

EXECUTIVE – 25 MARCH 2021

EXECUTIVE UNDERTAKINGS – WOKING FOOTBALL CLUB (PLAN/2019/1176) AND EGLEY ROAD (PLAN/2019/1177) PLANNING APPLICATIONS

[NOTE: DECLARATIONS OF INTEREST

In accordance with the Officer Employment Procedure Rules, the Director of Legal and Democratic Services, Peter Bryant, has declared a disclosable personal interest (non-pecuniary) in this item arising from (i) him being a member of the Cards Trust (the supporters' club for Woking Football Club), (ii) providing occasional unpaid assistance to Woking Football Club, e.g. acting as returning officer at the election of directors and (iii) being a Council-appointed director of Kingfield Community Sports Centre Limited. The interest does not prevent Mr Bryant from advising on this matter.

In accordance with the Officer Employment Procedure Rules, the Director of Finance, Leigh Clarke, has declared a disclosable personal interest (non-pecuniary) in this item arising from (i) her husband having a small shareholding in Woking Football Club and (ii) being a Council appointed director of Kingfield Community Sports Centre Limited. The interest does not prevent Mrs Clarke from advising on this matter.]

Executive Summary

On 22 June 2020, the Executive resolved to give effect to certain requirements of the local planning authority if it was minded to grant planning permission for development of land owned by the Council at (i) Woking Football Club and (ii) Egley Road, Woking, i.e. the GolDev Woking Football Club development.

The requirements would normally have been contained in Section 106 Agreements between the local planning authority and the landowner. This was not possible in these cases as the Council was, and remains, both landowner and local planning authority (so cannot enter into an Agreement with itself).

The local planning authority (i.e. the Planning Committee) refused permission for the proposed development on 23 June 2020. This meant that the Executive Undertakings, given on 22 June 2020, ceased to have effect.

GolDev Woking Limited has appealed against the refusal of planning permission. The appeal will be determined by the Secretary of State, following a public inquiry which is due to start on 10 May 2021.

This report recommends that the Executive resolves that the Executive Undertakings it gave previously shall apply if the Secretary of State grants planning permission for the proposed development.

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(PLAN/2019/1177) Planning Applications**

Recommendations

The Executive is requested to:

RESOLVE That

- (i) the Council shall procure that the Executive Undertakings in respect of planning applications PLAN/2019/1176 and PLAN/2019/1177 set out in the Appendix to this report are complied with; and
- (ii) authority be delegated to the Chief Executive (existing and designate) to give Executive Undertaking(s) if the Secretary of State requires changes to the Executive Undertakings set out in the Appendix to this report.

Reasons for Decision

Reason: To enable the Secretary of State to be certain that planning obligations will be secured if he is minded to grant the planning permissions sought.

The Executive has the authority to determine the recommendation(s) set out above.

Background Papers: None.

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Executive Undertakings – Woking Football Club (PLAN/2019/1176) and Egley Road (PLAN/2019/1177) Planning Applications

1.0 Introduction

- 1.1 On 30 January 2019, the Council entered into an Agreement for Lease with GolDev Woking Limited ("Agreement"). The Agreement relates to the development of land at (i) Woking Football Club and (ii) Egley Road, Woking. These developments are the subject of two planning applications that have been submitted to the local planning authority.

2.0 The Planning Applications/Appeal

- 2.1 A planning application for the Woking Football Club site was submitted under application number PLAN/2019/1176 and sought planning permission in the following terms:-

PLAN/2019/1176 | 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). Land South Of Kingfield Road and East of Westfield Avenue Westfield Avenue Westfield Woking Surrey GU22 9PF.

- 2.2 A planning application for the Egley Road, Woking site was submitted under application number PLAN/2019/1177 and sought planning permission in the following terms:-

PLAN/2019/1177 | 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). Land South Of Hoe Valley School and East of Railway Tracks Egley Road Woking Surrey GU22 0NH.

- 2.3 On 22 June 2020, the Executive resolved to give effect to certain requirements of the local planning authority if it was minded to grant planning permission for the proposed development. These requirements would normally have been contained in Section 106 Agreements between the local planning authority and the landowner. This was not possible in this case as the Council was, and remains, both landowner and local planning authority (so cannot enter into an Agreement with itself). In particular, the Council owns the Egley Road site and the majority of the Woking Football Club site (directly and through Kingfield Community Sports Centre Limited).
- 2.4 The local planning authority (i.e. the Planning Committee) refused permission for the proposed development on 23 June 2020. This meant that the Executive Undertakings, given on 22 June 2020, ceased to have effect.
- 2.5 GolDev Woking Limited has appealed against the refusal of planning permission. The appeal will be determined by the Secretary of State, following a public inquiry which is due to start on 10 May 2021.
- 2.6 This report recommends that the Executive resolves that the Executive Undertakings it gave previously shall apply if the Secretary of State grants planning permission for the proposed development. This will be consistent with the Council's obligations to GolDev Woking Limited

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under the Agreement. These include an obligation on the Council (as landowner) to use reasonable endeavours to assist GoDev in obtaining the planning permissions sought, both from the local planning authority and on appeal.

- 2.7 The proposed Executive Undertakings are set out in the appendix to this report. They are identical to those given by the Executive on 22 June 2020.
- 2.8 For the avoidance of doubt, the Executive is not considering the planning merits of the proposed planning applications or appeal. These will be considered by the Secretary of State.

