
Appellant's Statement of Case

Land South of Kingfield Road and East of Westfield Avenue, Westfield Avenue, Westfield, Woking, Surrey, GU22 9PF

Ref: PLAN/2019/1176

December 2020

Prepared by Savills (UK) Limited acting as planning consultant for the agent for the Appeal, GolDev Woking Ltd





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1. Introduction

1.1. This Statement of Case (“SoC”) has been prepared by Savills (UK) Limited, acting as planning consultant to the agent for the Appeal, GolDev Woking Ltd (“the Appellant”). A separate Statement of Common Ground (“SOCG”) will be agreed between GolDev Woking Ltd and Woking Borough Council (WBC) as the local planning authority (‘LPA’), in the lead up to the anticipated Public Inquiry.

1.2. It follows the refusal by WBC of a planning application under reference: PLAN/2019/1176 for development at Land South of Kingfield Road and East of Westfield Avenue, Westfield Avenue, Westfield, Woking, Surrey, GU22 9PF (‘the proposed development’). The application was submitted by GolDev Woking Ltd and Woking Football Club. GolDev Woking Ltd has contractual agreements to proceed the planning and development of the site with Woking Football Club and Woking Borough Council (as landowner).

1.3. The description of development, as described on the decision notice dated 2 July 2020, is:

Redevelopment of site following demolition of all existing buildings and structures to provide replacement stadium with ancillary facilities including flexible retail, hospitality and community spaces, independent retail floorspace (Classes A1/A2/A3) and medical centre (Class D1) and vehicle parking plus residential accommodation comprising of 1,048 dwellings (Class C3) within 5 buildings of varying heights of between 3 and 11 storeys (plus lower ground floor and partial basement levels) on the south and west sides of the site together with hard and soft landscaping, highway works, vehicle parking, bin storage, cycle storage, plant and other ancillary works including ancillary structures and fencing/gates and provision of detached residential concierge building (Environmental Statement submitted).

1.4. The application was refused for the following five reasons:

01. By cumulative reason of its excessive height, bulk, mass, housing density and design the proposed development would fail to respect and make a positive contribution to the street scenes and character of the area in which it would be situated. The proposed development is therefore contrary to Policies CS10, CS21 and CS24 of the Woking Core Strategy (2012), Policy DM10 of the Development Management Policies DPD (2016), SPD Design (2015) and Section 12 of the National Planning Policy Framework (NPPF).

02. The proposed development would fail to provide an appropriate mix of dwelling types and sizes to address the nature of local needs as evidenced in the latest Strategic Housing Market Assessment, and to reflect the established character and density of the neighbourhood, and therefore would fail to create a sustainable and balanced community. The proposed development is therefore contrary to Policy CS11 of the Woking Core Strategy (2012).

03. The proposed development would result in significantly harmful impacts by reason of overbearing effect and loss of privacy to No.2 Westfield Grove and Penlan (Kingfield Green), significantly harmful impacts by reason of loss of privacy to The Cedars (Kingfield Green) and Nut Cottage (Kingfield Green), significantly harmful impacts by reason of loss of daylight to Beech House (Sycamore Avenue), Hazel House (Sycamore Avenue) and Elm View (Kingfield Road), together with loss of daylight to other residential properties, the effects of which would not be outweighed by other considerations. The proposed development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), SPD Outlook, Amenity, Privacy and Daylight (2008) and Section 12 of the National Planning Policy Framework (NPPF).

04. The proposed development would provide insufficient on-site car parking to serve the stadium and medical centre uses and has failed to demonstrate that the level of on-site parking proposed for these uses would not result in the displacement of vehicle parking onto nearby streets, thereby exacerbating existing pressure for on-street car parking, particularly during match days. The proposed development is therefore contrary to Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and Section 9 of the National Planning Policy Framework (NPPF).

05. In the absence of an Executive Undertaking no mechanism exists to secure the requirements set out in the Planning Committee report. The proposed development is therefore contrary to Policies CS8, CS12, CS17, CS18 and CS19 of the Woking Core Strategy (2012), SPDs Parking Standards (2018), Affordable Housing Delivery (2014) and Climate Change (2013), Saved Policy NRM6 of the South East Plan 2009, the Thames Basin Heaths Special Protection Area Avoidance Strategy, the Conservation of Habitats and Species Regulations 2017 and the National Planning Policy Framework (NPPF).

