It concerns a Strategic Access Management and Monitoring (SAMM) mitigation contribution in respect of the Thames Basin Heaths Special Protection Area (TBHSPA), credit and membership towards the use of a car club for each new occupant and to an affordable housing viability review mechanism. Further comments on the mitigation provided by this contribution and a Community Infrastructure Levy (CIL) payment towards Suitable Alternative Natural Spaces (SANGS), along with Natural England's views on the effect of the proposal on the integrity of this SPA, have been considered in this decision.
3. Post the hearing date, further written comments were received whether a noise condition, limiting decibel (dB) levels on outside balcony terraces, met the tests within the paragraph 55 of the National Planning Policy Framework (the Framework). Comments of the main parties and a third party (operator of a

neighbouring aggregates rail depot) have been considered in this appeal. The Inspectors site visit involved a visit to this depot.

Main Issues

4. The main issues are the effect of the proposal on (a) the character and appearance of the area; (b) the living conditions of both existing and future residents, having regard to the convenience of vehicle parking; (c) the viability of the aggregates rail depot, having regard to the proximity of additional residential dwellings, and (d) the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA).

Reasons

Character and appearance

5. The New Central Development is a modern mixed-use development, made up of blocks of varying heights arranged, around a framework of public realm including a pedestrian route through the site. The development is of a simple contemporary design, finished predominately in white render and is located to the periphery of Woking Town Centre. Bordering the site to the north is the railway and the depot, including access road. To the south, there are residential flatted developments of three storeys in height and to the south west is conventional two storey development.
6. Within the development, Block I forms a landmark tower at 21 storeys in the north-eastern corner of the site adjacent to Guildford Road, the railway line and the access road leading to the depot. The more centrally located Block E is similarly a tower at 15 storeys. Block D is between 9 and 11 storeys and is further along from Block I and located mainly adjacent to the depot access road. The remaining Blocks, including C, B and A are between generally 8 and 4 storeys where they are sited adjacent to the low-rise residential development to south west.
7. There is a scale transition between the enclosed public open space on the eastern part of the site, adjacent to commercial development on Guildford Road, and the much narrower, more enclosed and intimate shared surface access on the western part of site. There is a drop in block scales respecting the lower level residential scale to south west. As a result, there is identifiable hierarchy in block scales and purpose to the development's layout.
8. The proposed additional storeys would increase the prominence of their host blocks and the development itself. Between Blocks E (tower) and F, there is a 7 storey difference which is roughly about half the height of Block E. The addition 2 Storeys atop Block F would reduce this storey difference with Block E. However, there would be still be a marked height difference between the two blocks and the additional storeys would be set back from those existing below and would be constructed with light grey metal seam panelling and sedum roofs, significantly reducing the visual amalgamation of the two blocks. The 'sentinel-tower' like presence of Block E would remain.
9. Blocks B, C and D border the railway line and depot, and the combined blocks have a downward graduation in scale towards the neighbouring residential areas. Within Block D, the proposal would result in a 1 storey addition to the 11 storey element and 2 storey addition to the 9 storey element. Within Blocks C and B, there would be a 1 storey addition to 7 storey and 5 storey elements

