
Kingfield: Proof of Evidence of Charles William Collins MSc MRTPI (Appeal A)

Appeal References: APP/A3655/W/20/3265969
and APP/A3655/W/20/3265974

Site Addresses: Land South of Kingfield Road and
East of Westfield Avenue, Westfield Avenue
Westfield, Woking and Land South Of Hoe Valley
School, Woking

LPA: Woking Borough Council

Inquiry Start Date: 10 May 2021
Kingfield Site





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1. Introduction & Summary of Case for Appellant

1.1. This Proof of Evidence has been prepared by Charles Collins on behalf of the Appellant. This Proof of Evidence has been prepared in support of a Planning Appeal made by Goldev Woking Ltd (the “Appellant”) under section 78 of the Town and Country Planning Act 1990 and in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000/1624 (see Appendix F of the PINS Procedural Guide – March 2021).

Reason for the Appeal

1.2. This Appeal is submitted in response to the refusal by Woking Borough Council (“WBC”) on 2nd July 2020 of two applications for planning permission (local authority references PLAN/2019/1176 (Appeal A) & PLAN/2019/1177 (Appeal B)) (**CD REF. 3.4 & 3.5**) submitted by the Appellant on 24 December 2019. The Appeals have been co-joined owing to the intrinsic links between the applications and developments proposed. This Proof relates to the Appeal on land at Kingfield Road (Appeal A), a separate Proof addresses the Appeal at Egley Road (Appeal B). The land at Kingfield Road is referred as ‘the Site’.

1.3. This Proof of Evidence provides evidence, on behalf of the Appellant, in relation to planning matters including national and local planning policy, and other material considerations. It addresses matters concerning:

- The Summary of the Appellant’s case.
- A description of the Appeal Proposal and any relevant or applicable updates.
- The outstanding reasons for refusal of WBC.
- Relevant National and Local planning policy updates.
- The Appellant’s case in response to the Inspector’s key topics.
- The Appellant’s case in response to other matters, raised by Rule Six parties.
- The overall planning balance.

1.4. This Proof of Evidence will address the planning balance in the context of national and local planning policy and the package of mitigation measures proposed by the Appellant to be secured through planning conditions and obligations.



1.5. A primary assumption of my Proof is in respect of mitigation measures advanced by the Appellant and WBC. At the time of writing there is an Executive Undertaking / Planning & Development Agreement (PDA) as described in the Statement of Common Ground, alongside a set of planning conditions in the Officers Report (**CD 3.1 and 3.2**) which the Appellant agrees subject to any alterations required through the Inquiry process. Therefore, when I discuss matters which require either a planning obligation or condition to make the Appeal Proposals acceptable in planning terms, I refer to the PDA and draft conditions.

1.6. The case for Appellant, as set out in this Proof of Evidence can be summarised as:

Core Case of the Appellant

1.7. The Appellant agrees with the original Officers Report that the original application subject to the Appeal (A) should be granted, following a number of years of preparatory work to deliver on the objectives of the Borough, notably the provision of a new Community Stadium (as the largest football stadium in Surrey) and significant affordable housing. Thus making the best use of public, previously developed land to realise significant planning and public benefits. It is a well-reasoned windfall opportunity. The original Officers Report is a significant material consideration in the determination of the Appeals.

1.8. Woking is the largest settlement in a Borough constrained by Green Belt (63 %) and Thames Basin Heaths Special Protection Area. The Core Strategy is clear of the need to focus investment and development on the town itself, in part focused on the town centre, owing to the excellent railway connections. The development has resulted in the town being a focus of change and regeneration, in part characterised by taller buildings. This approach is full square behind national policy, and achieves the protection of less sustainable locations and the majority of the countryside from development.

1.9. The Appeal Site is in a sustainable location, 15-20 walk from the railway station/ town centre, within the urban area, close to services and amenities. The Site is previously developed and 'industrial' in character and is stated by the Design Supplementary Planning Document (DSPD) (2015) (**CD 4.13**) as being a regeneration site. I expand on these points in **Sections 5 & 6** of my Proof.



- 1.10. There is a severe and historic low level of affordable housing delivery within Woking Borough. This is in the context of high housing demand in Surrey, and on the basis of the historic low delivery of housing in the Housing Market Area (shared with Guildford and Waverley).
- 1.11. The housing mix proposed meets the needs for smaller properties, often not delivered in the context of the Housing Market Area, and to meet the affordability needs (I expand on this in **Section 7**)
- 1.12. This historic low of affordable housing is evidenced within the latest Annual Monitoring Report (AMR), 2019-2020 (**CD 4.10**), where there was only 57 (6.5% of all housing) affordable dwellings permitted during the monitoring period, against a target of 35%. This level of under-delivery was similar in the previous monitoring year(s), with an average of just 9% in 2018/19 and 8% in 2017/18 of all dwellings being permitted being affordable.
- 1.13. The Appeal Scheme complies with the development plan, notably CS1, CS10, CS21 and CS24 (the analysis of compliance with the development plan as a whole is in **Appendix 1**). It is a high quality design, of its own context, framed on the proposed Community Stadium. The basis of the Proposal is comprehensive redevelopment, to provide for a Stadium to serve a wider area, and meet the aspirations of the town and Football Club. A proposal for Stadium regeneration and associated enabling development is a typical solution, for example similar proposals for Brentford and Wimbledon football clubs.
- 1.14. The edges of the Appeal Scheme respect surrounding residential amenity and separation distances. No significant harm arises on daylight and no harm on sunlight or amenity, and the townscape views along Westfield Avenue and in the wider surrounds are an acceptable response in Development Management terms.
- 1.15. On the basis of the mitigation proposed, as secured by appropriate planning obligation and condition, it is my strong belief that the Proposed Development is acceptable in planning terms and the Appeal should be allowed.

Matters Outstanding

- 1.16. The reasons for refusal are outlined in the Statement of Common Ground (SoCG) between the Appellant and Woking Borough Council.



1.17. Reason for refusal 5 is addressed by the Executive Undertaking, which I discuss in **Section 10** of my Proof.

An Introduction to the Key Witnesses for the Appellant

1.18. In addition to me, the Appellant will call a number of technical expert witnesses:

1.19. **Mr Wayne Gold (Goldev Woking Ltd)** provides the background to the project to date, including relevant discussions and agreements with Woking Borough Council (WBC) as landowner, and Woking Football Club as a principal tenant on the Site. This provides the context for the Appeal.

1.20. **Mr Christian Gilham (LRW Architects)** provides evidence on architecture and design to address reason for refusal 01 and 03 (in part) / key topics a) and c) (in part)

1.21. **Mr Liam Dunford (Point 2)** will provide evidence on Daylight to address reason for refusal 03 / key topic c)

1.22. **Mr Ian Southwell (Vectos)** will provide evidence on transport and parking to address reason for refusal 04 / key topic d)

1.23. I provide evidence on Planning as outlined in this Proof. I have also provided a separate Summary Proof of Evidence.

1.24. Each witness provides a full background introduction to their expertise within their separate Proofs of Evidence. I introduce my background in **Section 2**.

Evidence Structure

1.25. Following the publication of the key topics by the Inspector at the Case Management Conference of 16th March, my evidence follows the following order:

Section 2: My background and qualifications

Section 3: Relevant background supporting the original planning application

Section 4: How I address the core case for the Appellant in this Proof

Section 5: The sustainable location of the development, and other relevant material planning matters in respect of policy (for context and to support my response to the key topics identified)

Section 6: The design quality of the proposal (key topics a. and c.)



Section 7: The approach to the housing mix and affordable housing (key topic b.)

Section 8: The approach to Stadium parking (key topic d.)

Section 9: Other Issues raised by the Rule Six parties

Section 10: The planning conditions and matters pertinent to the Executive Undertaking (key topic e.)

Section 11: The overall conclusions and planning balance



2. Witness Name and Qualification

- 2.1. I am Charles William Collins. I am instructed by the Appellant in respect of the Proposed Development at Kingfield Road, Woking.
- 2.2. I am a Chartered Town Planner and Director of Savills (UK) Ltd, which is a global real estate services provider listed on the London Stock Exchange and offering a broad range of specialist advisory, management and transactional services to clients. I hold a Bachelor of Science degree in Geography & Economics obtained from the University of Reading, and a Masters in Town Planning obtained from University College London. I have been a Member of The Royal Town Planning Institute since 2008.
- 2.3. I have over 17 years' continuous professional experience and employment within the town planning profession, and provided town planning consultancy advice to a wide range of clients including house builders and developers, including Site promotion, the preparation and submission of technical supporting evidence, housing land supply, the submission of major planning applications, negotiation of planning matters, and appearance at Examinations in Public and through the Section 78 Appeal process. I presently lead the South East Planning team at Savills. I am also responsible for Thought Leadership for Savills.
- 2.4. Having been instructed by the Appellant to advise on the planning consultancy of this Site in 2019 and to prepare and manage the planning application for the Site, I am fully familiar with the Site and surrounding area, and have studied the relevant national and local planning policy framework.
- 2.5. My most recent planning experience on housing Sites includes:
- A planning Appeal/ Public Inquiry on land at Wisley Airfield comprising a new settlement proposal for 2,000 dwellings in Guildford Borough;
 - Obtaining planning permission for approximately 600 dwellings near Crawley in Mid Sussex District (within land on the edge of the High Weald AONB);
 - The promotion of land for a new settlement of 6,000 – 8,000 dwellings at Redhill Aerodrome in Reigate & Banstead Borough and Tandridge District;
 - The coordination/ administrative role for the Surrey Development Forum;



Declaration

2.6. The evidence which I have prepared and provide for this Appeal reference APP/A3655/W/20/3265969 (Appeal A) (in this Proof of Evidence) is true (and has been prepared and is given in accordance with the guidance of my professional institution) and I confirm that the opinions expressed are my true and professional opinions.