- 1.5. The Application was refused by the LPA's planning committee on 23 June 2020 following a recommendation of approval being made by the LPA's planning officers. The decision notice was issued on 2 July 2020.
- 1.6. This SoC sets out the Appellant's case that the proposed development complies with the adopted policies of the Development Plan, and with the policies set out within the National Planning Policy Framework (NPPF).
- 1.7. This statement has been set out under the following headings:
 - **Section 2** outlines the site and its context within the surrounding area;
 - **Section 3** provides an outline of the proposals;
 - **Section 4** examines the main planning considerations; and
 - **Section 5** provides a summary of the Appellant's case.
- 1.8. A full assessment of the proposed development and the context in which it sits was set out within the Planning Statement and Design & Access Statement that formed parts of the Application. These documents should be reviewed in full with this Statement providing a supplementary assessment that responds specifically to the LPA's reasons for refusal.
- 1.9. A full list of documents and plans for approval was noted within both the LPA officer's committee report and the subsequent Decision Notice. The Appellant agrees that this list of documents forms the complete pack of plans and relevant documents that would be approved if this Appeal was allowed.

2. Site Description

- 2.1. Located to the south of Woking town centre within Woking Urban Area, the site itself is predominately commercial recreation and sport, set within a wider local area which has a strongly residential character ('the site').
- 2.2. The site is not within the Green Belt, Area of Outstanding Beauty (AONB) or Area of Great Landscape Value (AGLV). The nearest Conservation Area is Mount Hermon, located approximately 430m to the west of the site.
- 2.3. There are four listed buildings (Grade II) within the vicinity of the site: Elmbridge Cottage, which lies to the north of the stadium, Howards Farm and Laurel Cottage (Grade II) to the east and Old Oak Cottage (Grade II) to the south-east.
- 2.4. The site lies within Flood Zone 1 (Low Risk of Flooding), yet on the western side, outside the red line boundary, is Hoe Stream, Willow Pond and Chestnut Pond which are Flood Zone 2 and 3 respectively. A Flood Risk Assessment has been carried out by RMA Environmental.
- 2.5. The site is currently occupied by a football stadium, some vacant land, David Lloyd fitness centre and other, ancillary recreational uses.
- 2.6. Located 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.
- 2.7. It is intended that this description of the development site will be agreed as Common Ground between the Appellant and the LPA.

3. Development Proposals

- 3.1. The proposed development offers a complete regeneration of this area of Woking offering a new community hub and a brand new home for Woking Football Club. The scheme will be of the highest quality and has been meticulously designed so that the ground and surrounding flats will be well screened and create a new neighbourhood within the Kingfield area of Woking. As detailed in the Design and Access Statement, it is proposed that all existing buildings on site will be demolished including the stands that form the existing football ground and the David Lloyd Fitness Centre.
- 3.2. The scheme, including the relocation of the David Lloyd Centre was guided through close co-operation with the Council at key stages throughout the application process. This has included the Woking Football Club, Snooker Club, Gymnastic Club site being allocated for mixed use development as part of Policy UA44 of the Draft Site Allocations DPD.
- 3.3. The residential aspect of the scheme will deliver a total of 1,048 homes across a mix of different unit sizes. Of these, a total of 468 units will be affordable homes which equates to 45% of the total provision.
- 3.4. The Masterplan concept of the stadium will create distinct 'zones', including the stadium zone, arrival point and two residential zones. A new, central boulevard will separate residential areas from the stadium and create a focal point on match days for supporters to gather and socialise pre-match.
- 3.5. The overall design for the site's layout ensures that the stadium is fully integrated into the wider development whilst also ensuring that residential and 'match day' uses can successfully operate alongside one another. The use of the central boulevard and the integration of retail units and a medical centre facility into the structure of the stadium itself ensure that it forms an active part of the development opposite the residential elements.
- 3.6. The stadium is designed in the form of two overlapping 'L' shapes with the highest elements of the structure contained within the centre of the site and the height reduced at locations nearer to the site boundaries. The stadium will have a maximum capacity of 9,026 spectators provided through a mix of seating and safe standing areas; this capacity is controlled through a proposed planning condition.
- 3.7. The overall design of the proposed development was the subject of review by an independent Design Review Panel prior to submission to the LPA and was broadly supported subject to some minor changes in materials that were incorporated before formal submission.
- 3.8. The site will offer residents and visitors an array of green spaces to enjoy and benefit from. Notably, Woking Park and Loop Road Playing Fields are located to the north and south of the site. Furthermore, the apartment buildings will incorporate green space on the roofs and in private courtyards to soften the appearance and create a more sustainable living environment. The open spaces provided will be high quality and form a large pillar of the site's design.
- 3.9. Vehicular access for residents and visitors to the new residential blocks will be via Westfield Avenue. For deliveries, and collections, access will be via a new concierge building accessed from Kingfield Road, sharing the entry point with the football stadium. Parking will be provided underneath the blocks, screened away from public view and reducing the need for vehicles to be parked on the highway.