- respectively. Again, the additional storeys would be stepped back from those below, metal faced, and sedum roofed. Given the already substantial nature of these amalgamated blocks, the increase in the scale, height, massing and bulk would not be dominant and unobtrusive. Such additions would continue the existing stepping down pattern towards the south west towards the lower scaled residential areas. The additional storey to the 5 storey element of Block A would match the height of a neighbouring 6 storey element and would be in keeping with it. A view shared by the Council.
10. The existing development is of a simple contemporary design, finished in white render and its roof profile is typically characterised by the clean lines of the white parapet roofs. There is a strong unity and consistency in design within the development. The proposed rooftop storey additions would be generally stepped back from the storeys below, with balcony terraces and finished in different materials. Although different, such design and finishes would visually break up the sameness of the design by introducing architectural interest.
 11. The extended Blocks C, D and F would enclose the public open space but this space is already substantially enclosed and dominated by these blocks. Consequently, the additional impact would be minimal and not a reason to turn down permission for the development. The additional storeys would be visible from public vantage points around the site but for the reasons indicated, they would not harm the surrounding townscape.
 12. The rooftop additions' windows and opening would not align or be of the same design as those on existing blocks and there would be requirements for privacy and acoustic screening. However, the additional storey's are not intended to be read the same as those below due to their step backs and different materials, and in any case, such differences would not be marked given the high level nature of the additional storeys.
 13. Under the Council's Design Supplementary Planning Document (SPD) 2015, tall buildings are assessed against certain criteria, including that they be of exceptional design quality. There is a dispute as to whether the current proposal is covered by these criteria, being an extension to a tall building, but even if it is, the criteria are for guidance only and for the reasons indicated, the design would be acceptable.
 14. In conclusion, the development would not harm the character and appearance of the area. Accordingly, the proposal would comply with Policies CS2, CS21 and CS24 of the Woking Core Strategy (CS) 2012, which collectively and amongst other matters, requires great weight to be given to high quality design, development to make a positive contribution to the street scene and character of the area, and to provide a positive benefit in terms of landscape and townscape character. For similar reasons, the development would achieve a high quality building and place according with the Framework.

Vehicle parking

15. For New Central Development, parking provision is mainly within a large basement area beneath some of the blocks. The proposal would result in an additional twenty-four 1 bedroom and thirteen 2 bedroom units. Based on this, the Council's Parking Standards Supplementary Planning Document (SPD) 2018 sets out a requirement for 25 additional parking spaces. Utilising basement provision, 20 car parking spaces would be provided to serve the

proposed 37 flats. There is vehicle parking provision of 342 spaces, 265 for the flats and 70 for commercial units. There have been various planning permission involving the changes of use of commercial premises to residential since the development was originally built. Under the SPD, the Council has indicated an existing shortfall of 70 spaces taking into account planning permissions for additional residential units and the proposals.

16. There has been significant objection based on inadequate parking provision from existing residents. As freeholder of the development, the appellant has confirmed 478 dwellings and that all 3 bedroom and 2 bedroom units (a total of 223) have parking provision allocations. Occupants of 1 bedroom units (at total of 208) were given opportunities to acquire provision but none of the studio flats (47 in total) were given any provision. Based on this, parking provision would not be available for all of the 1 bedroom units, including the studios, if they require a space.
17. However, the SPD indicates parking provision below the minimum standards can be considered where fully justified and evidenced. In this regard, the application site falls within the urban area within Woking Town Centre, with very good accessibility to shops, other facilities and employment. The development is within easy walking distance of the train station, with services to London and elsewhere, and stops for local bus services.
18. In 2016, a parking survey was carried out on two early morning dates which indicated that out of the 265 car parking spaces allocated to the existing residential units, only 67% of these spaces were occupied. Third parties have sited parking space unavailability and frequent need to park elsewhere. The survey was carried out 5 years ago but there is no evidence to refute it in a substantive way. It is the only evidence that deals with parking provision availability in a comprehensive manner. Due to Covid pandemic, residents have changed their working habits with a greater emphasis on working from home. However, it has not been proven that this will necessitate greater parking provision in developments such as this, even if employee working patterns do permanently change. At the time of my site visit, there was significant availability of residential parking space within the basement.
19. Irrespective of shortfall, the Framework also requires the planning system to manage patterns of growth. Significant development should be focussed on locations which are, or can be made sustainable, through limiting the need for travel and offering a genuine choice of transport modes.
20. CS Policy CS18 states that development will be directed to the main urban areas so that they are served by a range of sustainable transport modes including public transport, walking and cycling, so that the need to travel, along with the distance travelled, is kept to a minimum. Under the policy, minimum parking standards will be applied to residential developments but only in circumstances where doing so would not undermine the overall sustainability objectives of the CS.
21. In this regard, refusal of the proposal would undermine such objectives because this would prevent the erection of 37 residential units in a location well served by services, employment and public transport where the use of the private motor vehicle is not required. Not applying the SPD parking standards is further supported by an October 2019 Council resolution that states, having regard to the parking standards, wherever possible, zero or minimal parking

provision should be considered in Woking Town Centre developments following the recommendations of the Council's Climate Change Working Group.