3. The Planning Application & Appeal Background

Pre Application Process

- 3.1. Prior to the submission of this planning application, the Appellant and Project Team were involved in a number of formal and informal pre-application discussions, summarised in this **Section 3**. Savills were first engaged by the Appellant in May 2018 and attended an initial meeting at WBC soon after. From July 2018 onwards, meetings with WBC planning officers took place circa once every 3 months to discuss the evolving design of the proposals. This continued until March 2019 when meetings were increased to approximately monthly up until the application was submitted and validated in December 2019.
- 3.2. Savills also participated in a range of public consultation events in 2019 and made representations to the publication and examination of WBC's proposed Site Allocations Development Plan Document in 2019 and 2020.
- 3.3. **Appendix 2** includes further detail of the chronology of the pre- and post- application process with regard to Savills' involvement. A chronology of the Appellant's wider engagement with WBC (notably as landowner) is provided within Mr Gold's Proof. The Proposal was incepted and created with ongoing and constructive dialogue with WBC as landowner and as planning authority.

Woking Football Club

- 3.4. The planning application was worked up alongside and with the full support and buy-in of the Football Club. The specific features and facilities to be included within the Community Stadium were prepared with significant input from the Football Club to ensure that the completed development would meet their requirements for the foreseeable future. The Stadium and its facilities will meet the Football Club's ambitions both for progression in the professional league structures and to ensure that they maintain and enhance their position as an important provider of community services in the local area. None of the reasons for refusal extend in my opinion to the design, scale or principle of a Football Stadium in this location.
- 3.5. More details of the Football Club's ambitions and important community function are set out within the '*Why Note Woking?*' document submitted as part of the planning application (**AD REF: 2.15**)



3.6. Following initial discussions between WBC and the Appellant commencing in July 2017, introductions were made to the Football Club. Pre-contract Heads of Terms were agreed between the Appellant, WBC and the Football Club in October 2017. The more detailed background to this process is set out with the Proof of Mr Gold.

3.7. There are various commercial and land contractual agreements between WBC (as landowner), the Appellant and the Football Club, and are not planning matters for the Inquiry. The absence of support for the Appeal from the Football Club, ultimately, does not impact the deliverability of the Appeal Scheme.

3.8. The present baseline is a stadium of circa 6,000 capacity, uncontrolled by any planning restriction. I would describe the existing football stadium as being in need of regeneration and investment.

Planning Performance Agreement (2019)

3.9. The Appellant and WBC entered into a Planning Performance Agreement (PPA) in draft through 2019, and this was ultimately signed in November 2019. The PPA is included in **Appendix 3**.

Design Review Panel

3.10. The independent Design Review Panel (DRP) reported on 8th October 2019 (**1300/190919**). The Panel Report (**CD 4.17**) provided a range of detailed recommendations, which the Appellant sought to address, as summarised in the Design & Access Statement (**AD 2.5**). It is notable that the Panel:

- Supported the ambition of the large and complex scheme, and comprehensive analysis which has informed key design moves.
- The proposal overcomes numerous site complexities;
- Noted and commended the provision of a combination of uses across the site and consider the injection of a greater density appropriate for this area of Woking.



Public Consultation

- 3.11. A range of formal public consultation events took place in 2019 prior to the submission of the application to WBC. This encompassed presentations to WBC councillors, presentations and forum discussions with supporters of Woking Football Club organised via fans' groups (although there was no specific restrictions on who could attend) and general public consultation events. Such in-person sessions were backed by a comprehensive set of online resources making information available on demand.
- 3.12. The majority of public consultation took place between May and July 2019. A further public event was held in November 2019 immediately prior to planning application submission and an exhibition also took place in February 2020 during the time that the application was being determined.
- 3.13. Given the intrinsic link between the two development proposals, these public exhibitions addressed both the proposed development at Kingfield Road (Appeal A, for which this is my Proof) and the proposed development at Egley Road (Appeal B, for which I have prepared a separate Proof).
- 3.14. A full schedule of the public consultation events and the outcomes of those processes are set out within the Statement of Community Involvement that formed part of the application documents **(AD REF 2.13)**.
- 3.15. Amendments were made to the proposed development in light of comments received during public consultation, notably to the form and location of residential blocks at the south of the site and with the inclusion of a medical centre facility. These changes are discussed within the Design and Access Statement **(AD REF 2.5)**.

Planning Application

- 3.16. Having being informed by the PPA discussions, the DRP and public consultation, the planning application was fully submitted to WBC on 4th December 2019, with the application being validated by WBC on the 11th December 2019.



Planning Determination

- 3.17. In the run up to the determination, Savills worked with officers to address all the substantive representations, and agreed a set of planning conditions. The application was heard at committee with no outstanding statutory consultee objections and an agreed set of planning conditions.
- 3.18. The Application was considered at Planning Committee on 23 June 2020. Members of the Planning Committee resolved to refuse planning permission, contrary to the officers' recommendation to approve, the decision notice was issued on 2 July 2020.
- 3.19. The Officers Report (**CD REF. 3.1**) outlined the various benefits arising from the Appeal Proposal, which justified the recommendation for approval. Notably, these included:
- 44.66% affordable housing provision, something which has not often been achieved on other development sites in the Borough in recent years (para. 143)
 - Create and enhance a new public realm (para. 188)
 - Would secure a major sporting facility and new housing for the Borough, with this having significant economic benefits during both construction and operation (para. 104).
- 3.20. The decision cited 5 reasons for refusal as outlined in the SoCG (**CD 1.12**), no reasons for refusal have been withdrawn by WBC.
- 3.21. This Appeal was subsequently lodged on 23 December 2020.



4. How the Core Case for the Appellant is Addressed

Main Planning Issues

4.1. On 16th March 2021, the Inspector issued a draft list of main topic areas which was agreed at the Case Management Conference as follows:

- a) Design considerations and the effect on the character and appearance of the street-scene and the surrounding area;
- b) Mix of dwelling types and the need to create a sustainable and balanced community;
- c) The living conditions of nearby residents, with particular reference to overbearing impact, loss of privacy and loss of daylight;
- d) Parking provision and the impact of possible overspill parking; and
- e) The absence of an Executive Undertaking, to secure necessary planning obligations.

4.2. I intend to deal with the issues in this way:

- I will provide evidence on the five topic areas the Inspector has identified;
- I will then deal with other issues (raised by Rule Six parties).

4.3. The response to the key topics are addressed in **Sections 5 - 10** of my Proof. Other Planning issues raised by Rule Six parties are summarised in **Table 4.1** and are addressed in **Section 9**. These overlap with a number of the Inspector's main issues.



Table 4.1: Other Planning issues		
	Issue	Addressed in Proof in Section
South Woking Action Group		
1	Support for the five reasons for refusal on the WBC decision notice	I outlined my response to the key topics and reasons for refusal throughout my Proof.
2	Additional general point alleging Proposal is out of character and impact on surrounding existing properties	I address the context of the development plan and Design SPD (2015) in Sections 5 and 6 with respect of design considerations.
3	Alleged harm to local education infrastructure and inadequate facilities for future users of the development	The Proposal will attract a substantial CIL contribution. No additional education contributions via the legal agreement (PDA) were deemed to be necessary. See Officers Report (CD3.1) (paragraphs 573 – 575)
4	Absence of support for the Appeal from Woking Football Club	It is the case that Woking Football Club does not support the Appeal. The proactive involvement of the Football Club with the preparation of the application is outlined in the Proof of Mr Gold, and summarised in my Proof at paragraphs 3.6 – 3.7.
5	Various planning history matters, noting in particular, the history associated with Willow Reach	I am not of the opinion that the planning history of the adjacent development at Willow Reach (west of Westfield Avenue), now built out and original granted consent half a dozen years ago is relevant to a decision made on the Proposal now. The original scheme did however include a range of infrastructure improvements, notably flooding to assist the Hoe Valley.
6	Relevance and weight associated with the emerging SADPD in respect of indicative site capacity and density	I address the emerging SADPD in paragraphs 5.25-5.32 of my Proof.
7	Comments on the proposed planning conditions	Agreement to the original planning conditions is outlined in the SoCG. The Appellant’s position on the proposed conditions is outlined in Section 10



Hoe Valley Residents Association		
1	Design, height and density must be in keeping with the area	Addressed in Section 6 of my Proof and also the evidence of Mr Gilham.
2	At a Public Inquiry an Inspector assessed the appropriate number of homes for the entire site to be 93 dwellings	The SADPD Inspector did not assess this level of housing provision, nor has he made a determination on it at the time of writing. I address this matter in Section 5 paragraphs 5.25-5.32.
3	Records held by The Land Registry under Title No SY 680229 indicate restrictive covenants on density	Matters of land covenants are not material planning considerations. I address this matter in Section 9 , paragraphs 9.13-9.16.
4	Loss of Woking Football Club, Woking Gymnastics Club, Woking Snooker Club and David Lloyd.	The Football Club will need to relocate for a temporary period, but will benefit from a new Community Stadium suitable for the Football League. David Lloyd wishes to relocate to Egley Road (Appeal B) only 1.6km away, the rationale is explained in my separate Proof. It is the intention of WBC, should planning permission be granted for Appeal A to facilitate the relocation of the Gymnastics Club and Snooker Club.



5. Sustainable Development

- 5.1. I outline in my evidence the reasons why planning permission should be granted. The original Officers Report (**CD3.1**) is a significant material consideration in the determination of the Appeals A & B.

