

Carter Jonas

**LAND TO THE NORTH AND SOUTH OF
GOLDSWORTH ROAD, WOKING, GU21 6JT**

Appellant's Statement of Case

SUBMITTED ON BEHALF OF GOLDSWORTH ROAD DEVELOPMENT LLP

June 2021

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1 INTRODUCTION

1.1 This Statement of Case has been prepared by Carter Jonas LLP on behalf of Goldsworth Road Development LLP ('the Appellant') in accordance with the Procedural Guide: Planning Appeals – England (March 2021).

1.2 An appeal ('Appeal') has been submitted under Section 78 of the Town and Country Planning Act 1990 against the decision by Woking Borough Council ('the Council') on 21 January 2021 to refuse to grant full planning permission (ref. PLAN/2020/0568) ('the Planning Application') for the redevelopment of land north and south of Goldsworth Road, Woking, Surrey, GU21 6JT ('the Site').

1.3 The description of development is as follows:

Demolition of all existing buildings and redevelopment of the site for a phased mixed-use scheme, comprising 929 residential units (Class C3), communal residential and operational spaces, commercial uses (Classes A1/A2/A3/A4/B1/D1/D2) at ground floor and homeless shelter (sui generis) within 5 blocks of varying heights of between 9 and 36 storeys (plus rooftop amenity) to the north and south sides of the site together with soft and hard landscaping including public realm works, highway alterations to Goldsworth Road, car parking, cycle parking, bin storage, ancillary facilities and plant (Environmental Statement submitted) ('the Proposed Development').

1.4 The Planning Application was refused by the Council's Planning Committee contrary to an officer recommendation for approval. The decision notice was issued on 21 January 2021 and stated that the Reasons for Refusal were as follows:

1. *The proposed development would result in significantly harmful impacts by reason of loss of daylight, loss of sunlight and loss of privacy to neighbouring properties. The proposed development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the NPPF (2019).*
2. *The proposed development, by reason of the bulk and massing would fail to respect the prevailing character and scale of development in the area. The proposal would consequently result in a harmful impact on the character of the surrounding area, contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2019).*
3. *The proposed development would fail to provide sufficient cycle parking for future occupiers contrary to Supplementary Planning Document 'Parking Standards' (2018).*
4. *In the absence of a Legal Agreement to secure the contributions set out in the Planning Committee report, the proposed development is contrary to the Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations"), saved Policy NRM6 of the South East Plan 2009, Policies CS8,*

CS12, CS18 and CS21 of the Woking Core Strategy (2012), Supplementary Planning Document Affordable Housing Delivery (2014), the Thames Heaths Avoidance Strategy 2010-2015, the Housing Infrastructure Fund (HIF) Recovery strategy for Woking Town Centre: Section 106 tariff Guidance note, Waste and recycling provisions for new residential developments and the NPPF (2019) ('the Reasons for Refusal').

- 1.5 This Statement of Case identifies the principal planning issues arising from the Proposed Development and outlines how the Appellant will respond to the Reasons for Refusal.
- 1.6 The Appellant requests that the Appeal is dealt with by way of a public inquiry. As such, this Statement of Case describes the evidence which the Appellant proposes to call in support of its case at a public inquiry and how the evidence addresses the Reasons for Refusal.
- 1.7 This Statement of Case is structured as follows:
 - Section 2 describes the Site and surrounding area;
 - Section 3 sets the context for the Proposed Development as part of the transformation of Woking town centre;
 - Section 4 describes the evolution of the Planning Application;
 - Section 5 provides a short overview introduction to the Proposed Development;
 - Section 6 lists the key planning policy context;
 - Section 7 summarises the main planning benefits of the Proposed Development;
 - Section 8 addresses the key issues for consideration; and
 - Section 9 provides a view on appropriate procedure for determining the Appeal.

2 THE SITE AND SURROUNDINGS

THE EXISTING BUILDINGS

- 2.1 The Site lies within the administrative area of Woking Borough Council and comprises 1.15 hectares of land located at the western end of Woking town centre.
- 2.2 The Site contains eight existing buildings on land both to the north and south of Goldsworth Road. Nos 15-29 Goldsworth Road and 8 Church Street West are in the northern part of the Site whilst 20-32 Goldsworth Road and the Woking Railway Athletic Club (the 'WRAC') are on the southern part. The mainline South-Western railway line bounds the Site to the south.
- 2.3 The eight existing buildings on the Site are:

Address	Description	GIA Floorspace (sqm)
WRAC	Single storey working men's club/ drinking establishment	356
20 Goldsworth Road (also known as Systems House)	Four storey building which is currently vacant	1.065
30 Goldsworth Road	Three storey buildings sited to the south of the site. Currently occupied by the York Road Project, a day centre for the homeless	478
32 Goldsworth Road (also known as Philips Court)	Four storey "c" shaped 1980's office block sited to the south-west of the Site. Currently vacant.	4384.3
11-25 Goldsworth Road	Three storey building. Previously occupied by the Job Centre until 2018 and now occupied by the Welcome Church.	1,303.5
27 Goldsworth Road	Three storey building which is currently vacant.	66.6
29 Goldsworth Road	Three storey building which is currently occupied by a fast food takeaway.	66.4
8 Church Street West	Two storey office building and is the northmost point of the Site. It is currently used as offices.	105.7

THE SURROUNDING AREA

- 2.4 The Site is located in a prominent location in Woking town centre. Goldsworth Road is a gateway thoroughfare to and from the main shopping area and train station.
- 2.5 There are a number of local businesses and residential developments along Goldsworth Road as it heads west. Victoria Way (A320) runs through the centre of Woking and is located just to the east of the Site. Victoria Way is currently being upgraded as part of the Housing Infrastructure Funding grant that was awarded to provide greater vehicle capacity on the A320 as well as the introduction of cycle lanes and segregated footpaths to improve sustainable transport links in the town centre (please see Section 3 for further information) to support increased housing delivery in the town centre.
- 2.6 The Site is a 5-minute walk from Woking railway station that provides frequent services to London and the wider south east. London Waterloo can be reached within 24 minutes on the fastest service. The primary shopping area with its multitude of community facilities and services is in close proximity to the Site.

SURROUNDING LAND USES

- 2.7 The Site is located within a mixed area of residential, retail, leisure, community and hotel uses and within a 5-minute walk from the heart of the centre of Woking which offers a larger variety of retail, leisure, eateries and bars. A large Morrisons is located on Poole Road approximately 300m to the west of the Site.
- 2.8 For a number of years Woking has increasingly attracted a number of large companies as an alternative to London. Capgemini UK, KFC and McLaren are just examples of large corporations that currently operate from Woking. Woking offers good employment opportunities as a result.