22. Additionally, the UU provides future occupants car club credit and membership which would further encourage zero or minimal parking in accordance with CS policies whilst also satisfying the statutory tests contained with Community Infrastructure Levy (CIL) Regulations 2011 (as amended).
23. For all these reasons, the parking provision below the standards set out in the Council's SPD is justified given the urban location of the development. There have been no safety or road capacity objections to the proposal from the Highway Authority. Despite a citing of parking stress in neighbouring areas, no survey and/or assessment details this. Accordingly, the proposal would comply with Policies CS18 and CS21 of the CS, which collectively and amongst other matters, requires development to be located within urban areas, served by a wide range of sustainable transport modes to minimise the need to travel and distance travelled, and to encourage sustainable means of travel. Similarly, it would comply with the guidance of the Parking Standards SPD.

Viability of the aggregates rail depot

24. A substantial rail served aggregates depot, known as Downside Goods Yard, operates from land immediately adjoining the appeal site. Trains arrive with materials, are unloaded, and depart. Materials are stored in an open yard area and loaded into HGVs which come in and out of the Depot, along an access road. Noise and activity are currently controlled by site management and operational measures.
25. The introduction of further residential development, if not appropriately mitigated, could result in noise and disturbance complaints from new residents, and action taken against the yard user. This could prejudice the existing and future operation of this important facility. Both Network Rail, the County Council (as the mineral planning authority) and the operator raised no objections to the residential development, subject to the imposition of noise-related planning conditions as detailed in the Statement of Common Ground.
26. For outside balconies, a suggested planning condition requires the submission and approval of a noise assessment (NA) prior to the first occupation and the setting of a noise limit of 55 dB¹, unless otherwise justified including having regard to mitigation. Concerns were raised about the reasonableness of such condition because it could result in a substantial change to the scheme if substantial acoustic screening was necessary in the form of mitigation.
27. Furthermore, the appellant carried out a noise assessment (NA)² following the hearing which showed that existing external façade noise levels exceed the above condition's limit based on BS8233:2014³ and the World Health Organisation (WHO) Guidelines 2009 on 15 February 2021. At positions facing the yard on the Block D (9th floor north facing) and Blocks C (7th floor west facing), the condition's limit was found exceeded by 5-10dB and 1-8dB (0700 to 1900 hours) respectively. This was at a time when no trains were unloading materials.

¹ The condition specified 55 dB LAeq (1 hour) during 0700 – 2300 hrs.

² Environmental Noise Report and Noise Impact Assessment Report, 28647/NIA1, Hann Tucker Associates, 22 February 2021.