The Context of the Proposal

- 5.2. Located to the south of Woking town centre within Woking Urban Area (CS1), the Site itself is predominately commercial, recreation and sport with some open previously developed land, set within a wider local area which has a residential character, or a character defined by the Hoe Stream, including the nearby leisure centre.
- 5.3. It is also just 1.5km from Woking Town Centre, the site benefits from a high-level of connectivity with nearby bus stops, Woking Railway Station, a 15-20 minute walk and easily accessed from the M25/M3/M4 motorways. This Site is therefore easily accessible by road, foot, cycle or public transport. This includes close access to public transport, including regular arterial bus routes' such as the 34 to Camberley and Lightwater and the 463 to Guildford and Woking Town Centre. The site is a very sustainable location.
- 5.4. Not only is the site sustainable, redevelopment of this Site would help better make effective use of land as outlined within Chapter 11 of the NPPF (**CD 4.7**) – in particular Paragraph 118, where planning policies and decisions should both give substantial weight to the value of suitable brownfield land and the development of under-utilised land and buildings. This is further outlined within NPPF Paragraph 84, whereby it is stated that "The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".
- 5.5. The Site is underutilised, and the present immediate environs may be described as 'industrial' in character, the existing football stadium is certainly in need of regeneration and investment. The Site therefore presents an opportunity for urban regeneration and change.



- 5.6. In regards to new dwellings, the WBC Core Strategy Policy CS1 makes provision for at least 4,964 net additional dwellings over the plan period (2012-2027), or at least 292 dwelling per annum (dpa). Policy CS1 makes clear that most of the new development is to be directed towards previously developed land in town, district and local centres ‘which offer the best range of services and facilities.’ This development will be focussed on previously developed land, and by providing up to 1,048 residential units, will provide multiple years of the Boroughs housing requirement for Woking on Brownfield land. Not only will this help ease the pressure on housing in Woking, but it will deliver this without requiring release of Green Belt and/or Greenfield land.
- 5.7. The Core Strategy must also be placed into context. Whilst it has been reviewed by WBC, it only has six years of the plan period to run. A new Local Plan is required, and this would need to plan for a higher overall housing requirement set by the Government's Standard Methodology of at least 431 dpa (48% increase).
- 5.8. The Proof of Mr Gilham outlines that the Site is in an area of change and regeneration, within the urban area (see Design SPD (DSPD) (2015) (**CD4.13**)). I address the Design matters, relevant to planning in this **Section 5 and Section 6** of my Proof.

Benefits of the Appeal Proposal

- 5.9. Throughout the Application and Appeal process, the Appellant has outlined considerable social, economic and environmental reasons to support the Proposed Development, which contributes to a number of planning and public benefits, including:
- 1) Support from the emerging Site Allocations DPD (SADPD) (**CD 4.4**) and Design SPD (2015) regarding the recognition of an area of regeneration and change in this location;
 - 2) The uniqueness of the Proposed Development and Site, notably the absence of a viable, feasible and available alternative for a new Community Stadium;
 - 3) Job creation and delivery of economic growth;
 - 4) Upgrades to local infrastructure, upgrades to existing public transport and provision of new public transport; cycling infrastructure benefits and provision of a Travel Plan/ Matchday Travel Plan;



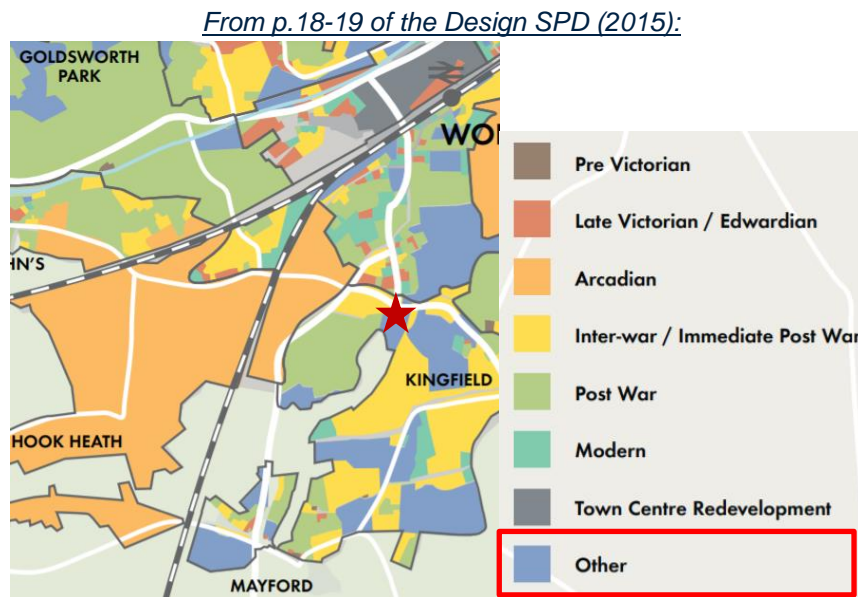
- 5) Delivery of a significant proportion of the Borough housing requirements, notably for affordable housing in the context of past under-delivery in Woking;
- 6) Best use of previously developed land;
- 7) Delivery of a comprehensive and integrated design to a site that currently lacks architectural coherence;
- 8) Provision of a medical facility;
- 9) Supporting the continued development of the Football Club as both a local sports club and facility but also as a provider of significant services to the local community;
- 10) Additional retail services accessible to the local area;
- 11) New routes of access into and through a site that is predominantly not used as a thoroughfare in its current layout;

5.10. I relate to some of these benefits throughout my evidence to respond to the key issues identified.

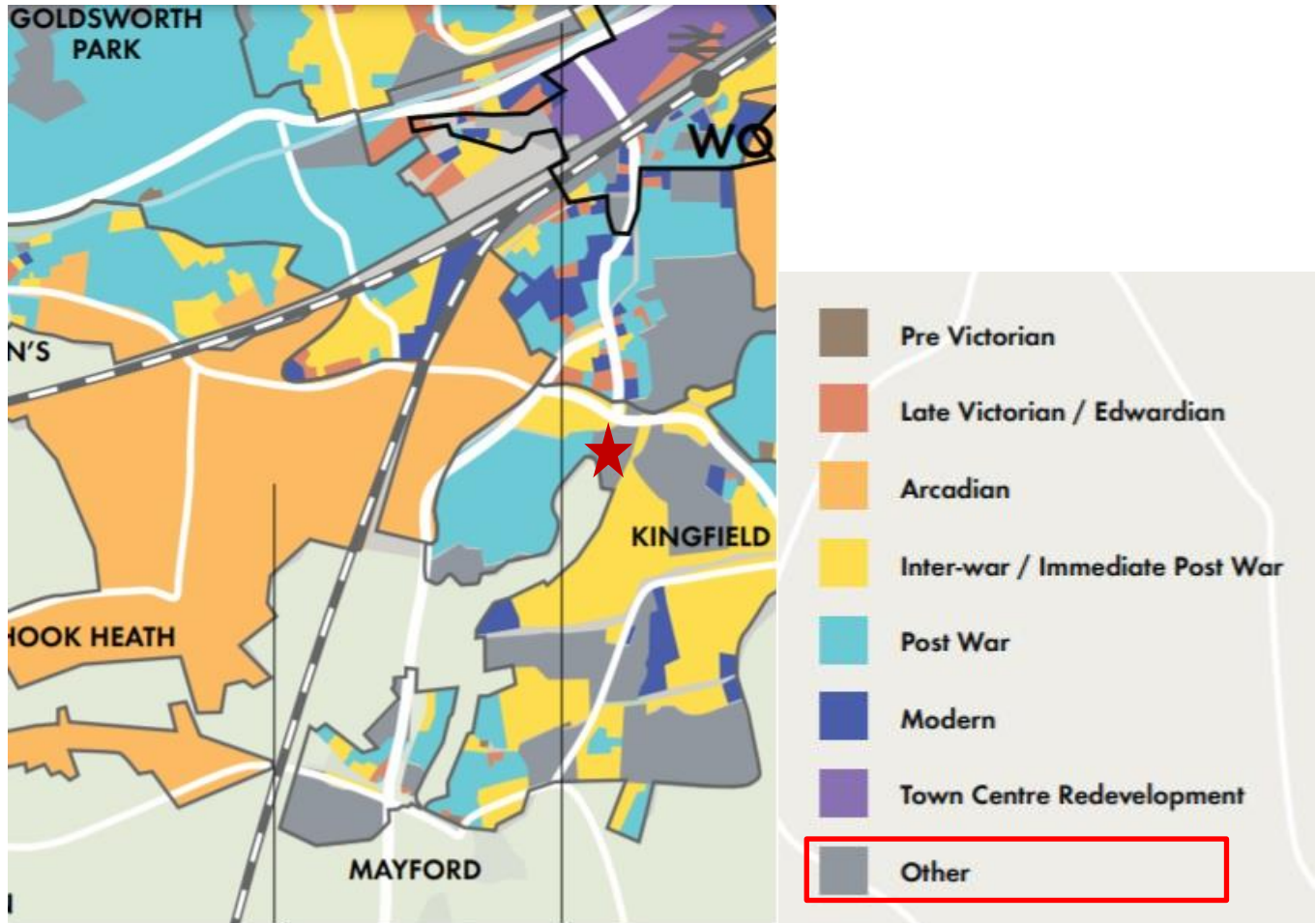
The Uniqueness of the Site & Absence of Viable Alternative Sites

5.11. The Site is, in my opinion, in an area of regeneration and change, as acknowledged by the DSPD (**CD 4.13**) and also the emerging SADPD allocation UA42 (**CD 4.4**). See **Figures 5.1 and 5.2** extracts.

