

**Use of Planning Conditions in place of Unilateral Undertaking**  
**Proposed Additional Conditions for Appeals A & B**

**Statement for the Appellant**  
**Appeal A & Appeal B**

**18 May 2021**

Following on from the agreed Statement of Common Ground (**CD1.12/ CD1.13**), it now appears unlikely the proposed Unilateral Undertaking (UU) will be completed since Woking Borough Council is not prepared to enter into the UU as both the LPA and landowner. Accordingly, it is suggested that all items contained within the UU can be addressed either through existing or additional planning conditions. Indeed, the Planning Practice Guidance (Paragraph: 011 Reference ID: 21a-011-20140306) is clear that where there is option to use either a condition or a planning obligation then it is preferable to use the former.

It is common ground that a range of conditions for both Appeals has been agreed. These conditions were agreed between the Applicant (now Appellant) and the LPA prior to the determination of the original applications and were the result of extensive discussion and consultation.

In a number of cases, items proposed within the draft UU are also already addressed within proposed planning conditions. In the event that the UU cannot be completed, such items can be secured equally well through existing suggested conditions.

**Appeal A – Use of Existing Conditions**

For Appeal A (Site on Kingfield Road), the following items within the draft UU are addressed through existing proposed conditions:

- For matters relating to a Residential Travel Plan, this is addressed within Condition 29;
- For matters relating to provision of Folding Bikes, this is addressed within Condition 29;
- For matters relating to Electrical Vehicle Charging Points, this is addressed within Conditions 22 and 23;
- For matters relating to a Stadium Travel Plan, this is addressed within Condition 28;
- For matters relating to Woking Gymnastics Club, this is addressed within Condition 70.

It is also considered that the commitment to complete the Stadium Development prior to the occupation of more than 606 residential units could also be secured through an additional appropriately worded condition in lieu of inclusion within the UU.

**Appeal B – Use of Existing Conditions**

For Appeal B (Site on Egley Road), the following items within the draft UU are addressed through existing proposed conditions:

- For matters relating to Electrical Vehicle Charging Points, this is addressed within Conditions 10 and 11.

Although not included within the current schedule of conditions for Appeal B, it is considered that requirements for Travel Plans for both the residential and health club elements can be secured through conditions in a similar way to that proposed for Appeal A.

## Remaining Matters

With regard to affordable housing and financial contributions, it is suggested that a negatively worded *Grampian* condition can be utilised. The Planning Practice Guidance (Paragraph: 010 Reference ID: 21a-010-20190723) makes clear that negatively worded conditions should only be used where there is clear evidence that the delivery of the development would otherwise be at serious risk.

In this case, as set out above Woking Borough Council has made clear that they are unwilling to sign a UU with themselves as both owner and LPA. However, throughout determination of the planning applications it was agreed by the Council and the Appellant that relevant matters would be included in a separate legal agreement where the Council would sign solely as landowner. This had been referred to by the parties as a Planning Development Agreement.

The Planning Development Agreement has been signed on behalf of both Goldev Woking Ltd and Woking Borough Council and completed on Tuesday 18 May 2021. This has been submitted to the Inquiry (**CD6.16**).

With this, it is proposed that the following negatively worded conditions should be used to secure affordable housing and financial contributions through the Planning Development Agreement.

### Relating to **Appeal A** (Site on Kingfield Road):

#### Bus Service Improvements

*Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the local planning authority to secure:*

*A service operating between the Kingfield Road Site and Woking town centre and Guildford as follows:*

- 1. Mondays to Saturdays (inclusive) at a frequency of no less than one bus every 20 minutes , with no fewer than 3 buses per hour operating in each direction, between the hours of 6am – 7pm, with a reduced level of service after 7pm; and*
- 2. on Sundays at a frequency of no less than 2 buses per hour operating in each direction between the hours of 7am-7pm; and*

*On matchdays at the Woking Football Club stadium:*

- 3. a service operating between the stadium and Woking railway station, with no fewer than 3 buses per hour operating in each direction, from no less than 90 minutes prior to a match and no less than 60 minutes following a match.*

*Thereafter, the scheme shall be implemented as approved.*

*Reason: To support and secure the provision of sustainable transport and encourage the use of alternative modes of transport to the private car in accordance with policy C18.*

#### Traffic Regulation Orders

*Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the local planning authority to secure*

- a) the review and, if necessary, the making and implementation of traffic regulation order(s) to allow for 1) additional double and/or single yellow lines in the vicinity of the stadium as are reasonably required as a result of the stadium development; and 2) the provision*
- b) of a delivery bay on Westfield Road as is reasonably required as a result of the residential development.*

Thereafter, the scheme shall be implemented as approved.

Reason: To secure a full investigation of the general parking conditions on the surrounding streets and to secure any required Traffic Regulation Orders as required to mitigate the impact of the development, to accord with policy CS18.

#### Strategic Access Management and Monitoring (SAMM)

Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the local planning authority to secure strategic access management and monitoring measures (as determined by the local planning authority) to mitigate the effects of the development on the Thames Basin Heaths Special Protection Area. Thereafter, the scheme shall be implemented as approved.

