



Town and Country Planning Act 1990

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000, as amended

Woking Borough Council's Statement of Case

APPEAL BY: GolDev Woking Ltd

APPEAL SITE: Land south of Kingfield Road and east of Westfield Avenue, Westfield, Woking, GU22 9PF

APPEAL PROPOSAL: 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).

Pins Ref: APP/A3655/W/20/3265969

LPA Ref: PLAN/2019/1176

March 2021

Prepared by DMH Stallard LLP acting as planning consultant for the Local Authority for the Appeal

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1. Site Description

1.1 The appeal site has an area of approximately 5 hectares with Kingfield Road and residential properties associated with Kingfield Road and Kingfield Drive to the north. To the east lie the residential properties associated with Kingfield Green, beyond which is an area of Urban Open Space containing a pond. To the south lies Loop Road Recreation Ground with a footpath along the boundary and residential properties associated with Granville Road. To the west lies Westfield Avenue and residential properties associated with Westfield Avenue and Westfield Grove.

1.2 The central area of the site is occupied by a football stadium (Woking Football Club), comprising of various stands and terrace and set on a north-east to south-west orientation. The south-eastern area of the site contains a collection of large-footprint buildings accommodating a David Lloyd Centre (including open-air tennis courts and surface car parking). The north-eastern area of the site contains two large-footprint buildings accommodating Woking Snooker Centre and Woking Gymnastics Club, with associated surface car parking. The north-western area of the site comprises an area of hoarded, largely vacant land and four residential buildings.

2. Planning History of the Site

2.1 The site has a relatively extensive planning history associated with the existing uses. The below are the most recent.

2.2 Temporary change of use for storage (Class B8) and office (Class B1(a)) purposes ancillary to Woking Football Club until 31st July 2019 including retention of 2no. portacabins and site hoarding (part retrospective). Westfield Avenue Compound 65 - 79 Westfield Avenue Westfield Woking Surrey GU22 9PG

Ref. No: PLAN/2017/0976 | Validated: Wed 23 Aug 2017 | Status: Decided

2.3 Advertisement consent for company sponsorship signs. Fixture list signs. Retention of existing football ground entrance signs. Sponsorship flags on existing flag poles. Woking Football Club Kingfield Sports Ground Kingfield Road Kingfield Woking Surrey GU22 9AA

Ref. No: PLAN/2015/0780 | Validated: Fri 10 Jul 2015 | Status: Decided

2.4 Erection of a two storey building comprising of club shop and bar on ground level and a conference and banqueting facility with associated kitchen and bar at first floor for purposes ancillary to the current use of the land by Woking Football Club. Woking Football Club Kingfield Road Kingfield Woking Surrey GU22 9AA

Ref. No: PLAN/2009/0521 | Validated: Tue 23 Jun 2009 | Status: Decided

2.5 Alterations to existing Gosden Stand to create hospitality suite. Woking Football Club Kingfield Road Kingfield Woking Surrey GU22 9AA

Ref. No: PLAN/2009/0076 | Validated: Fri 30 Jan 2009 | Status: Decided

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- 2.6 Retention of consent for existing storage container and additional secure storage container to house equipment for Woking Rugby Football Club. Byfleet Recreation Ground Stream Close West Byfleet Byfleet Surrey
Ref. No: PLAN/2004/1024 | Validated: Thu 02 Sep 2004 | Status: Decided
- 2.7 a) Change of use of rear garden land to the rear of 65a-79 Westfield Avenue from residential to use ancillary to the football ground (Class D2, Leisure and Assembly); b) Use of land for the retention and relocation of existing single storey, temporary, portable, office building to rear of 73-75 Westfield Avenue; and c) Use of land for the stationing of 2 attached, single storey, temporary, portable, Football Club Shop, buildings to the rear of 79 Westfield Avenue. Woking Football Club Kingfield Road Woking Kingfield Surrey GU22 9AA
Ref. No: PLAN/2003/0453 | Validated: Fri 11 Apr 2003 | Status: Decided
- 2.8 Erection of a new turnstiles in the south eastern corner (gym club entrance) and the erection of 4 no. x 25 m high floodlights following the removal of the existing 30 m high floodlighting towers. Woking Football Club Kingfield Road Surrey GU22 9AA
Ref. No: PLAN/1995/1066 | Validated: Mon 18 Dec 1995 | Status: Decided
- 2.9 Erection of 2,000 seat grandstand at the south western end of the football ground and associated ancillary works. (DETAILED APPLICATION). (AMENDED PLANS). Woking Football Club Kingfield Road Surrey Woking
Ref. No: PLAN/1995/0554 | Validated: Fri 30 Jun 1995 | Status: Decided

3. Summary of Proposed Development

3.1 The application considered by the Council was described as:

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).

3.2 The appeal scheme proposes a new stadium for Woking Football Club (WFC), being re-provided within the site. The proposal also includes housing on surrounding land. Other associated highways, public realm, car parking and retail/community/commercial development (within the stadium) are proposed. Full planning permission was sought for all development.