Figures 5.1 & 5.2: Extracts from Design SPD – Kingfield area (Appeal Site marked)



From p.42-43 of the Design SPD (2015):



Source: Extracts from Design SPD (2015)

- 5.12. There has been an acknowledged and longstanding aspiration of WBC and the Football Club to create a new or enhanced stadium on the site of a capacity of 10,000. The need for a new Stadium arises owing to ambitions, shared by WBC and the community to see the Football Club compete at a higher level (as summarised by the Officers Report (CD3.1) paragraphs 62-74). This objective has driven the brief for the Appeal Scheme as outlined in the Proof of Mr Gold.
- 5.13. The Environmental Statement (AD 2.1 – 2.4) outlined that there are no reasonable alternatives to the principle of development located at the Site, as evidenced in the NTS:



“No alternative sites or locations have been considered for the Proposed Development. The site provides an opportunity, in line with WBC policy, which earmarks the area for a ‘Football stadium and associated facilities, residential including affordable housing and commercial retail; hence presenting a viable redevelopment opportunity. In addition, the site is owned by the Applicant and so is the only feasible option for development.”

5.14. The ES by referring to the Applicant, referred in my opinion to the fact that the Appellant has contractual agreements with the freeholder, WBC. In addition, the emerging SADPD does not envisage any alternative sites for the Community Stadium, and seeks the regeneration of the site. The Officers Report outlined at paragraph 75 that there was no need to consider alternative locations.

Job creation, delivery of economic growth. Provision of a Community Stadium.

5.15. The Appeal Proposal provides the regeneration of the Site, centered on the provision of a new Community Stadium. The Appeal Proposal will generate direct and indirect economic benefits. It is beyond doubt in my view that the Appeal Proposal will generate jobs (indirectly and directly) and provide homes to support the wider economy. The construction of the Appeal Proposal will be one of the larger civil engineering and housebuilding projects in Surrey. The additional off-Site infrastructure enhancements, notably transport, will also have wider benefits. The Officers Report (**CD 3.1**) clearly recognised that economics benefits weigh in favour of the Appeal Proposal (paragraphs 98-103), for example reporting on the circa 4,777 letters of support for the Proposal, and in paragraphs 6, in respect of regeneration and sustainable development.

5.16. Based on the EIA, the Proposal is expected to generate temporary jobs during the construction phase and permanent jobs during operational stage. The construction phase is estimated to generate 220 Full Time Equivalent (FTE) direct construction jobs per annum for a period of at least 5 years.

5.17. These construction jobs are linked to an associated Gross Value Added (GVA) uplift totalling a net direct and indirect GVA uplift of £640,000 per annum (a total of £3.2million over the 5 year construction period).



- 5.18. Regarding permanent jobs, the existing 95 FTE within the David Lloyd facility will be retained locally through its relocation to Appeal Site B. At the Kingfield site itself, the upgraded Stadium and new retail floorspace will support 50 FTE jobs, a net uplift of 25 FTE jobs from the current situation.
- 5.19. In addition, upon completion it is estimated that the residents of the new residential development will generate £18.1million per annum of additional spend within the local economy which would create an additional 285 FTE jobs. The completed development would also directly support 50 FTE jobs.
- 5.20. And based on the CIL charging schedule the Proposals would produce estimated planning gains of over £8.2million (assuming social housing relief is given for the affordable housing to be secured by legal agreement).
- 5.21. The economic benefits were clearly addressed in the ES Socio Economics Chapter (**CD 2.1**) and within the original Planning Statement and Addendum (**CD 2.16**) and the Officers Report reflects this.
- 5.22. The economic benefits weigh in favour of the Appeal Proposal.

Compliance with the Development Plan

- 5.23. As outlined in the Officers Report (**CD 3.1**), there was agreement with WBC officers that there was compliance with the development plan when read as a whole, and in my opinion the Secretary of State should not overlook that the professional officer's view represents the entire local planning department including the head of Development Management. I am of the opinion that the Proposal complies with the Core Strategy and Development Management Plan (DMP). To inform the determination of the application, Savills prepared a note demonstrating our opinion of compliance with the development plan (**Appendix 1**).



5.24. One matter which is of relevance given the Case of the Rule Six parties is how the indicative densities of CS10 were derived. I stress the word indicative, as these were simply required to ascertain the likely urban capacities / housing distribution at the time of the production of the Core Strategy, in order to justify the approximate minima quantum of dwellings to be planned in the subsequent Site Allocations DPD, notably the level of future Green Belt release (see Core Strategy Inspector's Report paragraphs 33, 84 and 97). Nothing in the Core Strategy sets a bar to density, quite the opposite, a minima density requirement is provided of 40 dph, and higher densities encouraged in regeneration areas. This is also consistent with relevant design guidance, notably the DSPD (2015). The Officers Report (**CD 3.1**) noted at paragraph 89 that the Core Strategy seeks densities in excess of 70 dph in High Density Residential Areas, which the Site comes to within 60m. Higher density development in appropriate locations is also entirely consistent with national planning policy favouring regeneration and the best use of land. My Proof and the evidence of Mr Gilham outlines why, through good design, the regeneration achieved through the Proposal creates its own character, entirely appropriate to frame the new Community Stadium.

Emerging Site Allocations DPD

5.25. WBC clearly envisages regeneration and change on the Site, on the basis of the emerging allocation UA42 (formerly UA44) in the Site Allocations DPD (SADPD) (**CD 4.4**). I consider the basis for this is cultural and sporting provision, for the benefit of the Borough alongside appropriate supporting/enabling development.

5.26. Savills made representations on the emerging SADPD at the Regulation 19 stage in December 2018 and more recently on the Main Modifications in December 2020 (see **CD 4.5 and 4.6**). Savills also appeared at the examination hearing session with the Inspector to specifically participate in the examination with regard to emerging allocation UA42 (then UA44).

5.27. The Appellant has always sought to provide WBC the technical evidence to justify an allocation of a new Community Stadium with circa 1,000 dwellings, to both justify the allocation as deliverable, and to enable the objectives of a new Stadium and substantial affordable housing delivery. The Regulation 19 version of the SADPD was ambiguous and potentially unjustified on these points.



5.28. WBC, in their November 2019 response to the Inspector's Matter 4 Question 8 (WBC SA/033), on the subject of whether the scale and nature of the proposed uses set out in UA42 (then UA44) was compatible with the character, appearance and residential amenity of the site's surroundings, outlined the following (I have underlined for emphasis):

i-8.1: The proposed uses set out in UA44 are a football stadium (the July 2019 proposed modifications state 'with enhanced facilities'), residential including affordable housing, and commercial retail uses. No scales of development are specified, including in the supporting text. There is a football stadium already on the site; the surrounding area is predominantly residential, with a mixed character, and commercial/retail units nearby (in comparable surroundings) in Kingfield Local Centre and Westfield Neighbourhood Centre. Therefore it is considered that the nature of all of these uses are compatible with the character, appearance and residential amenity of the surroundings. The policy also contains multiple key requirements to ensure that development on this site, at whatever scale that may be proposed, will only be approved if it is compatible with the character, appearance and residential amenity of the surroundings.

5.29. The Examination process is well underway. The Main Modifications were published in September 2020 (after the refusal of the Kingfield application), the consultation having completed in December 2020. The Inspector, following the representations made and first Hearings outlined on 7th February 2020 (**CD 4.19**) (paragraphs 10-12):

"[...] to ensure that Policy UA44 is soundly based in these regards an indicative quantum of residential development should be included, alongside the other modifications already discussed at the hearing. The figure should be based on an assessment of the developable land available over and above the proportion of the site required for the football stadium and associated retailing and be in line with the indicative densities set out in Policy CS10 of the Core Strategy".



- 5.30. The Inspector kept open the opportunity for WBC to outline a revised policy which either proposed comprehensive redevelopment of the Site, or development which left the existing stadium in-situ. The simple requirement was to ensure the allocated capacity allowed for the land required for the stadium. I have addressed my opinion of how the indicative densities envisaged by CS10 were derived, notwithstanding the point that the Inspector's indication that the site capacity of UA42 could also be based on indicative densities justified by WBC in evidence. Fundamentally, the residential element of the Proposal should be planned in the context of the Core Strategy minima approach to housing provision and based on evidence supporting the design of the scale/ massing proposed. The Appeal Proposal achieves this.
- 5.31. There are still unresolved objections related to UA42 (notably from the Appellant), and the determination on the Main Modifications from the Inspector is awaited, which may require further Hearing sessions. Savills' position is that to set the indicative capacity at only 93 dwellings is not soundly based on the evidence supporting the allocation (entirely that prepared by WBC's developer partner - the Appellant). This figure of 93 dwellings was only proposed by WBC in September 2020, after the determination of the Application that is the subject of this Appeal, and is an unimaginative suggestion compared to the opportunity that a comprehensive regeneration of the Site could offer. This formed the basis of the December 2020 response to the Main Modifications. I believe that WBC's proposition merely seeks to justify a development of the open-land, adjacent to Westfield Avenue, which might facilitate enhancements to the existing stadium in-situ, rather than a comprehensive redevelopment of the Site. The Appeal Proposal delivers the comprehensive solution.
- 5.32. Some weight may be applied to UA42, notably that it envisages the Site as an area of change and regeneration incorporating an enhanced stadium. Even were some weight provided to the provision of 93 dwellings, in the context of the Core Strategy minima housing requirement, the possibility for a greater yield, cannot be dismissed, notably were it consistent with the development plan as a whole.

Compliance with National Policy

- 5.33. I consider the proposal to be in strong correlation to Government policy on both the location of homes, the desire for 'gentle densification' and to make effective use of land on sustainable brownfield sites.



5.34. The Secretary of State for Housing, Rt Hon Robert Jenrick MP, reinforced the desire to build out brownfield sites in his answers to questions on Planning for the Future Debate on the 12th March 2020:

“We want to support and reward the many councils across the country that are making often difficult decisions to allocate land, aggressively build out brownfield sites, re-imagine town centres and, above all, meet the local housing need of their communities.”