PLANNING DESIGNATIONS

- 2.9 The Site is designated within the Council's Local Plan Proposals Map (2016) as being within Woking town centre.
- 2.10 The Site:
- is not protected by any statutory designations;
 - does not contain any statutory listed buildings;
 - does not lie within or adjacent to a conservation area; and
 - does not contain or adjoin any non-designated locally listed buildings.
- 2.11 The Site is allocated for redevelopment within the Council's draft Site Allocations DPD (2019). Collectively the Site spans across the following three draft allocations known with the document as the 'Western Cluster' on sites UA11, UA12 and UA13.

SITE HISTORY

2.12 On 18 October 2016, the Council's Planning Committee, in line with an officer recommendation, and following months of negotiation and consideration formally, resolved to grant planning permission to redevelop part of the Site for:

PLAN/2016/0742 - Demolition and clearance of the site and erection of a phased development comprising 560 residential units, 10,582 sqm of offices, 843 sqm of retail and gym use (A1-A4 and D2) with 395 parking spaces, public realm improvements and highway works to Goldsworth Road. Block A to comprise ground plus 34 storeys, Block B comprising ground plus 25 and 20 storeys, and Block C comprising ground plus 17, 14 and 10 storeys. – Resolution to grant October 2016 ('the 2016 Scheme').

2.13 The resolution was subject to the prior completion of a Legal Agreement. The Legal Agreement was not/has not been completed so a formal decision notice has not been issued. Notwithstanding this, the 2016 Scheme and its process toward resolution to grant are material considerations in the determination of the Appeal. These include:

- the acceptability of a mixed-use development on the site;
- a density of 747 dwellings per hectare (560 homes across a 0.75ha site);
- limited car parking due to the sustainable location; and
- at 36 storeys the tallest proposed building is higher than the buildings at Victoria Square (PLAN/2014/0014).

2.14 The Council's support of the 2016 Scheme is one of the ways in which the Council has signalled its support of the principle of tall buildings on the Site.

MAJOR DEVELOPMENTS

2.15 Responding to the policy to focus development in the town centre, in recent years the town centre and surrounding urban area has been the subject of a number of redevelopment proposals, some of which are relevant to this Appeal. The Appellant's evidence in support of the Appeal will contain a detailed analysis of current and emerging town centre schemes which will include Victoria Square (PLAN/2014/0014) which is the Council's flagship town centre scheme comprising new shops and commercial units on the ground floor, a 190 bed hotel of 23 storeys, 392 residential apartments (build to rent) within Tower 1, 34 storeys and Tower 2, 32 storeys. The Victoria Square scheme also involves extensive public realm improvements, highways modifications and a new energy centre. This scheme is close to completion.

3 THE TRANSFORMATION OF WOKING

- 3.1 The Appellant's evidence will provide a contextual analysis for the Proposed Development by reference to the fact that Woking is and has been a dynamic and rapidly developing town centre and one which has a history of adapting to change to meet the needs of its growing community.
- 3.2 The Proposed Development forms part of Woking's current period of transformation underpinned by the Council's strong 'town centre first' planning policy direction. The importance of its regeneration is evident in the Council's own redevelopment and expansion of the prominent Victoria Square; a catalyst for the next period of change in the town centre and by the council securing HIF funding to support additional housing development in the town centre.

WOKING'S PAST

- 3.3 Although Woking appears in the Domesday Book of 1086, the early settlement of this name was located approximately 3km to the south of the current town centre and the Site.
- 3.4 Development in the area to the south of the Basingstoke Canal, where Woking's town centre is now located, began with the building of the railway station, originally called Woking Common Station, in 1838. The station was located at the junction between the line linking Nine Elms station in London to Winchfield, and a private railway to Brookwood Cemetery, which was developed by the London Necropolis Company, who had purchased common land on which the town centre now sits to provide an overflow burial ground for London's deceased.
- 3.5 In the 1850s the London Necropolis Company, having found that land north of the railway was surplus to its requirements, began selling off plots, and in 1856 the Albion Hotel, the first building north of the railway opened. This began the development of modern Woking which became known as New Woking to distinguish it from the earlier settlement which was renamed Old Woking.
- 3.6 The Albion Hotel was demolished and rebuilt as a new hotel in 1899, and that hotel was demolished in 1960s to accommodate Albion House, a high-rise office block. Albion House was then radically refurbished to provide modern workspace and rebranded as Woking One in 2018.
- 3.7 Development near the railway station in the late 19th century was characterised by piecemeal, small-scale domestic and commercial premises lining the edges of main routes through the area. An OS map of 1934 shows evidence of rapid growth with the town centre significantly more developed with several new streets linking the older routes to form a loose grid and a mix of uses including shops, industrial premises, semi-detached and terraced dwellings. An omnibus depot can be seen on the Site.
- 3.8 Only small fragments of this earlier, more fine-grained townscape remain today including a small cluster of street-fronting commercial properties within a conservation area on Chertsey Road near the station and a parade of shops, 65-77 Goldsworth Road, approximately 150 m west of the Site, which are non-statutorily listed locally as having townscape merit.

- 3.9 Since the end of the Second World War, the Council has overseen the rapid growth of the town and significant redevelopment of the town centre.
- 3.10 Between 1945 and 1955 Woking's population grew from 47,000 to 56,000 partly due to London County Council's decision to build the Sheerwater Estate in the 1950s to house some of London's overspill population.
- 3.11 In 1953 the Surrey Plan foresaw a Woking Urban District population of about 67,000 in the mid-1970s, but the 1961 Census figures exceeded that amount. In 1965, a revised town plan foresaw a population of 97,000 by 1981 and Woking Council made plans for building three large new estates to address the need for new homes.
- 3.12 In the 1960s and 70s most of the small scale residential and commercial properties in the town centre were demolished to make way for new offices, shopping centres and highway improvements.
- 3.13 Export House, an 18 storey office building which opened in 1974 rises to 73 meters and its distinctive bulky form is visible from several miles away.
- 3.14 Wolsey Place shopping centre opened in 1971 with around 60 shops accessed by an interior mall and the multi-level Peacocks Centre with 90 shops, a theatre and cinema, restaurants cafes and fast-food outlets opened in 1992. These buildings and associated multi-storey car parks radically changed Woking town centre's urban structure. Late 19th and early 20th century streets were removed and replaced by large footprint bulky structures that turned their backs on the public realm and provided access to retail and leisure uses from internal malls. The Woking Character Study 2010 describes these buildings as '*very different to other parts of the Borough, with the exception of some industrial areas.*'
- 3.15 The rapid expansion of Woking's suburbs in combination with an increase in private car use resulted in congested roads and poor air quality within the town centre. To improve the flow of traffic road improvement schemes were implemented including the construction of Victoria Way (the A320) on the northern edge of the town centre which involved clearing all remaining buildings in the area alongside the canal. The new road which was designed to route traffic around rather than through the town centre created a link between Chertsey Road in the east and Guildford Road to the south via the Victoria Arch.