3.3 In summary the appeal proposal is for:

- A 9,026 spectator capacity stadium (4,168 seated and 4,858 standing) with associated public realm works
- A new central axis boulevard along the west and south sides of the stadium
- Two new pedestrian 'streets' linking the boulevard to Westfield Avenue
- 1,048 dwellings
- Other related uses including retail, community and medical centre

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- Parking for 915 cars (855 for residential development (including 20 tandem spaces and 3 community concierge spaces) and 60 for the stadium)

3.4 A fuller description of the proposed development will be set out in the Council's evidence.

4. Relevant Planning Policies/Guidance

4.1 National Planning Policy Framework (NPPF) (2019)

4.1.1 Section 2 - Achieving sustainable development

4.1.2 Section 4 - Decision-making

4.1.3 Section 5 - Delivering a sufficient supply of homes

4.1.4 Section 6 - Building a strong, competitive economy

4.1.5 Section 7 - Ensuring the vitality of town centres

4.1.6 Section 8 - Promoting healthy and safe communities

4.1.7 Section 9 - Promoting sustainable transport

4.1.8 Section 11 - Making effective use of land

4.1.9 Section 12 - Achieving well-designed places

4.1.10 Section 14 - Meeting the challenge of climate change, flooding and coastal change

4.1.11 Section 15 - Conserving and enhancing the natural environment

4.1.12 Section 16 - Conserving and enhancing the historic environment

4.2 South East Plan 2009

4.2.1 Saved Policy NRM6 - Thames Basin Heaths SPA

4.3 Woking Core Strategy (2012)

4.3.1 CS1 - A spatial strategy for Woking Borough

4.3.2 CS2 – Woking Town centre

4.3.3 CS4 – Local and Neighbourhood Centres and Shopping Parades

4.3.4 CS7 - Biodiversity and nature conservation

4.3.5 CS8 - Thames Basin Heaths Special Protection Areas

4.3.6 CS9 - Flooding and water management

4.3.7 CS10 - Housing provision and distribution

4.3.8 CS11 - Housing mix

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4.3.9 CS12 - Affordable housing

4.3.10 CS15 - Sustainable economic development

4.3.11 CS16 - Infrastructure delivery

4.3.12 CS17 - Open space, green infrastructure, sport and recreation

4.3.13 CS18 - Transport and accessibility

4.3.14 CS19 - Social and community infrastructure

4.3.15 CS20 - Heritage and conservation

4.3.16 CS21 - Design

4.3.17 CS22 - Sustainable construction

4.3.18 CS23 - Renewable and low carbon energy generation

4.3.19 CS24 - Woking's landscape and townscape

4.3.20 CS25 - Presumption in favour of sustainable development

4.4 Development Management Policies Development Plan Document (DM Policies
DPD) (2016)

4.4.1 DM1 - Green infrastructure opportunities

4.4.2 DM2 - Trees and landscaping

4.4.3 DM3 - Facilities for outdoor sport and outdoor recreation

4.4.4 DM5 - Environmental pollution

4.4.5 DM6 - Air and water quality

4.4.6 DM7 - Noise and light pollution

4.4.7 DM8 - Land contamination and hazards

4.4.8 DM10 - Development on garden land

4.4.9 DM11 - Sub-divisions, specialist housing, conversions and loss of housing

4.4.10 DM15 - Shops outside designated centres

4.4.11 DM16 - Servicing development

4.4.12 DM17 - Public realm

4.4.13 DM19 - Shopfronts

4.4.14 DM20 - Heritage assets and their settings

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4.5 Site Allocations Development Plan Document (DPD)

4.5.1 Policy UA44 - Woking Football Club, Woking Gymnastic Club, Woking Snooker Club, Westfield Avenue, Woking, GU22 9AA

4.5.2 The emerging Site Allocations Development Plan Document (DPD) (Regulation 19 Consultation with Minor Modifications), dated July 2019, was subject to examination in public during December 2019. Policy UA44 relates to the appeal site, although excludes the four residential buildings close to the junction of Kingfield Road and Westfield Avenue, and a small area fronting Kingfield Road, which fall within the appeal site. Policy UA44 seeks to allocate the vast majority of the appeal site (excluding those small areas set out previously) for a mixed use development to include an enhanced football stadium, residential including affordable housing, and commercial retail uses. The proposed allocation in the Site Allocations DPD is an indication of the Council's commitment to enable positive action to regenerate the site in the form of a mixed use development and can thus be afforded substantive weight based on the stage reached in the process.

4.6 Supplementary Planning Documents (SPD's)

- Design (2015)
- Parking Standards (2018)
- Outlook, Amenity, Privacy and Daylight (2008)
- Climate Change (2013)
- Affordable Housing Delivery (2014)
- Supplementary Planning Guidance (SPG)
- Heritage of Woking (2000)

4.7 Other Material Considerations

4.7.1 Planning Practice Guidance (PPG) (online resource)

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- 4.7.2 National Design Guide: Planning practice guidance for beautiful, enduring and successful places (October 2019)
- 4.7.3 Listed Buildings & Conservation Areas Act 1990
- 4.7.4 Conservation of Habitats and Species Regulations 2017
- 4.7.5 Thames Basin Heaths Special Protection Area Avoidance Strategy
- 4.7.6 Circular 06/2005: Biodiversity and Geological Conservation
- 4.7.7 Historic England - The Setting of Heritage Assets (2015)
- 4.7.8 Woking Character Study (2010)
- 4.7.9 Woking Borough Council Strategic Flood Risk Assessment (SFRA) (November 2015)
- 4.7.10 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 4.7.11 Waste and recycling provisions for new residential developments
- 4.7.12 Technical Housing Standards - Nationally Described Space Standard (March 2015)

5. Reasons for Refusal

5.1 The Application was refused by the Planning Committee on 23 June 2020 with the decision notice issued on 2 July 2020.