4. Planning Considerations

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any planning application must be determined in accordance with the Development Plan for the area, unless any material considerations (which includes the NPPF) indicate otherwise.
- 4.2. In this case, Woking Borough Council's Development Plan comprises:
- The Woking Core Strategy (adopted October 2012);
 - The Woking Development Management Policies (adopted October 2016); and
 - Saved Policy NRM6 of the South East Plan (adopted May 2009 and saved March 2013).
- 4.3. The formal reasons for refusal, contained in the decision notice of 2 July, cited alleged conflict with Development Plan policies CS8, CS10, CS11, CS12, CS17, CS18, CS19, CS21, CS24, DM10 and NRM6.
- 4.4. WBC submitted its Draft Site Allocations DPD to the Planning Inspectorate in 2019, and Hearings were undertaken in December 2019 – February 2020, with the Inspector providing initial written feedback in February 2020. The Main Modifications consultation was undertaken in the period October – December 2020. This Examination process will determine soundness and is a key stage in the DPD moving towards adoption. At the time of writing, adoption is presently anticipated to be later in 2021.
- 4.5. The Draft Site Allocations DPD identifies and allocates specific land for development within Woking Borough in order to meet future development needs and enable the delivery of Woking Core Strategy.
- 4.6. Due to the advanced stage of which the Site Allocations Document has progressed to, it should therefore be given material weight in the decision making process. Noting that the Appellant has lodged an objection to the current wording of policy UA44, in a representation to the Main Modifications, dated 14 December 2020.
- 4.7. The Appellant will outline through the Appeal, that the proposed development, and evidence base supporting it, remains the only available evidence base to support emerging policy UA44. In addition, that given the unresolved objection to UA44, the proposed development should be determined, primarily, on the basis of the Core Strategy policies and National Planning Policy Framework (NPPF, adopted February 2019).
- 4.8. Further to the Development Plan, the Appeal proposal has been considered in light of the NPPF which provides a direction for planning on a national scale and the expectation that all local planning documents will be in general conformity with the NPPF and decisions made on that basis.

Reasons for Refusal

- 4.9. Based upon the LPA's decision notice, the subjective content of the formal reasons for refusal can be summarised as follows:
- *The suitability of the proposed height, bulk, mass, housing density and design of the proposed development within the context of the character of the immediate surrounding area;*
 - *Whether or not the proposed development would provide an appropriate mix of dwelling types and sizes to reflect local need as evidence in the latest Strategic Housing Market Assessment and whether this reflects the established character and density of the local neighbourhood in order to create a sustainable and balanced community.*

- *Impact upon the amenity of some neighbouring properties as follows:*
 - o *To No.2 Westfield Grove and Penlan (Kingfield Green), through the effect of overbearing and loss of privacy;*
 - o *To The Cedars (Kingfield Green) and Nut Cottage (Kingfield Green), through the effect of loss of privacy; and*
 - o *To Beech House (Sycamore Avenue), Hazel House (Sycamore Avenue) and Elm View (Kingfield Road), through the effect of the loss of daylight.*
- *The provision of car parking for the proposed stadium and medical centre facilities.*