WOKING'S PRESENT

- 3.16 The area to the north and south of Victoria Arch has seen significant changes in the 21st century as a cluster of high-rise residential buildings has developed. New Central at 21 storeys, the 'Centrium' at 16 storeys lie to the south of the railway whilst Victoria Square which includes towers of 34, 30 and 23 storeys is currently under construction to the north.
- 3.17 Modern Woking's history has always been closely linked to the growth and economy of London due to its accessibility via rail. More affordable rents and house prices and a 24 minute train journey to Waterloo continue to make Woking an attractive choice for commuters. Apartments in the new high density town

centre developments have proved popular due to these factors and the opportunity for easy access to the surrounding countryside.

- 3.18 Among Woking's most recent developments is a trend to a new type of office space designed for small start-up businesses and co-working. The Forge, located near the Site on the corner of Church Street West and Forge End is a refurbished five storey building providing flexible office space and generous breakout spaces to encourage collaborative working as well as a café.
- 3.19 Over the past 10 years, the Council working in partnership with Moyallen (the owners of the shopping centres) and Surrey County Council, have been undertaking a significant programme of renewal of the public spaces within the town centre as well as improvements to the shopping centres. These improvements, and new buildings including those at Victoria Square, which create active frontage to streets, aim to address the negative impact of the late 20th century inward facing shopping malls and large-scale pedestrian-unfriendly road infrastructure.
- 3.20 The new placemaking approach demonstrated by recent town centre improvements has re-activated streets and is a key driver of the design for the Proposed Development where a combination of high-quality public realm, pedestrian friendly streets, new trees and planting, seating, lighting and small retail units for independent traders and apartments providing 'eyes on the street' will provide a safe and attractive urban experience. The Appellant's masterplanning approach to the Proposed Development has built on the success of these new spaces and the landscaping strategy of the Proposed Development has been curated by the same landscape architecture company who designed the wider town centre improvements to ensure consistency.

WOKING'S FUTURE

- 3.21 The story of Woking town centre's evolution helps understand the environment around the Site. It demonstrates that although the historic routes of Goldsworth Road, Church Street West and Victoria Way still form the structure of the area, the scale and character of buildings has radically changed over the years and is still evolving.
- 3.22 The resultant context of the Site is one of differing heights and scales. Midrise office buildings, a hotel, a fire station with apartments above and a modern energy centre sit adjacent to small fragments of low-rise retail parades.
- 3.23 Across Victoria Way to the east are monolithic retail buildings of between 5-6 storeys in height. These buildings sit adjacent to the new hotel, shops and apartments of Victoria Square with its high-rise towers of 34, 30 and 23 storeys. The adjacent multi-story Red Carpark is being increased in height to 10 storeys.
- 3.24 There is no predominant architectural style or visual unity within the adjacent area due to the different ages of development and the varied building typologies and materials. The exterior finishes of buildings include a wide variety of colours and materials, from light and dark brown brickwork, concrete, full height glazing and various types of coloured cladding.

- 3.25 Despite these improvements throughout the town centre, congestion around the pinch point of Victoria Arch has worsened over the years due to increasingly heavy traffic on the A320 which is the main arterial route running through Woking. Traffic congestion and the design of the road with narrow, or no pavements in some areas, has created a very poor environment for pedestrians and cyclists.
- 3.26 The Council recognised the constraints of the pinch point of Victoria Arch on future growth of its town centre and in 2017 its long-held aspirations to improve the conditions were progressed when the Council in conjunction with Surrey County Council was successful with a bid to DCLG to secure Housing Infrastructure Fund (HIF) grant funding. HIF funding is used as a means of plugging the viability gap and providing funding to facilitate the delivery of infrastructure which in turn unlocks land for housing development.

HOUSING INFRASTRUCTURE FUND ('HIF')

- 3.27 The Council (in conjunction with Surrey County Council) was awarded £95 million HIF funding on the basis that the money would fund the replacement of Victoria Arch bridge and critical highway improvements to the north and south of the railway line, including the use of compulsory purchase to enable the widening of the road and allowance for much improved pedestrian and cycle provision.
- 3.28 As outlined in the Council's bid submission, the funding would help to remove barriers to development and enable Woking to meet its housing needs and become a regional focus of economic prosperity. The HIF bid stated that: *"Given the environmental constraints of the area, the scope for significant development beyond the Town Centre is limited. It would be damaging to release any more Green Belt land beyond what has already been identified by the Green Belt boundary review. The scheme would enable higher densities to be achieved in the Town Centre to maximise the efficient use of land"* (page 19). In total, it is anticipated that 4,500 new homes could be accommodated in high quality, high density development in the town centre as a result of the HIF.
- 3.29 The Council resolved to accept the £95m HIF grant and to agree the terms of contract between itself and Homes England at its Executive Committee meeting on the 6 February 2020. The Council has subsequently entered into a Grant Determination Agreement (GDA) to facilitate the release of the HIF funding. The GDA contains a number of conditions and obligations on the part of the Council aimed at demonstrating to Homes England that the delivery of the infrastructure will in fact facilitate the provision of new housing in the town centre. The Appellant's evidence will focus on the HIF bid and the terms of the GDA and seek to demonstrate that the development proposals form a key component on the rationale and justification for the provision of HIF funding.
- 3.30 The report to the Executive Committee noted that there was a £20m gap between the costs of the proposed works and the £95m HIF grant. It was proposed that the £10m of the funding gap would be addressed via a loan repaid over 15 years via future Community Infrastructure Levy and Section 106 receipts. To facilitate this the Council agreed to the principle of charging a bespoke Section 106 tariff of £2,000 per dwelling in

respect of dwellings built on development sites in the town centre. The Proposed Development is set to provide a contribution of £1.858 million (nearly 20% of the funding gap).