Reason: To ensure satisfactory avoidance of impacts on the Thames Basins Heath Special Protection Area.

#### Mobility Hub

No more than 468 residential units shall be occupied unless and until;

- 1) A layout and operation plan for a community hub including a café, workspace, microconsolidation centre, a cycle hub, community concierge service and personalised travel planning service has been submitted and approved in writing by the local authority and
- 2) The community hub in an operational form has been completed and is ready for beneficial occupation.

Reason: To secure the delivery of land uses to support the provision of sustainable transport and encourage the use of alternative modes of transport to the private car in accordance with policy C18.

#### Public Art

Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the local planning authority to secure the delivery of permanent public artwork that is integrated into the development; and the public art scheme shall include a timetable for delivery of the permanent public artwork.

Thereafter the public art scheme shall be implemented as approved.

Reason: In the interests of good design and a high quality public realm to accord with policy CS21.

#### Affordable Housing

Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the local planning authority to secure

- 1) to secure the delivery of 191 units (54 x 1 bedroom apartments and 137 x 2 bedroom apartments) as shared ownership housing and 277 units (57 x studio apartments, 88 x 1 bedroom apartments, 58 x 2 bedroom apartments, 20 x 1 bedroom townhouses/duplexes, 24 x 2 bedroom townhouses, 24 x 2 bedroom duplexes and 5 x 3 bedroom townhouses) as affordable rental housing (468 units in total); and
- 2) to secure completion of all affordable housing units such that they are ready for occupation prior to occupation of any other residential units on-site.

The scheme shall include details of the location of all affordable residential units within the development and the management of the residential units, the arrangements to ensure that such provision is affordable for both first and subsequent occupiers, the occupancy criteria and the means by which such occupation should be enforced and a mechanism for the delivery of the scheme.

Thereafter the affordable housing scheme shall be implemented as approved.

Reason: To secure an adequate provision of affordable housing to accord with the objectives of policy CS12.

### Car Club

Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the local planning authority to secure:

- 1) The establishment and operation of a car club by a car club operator approved by the local planning authority under which occupiers of the approved residential units shall be entitled (upon becoming members of the car club) to hire (on a self-drive basis) motor vehicles;
- 2) 15 car parking spaces in a location(s) to be agreed with the local planning authority which may be varied from time to time with the prior written approval of the local planning authority and made available for the sole use of a car club;
- 3) a car pool database to which residents of the residential units can sign up in order to facilitate and coordinate the sharing of car journeys to and from the development.

The scheme shall include provisions to ensure delivery of the car parking spaces prior to the occupation of 606 of the approved residential units and for the operation of the car club for a minimum period of 2 years following the occupation of the 606<sup>th</sup> residential unit.

Reason: In order to provide an alternative to the use of the privately owned car and in the interests of the provision of sustainable modes of transport.

### Junction Improvements

Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the local planning authority in consultation with the local highways authority, to secure:

- 1) improvements to the site access from Kingfield Road;
- 2) access to the undercroft car parks proposed in two locations from Westfield Avenue;
- 3) provision of a pedestrian crossing on Westfield Avenue (close to the Westfield Avenue/Kingfield Road junction, in a location to be confirmed); and
- 4) improvements to the pedestrian environment at Vicarage Road/High Street/Kingfield Road roundabout.

Thereafter the scheme shall be implemented as approved.

Reason: In interests of good planning and to ensure suitable site accesses and highways safety on the relevant roads in the surrounding area.

### **Relating to Appeal B (Site on Egley Road):**

#### Condition linking Appeal B with Appeal A

The development hereby approved shall only be begun once written confirmation is issued to and approved in writing by the local planning authority that the development permitted by planning permission ref. PLAN/2091/1176 has been begun.

Reason: In the interests of good planning, and to ensure the delivery of the development hereby approved is as a result of the delivery of the associated planning permission.

### Strategic Access Management and Monitoring (SAMM)

Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the local planning authority to secure strategic access management and monitoring measures (as determined by the Local Planning Authority) to mitigate the effects of the development on the Thames Basin Heaths Special Protection Area. Thereafter, the scheme shall be implanted as approved.

*Reason: To ensure satisfactory avoidance of impacts on the Thames Basins Heath Special Protection Area.*

#### *Affordable Housing*

*Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the local planning authority to secure*

*all 36 residential units as affordable rented housing; (5 x 2/3 bedroom houses, 13 x 3 bedroom houses, 16 x 4 bedroom houses and 2 x 5 bedroom houses).*

*The scheme shall include details of the management of the residential units, the arrangements to ensure that such provision is affordable for both first and subsequent occupiers, the occupancy criteria and the means by which such occupation shall be enforced and a mechanism for the delivery of the scheme.*

*Thereafter the affordable housing scheme shall be implemented as approved.*

*Reason: To secure an adequate provision of affordable housing to accord with the objectives of policy CS12.*

#### **Summary**

Between the existing conditions noted above and the additional conditions also now put forward, it is considered that this approach can ensure provision of all of the items previously proposed within the UU by ways of appropriate planning conditions which accord with the relevant planning guidance.