³ BS8233:2014 Guidance on sound insulation and noise reduction for buildings

28. The yard operator's Technical Note (TN)⁴ states a BS4142⁵ rating level of 55 dB L_A is a requirement to provide sufficient protection to the users of balconies and adequately protect the interests of the operator. BS4142 deals with industrial noise. Under this, the NA showed category effect levels for receptors, a Significant Adverse Impact (SAI) at Block A (4th floor) and Adverse Impact (AI) for Block AB (5th floor) for residential development. For the north elevation of Block BCD (9th Floor), the effect was Low Adverse Impact for the receptor. Summarising an overall category effect level for the day is not an exact science. For Block AB, much of the morning/early lunch time (0700 to 1300 hours and late afternoon (1500 to 1700) has an AI level whilst for late lunch time (13:00 to 1400 and 1700 to 23:00), it has a SAI level.
29. The proposal's main balcony terraces would be on the 5th floor of Blocks A and B which face one another roughly in a north west and south east direction respectively. The yard is located to the north and west. At SAI, level of noise causes a material change in people's behaviour and health. However, residents would have the choice to go back inside their flat if noise conditions made them uncomfortable outside on their balconies. A condition can be imposed requiring internal noise levels to comply with noise criterion of the WHO guidelines and the practicalities of this have not been disputed. Consequently, behavioural and health issues of having to turn up the volume on the television or needing to speak more loudly to be heard and disrupted sleep would not occur with such a condition.
30. Additionally, the new flats would be part of an existing substantial residential development and residents would have access to other communal external amenity areas, such as the space on the ground floor courtyard between the residential towers. There would also be external public space, including Woking Park and Basingstoke Canal, which are within a reasonable walk of the development. The flats would also be within a dense urban area where user expectations for the amenity space would not be the same as dwelling with a ground floor garden where there is greater scope for recreational activities, such as gardening, games, etc and consequent attractiveness for staying outside for longer periods of time.
31. Furthermore, there would be scope for high level acoustic screens on the end flanks of the Block A and B's 5th floor terraces closest to the yard, as well as between them. Given this, residents could also decide to move back from the external perimeter of the balcony to areas where noise levels would be reduced. The other new balcony terraces on the floors of Blocks B (fifth), C (seventh) and D (ninth, tenth (north west facing) and eleventh) are narrow and restricted where they face onto the goods yard and its access road. As such, these terraces would not provide significant amenity value for new residents being restricted to uses, such as drying washing or infrequent sitting out.
32. On Block D, the tenth floor terraces (south east facing) are more extensive but they are located a significant distance away from the main working areas of the yard at an elevated level. There would also be opportunities for mitigation in the form of high level acoustic screening in between balconies and at the end closest to the yard.

⁴ Technical Note, Ref 5120, 17 February 2021, WBM Acoustic Consultants.

⁵ BS4142:2014+A1:2019 – Methods for rating and assessing Industrial and Commercial Sound.

33. Legal action can be taken to prevent or stop a noise from premises, such as a dept like that here, when it considered prejudicial to health or a nuisance through a Statutory Nuisance (SN) notice, irrespective of whether the alleged perpetrator of noise existed before the complainant. Civil action can also be undertaken where noise affects an individual, compared with the ordinary inconvenience suffered by the public at large, or how it affects land in which the individual has an interest. For a SN, it is a defence to show that the best practicable means to control the noise has been used but such a defence is not available in civil action cases.
34. There is no prescribed limit above which a noise automatically becomes a SN but in ether SN or civil action, a case must be determined on its merits. No guarantee can ever be made that such actions would not be undertaken and nor can any planning assessment pre-judge their outcomes. There has been a recent complaint about noise and dust but for a development that has existed for over a decade next to the yard, this does not suggest significant problems with noise and disturbance. Furthermore, future residents of this proposed development would have a high standard of living conditions with the implementation of planning conditions securing acceptable noise levels inside the flats and mitigation, in the form of acoustic screening, for outside terraced balconies. Crucially, they would have the options of utilising other outside amenity areas or move indoors, if noise and disturbance was too great for them. Therefore, the risk of successful SN or civil action would be neglible based on the evidence before me.

Thames Basin Heaths Special Protection Area

35. Future residents would be able to access the TBHSPA for recreation. The qualifying features of the SPA are ground bird nesting species in heathland habitats which are affected by increased disturbance and degradation from pollution deposition.
36. The Council's TBHSPA Avoidance Strategy 2010-2015 details the adverse effects of recreation, such as dog walking and urbanisation on the nesting of these birds. The proposal would have a significant effect, either alone, or in combination with other plans or projects on the internationally important features of the SPA. The National Site Network objectives require maintaining or where appropriate restoration of species and habitats listed in Annex I and ii of the Conservation of Species and Habitats Regulations 2017 to a Favourable Conservation Status. It cannot be ascertained that the proposal would not affect the integrity of the SPA.
37. The UU detail levels of SAMM contribution in accordance with the formulae of the Strategy. The obligation confirms that the SAMM contribution is for the implementation of a programme of works to manage and monitor visitors use of the SPA. SAMM contributions are collected and paid directly to the Council who act as treasurer for them. Joint Strategic Partnership Meetings are held regularly to consider how these funds should be appropriately spent and to report back on ongoing measures/projects that have been agreed. This involves a wardening scheme, to monitor and manage access to the SPA and to encourage people to use SANGS rather than the SPA.
38. The SANGS contributions would be paid as part of CIL. The Council has already forward funded the development of the Heather Farm SANGS which is operational and well patronised. A significant proportion of the CIL

contributions will cover provision towards the SANG, including a proportion to service the loan used to deliver Heather Farm. At the end of each financial year the Council will calculate all the income collected from CIL and ring fence it towards the provision of SANG.