- 3.31 Furthermore, the report to the Executive Committee summarised the Council's housing delivery strategy in the Core Strategy that designates the town centre as the primary focus for delivery of new housing. The report went on to state that the infrastructure provided by the HIF grant would unlock development potential at 13 town centre brownfield sites identified on a plan appended to the report. The sites would enable the delivery of up to 3,304 additional town centre homes above existing commitments.
- 3.32 In terms of this Site and adjoining land parcels, the Council envisaged that the Proposed Development could allow for a further 640 units across the Site, in addition to the 555 homes already identified, creating a new total capacity of 1,205 homes.
- 3.33 The 2020 Housing Delivery Test results published earlier this year provide an indication of how successful the Council's delivery of new homes against its target has been in recent years. The total number of homes required within Woking between 2017-2020 was 1,124. The number of homes delivered during this period was 895 units i.e. 80% of the target. Local authorities delivering under 85% of their requirement are required to add a 20% buffer to their five year housing land supply requirement. The HIF provides the Council with an opportunity to make up the deficit.
- 3.34 The Site's location directly adjacent to the HIF works and the proposed contribution to the funding gap is a significant material consideration when assessing the appropriateness of the Proposed Development. The Appellant's evidence will draw upon the commitment of the Council in accepting the HIF grant to drive the future of development in Woking town centre and specifically how the Proposed Development has been developed to accord with the Council's aims and objectives in this strategically important location.

4 PRE-APPLICATION HISTORY AND CONSULTATION

- 4.1 The Appellant's evidence will contain details of the pre-application discussions and consultations which resulted in the Planning Application and the subsequent Proposed Development. It will explain, in detail, the evolution of the Proposed Development and the changes made in response to consultation feedback. The Appellant will seek to agree as much of the planning history as possible with the Council which will cover the matters outlined in this Section of the Statement of Case.
- 4.2 The Appellant entered into a Planning Performance Agreement (PPA) with the Council pursuant to which the following pre-app meetings and workshops took place with the Council:
- PPA 1- 8th November 2019
 - PPA 2- 19th December 2019
 - PPA 3- 28th January 2020
 - PPA 4- 17th April 2020
 - PPA 5- 15th May 2020
- 4.3 In the addition to the above pre-application meetings with the Council, pre-application advice was sought from the Woking Tall Buildings Design Review Panel (DRP) organised through Design South East (DSE) who the team met with on three occasions to discuss the proposals in detail. The Panel's feedback informed the design evolution of the appeal scheme and confirmed the acceptability and appropriateness of the bulk, massing and design detail of the submitted proposals, as well as the appropriateness of the stepped height strategy across the site. The meetings took place on:
- 7th February 2020
 - 21st April 2020
 - 20th May 2020
- 4.4 Two rounds of public consultation were held with the first public exhibition taking place on 30th January 2020 and 1st February 2020. A total of 134 people attended over both days. A separate presentation was held for elected representatives of the Council on 30th January 2020. Owing to the Coronavirus outbreak, a second public exhibition was held virtually over two days on 4th June 2020 and 6th June 2020. This provided the opportunity to present the evolved proposals to the wider public and respond to any questions from attendees. 101 households (measured by IP address) participated in the sessions.
- 4.5 In addition to the above, the Appellant consulted extensively with statutory and non-statutory consultees during the pre-application stage including:
- Affinity Water
 - BT
 - Celebrate Woking
 - Day Group
 - Fair Oaks Airport

- Heathrow Airport
- Joint Waste Solutions
- Network Rail
- Surrey County Council Highways
- Surrey County Council Minerals and Waste Team
- Surrey Police
- Surrey Wildlife Trust
- Thames Water
- Thamesway Energy
- UK Power Networks
- Victoria Square contactors, including: Vectos & Sir Robert McAlpine
- Virgin Media
- Woking Borough Council Building Control
- Woking Borough Council Drainage and Flood Risk Team
- Woking Borough Council Green Infrastructure Team
- Woking Fire Station
- Woking Railway Athletic Club
- York Road Project

SUBMISSION OF THE PLANNING APPLICATION

- 4.6 The Planning Application was validated by the Council on 6th July 2020 with the following description of development:

“Demolition of all existing buildings and redevelopment of the site for a phased mixed-use scheme, comprising 965 residential units (Class C3), communal residential and operational spaces, commercial uses (Classes A1/A2/A3/A4/B1/D1/D2) at ground floor and homeless shelter (sui generis) within 5 blocks of varying heights of between 9 and 40 storeys (plus rooftop amenity) to the north and south sides of the site together with soft and hard landscaping including public realm works, highway alterations to Goldsworth Road, car parking, cycle parking, bin storage, ancillary facilities and plant (Environmental Statement submitted).”

- 4.7 Formal consultation was undertaken with the following organisations following validation:

- Environmental Health
- Scientific Officer (Contaminated Land);
- Drainage and Flood Risk Engineer;
- Waste Services;
- Arboricultural Officer
- SCC Archaeologist
- SCC Education
- SCC Highways

- SCC Minerals Planning
- Surrey Wildlife Trust
- Historic England
- Thames Water Development Planning
- Network Rail
- Environment Agency
- Natural England
- Thamesway Energy
- National Grid asset protection team
- Affinity Water
- Civil Aviation Authority
- NATS Safeguarding
- Fairoaks Airport
- Heathrow Airport
- TAG Farnborough Airport
- Gatwick Airport
- MOD Safeguarding
- Association of Air Ambulances
- National Police Air Service
- National Air traffic services
- Guildford Borough Council
- Elmbridge Borough Council
- Runnymede Borough Council
- Surrey Heath Borough Council
- Lead Local Flood Authority (SCC)
- South Western Trains
- Kempton Carr Croft (LPA's Viability Consultant)
- Dixon Searle Partnership (Viability Consultant)
- Housing Services
- Surrey Fire and Rescue
- Surrey Heartlands Clinical Commissioning Group
- Surrey Police Designing Out Crime Officer
- British Transport Police

4.8 Further meetings were held with planning officers during the determination of the Planning Application to discuss the consultation with statutory consultees where necessary, provide clarifications and responses where required. The Appellant's design team also presented to members of the Council on two occasions during the determination process to firstly provide them with an update on the consultation process and on the second occasion to present a number of amendments that were being proposed to the scheme in response to the consultation feedback, including a proposal to reduce the height of the tallest building. The revised plans and supporting documentation were submitted to the Council on the 13 November 2020.

- 4.9 The Planning Application was presented to members of the Council's Planning Committee on the 12 January 2021 with an officer recommendation to approve, subject to conditions and the prior completion of a Legal Agreement.