3.0 Implications

Financial

- 3.1 None.

Human Resource/Training and Development

- 3.2 None.

Community Safety

- 3.3 None.

Risk Management

- 3.4 None.

Sustainability

- 3.5 None.

Equalities

- 3.6 None.

Safeguarding

- 3.7 None.

4.0 Consultations

- 4.1 The Leader of the Council has been consulted.

REPORT ENDS

Redevelopment of the Woking Football Club site at Kingfield Road (KR) and David Lloyd and residential dwellings at Egley Road (ER)

Draft Heads of Terms for Executive Undertaking (11.3.21)

1. The terms, once approved by WBC, will be set out in detail in the proposed Planning Development Agreement between Woking Borough Council and GolDev Woking Ltd
2. Block One being 191 dwellings to be Shared Ownership affordable dwellings (KR)
3. Block Two being 277 dwellings to be rented affordable dwellings (KR)
4. Blocks One and Two to be constructed and capable of occupation before any other residential dwellings within Blocks Three, Four and Five are occupied (KR)
5. Egley Road dwellings to be rented affordable dwellings (ER)
6. Restriction on occupation of no more than 606 dwellings (which must include Blocks 1 & 2) until the replacement stadium construction is complete and capable of use for its intended purpose(s), including the medical centre and retail / flexible use areas being constructed at least to 'shell and core' level (KR)
7. Travel plan – requirements as follows (KR):
 - a. submit a travel plan for the stadium and a travel plan for the remainder of the development to the Council for approval prior to the first occupation of the relevant building(s);
 - b. to implement the approved plans prior to the first occupation of the relevant building(s); and
 - c. pay a travel plan monitoring contribution.
8. Travel plan – prior to first occupation a travel plan for the Health Club will be submitted to and approved in writing by the Council to promote non-car modes of travel. The approved travel plan will be implemented prior to first occupation of the Health Club centre and thereafter maintained and developed to the satisfaction of the Council (ER).
9. Highway works – requirement to enter into S278 agreement(s) to secure the carrying out of highway works required by the Highway Authority, including (KR & ER):

(KR):

 - a. Improvements to the Site Access Junction to Woking FC stadium (Kingfield Road);
 - b. Works to provide access to the undercroft car parks from Westfield Avenue in two locations;
 - c. The provision of a pedestrian crossing on Westfield Avenue, close to the Westfield Avenue / Kingfield Road Junction;
 - d. Improvements to the pedestrian environment at Vicarage Road / High Street / Kingfield Road Roundabout.

(ER):

- a. Pedestrian crossing improvements on Egley Road.
10. A bus services contribution to provide the following (KR) :
 - a. A 20 minute frequency service between the site and Woking town centre and Guildford, with 3 buses per hour operating in each direction. The hours of operation would be 6am – 7pm, Mondays to Saturdays (inclusive), with a reduced level of service after 7pm. The level of service on Sundays would be less, but still enhanced from the existing arrangement to better than 1 bus per hour.
 - b. On matchdays, duplicate bus services between Woking rail station and the site to provide 'appropriate capacity'. Pre-match, a duplication of all Max 34 services (including the diverted Max 35 i.e a 20 minute frequency service) operating for circa 90 minutes prior to the match and 60 minutes after a match. For example, for a Saturday 3pm kick-off, all services operating and serving the site between 1:30pm – 2:45pm and 4:30pm – 5:30pm would be duplicated. For a 7:45pm kick-off, it would be 6pm – 7:30pm and 9:15pm – 10pm.
 11. Provision of a minimum of 15 car club spaces and vehicles within the development, a car pool database, and the provision of a fold-up bike with every apartment (KR)
 12. Prior to the first occupation of the 469th dwelling the mobility Hub, with café, workspace, microconsolidation centre, a cycle hub, and Community Concierge Team and associated personalised travel planning service, shall be constructed and capable of use for its intended purpose(s). Thereafter the building and its service(s) shall be permanently maintained for the lifetime of the development (KR).
 13. The funding of consultation and implementation of Traffic Regulation Orders (TRO's) to manage parking on local streets (KR).
 14. All residential parking spaces to have passive electric charging ability at first occupation of the relevant building(s) with the first occupiers of each dwelling to be able to elect for active electric charging ability, which shall thereafter be provided within one month of first occupation of the relevant dwelling (KR).
 15. Goldev Woking with Woking Borough Council will put a strategy in place which provides for the participation in the process and selection of a permanent public work of art which is integral to the Development and permanently affixed to the Site, the precise nature of the work of art and its location on the Site to be approved by the Council prior to First Occupation with an agreed maximum cost. (KR)
 16. Strategic Access Management and Monitoring (SAMM) contribution (KR & ER) in line with the Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy tariff (including index linking based on RPI annual inflation)
 17. The new Stadium will be completed within TWO years of start on site and at this present time, WFC will vacate May 2022 and return May 2024. If the planning approval is delayed

then the date of vacant possession will be delayed until the following May 2023 or later if needed, so a clear two year period is available to allow the new stadium to be constructed, while WFC ground share at a different location.

18. The Woking Gymnastics Club building shall not be demolished until such time as a replacement building has been constructed and is capable of use for its intended purpose(s) on an alternative site.
19. The David Lloyd facilities shall not be demolished (or otherwise made incapable of use) until such time as replacement facilities have been constructed and are capable of use for their intended purpose(s) on an alternative site.