39. The Strategy has been drawn up in consultation from Natural England (NE), the government's advisor on nature conservation. NE states the financial contributions towards SANGS and SAMM are sufficient to avoid an adverse impact to the integrity of the TBHSPA. Given the status of the NE as a statutory ecological consultee on nature conservation, I place significant weight on their view.
40. Taking all the evidence into account, I am satisfied that monies would be spent on measures which would prevent adverse urbanising effects, including recreational pressure and pollution deposition, in combination with other developments coming forward. The obligation contribution would comply with statutory tests within CIL regulations. Consequently, the integrity of the TBHSPA would be maintained and proposals would comply with Policy CS8 of CS.

Other matters

41. Following advice from their specialist consultants, the Council has agreed that the affordable housing provision cannot be provided without jeopardising the viability of the proposal. However, the UU details an affordable housing viability review mechanism which would provide such housing if viability improved in accordance with CS Policy CS12 relating to such matters. Such an obligation would meet the statutory tests of CIL regulations and the obligation tests of the Framework.
42. The additional floors would be above and/or located perpendicular to existing flats and therefore, any occupant's views from the new flats to existing living accommodation would involve awkward and angled views preventing any significant loss of privacy. New storeys would face existing storeys but they would be separated from one another by intervening gaps or angled perpendicular to one another. As a result, loss of outlook would not be significant to existing residents.
43. The appellant's Daylight and Sunlight Report (2019) has adopted the methodology of the Building Research Establishment (BRE) Guide 'Site Layout Planning for Sunlight and Daylight: A Guide to Good Practice (2011). For the Vertical Sky Component (VSC), only 2 single aspect windows both serving bedrooms would experience VSC reductions greater than the BRE target value.
44. For Daylight Distribution (DD), 7 bedrooms and 3 living rooms would experience reductions in excess of the BRE target value. These reductions qualify as 'minor adverse' but would be close to acceptable BRE target criteria. Furthermore, the majority of the daylight distribution reductions in excess of the BRE target criteria relate to bedrooms where daylighting distribution is considered less important than living rooms. The living rooms that would experience daylight distribution reductions in excess of the BRE target criteria are also typically deep on plan and lit from a single aspect. In such circumstances the BRE Guide states that target reductions may be unavoidable. On this basis, there would be no significant loss of light to the existing occupiers.

45. New Central residents will experience disruption during the construction process, but construction would be of a short-term transient nature and the appellant's Design and Access Statement, contains a detailed scheme to minimise disruption, involving significant pre-construction of building elements. Whilst it is appreciated that some residents rely on lifts, the appellant has indicated any closure would be for a short time and in any case, lifts are likely to be routinely closed for maintenance and repair. With a planning condition requiring the implementation of mitigation measures, noise and disturbance would not significantly harm the living conditions of existing residents.
46. There have been numerous complaints about the state of bins storage areas and maintenance. These are matters for the management company of the flats. New residents would put additional demands on existing social and physical infrastructure, such as dentists and sewage but objections based on lack of capacity have not been proven and no objections have been made by relevant service providers. For all these reasons, these considerations would not individually or cumulatively outweigh the acceptability of the scheme.