5 THE APPEAL PROPOSALS

- 5.1 The evidence to be submitted in support of the Appeal will contain a detailed description of the Proposed Development. The intention will be to seek to agree a description in the Statement of Common Ground. In summary the Planning Application sought approval for:
- The demolition of all the eight buildings on the Site;
 - 929 residential homes (148 studio, 402 one bed, 355 two bed and 24 three bed);
 - 1,727.66 sqm of homeless shelter floor space (Sui Generis);
 - 2,710.13 sqm of commercial floorspace (Use Classes A1/A2/A3/A4/B1/D1/D2);
 - 366.73 sqm of floor area for a replacement WRAC facility;
 - 263 car parking spaces; and
 - Significant highway alterations to Goldsworth Road, including the pedestrianisation of that part of Goldsworth Road fronted by the proposed development.
- 5.2 The Appellant's evidence will explain the design journey taken by the Appellant and its design team which has been innovative. Its evolution has been fundamental to the positive feedback in response to the design of the scheme which has been the product of the Appellant's ambition to create a new neighbourhood in Woking. The Appellant's evidence will explain how it acquired part of the Site with the benefit of the 2016 Scheme and rather than proceed with implementation of the 2016 Scheme, the Appellant embarked upon a process of wider site assembly with the aim of delivering a more masterplanned approach to the redevelopment of the Site which was based on a clear understanding of the opportunities and constraints of Goldsworth Road and its surrounding land.
- 5.3 The Proposed Development is organised into five buildings: T1, T2 and T3 joined at the lower levels by a three storey podium located to the south of Goldsworth Road, Building BA sited to the north of Goldsworth Road and Building BB on Church Street West sited to the west of Premier Inn.
- 5.4 Buildings T1, T2 and T3 are connected by a 3 storey podium which would accommodate commercial units with a mezzanine level fronting Goldsworth Road, replacement WRAC facility, residential entrance and lobby areas, car and cycle parking as well as ancillary uses such as waste storage and plant rooms. Building BA is separated by the new public realm but retains its relationship with the dominant built form to the south by providing a visual connection between its lobby and the super lobby. Building BA also promotes an active frontage at ground floor level for commercial uses with residential above.
- 5.5 The homeless shelter is located in Building BB on Church Street West, providing a much-improved bespoke facility for the York Road Project - this is in addition to the charity's services that are currently located in various buildings in Woking.



HOMES

- 5.6 Building T1 varies in height from 12 to 21 storeys and accommodate 183 homes. Building T2 varies in height from 20 to 29 storeys and accommodate 239 homes. Building T3 would be 37 storeys (including rooftop amenity) and would accommodate 295 homes. The podium provides internal and external communal amenity spaces for residents and private terrace for a small proportion of homes at podium level. All three buildings propose roof terraces for use by residents.
- 5.7 Building BA is part 3 storeys, part 29 storeys (including full height roof enclosure) and accommodates 212 homes.
- 5.8 All homes within the Proposed Development exceed minimum space standards.
- 5.9 The proposed residential mix was agreed with the Council's housing officer during pre-application discussions. Both the Council's Housing Officer and SHMA seek smaller units in highly accessible locations such as Woking town centre; the Proposed Development seeks to achieve a balance of family sized homes within the scheme.
- 5.10 Overall, the Proposed Development has 355 2-beds and 24 3-beds. Of the 355 2-beds, 247 are designed for 4 persons (sharers or families), amounting to 30% of the homes overall being designed to accommodate larger households.

- 5.11 All homes have access to a private balcony or terrace with the exception of 12 Studios which have been located in close proximity to access the public amenity spaces within the development and 39 homes in Buildings T1 and T2 which have extended internal private amenity spaces (totalling 126.05 sqm) provided by Oriel Windows.

HOMELESS SHELTER

- 5.12 Building BB fronting Church Street West is 9 storeys plus roof terrace and plant enclosures and provides a homeless shelter to be run by the York Road Project. The York Road Project is a local charity based in Woking. The aim of the charity is to reduce the impact of homelessness on the individual and the wider community.
- 5.13 The York Road Project currently has an 11 bed night shelter on York Road in Woking and 5 move-on properties ranging from small flats to shared houses with common areas across Woking. The day facility currently on Goldsworth Road provides facilities, activities and workshops for clients.
- 5.14 Building BB would be used by the York Road Project and would enable the charity to consolidate a number of existing uses into one location ranging from day centre and staff facilities to accommodation for clients with differing levels of support. Building BB is a bespoke design based on the York Road Project's brief and would allow the charity to boost its offering for clients and contribute to the government's aim of eradicating rough sleeping and homelessness.

AFFORDABLE HOUSING

- 5.15 The Proposed Development will provide 48 intermediate homes (5% of the total number of homes) delivered early in the scheme. This forms part of the package of benefits that the scheme offers in addition to facilitating the delivery of the York Road Project's new home, along with almost £11 million in CIL/ Section 106/ HIF payments and extensive public realm improvements to Goldsworth Road.
- 5.16 The Appellant's evidence will demonstrate that the viability of the Proposed Development has been independently assessed by two separate viability consultants acting on behalf of the Council who both concluded that the offer of 5% affordable housing was the reasonable maximum amount of affordable housing that the Proposed Development could viably deliver. This position was accepted by the Council. It should be noted that affordable housing offer is not a reason for refusal.
- 5.17 The Appellant is agreeable to entering into a legal agreement which secures the delivery of the affordable housing and also contains a review mechanism that will reassess the scheme's viability once costs and values are known at 75% completion of all homes. This could theoretically result in the provision of additional affordable housing as part of the Proposed Development or for payment of a financial contribution towards offsite affordable housing.

NON-RESIDENTIAL USES

- 5.18 The Proposed Development involves the demolition of existing buildings to provide a total of 2,710.13 sqm flexible commercial space at ground floor level across planning use classes A1-A4, B1a and D1-D2. The ground floor space of Buildings T1-T3 and Building BA that fronts the new public open space is designed to be capable of subdivision or amalgamation in order to accommodate a range of uses falling within the range of use classes depending on operator demand.
- 5.19 The flexibility afforded to the scheme by applying for a range of planning uses is integral to a successful ground floor strategy. The Appellant is proposing a new market-leading quarter for the town and the ground floor commercial element will be critical to shaping the sense of place and creating a catalyst for the overall success of the public realm. It is intended to complement and broaden the existing town centre offer whilst providing a point of difference.
- 5.20 In addition, 366.73 sqm of A4 floorspace is proposed to accommodate the re-provision of the WRAC who currently reside on the Site in an ageing 1930's building. The location, specification and design detailing of the Club's new space has been developed in close consultation with its board members to ensure the new space meets its current needs but also contributes towards encouraging new club members to secure the vitality and longevity of the club into the future as it reaches its 100th anniversary and seeks to diversify and increase its membership to a larger audience. The club will also be provided with 7 car parking spaces within the Proposed Development, representing a like for like provision on existing arrangements.