5.35. The Secretary of State has also made reference to the importance of planning to regenerate towns and cities, in the Commons on the 5th November 2020:

“To do that, we will continue to prioritise building on brownfield sites to deliver the homes that we need while also regenerating our towns and cities. As a first step, we have allocated more than £400 million from our brownfield fund to seven mayoral combined authorities, unlocking 26,000 new homes while protecting our greenfield sites. Even as we overhaul our outdated planning system, our reforms make very clear that we will continue to protect the green belt and prioritise development on brownfield land.”

5.36. This government desire to make effective use and maximise brownfield land is reflected in national planning policy, notably the NPPF Paragraph 117:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land

5.37. Paragraph 118 of the NPPF also gives weight to developing underutilised land. Much of the Site is underutilised white land at low densities close to the Town Centre, in an area heavily constrained by Green Belt:

“Para 118 c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land; d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively”

5.38. Paragraph 123 of the NPPF comments that planning policies should seek a *significant uplift* in the average residential development in areas well served to public transport. Specifically:

“Plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate”

5.39. This development would meet this aspiration. This is why I describe earlier the Council’s approach through emerging policy for this location as “unimaginative”. The Council’s approach in the emerging SADPD completely fails to take into account NPPF paragraph 118 and 123 by missing an opportunity through its emerging policy UA42 which restricts the quantum and density of housing. In contrast, and remembering the comprehensive involvement of the Council in the formulation of the proposals, the Proposal provides a sound planning vision to deliver exactly what central government policy encourages local planning authorities to achieve.

5.40. Overall, I consider the national policy context in the form of ministerial statements and the desire within the NPPF of a significant uplift in density within sustainable areas show how this proposal is compliant and reflects national policy.

6. Design & Amenity Considerations

Design Quality in Context

- 6.1. I outline my opinion on the appropriateness of the Proposed Design, in the context of the area as one of a low baseline in respect of character and of an area of regeneration and change (see **Section 5**). The Proposal is of high quality, and creates a new destination in the town. WBC's reason for refusal alleges cumulative harm owing to the Proposal failing to make a positive contribution to the street scene and character of the area. This owing to its excessive height, bulk and mass. WBC has included design in its refusal on cumulative grounds. This indicates that despite the refusal, WBC accepts that elements of the design are acceptable. My proof and the evidence of Mr Gilham addresses the quality of the design, rationale and evidence underpinning it. Such is absent in WBC's case, which is not articulated.
- 6.2. The Design SPD (**CD 4.13**) defines tall buildings as exceeding 6 storeys. Woking is characterised by areas of tall buildings clusters 6-10+ storeys (see SPD page 25) and the Officers Report (**CD 3.1**) agreed that the site was suitable for a density greater than 70 dph (paragraph 89). I consider that the SPD provides guidance principles also expressed spatially to inform character and change. The Kingfield site is noted as an undefined area (shown in grey) - see **Figures 5.1 and 5.2 (Section 5)**. This is in contrast to other suburban parts of the town, shown in a range of colours to inform character / density. The Proof of Mr Gilham outlines the positive design response to this guidance.
- 6.3. The Officers Report (**CD 3.1**) outlines at paragraphs 95-97 that the impact on local character is best judged against policies CS21 and CS24. Fundamentally, Officers were of the opinion, which I agree, that the Site is large enough to have its own character. The existing condition in terms of the appearance of the site must also be considered given the overall low design quality of existing structures and the lack of any coherence in design between the various elements that make up the current football ground and neighbouring facilities. An enhancement to townscape and restoring deteriorating features are important requirement of CS24.
- 6.4. Mr Gilham extensively addresses the design approach to deliver a coherent and integrated character and townscape for the development, and includes a number of helpful figures. I note:



- Figures 6 & 41: the proximity of the Site to the town centre, existing character baseline, and distances to adjacent properties. The figures demonstrate the significant scale of the Site.
- Figures 4, 13 & 75: High percentage of amenity space proposed, 20,229 sq m (63.5% of the residential element of the site) – demonstrating the quality of the public realm, roof gardens and the actual footprint of the five proposed residential blocks. The green space on the site increases further with the football pitch. The footprint of the five residential blocks at 23% of the Site. The total change represents a redistribution of site coverage of built form (including the Stadium) from 26% to 36%. This not excessive in my opinion.
- Figures 15, 45-47, 52-54, 59-63 & 76: The approach to the design and street scene, stepping back from Westfield Avenue in height, and framing the proposed Community Stadium (see also **Figure 6.1** below). The quality of treatment of the proposed elevations and use of green roofs.
- Figure 72: The positive transformation of an 'industrial' or redundant land character to residential over a significant proportion of the Site, reflecting the positive outcomes achieved via the comprehensive redevelopment Proposed and relocation of the Community Stadium.

Figure 6.1: Overview of the development's integrated design and relationship with the existing street scene



Source: Proof of Mr Gilham



6.5. The delivery of associated residential development, at height, to frame a new football stadium is certainly not uncommon. The Proof of Mr Gilham highlights two recent and similar examples at Brentford FC and Wimbledon FC (see Figures 20-21 and Figures 98-102 of Mr Gilham’s proof).

Density

6.6. The Officers Report (**CD 3.1**) outlines the correct interpretation of a sustainable location (see paragraphs 90-94) notably the Site’s location to nearby amenities and local centres (Westfield and Kingfield). It is worth noting the actual implementation of the Core Strategy approach to density through analysis of the local centres. The WBC AMRs (2018/19 and 2019/20) (**CD 4.9 and 4.10**) shows the permitted densities across the Borough of Woking, and individual areas plots densities achieved in Woking across the monitoring year, and how they compare to the ‘indicative’ densities set out in Policy CS10. Overall, the indicative densities for Local Centres bear no correlation to either the completions or permissions within a Local Centre or other areas of Woking. The actual delivery of higher densities achieved in Local Centres demonstrates the effective implementation of the minima housing requirement, and application of indicative densities across the Borough, see **Table 6.1**.

Table 6.1 – Density Achieved in the period 2018-2020 in Local Centres

Infill Development within Local Centres (Location of Kingfield Road)	<u>Indicative</u> Number, annualised (CS10)	Density Achieved
2018/19	30-60 dph	121
2019/20	30-60 dph	116

Source: WBC AMRs

6.7. Not only does this show that Local Centres have regularly seen permissions granted at or above the indicative densities in recent years, it demonstrates how these ranges are not arbitrary, and how being outside of this range does not in itself mean non-compliance with policy. Often, Local Centres are sustainable locations within the urban area which lend themselves to higher density development (if circumstances allow) to maximise the efficient use of land and offer regeneration benefits.



- 6.8. In fact, this trend of higher densities has been evident across the Borough of Woking within the past two years, rising sharply from a stable average of circa-50-60 dph between 2008-2017, up to an average of over 400dph in 2019/20 (WBC AMR, 2019/20) (CD 4.10). Woking is embracing high quality, higher density development, which in a Surrey context is appropriate, in a compact town away from AONB, and with excellent public transport links.
- 6.9. In light of my commentary in Section 5 and the proceeding paragraphs, I demonstrate that there is nothing abnormal in respect of the density of the Proposal. The SoCG (CD 1.12) outlines the two different density calculations possible, based upon whether the entire development site is included or only the area proposed for residential use (including associated amenity spaces). I consider that the Proposal is best described as 210 dph, on the basis of the design justification, centred on the creation of new place and character within the Site, anchored on the new Community Stadium as an integral part of the development. Density is not a harm in itself, merely an expression of the Proposal, and indication of the scale, bulk and massing proposed. It should be viewed in the context of the design and architectural narrative of the Proposal – one which has coherently been outlined in the Design & Access Statement (**AD 2.5**) and the Proof of Mr Gilham. One may interpret WBC's reason for refusal as alleging overdevelopment. This is also not a harm in-itself, where it is justified, on the basis of the Proposal's relationship to the street scene, the immediate context, including townscape and due merit of the Proposal in creating its own character and identity. Good planning embraces change positively, and in the context of making the best use of previously developed land, in a Green Belt authority, the Proposal is entirely appropriate.
- 6.10. There is no hard and fast rule that dictates the density in the suburban areas. The Design SPD (2015) (**CD 2.5**) seeks in excess of 70 dph minimum in high density residential areas (see specifically Section 7 of the Design SPD). The Site is within 60 metres of the nearest Local Centre and as outlined a short walking distance from the Town Centre. I agree with the Officers Report that it would be entirely reasonable to accept that as a minimum the density on the Site should be 70 dph, due to both the proximity and sustainability of the site in relation to the High Density Residential Area. I have also demonstrated that the densities achieved in Local Centres have been in excess of this in the period 2018-20.

- 6.11. Furthermore, Woking Core Strategy Policy CS10 provides the context for establishing appropriate density of development within Woking. It is outlined that density levels *'will depend on the nature of the site'*; being influenced by design with the aim to achieve the most efficient use of land'. Whilst this policy sets 'indicative' density range for Local Centres of 30-60dph, these are not prescriptive and the policy should be read as a whole, with CS10 setting out that higher densities than these guidelines will be permitted in principle where that can be justified in terms of sustainability and that the character of the area will not be compromised.
- 6.12. I consider the density, scale, height and massing for this Proposal is acceptable for this area of Woking. NPPF Paragraph 122 outlines that decisions should take into account the desirability of keeping an areas prevailing character or of promoting regeneration and change. The emerging SADPD policy context of UA42 (**CD 4.4**), coupled with the Design SPD and the desire for WBC to enhance the existing Kingfield Stadium show that this is very much an area where regeneration and maximising urban land should be an aspiration.
- 6.13. The emerging SADPD demonstrates a direction of travel for Kingfield for regeneration and change rather than prevailing existing 'industrial' and undefined character. Notwithstanding this, Paragraph 123 of the NPPF outlines that it is "especially important to avoid building at low densities".
- 6.14. My view is also shared by the Design and Review Panel (DRP) in their report on the proposal, who *"consider the injection of a greater density appropriate for this area of Woking"* (DRP Report, p.5) (**CD 4.17**). The position of the DRP was reported in the Officers Report (**CD 3.1**), paragraphs 170-171.