- 4.10. These matters are discussed in more detail below, in addition to the case that has already been set out in the Planning Statement and Design & Access Statement that both formed parts of the Application submission.
- 4.11. All other matters cited in the reasons for refusal (specifically, reason for refusal 05) would be satisfactorily addressed through provision of an appropriate legal mechanism to secure measures to address those matters. In this case, an Executive Undertaking was agreed in draft between the Appellant and the LPA as the appropriate legal mechanism in this case. This position was also endorsed by the Executive of WBC.
- 4.12. The draft Executive Undertaking could be finalised as part of this Appeal.
- 4.13. The full range of relevant matters is noted within the Statement of Common Ground. Given the clear path to resolve these matters, they are not discussed further here.

Density, Design and Townscape

- 4.14. The Appellant will demonstrate, as supported by the Design and Access Statement and Townscape Visual Impact Assessment, that the proposed development offers a positive design that sits within its local context. Density in and of itself is not harmful and how this has been incorporated into an integrated design for the new stadium, commercial elements and residents elements has resulted into a coherent design for the site. The Appellant will outline that the proposed development is in context as it creates a key destination in the town. Furthermore, the design, anchored on the new stadium, creates its own context within the site.
- 4.15. This also reflects Development Plan policies that suggested densities are 'indicative' and greater ranges can be achieved where this is successfully integrated into a development that respects and responds to the existing character of the area around it. The Appellant will outline that the basis of the indicative densities in the Core Strategy was to provide a broad indication of how the plan sought to meet the housing requirement, and were not intended to provide a restriction on appropriate best use of previously developed land. The Appellant will outline the context of the site, in a Borough constrained by the Metropolitan Green Belt.
- 4.16. The overall design of the proposal reflects both the scale of the site being developed and the necessity to integrate the massing of the stadium with the residential accommodation around it. This results in a design that both ensure positive appearance within the new development itself but also respects the existing built form around it.
- 4.17. It will be highlighted that the scale of buildings reduces on all boundaries of the site in order to respond to the existing townscape in the immediate local area. The greatest height and mass has been focused towards the centre of the extensive site area with elements and outward-facing elements relating directly to existing streets.

- 4.18. The design was subjected to independent review by a Design Review Panel prior to formal submission to the LPA and was broadly supported in terms of overall design, layout within the site that would aid integration between the stadium and residential elements, massing, integration with the existing streetscape, materials and access. This offers strong support to the position that the proposed development provides a design that accords with Development Plan policies.

Housing Mix

- 4.19. The Appellant will outline that the proposed development would provide an appropriate mix of dwelling types and sizes to reflect local need as evidenced in the latest Strategic Housing Market Assessment in the context of the Borough as a whole, and with reference to the average delivery rates of affordable housing since the start of the plan period. The Appellant will demonstrate that the proposed development represents one of the largest provisions of affordable housing in Surrey; when viewed in a Borough context, that the proposed development will create a sustainable and balanced community.

Neighbouring Amenity

- 4.20. The Appellant will demonstrate that the design, layout, stepped form and angles of the residential elements of the proposed development relative to existing buildings will ensure that no significant harm to residential amenity through loss of privacy or a perception of overbearing will be caused. In all but two individual circumstances, the distance between any part of the proposed development and the boundaries of existing properties are in excess of the minimum separation distance required by Development Plan policies and supplementary planning documents.
- 4.21. Additionally, in the two individual circumstances where this separation distance is not reached in full it will be demonstrated that the relationship between the layouts and relative positioning of existing and proposed buildings are such that significant harm does not occur. It will be demonstrated that separation distances to all buildings are exceeded and the impacts upon private gardens are not such as to cause significant harm.
- 4.22. The Appellant will also demonstrate, as supported by the Daylight Sunlight Assessment, that there is no significant harm in terms of daylight and sunlight to any properties that neighbour the Site. Where some less than significant impacts do occur, in accordance with the normal BRE Guidelines it can be demonstrated that these impacts have been minimised as far as possible and that these do not result in noticeable losses to daylight or sunlight.
- 4.23. In each case, any loss to an individual window is addressed by continued lighting to other windows within the same room or due to the rooms not being primary living spaces.
- 4.24. As such, there is no significant impact upon residential amenity with regard to daylight or sunlight matters in accordance with relevant Development Plan policies.