LANDSCAPING AND PUBLIC REALM

- 5.21 The Site is void of an existing landscaping scheme. Although there are several trees along the south of Goldsworth Road, this area of landscaping offers little value by way of usability or aesthetic quality. In townscape terms the space contributes little to introducing character to this part of Woking town centre. The space is dominated by the road running through the site. In addition, the space fails to enhance both visual and physical connectivity to the wider town centre despite its gateway position particularly given that recent redevelopment had included extensive uplift to public realm in the town centre including improved connections to the west via Commercial Way and Market Way. Additionally, the Victoria Square redevelopment will deliver a predominately hard landscaped public square bordering the eastern side of the site.
- 5.22 The Proposed Development provides an opportunity to create a meaningful quality, useable public space for both existing and new residents, and visitors to Woking. Therefore, there is an extensive landscaping scheme proposed at ground floor, podium and roof level.
- 5.23 It is proposed that Goldsworth Road will be adapted and pedestrianised to provide a new area of public realm linking Woking train station and the heart of the town centre to this western end. This will be known as the 'Green Street' and will combine pedestrian and cycle circulation with space for spill-out from the

ground floor commercial units. The Green Street will enhance pedestrian connections between Victoria Square to the east and to the future widened footpath under the bridge to the south.

- 5.24 A key principle throughout the design evolution has been the establishment of a relationship between the Green Street and the podium and roof level communal amenity spaces for residents of the Proposed Development. This extension of much needed greening has been incorporated into these areas to provide a seamless transition and community connection between the two.
- 5.25 A comprehensive hard and soft landscaping strategy is set out in the Design and Access Statement that accompanied the Planning Application and is part of the Proposed Development. The hard landscaping strategy comprises stone paving, gravel and raised stone edges to the tilted lawns and planters as well as street furniture and feature lighting, cycle stands, litter bins and planter integrated and free standing seating. At podium and roof level this will comprise a variety of materials including block paving, play surface, decking and artificial lawn. In terms of soft landscaping, a tree planting strategy and soft landscaping scheme has been developed in co-ordination with the Council's Green Infrastructure team to ensure the proposed species can relate to the wider town centre in terms of aesthetics to connect the scheme with Victoria Square and beyond and robustness to withstand the microclimate in this location.

6 RELEVANT PLANNING POLICY

6.1 The evidence in support of the Appeal will identify and undertake detailed assessment of all policies that are relevant to the determination of the Appeal. The intention is to agree the list of relevant planning policies with the Council. The evidence would also identify other material considerations to be taken into account when determining the Appeal.

6.2 It is anticipated that the list of policies will include the following:

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (2019)

6.3 Relevant policies include:

- Section 2- Achieving sustainable development
- Section 4- Decision making
- Section 5- Delivering a sufficient supply of homes
- Section 6- Building a strong, competitive economy
- Section 7- Ensuring the vitality of town centres
- Section 8- Promoting healthy and safe communities
- Section 9- Promoting sustainable transport
- Section 11- Making efficient use of land
- Section 12- Achieving well-designed places
- Section 14- Meeting the challenge of climate change, flooding and coastal change
- Section 15- Conserving and enhancing the natural environment

WOKING CORE STRATEGY (2012)

6.4 Relevant Core Strategy Policies:

- CS1- A spatial strategy for Woking Borough
- CS2- Woking Town Centre
- CS7- Biodiversity and nature conservation
- CS8- Thames Basin Heaths Special Protection Areas
- CS9- Flooding and water management
- CS10- Housing provision and distribution
- CS11- Housing mix
- CS12- Affordable housing
- CS13- Older people and vulnerable groups
- CS15- Sustainable economic development
- CS16- Infrastructure delivery
- CS17- Open space, green infrastructure, sport and recreation
- CS18- Transport and accessibility

- CS20- Heritage and conservation
- CS21- Design
- CS22- Sustainable construction
- CS23- Renewable and low carbon energy generation
- CS24- Woking's landscape and townscape
- CS25- Presumption in favour of sustainable development

DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT (DMP DPD) (2016)

6.5 Relevant policies:

- DM1- Green infrastructure opportunities
- DM2- Trees and landscaping
- DM5- Environmental pollution
- DM6- Air and water pollution
- DM7- Noise and light pollution
- DM8- Land contamination and hazards
- DM16- Servicing development
- DM17- Public realm
- DM19- Shopfronts
- DM20- Heritage assets and their settings

THE SOUTH EAST PLAN (2009) (SAVED POLICY)

- Saved Policy NRM6- Thames Basin Heath Special Protection Areas

SURREY MINERALS PLAN CORE STRATEGY DEVELOPMENT PLAN DOCUMENT (2011)

- MC1- Spatial Strategy- location of mineral development in Surrey
- MC6- Safeguarding mineral resources and development
- MC16- Rail aggregate depots

DRAFT SITE ALLOCATIONS DPD ('SADPD')

6.6 The Council submitted a draft SADPD to the Secretary of State for examination in July 2019 and hearing sessions were held in December 2019. An additional public consultation closed on the 14 December 2020 on the proposed main modifications to the SADPD. The responses have now been considered by the Council and reported back to the Secretary of State.

6.7 The Site is split across three proposal sites within the SADPD:

- UA11 (1-7 Victoria Way and 1-29 Goldsworth Road);
- UA12 (Synergy House, 8 Church Street West); and

- UA13 (30-32 Goldsworth Road, Woking Railway and Athletic Club, Systems House and Bridge House, Goldsworth Road).

6.8 The Appellant has engaged in the plan-making process in the preparation of the DPD. The report to the Planning Committee in respect of the Proposed Development confirms that the draft DPD should be given substantive weight in the decision-making process and support the Proposed Development within the strategy of the DPD.

6.9 Other material considerations include:

- Parking Standards SPD (2018)
- Outlook, Amenity, Privacy and Daylight SPD (2008)
- Affordable Housing Delivery SPD (2014)
- Design SPD (2015)

6.10 It should be noted that the above list is not exhaustive and will be subject in response to the Appellant's detailed evidence.

7 PLANNING BENEFITS

7.1 In addition to an assessment of the Proposed Development against relevant policies, the Appellant's evidence will identify the wider planning benefits of the Proposed Development which should be taken into consideration as part of the overall assessment of the planning balance when determining whether or not to allow the Appeal and grant planning permission for the Proposed Development.