Amenity

- 6.15. I consider the Appeal Scheme to have an acceptable impact on existing residential amenity. WBC's and the Rule Six parties' case is focused on the amenity of surrounding and adjacent properties to the Proposal, and does not allege any harm to the amenity within the Proposal itself.
- 6.16. The Appellant's evidence on this matter is outlined in the Proofs of evidence of Mr Gilham in respect of architecture and Mr Dunford in respect of Daylight (Sunlight is not an issue raised by the reason for refusal). Mr Gilham's evidence provides a series of analysis drawings to outline how the Proposal complies with relevant design guidance and best practice.



- 6.17. The Rule Six parties allege wider impacts on amenity. Taking account of the Officers Report (**CD 3.1**) based on the design evolution and evidence used to compile the application, and also Reason for Refusal 2 on amenity impacts, the Appellant's evidence focuses on the following impacts (see Figure 5 of the Proof of Mr Gilham for the location of these properties): -
- To No.2 Westfield Grove and Penlan (Kingfield Green), through the effect of being **overbearing** and loss of **privacy** (addressed in the Proof of Mr Gilham);
 - To The Cedars (Kingfield Green) and Nut Cottage (Kingfield Green), through the effect of loss of **privacy**; (addressed in the Proof of Mr Gilham) and ;
 - To Beech House (Sycamore Avenue), Hazel House (Sycamore Avenue) and Elm View (Kingfield Road), through the effect of the **loss of daylight** (addressed in the Proof of Mr Dunford).
- 6.18. I outline how the planning merits of the Proposal, based on the development plan and relevant guidance is acceptable in planning terms.
- 6.19. Mr Gilham has outlined in regard to the Design SPD (2012) (**CD 4.13**) and Outlook, Amenity, Privacy and Daylight SPD (2008) (**CD 4.12**), which through a series of drawings highlight the acceptable separation distances on the relevant edges of the Proposal. I would further highlight the substantial existing vegetation buffer on the eastern side of the Site, and hence its relevance for impacts on Penlan, and the existence of the present South Stand at the Stadium with respect of its context to No. 2 Westfield Grove (see Figures 22 and 23 of Mr Gilham's proof). The Officers Report (**CD 3.1**) concluded some harm on these properties, outweighed by the overall benefits of the Proposal. I consider the evidence of Mr Gilham, and suggested further planning condition on glazing (angle of windows) if considered necessary, minimises or mitigates any harm.

6.20. Overall, I agree with the Officers Report (**CD 3.1**) that there is no harm to sunlight (paragraph 437) arising on any adjacent property and that there is no significant harm to the daylight affecting residential buildings of Elm View / Cobbles, Kingfield Rd, No.2 Westfield Grove, Beech House and Hazel House (both in Sycamore Avenue) (paragraph 427). This is further demonstrated by the evidence of Mr Dunford. Existing conditions, where parts of the Appeal site have been previously cleared of buildings, and the fact that the Appeal site is clearly being earmarked for regeneration as demonstrated by the emerging SADPD allocation UA42, should be accounted for in comparing current and proposed contexts. This is demonstrated by the evidence of Mr Gilham.

6.21. In respect of the outlook of Elm View, the property is under the control of the Appellant, and is likely to also come forward for redevelopment in time. The present outlook is one of a low environmental/ amenity baseline (I provided my opinion of the existing character of the Site earlier in this Section and in **Section 5**). The character of the outlook will change significantly, and should be assessed on the basis of the street scene / public realm improvements and overall design quality of the Proposal, including elevations and treatment of roofscapes. In time, the new context created by the Proposal should enable Elm View, and other adjacent properties fronting Kingfield Road to also gentrify, which is all part of good regeneration making better use of urban land in the most appropriate locations.

Summary

6.22. The Proposal accords with the relevant SPDs, and policies CS10, CS21 and CS24. Woking is a compact town, characterised by varied densities, and notably an increase in average densities over recent years. Density itself cannot logically be a harm, and allegations of overdevelopment do not do justice to the design quality of the Proposal (endorsed by both the planning officers at WBC and an independent Design Review Panel – **CD 4.17**) and the treatment of the proposed five residential blocks to the street scene, or in respect of the relevant edges of the development. The proof of Mr Gilham comprehensively addresses the rationale behind the proposed five blocks, the architectural design, and its relationship to the street scenes on Kingfield Road and Westfield Avenue.



- 6.23. There is, in my judgement, no adverse overbearing or loss of privacy to No.2 Westfield Grove and Penlan (Kingfield Green), the evidence of Mr Gilham demonstrates acceptable distances from the Proposed elevations. There is also no loss of privacy to The Cedars (Kingfield Green) and Nut Cottage (Kingfield Green), again the evidence of Mr Gilham demonstrates sufficient separation distances. The Proposal in my judgement, provides particular enhancement to the outlook for these properties, as residential is introduced in place of a 5-storey football stand.
- 6.24. There is also, in my judgement, no unacceptable loss of daylight to Beech House (Sycamore Avenue), Hazel House (Sycamore Avenue) and Elm View (Kingfield Road) on the basis of the evidence of Mr Dunford which also notes that previous appeal decisions have held that a 'noticeable' change in daylight is not be equated with an 'unacceptable' change in daylight. The effects upon the properties are acceptable, noting the alteration in outlook, and there are benefits in respect of an enhancement to the street scene along Westfield Avenue.
- 6.25. I accept, that the outlook of Elm View will be altered owing to the Proposal. This should be judged in respect of the immediate environmental enhancements to the public realm/ street scene, and architectural merit of the Proposal. The Proposal should facilitate any future redevelopment of Elm View and surrounds as the area gentrifies.
- 6.26. Overall, should the Inspector (or Secretary of State) deem any harm arises to any of these properties, such should be weighed against the significant benefits of the Proposal, as outlined in my Proof, and the evidence supporting the original planning application.



7. Housing Provision & Housing Mix

Delivery of significant proportion of Borough's housing requirement

- 7.1. A reasonable mix of dwelling types is provided to create a sustainable and balanced community, in the context of Woking town as a whole, the relevant Housing Market Area which includes Guildford and Waverley, the level of housing Proposed, notably the 45% affordable provision.
- 7.2. The Officers Report (**CD 3.1**) addresses housing mix from paragraph 106, which notes the 99% provision of studio, 1 bedroom and 2 bedroom flatted dwellings. Policy CS11 recognises at supporting text paragraph 5.73 that in locations suitable for higher density development will deliver lower proportions of family accommodation. I agree with the Officers that it is not possible for every site to deliver the exact SHMA housing mix (as this would lead to uniform approach to development, would not enable delivery and would not make the best or most appropriate use of land). I also agree that the determination on an appropriate mix must be judged in the context of the substantial affordable housing provision.

Delivery of significant proportion of Borough's housing requirement

- 7.3. The AMR (2019/20) (**CD 4.10**) outlines housing delivery over the past three years of:
- 2017/18: 358 dwellings
 - 2018/19: 231 dwellings
 - 2019/20: 303 dwellings
- 7.4. Table 4 of the AMR indicates a supply of 2,913 dwellings in the next five years, against a residual requirement of 1,619 dwellings, and hence a supply at 1st April 2019 of 9 years. At the time of the Inquiry, this figure is somewhat out of date, though the Appellant is not making a case of an absence of a five year housing land supply.



7.5. The Core Strategy has been reviewed by WBC as up to date. This proposes at least 292 dpa. The plan period does however only have six years to run (period 2012-21). Thus, I anticipate that the Proposals, if granted planning permission, would deliver new homes in, and over into, a new Local Plan period.

7.6. I note that the emerging Standard Method housing requirement is at least 431 dpa, 48% higher than the Core Strategy requirement. In the short to medium term, WBC will need to plan for more housing and update the 2015 Strategic Housing Market Assessment (SHMA) which is now six years old. The Proposal achieves a considerable proportion of housing, in a sustainable urban location now, and into the new plan period. The delivery of a substantial proportion of 1-2 bedroom properties should be viewed in this context.

Housing Mix

7.7. The original Officers Report (**CD 3.1**) conclusions (paragraphs 139-152) were reached following substantive consultation and work on achieving the best housing mix and affordable housing provision (to comply with policies CS11 and CS12). Block 1 will provide 191 intermediate dwellings and Block 2 will provide 277 social/ affordable rented dwellings. The housing mix must be viewed in the context of the substantial provision of affordable housing (468 dwellings - 45%), and location of the Proposal in a sustainable location in the urban area (as I outlined in **Section 5**).

The Woking SHMA Summary 2015 (**CD 4.15**) considers what types and sizes of homes – both market and affordable – will be needed. The SHMA is still the most up to date version, and identifies that there is a need for a mix of house sizes across Woking Borough, as Table 7.1 indicates.