Conditions

47. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended and shortened in the interests of clarity and precision taking into account the guidance. There are pre-commencement condition requirements for the approval of details where they are a pre-requisite to enable the development to be constructed.
48. For the avoidance of uncertainty and to allow for applications for minor material amendments, a condition is necessary specifying the approved drawings for the proposal. In the interests of character and appearance of the area, a condition is necessary setting out the implementation of the details of the metal seam cladding and window/door frame colours. To minimise disruption to existing residents, conditions requiring the implementation of an approved Construction and Environmental Method Statement and construction hours are necessary. To ensure satisfactory provision for residents, conditions are necessary to ensure cycle and vehicular parking provision, and bin storage facilities.
49. To ensure a high standard of living amenity for residents, a noise condition is necessary to prevent plant and/or equipment (such as air moving equipment, compressors, etc) without submission and approval of appropriate details. For new residents, conditions are necessary to ensure internal noise limits within the new flats, a scheme of testing to ensure the adherence of such limits and the implementation of acoustic screens for the main outside private outdoor spaces on Blocks A and B. Within Block A, a condition is necessary to limit the use of the communal terrace in the interests of the living conditions of adjacent flats. Given wind conditions, the measures set out in a related report need to be complied with to safeguard residents' amenities by way of a condition.
50. To encourage biodiversity, a condition is necessary ensuring the implementation of related measures. During the nesting season, a condition is necessary requiring nest checks and where appropriate, exclusion zones. Planning conditions have not been imposed regarding noise and fire safety as such matters are dealt with under other legislation, Building Regulations, including 2020 changes in respect of the latter, and thus, will not meet the planning condition test of necessity.

Conclusion

51. There would be no harm to the character and appearance of the area and the living conditions of residents, having regard to the convenience of parking provision and noise and disturbance from the goods yard. The viability of the goods yard, as an important facility for aggregates, would not be jeopardised by this development. The proposal would comply with the development plan and there are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR

Schedule A – List of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL(02)100-P2; PL(03)001-P2; PL(03)002-P2; PL(03)003-P2; PL(03)004-P2; PL(03)005-P3; PL(03)006-P3; PL(03)007-P3; PL(03)008-P3; PL(03)010-P2; PL(03)011-P2; PL(03)012-P3; PL(03)013; PL(03)100; PL(03)101; PL(03)102; PL(03)103; PL(03)104; PL(03)105; PL(03)106; PL(03)107; PL(03)108; PL(03)109; PL(03)110; PL(03)111; PL(03)112; PL(03)113; PL(03)114; PL(03)115; PL(03)116; PL(03)117; PL(03)118; PL(03)119; PL(03)120; PL(03)121; PL(03)122; PL(03)123; PL(03)124; PL(03)125; PL(03)126; PL(03)127 -P1; PL(03)128 -P2; PL(03)129; PL(03)130; PL(03)131; PL(03)132; PL(03)133; PL(03)134; PL(03)135; PL(03)136; PL(03)137; PL(03)138; PL(03)139; PL(03)140; PL(03)141; PL(03)178; PL(04)100-P2; PL(04)101-P2; PL(04)102-P2; PL(05)100; PL(05)101; PL(05)102; PL(05)103; PL(05)104; PL(05)105; PL(05)106; PL(05)107; PL(05)108-P1; PL(05)109; PL(05)110-P1; PL(05)200-P2; PL(05)201-P2; PL(05)202-P3; PL(05)203-P2; PL(05)204-P2; PL(05)205-P2; PL(05)206-P2; PL(05)208-P3; PL(05)209-P3; PL(05)210-P2; PL(51)100-P1.
- 3) Notwithstanding the external material details annotated on the approved plans listed within condition 2 of this notice, or within the submitted application form, no development shall take place until details and a written specification of the standing seam metal cladding and RAL colour(s) for the scheme's window/door frames shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter permanently retained in accordance with the approved details.
- 4) No development shall take place, until a Construction and Environmental Method Statement (CEMS) has been submitted to, and approved in writing by the local planning authority. The CEMS shall include the following relevant measures:
 - i) An introduction consisting of construction phase environmental management plan definitions and abbreviations and project description and location;
 - ii) A description of management responsibilities;
 - iii) A description of the construction programme which identifies activities likely to cause high levels of noise or dust;
 - iv) Site working hours and a named person for residents to contact;
 - v) Detailed site logistics arrangements;
 - vi) Details regarding parking, deliveries, and storage;
 - vii) Details regarding dust and noise mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
 - viii) Details of measures to mitigate the impact of construction on the amenity of the area and existing residents, and the safety of the highway network; and
 - ix) Communication procedures with residents regarding key construction issues – newsletters, fliers etc.