7.2 In summary, the Proposed Development:

- provides a high-quality, mixed-use development on a highly sustainable, brownfield site within Woking town centre;
- provides a major regenerative effect at the western end of the town in line with aspirations of the Core Strategy and draft SADPD;
- delivers a substantial number of new homes into the town centre which would improve Woking's housing delivery, which as outlined in the recent Housing Delivery Test 2020 has fallen below the target to 80% resulting in a 20% buffer to the Council's five-year housing land supply being applied.
- contributes 929 new homes to Woking's housing supply releasing pressure from the Green Belt. This supports the Council's policy of town centre intensification to protect the Green Belt;
- provides 48 on-site affordable homes in the first phase of the proposed development. A review mechanism is also proposed to be secured in a legal agreement;
- contains a housing mix balance that is weighted towards smaller units given its town centre location but also includes a significant proportion of family sized homes within the development. Overall, the scheme has 355 2-beds and 24 3-beds. Of the 355 2-beds, 247 are designed for 4 persons (sharers or families), amounting to 30% of the homes overall being designed to accommodate larger households. This provides an appropriate balance of smaller and larger homes for families who seek the convenience and sustainability of town centre living;
- contributes positively to the vitality of the viability of the wider town centre by creating a unique destination for visitors to Woking;
provides a height strategy for the buildings which will improve Woking's skyline by introducing a transition from the centre of the town to the outer western edge. The buildings would contribute to the existing tall buildings cluster, creating a 'statement' feature complementary to Victoria Square;
- secures infrastructure contributions of approximately £10.5 million through CIL and SAMM contributions;
- secures an additional £1.85 million towards the funding gap in the Council's HIF works (20% of the total required contributions). This will assist the Council with meeting the programme for delivering the HIF works and the identified total number of new homes delivered in the town centre by 2030;
facilitates the delivery of a purpose-designed facility for local homeless charity, the York Road Project to sustain the long term future of the charity and its clients;
- sustains the future of the WRAC as it reaches its 100th birthday in Woking by allowing it to stay on the Site. The new premises would encourage new memberships and provide excellent space for functions and charity events;

- introduces significant public realm improvements to Goldsworth Road by creating a pedestrian focused environment with extensive hard and soft landscaped spaces that cumulatively provide a 916% biodiversity net gain from the existing situation. New features for child play, improved cycling infrastructure and commercial seating areas will improve the vitality and viability in this part of the town centre; and
provides significant job creation during construction and upon completion of the Proposed Development in hospitality, residential management, retail and leisure sectors.

8 KEY ISSUES FOR CONSIDERATION

- 8.1 The Appellant's evidence will seek to identify and assess all relevant planning material considerations. It will focus on addressing the Reasons for Refusal.
- 8.2 The Appellant's response to each of the Reasons for Refusal is summarised below but will be expanded upon in more detail in its evidence:

Reason for Refusal 1 - loss of daylight, loss of sunlight and loss of privacy to neighbouring properties.

- 8.3 The first Reason for Refusal states that:

The proposed development would result in significantly harmful impacts by reason of loss of daylight, loss of sunlight and loss of privacy to neighbouring properties. The proposed development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' (2008) and the NPPF (2019).

- 8.4 The Appellant will seek clarity from the Council concerning the precise extent of the perceived harmful impacts and will aim to identify specific "neighbouring properties".

SUNLIGHT AND DAYLIGHT

- 8.5 Core Strategy policy CS21 (Design) sets out criteria that new development should meet to ensure good quality design. The criteria requires new development to achieve a 'satisfactory relationship' to adjoining properties and avoid causing 'significant harmful impact' in terms of loss of privacy, daylight or sunlight. In the same regard, the policy requires new development to pay due regard to the scale, height proportions, building lines and other characteristics of adjoining buildings and land. The policy also states that tall buildings could be supported in Woking town centre, if well designed and can be justified within the context.
- 8.6 The Council's Supplementary Planning Document 'Outlook, Amenity, Privacy and Daylight' was produced in 2008, prior to the adoption of the Core Strategy and NPPF. It refers to the use of the BRE guidance on Daylight and Sunlight. That document contains numerical guidelines but they are "purely advisory" and the guide acknowledges the need to consider alternative targets for the relevant parameters in appropriate circumstances. The NPPF emphasises the need for flexibility to be applied in judgments relating to daylight and the Core Strategy policies must be applied with this in mind.
- 8.7 The Courts and the Inspectorate have indicated that a two stage approach is appropriate to considerations of daylight impact¹. First the decision maker has to consider whether any impact would be material. The BRE guidance can be used to complete this stage. Second, for impacts which are material, the decision maker then has to undertake a wider planning judgment which can include the context of the site and the

¹ R (Rainbird) v London Borough of Tower Hamlets

policy requirement to increase density at sustainable locations to judge the acceptability of the retained levels of daylight.

- 8.8 In this case, in seeking to contextualise the relevance of the BRE Guidance, the Committee Report makes reference to paragraph 007 of the National Planning Practice Guidance 'Effective Use of Land' which states that *'...in areas of high density historic buildings, or city centre locations where tall modern buildings predominate, lower daylight and daylight and sunlight levels at some windows may be unavoidable if new developments are to be in keeping with the general form of their surroundings'*
- 8.9 It should also be noted that paragraph 123 of the NPPF advises that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Sub-paragraph (c) encourages local authorities to take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 8.10 The Appellant's evidence will demonstrate that in context, the impacts of the proposal on the retained levels of sunlight and daylight are acceptable.

PRIVACY

- 8.11 The Reason for Refusal also incorporates the perceived impact of the proposal on the privacy of neighbouring properties.
- 8.12 The Appellant will explain the analysis and design principles underpinning the masterplan and provide evidence to demonstrate that the relationship to existing buildings, and buildings currently under construction, has been well-considered in the design process. This will include the rationale for building heights, massing and the scale and location of public and private open spaces in relation to neighbouring properties and uses. The Appellant's evidence will explain how the buildings will create an active street frontage and a provide a human scale and sense of enclosure at street level.
- 8.13 The Appellant's evidence will explain how the interior layout of apartments, location of windows and the detailing of facades and balconies has been designed to minimise overlooking of neighbouring properties, thus reducing impact of privacy.
- 8.14 The Appellant's evidence will include analysis of separation distances between windows and balconies within the Proposed Development and those of neighbouring properties with reference to the uses of those properties and the location of habitable rooms and private amenity spaces.
- 8.15 The Appellant's evidence will demonstrate that levels of privacy achieved between the Site and neighbouring properties are appropriate for new high-density apartments within Woking town centre. The

Appellant's evidence will, if necessary, supplement this with examples from other towns undergoing similar town centre regeneration and densification.