5.2 The Reasons for Refusal as set out in the decision notice are as follows:

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

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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). December 2020

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).*

5.3 The appellant has submitted a draft Statement of Common Ground to the LPA which the Council has reviewed and will respond with comments shortly. The Council will continue to engage with the appellant to attempt to find common

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ground and will identify in the SoCG if it feels that any of these reasons for refusal have been resolved.

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6. Principal Issues to be Considered at Inquiry

- 6.1 The Council will present evidence at the Inquiry to support the reasons for refusal. The Council's case and principal issues to be considered at the Inquiry are summarised below.
- 6.2 The Council will demonstrate that the development is of a scale, bulk and density that would have an unacceptably adverse impact on the character of the area in short and long range views towards the site. The appeal scheme would not respond satisfactorily to the local urban grain or urban form. The proposed buildings would be of an incongruous scale, height and massing given the context.
- 6.3 The LPA will demonstrate, that the proposed development is; detrimental, harmful, out of keeping, with the locality. The scheme is contrived and of a scale inappropriate to its setting. The relevant Development Plan policies will be considered in detail. The LPA will outline how the scheme is contrary to policies which seek to focus residential development within the Town Centre and ensure that density respects and responds to the existing character of the surrounding area.
- 6.4 The density of the residential development is approximately 360dph (dwellings per hectare) This compares with an indicative "30-40dph" for infill development in the rest of the Urban Area, indicating the scheme is very high density and one at odds with the prevailing character.
- 6.5 The LPA will outline that the proposed development would not provide an appropriate mix of dwelling types and sizes to reflect local need as evidenced in the latest Strategic Housing Market Assessment.

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- 6.6 The development would provide mostly a mixture of studio/1 bedroom and 2 bedroom dwellings, with a small amount of 3 bedroom dwellings also provided.
- 6.7 The scheme would not deliver the SHMA need identified for studio/1 bedroom affordable dwellings. Furthermore, the scheme would not deliver the SHMA need identified for 3 bed affordable/market housing.
- 6.8 The LPA will acknowledge that the stepped form of the development seeks to mitigate harm to neighbouring dwellings, however, in the locations set out in reason for refusal 03 significant harm to residential amenity through loss of privacy, daylight or overbearing built form will result, as follows:
- 6.9 To No.2 Westfield Grove and Penlan (Kingfield Green), through the effect of being 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.
 - o The impacts will be considered in greater detail within the LPA's evidence to the Inquiry.
- 6.10 The LPA will demonstrate that notwithstanding the submitted Transport Assessment and Travel Plan the development proposal provides insufficient car parking for the stadium and medical centre (particularly on match days) and that this will exacerbate on street parking.
- 6.11 The evidence submitted will also acknowledge and consider whether the benefits of the wider scheme are considered sufficient in the 'Planning Balance' to outweigh the significant negative impacts of the proposal.

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7. Planning Contributions and Legal Tests

- 7.1 As the Council is the owner of part of the land the subject of this application, it cannot enter into a Section 106 legal agreement to secure any planning obligations which may be required to mitigate the effects of the proposed development and which cannot be secured by planning condition. However the Council's Executive is able to resolve to give effect to those measures required. Any such resolution by the Council's Executive would provide certainty that such measures will be given effect to if planning permission is granted and implemented for the proposed development and that the Council will ensure obligations are passed to any successor in title or leaseholder as appropriate to give effect to the mitigation required).
- 7.2 The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 require such agreements/obligations to be:
- a) necessary to make the development acceptable in planning terms
 - b) directly related to the development and
 - c) fairly and reasonably related in scale and kind to the development.
- 7.3 Having regard to the above, the LPA considers that the a number of matters are best secured in this manner and they are set out in detail within the SoCG.
- 7.4 The contributions and controls are necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.
- 7.5 The LPA will agree a draft Schedule of Planning Conditions to be imposed on any permission granted by the Inspectorate and this will also be submitted as part of the SoCG.

Other Matters

- 7.6 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)*
- 7.7 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.

8. Conclusions

8.1 This SoC sets out the WBC's main planning case founded on the reasons for refusal Specifically:

- 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 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 would result in significantly harmful impacts by reason of overbearing effect, loss of privacy and loss of daylight to several neighbouring dwellings.
- 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.
- In the absence of an Executive Undertaking no mechanism exists to secure the requirements set out in the Planning Committee report.

8.2 The appeal should therefore be dismissed.