Table 7.1: Need for Different Size of Homes (SHMA, October 2015)

	1-Bed	2-bed	3-bed	4+ bed
Market	10.9%	28.1%	38.3%	22.7%
Affordable	50.3%	24.4%	22.3%	2.9%



- 7.8. As set out within the SHMA Summary (**CD 4.15**), affordable homes are allocated based on the size of households and there is therefore a close relationship between household sizes and the sizes of homes needed. However, for market housing, the sizes of homes people occupy is also influenced by their age, the equity they have in their current home (where applicable) and their wealth. It is clear from the evidence that market demand within Woking Borough is focused more towards smaller properties.
- 7.9. The SHMA Summary also considers the need for different types of affordable housing. It indicates that, in delivering affordable units, a HMA-wide target of 29% intermediate and 71% social or affordable rented homes would be appropriate (p.127). The Proposal enables 41% of the affordable provision as intermediate and 59% as rented. In particular, the Housing Officer supported the Proposal, noting that the majority of those on the housing register wanted smaller properties.
- 7.10. The Appeal Proposals factor these considerations. This is noted at paragraph 110 of the Officers Report (**CD 3.1**) which highlights the close correlation between the levels of 2 bedroom homes that are required in Woking in terms of both market and affordable units and the quantum of each that are proposed to be delivered by the Appeal Proposals.
- 7.11. The 2019/20 AMR (**CD 4.10**) Tables 7 and 8 against Key Monitoring Indicator A06 (Dwellings completed by size and type) outlines that over the plan period to date, WBC has achieved a varied mix of housing. In respect of permissions granted, these are 45% 1-bed, 31% 2-bed, 12% 3-bed and 12% 4-bed. I recognise that for market dwellings, the SHMA seeks 40% 3-bed and 20% 4-bed, though the SHMA should be considered in context, notably its geographic area, over West Surrey, that includes the larger Authorities of Guildford and Waverley, both of whom have up to date Local Plans which make provision for a proportion of Woking's unmet housing needs. In Guildford for example, five strategic sites have been allocated, all of which should deliver a good proportion of 3 and 4 bedroom properties. The principle towns and development locations of Guildford, Ash/ Tongham, Wisley, Farnham, Godalming, Haslemere, Cranleigh and Dunsfold are all lower density locations than Woking, and will naturally lend themselves to lower density development with larger dwelling types (suitable for family housing). It would be perverse not to make the most proficient use of land in appropriate locations in Woking, to address to needs arising for smaller dwelling types.



7.12. The 2019/20 AMR also indicates that geographic spread, the proportion of flatted development is primarily, but not exclusively, concentrated on the town centre. The rest of urban area delivery of flats is 23% of delivery in that area, against 100% of delivery of flats in the town centre. This indicates an expected outcome, on the basis of the higher densities proposed in development in the town centre, but also that in appropriate locations in the rest of the urban area, flats have been consented and delivered. I have discussed the appropriateness of the Site to deliver higher densities in **Sections 5 and 6** of my Proof.

Delivery of affordable homes

7.13. The Core Strategy target requirement of 35% for affordable housing delivery has not been met, and by some distance in the plan period to date. In respect of housing completions in the period 2012-2019, based upon the AMR, the average affordable housing delivery in Woking BC has been just 16% of all homes and 52 dpa (**Table 7.2**).

7.14. In respect of recent residential approvals the inclusion of on-site affordable housing is outlined on (**Table 7.3**). For major schemes that were approved at committee between 2017 and 2019, the shortfall in on-site affordable housing units versus the overall 35% policy target equated to 376 'lost' affordable units compared to if the full target had been met through on-site provision (note that some schemes did offer financial contributions instead);

7.15. In addition, since mid-2019 another 64 units of affordable housing have been 'lost' through proposed developments being refused permission. In March 2020 two large residential schemes were refused by the committee in part because of a lack of affordable housing provision (zero on-site provision with financial contributions offered instead).



Table 7.2: Woking Completions: 2012-2019

	All Dwellings Completed	Studios and 1-beds	% Studios and 1-beds	Affordable Housing Completed	% Affordable Housing	Off-site Developer Contributions
2018/19	231	67	29%	33	14.3%	£ 1,002,915
2017/18	345	100	29%	33	9.5%	£ 4,269,307
2016/17	399	120	30%	166	41.6%	£ 4,800,000
2015/16	360	41	11.4%	102	28.3%	£ 1,124,701
2014/15	66	13	18.2%	5	7.6%	£ 583,808
2013/14	370	148	40%	15	4.1%	£ 6,410,144
2012/13	273	39	13.5%	13	4.8%	£ 880,000
Average	292	75	24%	52	16%	£ 2,724,410.71

Table 7.3: Woking Permissions: 2017-2019

	All Dwellings Permitted	Studios and 1-beds	% Studios and 1-beds	Affordable Housing Permitted	% Affordable Housing	Affordable Housing 'Lost'
2017/18	777	357	46%	62	8.0%	210
2018/19	639	345	29%	58	9.0%	166

Source: Savills Research

7.16. The Proposal will enable more affordable housing on a single site than has been provided in the entire Borough for a significant period of time, and in my experience represents one of the largest single recent contributions to affordable housing in Surrey. It is also material, that Appeal A facilitates the proposed 36 affordable dwellings delivered on Egley Road (Appeal B).

7.17. The Government is clearly committed to the provision of homes for all, including suitable affordable housing provision. As recently as 1st April 2021, MHCLG has reaffirmed its commitment, noting in the response to the First Homes consultation that the Government has supported the delivery of 486,600 new affordable homes since 2010. The Government has also directly supported affordable provision via the Brownfield Land Fund and the Homes Builders Fund.



- 7.18. It is my judgement that the provision of affordable housing at a rate to vastly exceed the provision in the Borough over the past 10 years is a significant material consideration in favour of the Proposed Development. The significant provision of affordable has, in part, driven the housing mix which is in favour of 1 and 2 bedroom properties.
- 7.19. The last Woking Housing Strategy (2011-2016) is now out of the date. The AMR (2019/20) **(CD 4.10)** identifies that 1,127 households in Woking Borough would require support to meet their housing needs and are on the housing register (Key Monitoring Indicator A08). In addition, that demand exceeds available supply. Access to housing and affordability pressures in the West Surrey HMA are significant, with prices substantially above the national average and lower quartile prices 11.5 times typical earnings, with the long term trend demonstrating reducing affordability (Key Monitoring Indicator A10).
- 7.20. Only 66 affordable homes were built in Woking Borough between 2017 and 2019, an annual rate of 33 units and a further drop in the annual average delivery of 52 affordable dwellings per annum from 2012 until 2019.
- 7.21. The trend in housing delivery of all types has also been falling since 2016/2017, and sits substantially below the standard method housing requirement of at least 432 dpa. The housing situation is exacerbated by the time it takes to be re-housed.

Summary

- 7.22. Overall, I conclude that the housing mix is entirely appropriate in the context of the sustainable location of the site, and the significant affordable housing provision proposed, which meets the identified needs in Woking, in the context of the HMA, which includes lower density locations in Guildford and Waverley. The approach broadly accords with policies CS11, CS12 the Affordable Housing SPD (2014) and had the support of the WBC Housing Officer.



8. Parking

- 8.1. The Proof of Evidence of Mr Southwell addresses the key topic of stadium parking.
- 8.2. The facts of the matter are Surrey County Council (SCC) as highways authority had no objection to the application. There is no case against residential parking (855 car parking spaces), only parking associated with the proposed Community Stadium including the Medical Centre. A total of 915 car parking spaces are proposed incorporating 855 residential car parking spaces (including 20 tandem spaces and 3 community concierge) and 60 spaces for the Stadium. Specific controls are proposed by planning condition. The Appellant proposes that the Medical Centre, which would not be operational during football event days and in addition, should it be required, a proportion of the 60 spaces could be relocated for accessible parking, which can be controlled by condition.
- 8.3. The Appellant agrees with the original Officers Report (**CD 3.1**) recommendations on parking that was addressed from paragraph 292. The Appellant stands by the evidence supporting the Proposal, notably that summarised in the Officers Report from paragraph 311 (following a match-day survey).
- 8.4. The present stadium parking is 45 spaces. A net increase is included in the Appeal Scheme. This on the basis that the parking is to be used by club players/ officials and disabled supporters rather than general supporters, and thus whilst the stadium capacity of 9,026 supporters is relevant for the assessments of impacts, this was undertaken to best understand any mitigation and alternative modes of transport, rather than the parking provision. It is sustainable to place a strategy for non-car modes, which would be achieved by a Stadium Travel Plan. This is typical for many football stadiums nationally.



8.5. Context is also important, typically Woking Football Club attracts attendances in the range of 1,500 – 2,000 spectators, on the basis of the current total capacity of 6,000 supporters. The capacity at 9,026 should be viewed on the basis of circa 25-35 match day events per year (and on the basis of the present average attendances of 2,274 people), and hence impacts arising are infrequent. In addition, the scope for any Traffic Regulation Order (TRO) is made possible by the Proposal, and the specific matter of parking enforcement is not a planning matter. In addition, the Site is only 1.5km from Woking station, and Woking town centre car parks, all with significant levels of parking. The approach to the Community Stadium parking is no different to many other football stadiums, as outlined in the Proof of Mr Southwell.

Summary

8.6. Overall, compared to the present situation of a Stadium operation uncontrolled by planning, the Proposal provides for a sustainable development, with necessary measures to ensure an improvement over the present situation. The Proposal complies with the development plan (policy CS18) in respect of the approach to travel, parking and encouragement of sustainable modes. There is no severe impact arising in respect of the NPPF paragraph 109 and the promotion of sustainable transport accords with the hierarchy of NPPF paragraph 108. Any impacts may be mitigated by the planning obligations contained in the Executive Undertaking / PDA, for completeness and as addressed in the Proof of Mr Southwell, the transport mitigation includes:

- A Mobility Hub, including a café, workspace, microconsolidation centre, cycle hub, community concierge and personalised travel planning service;
- A car club with up to 12 parking spaces (and vehicles);
- A car pool database;
- Up to £1,400,000 in bus service contributions;
- A fold up bike for the first residential occupier of each dwelling;
- Electric vehicle charging facilities to all residential car parking spaces;



- A Residential Travel Plan, Stadium Travel Plan and Stadium Event Management Plan (all provided within the Transport Statement included in **AD 2.3**); and
- A contribution towards the consultation and implementation (if agreed) of traffic regulation orders (TRO).