Car Parking for the Proposed Stadium and Medical Centre Facility

- 4.25. The Appellant will demonstrate that, as supported by the Transport Assessment and Travel Plan, including extensive provisions and contributions towards matchday management, the development proposal provides for sufficient car parking for all uses including the medical centre and stadium.
- 4.26. It should also be noted that Surrey County Council, as the relevant highway authority, did not object to the original application and the car parking provision that was proposed.

Other Matters

- 4.27. As set out within the separate SoCG, this Appeal is closely related to another separate application that was submitted to WBC for determination:

LPA Reference: PLAN/2019/1177

Location: Land South Of Hoe Valley School And East Of Railway Tracks Egley Road Woking Surrey GU22 0NH

Proposal: Redevelopment of site following demolition of existing building to provide health club building (Class D2) also incorporating external swimming pool, spa garden, terrace and tennis courts (including tennis court airdomes), provision of 36 dwelling houses (Class C3) up to a maximum of 3 storeys in height, vehicle parking, hard and soft landscaping, ancillary works including ancillary structures and fencing/gates and new vehicular access from existing road serving Hoe Valley School (Environmental Statement submitted)

- 4.28. This application was also determined and refused by WBC on the same date, following a planning committee dated 23 June 2020 and decision notice dated 2 July 2020. That decision is also being appealed.
- 4.29. This separate application would have allowed for the relocation of the existing David Lloyd facility from the Land South of Kingfield Road and East of Westfield Avenue to the alternative site noted above. As such, there is a clear link between the two applications and thus the determination of each application.
- 4.30. The Appellant will demonstrate that the proposal to relocate David Lloyd will not only facilitate the development proposal, but will provide wider benefits in the locality (circa 2km from the site) and not least the overall enhancement of the health club facility relative to the existing services.
- 4.31. In addition, the Appellant will demonstrate that the proposed development will facilitate the provision of additional affordable housing at the Egley Road site. Across the two sites this offers an affordable housing provision equating to over 45% of the total residential proposed when judged together (development proposals at Kingfield and Egley Road). This provision will be secured via the Executive Undertaking.

5. Summary

5.1. This SoC sets out the Appellant's main planning case in support of the proposed development. Specifically:

- *The proposed development utilises a design that integrates the new stadium and residential elements into a coherent scheme whilst also responding to the character of the existing surrounding area;*
- *The proposed development has no significant impact upon the amenity of neighbouring residents;*
- *The proposed development makes a significant contribution to affordable homes, and creates a balanced and sustainable community in the Borough-wide context;*
- *The level of car parking provided to the proposed stadium and medical centre will not lead to harmful effects for the surrounding area; and*
- *All items that need to be secured via legal agreement can be addressed through completion of the Executive Undertaking that has previously been agreed as acceptable by the Appellant, the LPA and the Executive of WBC. The Appellant will re-confirm their commitment to the completion of this document.*

5.2. Therefore, the proposed development is in accordance with the Development Plan with regard to these matters. As a result, it will lead to the delivery of a wider range of planning benefits including:

- *Provision of an upgraded football stadium on its existing site;*
- *Significant numbers of additional residential dwellings on a brownfield site within the established Woking urban area;*
- *45% of the residential units as affordable housing, totalling 468 individual units on the site;*
- *A purpose-built medical centre to provide an upgraded and extended facility to serve the wider local area;*
- *Modern facilities that could be used for a range of different uses by the wider local community; and*
- *Additional retail facilities to serve the local area.*

5.3. In conjunction with the related application at another site nearby, this will also allow for the delivery of an enhanced health club facility to serve the local area, and a further provision of affordable housing.

5.4. The appeal should therefore be allowed.