The construction shall thereafter be carried out strictly in accordance with the details and measures approved in the CEMS unless the prior written consent of the local planning authority is first received for any variation.

- 5) Prior to the first occupation of the development hereby the permitted cycle storage and car parking shall be provided in accordance with the approved plan numbered titled PL(51)100-P1 (Basement Level Proposed Refuse & Cycle Storage) and the Design and Access Statement by KDS Associates Ltd dated 12th March 2019. Thereafter the cycle storage and car parking areas shall be permanently retained and maintained for their designated purposes for the occupiers of the new additional apartments hereby permitted. The car parking spaces shown in blue on the stated approved plan shall be allocated to the new additional apartments hereby permitted.
- 6) No fixed plant and/or equipment associated with air moving equipment, compressors, generators or plant or similar equipment shall be installed within the development site until full details, including acoustic specifications and measures to attenuate noise and vibration have been submitted to and approved in writing by the local planning authority. Any fixed plant and/or equipment associated with air moving equipment, compressors, generators or plant or similar equipment shall thereafter be permanently maintained in accordance with the approved details.
- 7) Prior to the first occupation of the development hereby permitted the refuse/recycling storage areas shall be provided in accordance with the approved plan numbered titled PL(51)100-P1 (Basement Level Proposed Refuse & Cycle Storage) and the Design and Access Statement by KDS Associates Ltd dated 12th March 2019. Thereafter, the refuse/recycling storage areas shall be permanently retained and maintained for their designated purpose.
- 8) Prior to the first residential use of the communal roof terrace (within Block A) hereby permitted, a communal roof terrace management plan shall be submitted to and approved in writing by the local planning authority which shall set out: (i) hours of access to the communal roof terrace (ii) means of controlling access to the communal roof terrace (iii) signage regarding hours of use and any activities which are prohibited (ie. barbeques / late night gatherings etc). The measures approved shall be implemented before the first use of the communal roof terrace by residents and thereafter be permanently maintained in accordance with the approved details.
- 9) Prior to the application/installation of any external facing materials to the development hereby permitted, a scheme for the enhancement of biodiversity on the site, along with timeframe for scheme implementation, shall be submitted to and approved in writing by the local planning authority. Such a scheme shall be in accordance with the provisions outlined within the Site Assessment prepared by enims Ltd dated 24th April 2018 (Ref: EN043-02) and shall thereafter be carried out in accordance with the approved scheme and timeframe. Thereafter the biodiversity enhancements shall be permanently retained in accordance with the approved details.
- 10) In the event development works commence during the bird breeding season (March to August) a nesting bird check of the shingle roofs shall

be undertaken by a professionally qualified ecologist 24 hours prior to the commencement of works. In the event that an active bird nest is found then an appropriate exclusion zone shall be put in place and works must not take place within the appropriate exclusion zone until the young birds have fledged and the nest is no longer in use.

- 11) Prior to the application/installation of any external facing materials to the development hereby permitted a scheme of mitigation measures for wind conditions to the terraces set out as requiring mitigation within Section 7 of the Pedestrian Level Wind Desk Based Assessment (PLWDBA) prepared by RWDI dated May 18th 2018 (Ref: RWDI #1803236 - REV A) shall be submitted to and agreed in writing by the local planning authority. The scheme shall incorporate the relevant recommended mitigation measures set out within the PLWDBA. The mitigation measures shall be implemented in accordance with the approved details and shall be fully installed prior to the first occupation of the permitted flat, that they relate to. Thereafter, the measures shall be permanently retained and maintained for the duration and operation of the residential uses.
- 12) Demolition or construction works shall take place only between 08:30 and 17:30 Mondays to Fridays (inclusive) and shall not take place at any time on Saturdays, Sundays or on Bank or Public Holidays.
- 13) Prior to the commencement of the development hereby permitted, full details demonstrating that the internal noise levels for all habitable rooms within the additional dwellings shall comply with the internal noise level criteria set out in Table A shall be submitted to and approved in writing by the local planning authority. The internal noise level criteria are to apply to all external noise sources including, but not limited to, the nearby rail aggregate depot operations, railway traffic, road traffic noise and noise arising from building services. The development shall thereafter be fully implemented in accordance with the agreed details prior to first occupation and such agreed details shall thereafter be permanently retained.