9. Other Issues

9.1. The two Rule Six Parties have raised a number of issues in their Statements of Case. Many of these issues have been covered by the Inspector's key topics and original reasons for refusal. I have summarised these in **Table 4.1** in **Section 4**. Aside from these matters the two Rule Six parties raise additional matters.

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Additional general point alleging Proposal is out of character and impact on surrounding existing properties

9.2. I address the context of the development plan and Design SPD (2015) in **Sections 5 and 6** with respect of design considerations. The Proof of Mr Gilham outlines extensively the rationale behind the design, and that no harms arise on the edges of the Proposal with adjacent properties on the basis of the 2018 SPD. The Officers Report (**CD 3.1**) specifically notes the Site is large enough to create its own character

Alleged harm to local education infrastructure and inadequate facilities for future users of the development

9.3. The Proposal will attract a substantial CIL contribution. Not additional education contributions via the legal agreement (PDA) were deemed to be necessary. See Officers Report (**CD 3.1**) (paragraphs 573 – 575)

Absence of Support from Woking Football Club to the Appeal

9.4. The planning application was worked up alongside and with the full support and buy-in of the Football Club. It is the case that Woking Football Club does not support the Appeal. The proactive involvement of the Football Club with the preparation of the application is outlined in the Proof of Mr Gold, and summarised in my Proof at paragraphs 3.4 – 3.8.

9.5. The commercial and land contractual agreement between WBC, the Appellant and the Football Club are not planning matters for the Inquiry. The absence of support for the Appeal from the Football Club, ultimately, does not impact the deliverability of the Appeal Scheme.

Various Planning History Matters notably relevance of Willow Reach



9.6. I am not of the opinion that the planning history of the adjacent development at Willow Reach (west of Westfield Avenue), now built out and original granted consent half a dozen years ago is relevant to a decision made on the Proposal now. The original scheme did however include a range of infrastructure improvements, notably flooding to assist the Hoe Valley.

9.7. The Appeal Scheme should be judged on its merits, in the context of past regeneration in the area, and the contextual improvements made by Willow Reach.

Emerging SADPD

9.8. I addressed the relevance of the emerging SADPD in **Section 5**, paragraphs 5.25 – 5.32.

9.9. I consider some weight may be provided to the SADPD, and it is noteworthy that emerging policy also considers the Site to be in an areas of regeneration and change.

Comments on Proposed Planning Conditions

9.10. Addressed in **Section 10**.

Hoe Valley Residents Association

Design, Height and Density musty be In Keeping with the Area

9.11. This point is similar to that made by SWAG. See paragraph 9.2.

Inspector has determined the site capacity to be 93 dwellings

9.12. I assume this comment relates to the emerging SADPD. The SADPD Inspector did not assess this level of housing provision, nor has he made a determination on it at the time of writing. I address this matter in **Section 5** paragraphs 5.25 – 5.32.



Land Registry (Title No SY 680229)

- 9.13. Land covenants are a land and property matter and not a relevant planning consideration. The restrictive covenants on title were made in 1921 and 1924, and are decrepit and likely no longer to be enforceable as the covenants no longer benefit a known person or company.
- 9.14. The Appellant has not had to engage with WBC as landowner on this matter to date, as it has not been considered of relevance in formulating the original application and Development Proposal.
- 9.15. The covenants are likely to be contradictory to modern public policy and are now redundant of purpose so if enforced (which the Appellant considers unlikely) would likely be revoked on a Lands Tribunal application. In any event, the Appellant could insure against the covenants.
- 9.16. Overall, the issue is not a material planning consideration.

Loss of Woking Football Club, Woking Gymnastics Club, Woking Snooker Club and David Lloyd.

- 9.17. The Football Club will need to relocate for a temporary period, but will benefit from a new Community Stadium suitable for the Football League. David Lloyd wishes to relocate to Egley Road (Appeal B) only 1.6km away, the rationale is explained in my separate Proof. It is the intention of WBC, should planning permission be granted for Appeal A to facilitate the relocation of the Gymnastics Club and Snooker Club.

10. Conditions and Obligations

Conditions

- 10.1. The planning conditions required to make the Proposal acceptable in planning terms are common ground (see SoCG). These are nearly entirely those proposed in the original Officers Report (**CD 3.1**). There are only two amendments suggested by the Appellant:
- Selected Proposed Windows: Further planning condition on glazing (angle of windows) in respect of the Proposed Elevations of Blocks 4 and 5 (see Proof of Mr Gilham)
 - Parking: Opening time for the Medical Centre to differentiate to Stadium events/ match-days (see Proof of Mr Southwell)
 - Parking: Potential to accommodate some accessible parking spaces to serve the Stadium and Medical Centre (see Proof of Mr Southwell)

Obligations

- 10.2. The Appellant has engaged in negotiations with WBC regarding an Executive Undertaking to secure the necessary planning obligations to ensure the Appeal Proposal is acceptable in planning terms. An Executive Undertaking is possible as WBC is the freehold landowner, it is explained in the SoCG.
- 10.3. Should the Inspector (and Secretary of State) consider that a traditional Section 106 Agreement for the Appeal Proposals be required, the Appellant will submit a Unilateral Undertaking to the Inquiry, with the Executive Undertaking appended. A full list of the agreed obligations is set out at both Section 5 of the Statement of Common Ground (**CD 1.12**) and at paragraph 609 of the Officers Report (**CD 3.1**).
- 10.4. It is worth noting that the Appeal Proposals will ensure that there is not a negative impact on the Thames Basins Heath SPA caused through an increase recreational pressure on the SPA. There was no objection from Natural England in the original application, and the matter is subject to appropriate condition.

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- 10.5. SWAG has suggested the following amendments to the proposed planning conditions, the Appellant's response to which is outlined in **Table 10.1**



Table 10.1: SWAG’s Proposed Planning Conditions

	Suggested Condition Alteration	Appellant Response
1	Additional condition limiting use of the stadium bowl for sporting events open to the general public for up to twice weekly only.	Not agreed. There is already a proposed condition restricting the proposed use of the stadium, which the Appellant considers reasonable.
2	The proposed condition (09) stopping the use of the stadium for standalone musical performances be strengthened to not allow any musical performance other than during a normal sports event interval.	Not agreed. This condition is unnecessary, as the condition already restricts musical performances.
3	The hours of use of the bars and hospitality suite ((condition 11) should be restricted to 23.00 hours only.	Not agreed. As the character of the immediate area proposed is based on the creation of a new sports / entertainment area, it is considered reasonable to control the hours of opening to suit these objectives.
4	Provision to be made for smokers using the hospitality suite and bars within the stadium demise.	This condition could be reasonably considered, and can be discussed with WBC at the Conditions / Obligations session.
5	Plant noise limits outlined in condition 40 to be extended to new as well as existing dwellings.	Not agreed. The condition is already effective as drafted to ensure amenity is maintained as the proposed new dwellings are all located in the immediate area already covered by the condition..
6	The stadium to not be first occupied until all the proposed parking spaces are brought into use.	This condition could be reasonably considered, and can be discussed with WBC at the Conditions / Obligations session.
7	Staff associated with the Stadium or ancillary uses should not be on the premises more than 1 hour before or 1 hour after the hours when customers/members of the public are allowed to attend	Not agreed. This condition is not necessary to make the Proposal acceptable in planning terms. It fails to respect the fact that there is presently a football stadium on the Site, thus there is already an impact in this respect. The benefit of the Proposal in planning terms is that its delivery will secure a range of planning benefits, including a Stadium Travel Plan.



11. Planning Balance & Conclusion

11.1. I provide in this section my conclusion.

Conclusion – Case for the Appellant

11.2. In making a judgement on the Appeal, a balancing exercise is required for the weight to be attached to the other material considerations against the requirements of the statutory development plan as provided for in Section 38(6) of the Planning and Compulsory Purchase Act 2004.

11.3. I have summarised in my Proof the Appeal Proposal, relevant background, history, policy and emerging policy (**Section 3**). The relevant planning policy is common ground (see SoCG) and I have included at **Appendix 1** Savills analysis of the compliance of the Proposal with the development plan when read as a whole. I have addressed each of the Inspector's key topics, and other relevant issues as raised by the Rule Six parties (**Sections 5-9**).

11.4. I have clearly outlined the proposal of the Appellant to provide fair and reasonable planning obligations secured by the Executive Undertaking. The use of this Undertaking, as a Planning & Development Agreement (PDA) is common ground between the Appellant and WBC.

11.5. It is demonstrated that the Appeal Proposal will result in no likely significant effects on sites designated for nature conservation including the Thames Basins Heath SPA.

Conclusion on Planning Balance

11.6. As set out in my Proof, I am in agreement to the original Officers Report and recommendations therein.

11.7. There are substantial benefits arising from the Proposal (outlined in **Section 1** and also **Section 5** from paragraph 5.9) which weigh in favour against any harms. I do not consider any harms exist which cannot be subject to mitigation, and in any event there is no material harm.



- 11.8. To meet the housing needs of Woking Borough, and to address the substantial and pressing shortfall in affordable housing, and smaller dwelling types, requires the delivery of the Appeal Proposal. The provision of a new Community Stadium, enables significant regeneration and economic benefits, which act as an improvement of the immediate environs, on a Site large enough to create its own character and context. The Proposal fundamentally provides for the best use of land, and meets Core Strategy and national planning objectives. It is a high quality proposal, of good architectural merit and appropriate treatment of the street scene.
- 11.9. In reaching a conclusion on balance, when the harm is compared to the wide range of benefits that the Proposed Development will deliver, I consider that the Appeal Proposals clearly outweigh any harm. This leads me to conclude that the Development Proposal is sustainable.
- 11.10. On the basis of the mitigation proposed, as secured by appropriate planning obligation and condition, it is my strong belief and professional opinion that the Proposed Development is acceptable in planning terms, it represents positive planning, and is in compliance with the development plan. The Appeal should be allowed.

END