Table A

Habitable Room	Whole Dwelling Ventilation Rates	Higher Ventilation Rates	Hours Applicable
All rooms (habitable)	35 db LAeq (5 min)	35 db LAeq (5min)	0700 – 2300 hrs
Bedrooms	30 db LAeq (5 min) 45 db LAmax	35 db LAeq (5min) 45 db LAmax	2300 – 0700 hrs

- 14) Prior to the first occupation of the development hereby permitted, a scheme for testing the internal noise environment of the additional dwellings, to demonstrate compliance with the internal noise level criteria within condition 13 have been met, shall be submitted to and approved in writing by the Local Planning Authority. The scheme for testing shall thereafter be implemented as agreed and the results of the testing shall be submitted to and approved in writing by the local planning authority.

Measurements shall be made in completed but unfurnished rooms with windows closed and with building services operating at whole dwelling ventilation rates (as set out in Approved Document F1 incorporating 2010 and 2013 amendments) and also under higher ventilation rates such as may be required for mitigation against overheating.

- 15) Prior to the first occupation of the development hereby permitted, details of acoustic screening for balcony terraces shall be submitted to and approved in writing by the local planning authority. For each flat, approved mitigation measures shall be implemented prior to first occupation and thereafter permanently retained maintained for their designated purpose.

APPEARANCES

FOR THE APPELLANT:

R Winkley	Wolf Judd Planning
J Russell	Motion Wolf Bond Planning
S Connolly	Appellant
M Crowther	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

D Raper	Woking Borough Council
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OTHER INTERESTED PARTIES

P Aust	Day Group (Depot Yard)
J Deverill DipArch RIBA	Resident
P Dawson	Resident
J Forbes	Resident
C Saunders	Resident
D Abrehart	Resident
R Mullins	Resident
S Forbes	Resident
D Parmar	Resident
S Wan	Resident
N Weeks	Resident
G Henry	Resident
C Hutchinson	Resident

DOCUMENTS SUBMITTED PRIOR TO HEARING

1. Statement of Common Ground.
2. Transport Statement with appendices containing 2016 Parking Survey, Motion.
3. LPA' s Response to Pre-Hearing Note.
4. Woking CPZ Map.
5. Draft Unilateral Undertaking.
6. Appellant Response to Pre-Hearing Note.
7. Evidence of Title.

DOCUMENTS SUBMITTED AFTER HEARING

8. Item 10 – Supplementary Report – Recommendations of the Executive containing recommendation of Climate Change Working Group, including application of Council Parking Standards Supplementary Document, dated 17 October 2019.
9. Public Reports Pack 17 October 2019 -Resolution on Recommendation of the Executive.
10. Unilateral Undertaking dated 16 February 2021.
11. Email commenting on suggested noise conditions, P Aust, Day Group dated 18 February 2021.
12. Technical Note -Request for Comments on suggested Condition 15, WBM Acoustic Consultants, 17 February 2021.
13. Letter commenting on suggested noise conditions, Rolfe Judd, 24 February 2021.
14. Noise impact Assessment, Hann Tucker Associates, 22 February 2021.
15. Email concerning Special Protection Area, Natural England, 3 March 2021.
16. Email commenting on Noise Impact Assessment (Hann Tucker Associates, 22 February 2021), P Aust, Day Group 10 May 2021, with enclosed Technical Note, WBM Acoustic Consultants, 6 May 2021.
17. Email commenting on P Aust, Day Group email dated 22 February 2021 (with enclosures), dated 21 May 2021, Rolf Judd with enclosed technical letter, Hann Tucker Associates, dated 20 May 2021.