Reason for Refusal 2 – The proposed development would fail to respect the surrounding character.

8.16 The second Reason for Refusal states that:

The Proposed Development, by reason of the bulk and massing would fail to respect the prevailing character and scale of development in the area. The proposal would consequently result in a harmful impact on the character of the surrounding area, contrary to Policies CS21 and CS24 of the Woking Core Strategy (2012), Supplementary Planning Document 'Woking Design' (2015) and the NPPF (2019).

8.17 The NPPF requires local planning authorities to recognise that residential development often plays an important role in ensuring the vitality of centres and that they should encourage residential development on appropriate sites.

8.18 The Council's Core Strategy and Development Management DPD both reflect this position in national guidance and encourage the renewal of Woking town centre.

8.19 Core Strategy Policy CS1 identifies the town centre as the focus for future growth, with the centre allocated as a site of significant change over the plan period. High density development, including tall buildings, are encouraged in order to contribute to the borough's flourishing economy. This is also explicit in Policy CS2 which reiterates national rhetoric, advising that new development proposals should deliver high-quality, well-designed public spaces and buildings, which make efficient use of land, contribute to the functionality of the centre and add to its attractiveness and competitiveness. It goes on to note that the proposals will be achieved through mixed-use high-density redevelopment and intensification of sites. Furthermore, the use of Woking town centre sites will help minimise the amount of land that will be required to be released from the Green Belt to meet housing need.

8.20 The officer's report to committee at paragraph 286 concludes that *"The proposal is considered to result in a development of an acceptable height, bulk and massing which would be consistent with the emerging character of Woking Town Centre and the trend for taller buildings. The building would add a new feature to the townscape and skyline of Woking and would contribute towards a skyline of varied building heights which is considered to add visual interest and variation to the townscape locally and to the skyline, including from key long-distance views. The proposed development is considered to exhibit high quality design which responds well to its context and is considered to contribute towards a regenerative effect to a part of Woking Town Centre."*

8.21 The Site is in a highly sustainable location for the delivery of a mixed-use high-density development including apartments as it is only a five-minute walk from Woking train station and adjacent to many town centre amenities and employment opportunities.

8.22 The suitability of the Site for tall buildings is further supported by the reasoned justification for Policy CS1 which states that *'Tall buildings can act as gateway and focal points in the Town Centre and they can*

represent the efficient use of land.... The Site provides the opportunity to mark the gateway to and from the town centre via Victoria Arch which is the only access point leading directly into the town centre from the south.

8.23 The acceptance of the suitability of the Site for high density development and tall buildings is also evidenced by the Council's resolution to grant planning permission for the 2016 Scheme. As noted above, the 2016 Scheme proposed a total of 560 residential homes on part of the Site, with associated refuse storage and plant space, private and shared residential external amenity space and landscaping. It included three apartment blocks varying in height from GFL + 34 storeys to the east of the site, stepping down to GFL + 17 storeys to the west. In addition to this, new office accommodation (10,553 sqm GIA) was proposed within a part GFL + 10 storey / part GFL + 8 storey building, together with retail and gym use (827 sqm GIA).

THE CHARACTER AREA

8.24 The Appellant's evidence will outline how piecemeal redevelopment of the area around the Site, over several decades, has resulted in a lack of any predominant character or scale.

8.25 Victoria Way, Church Street West, and Goldsworth Road, in the vicinity of the Site, are poor quality environments dominated by vehicular traffic and lacking any cohesive character or greenery.

8.26 The range of buildings in the immediate vicinity of the Site includes a modern industrial energy centre, several midrise office blocks of varying quality, a fire station, fragments of older shopping parades and a ten-storey hotel, all with different styles and exterior finishes.

8.27 The railway line separates the Site from the high rise, high density developments of New Central and Centrium to the south, which each have an entirely different architectural character.

8.28 To the east Victoria Square is under construction and will soon deliver significant public realm improvements along with high-density, high-rise buildings above a podium that defines and activates the edges of streets and public spaces. Victoria Square has been designed using a placemaking approach that reinforces key routes within the town centre; extending Commercial Way to Victoria Way and lining the route with new shops located at ground level within a low-rise podium that provides a sense of enclosure and human scale.

RESPONDING TO THE CONTEXT

8.29 Victoria Square is a transformational scheme that will deliver positive change and many public benefits to Woking. In our evidence we will demonstrate how the transformational placemaking approach that underpins the design for the Site will also deliver positive change and significant public benefits that outweigh any perceived harm of the proposals.

8.30 Far from harming the character of the adjacent area, the redevelopment of the Site with high quality buildings and associated public realm improvements will significantly improve it.

- 8.31 The Appellant will demonstrate how the composition of the buildings, which like Victoria Square utilises a tall building above podium typology, will define street edges by re-establishing street frontage with active uses at ground level.
- 8.32 The Appellant will explain how the scheme will create visual unity, in an area where this is currently lacking, by establishing landmarks and utilisation of a palette of high-quality materials and detailing that complement those of the best new and older buildings in the area.
- 8.33 The Appellant's evidence will show how the proposed pedestrianisation and greening of Goldsworth Road will transform the character of the area and benefit the wider community. Woking town centre has no green spaces of note and as it transitions to being less monocultural and more mixed-use with more people living in the centre, there will be a greater need for public urban green space. The Proposed Development includes extensive planting with trees, shrubbery and lawns in the two squares and along the pedestrianised street. The evidence will demonstrate how detailed design of these public spaces, the private podium level residential amenity spaces and the green roofs have been refined with input from the DRP and will also substantially increase the biodiversity of the area.
- 8.34 The Appellant's evidence will explain how the height and massing strategy for the Site has been informed by analysis of the surrounding area and how initial concepts have been shaped by the pre-application, Design Review and public consultation process.
- 8.35 The Appellant's evidence will demonstrate that the heights of the taller buildings on the Site have been carefully determined within the context of the cluster of tall buildings around Victoria Arch and underpinned by a design rationale based on wider townscape analysis as well as the relationship to neighbouring buildings and spaces.
- 8.36 The Appellant's evidence will include analysis of views from surrounding streets and from residential areas and open spaces further afield to assess the visual impact of the Proposed Development.
- 8.37 The Appellant's evidence will provide a detailed explanation of the architectural expression of each building and demonstrate how the form, detailing and elevational treatment of each element contributes to the overarching placemaking concept.
- 8.38 In summary, the Appellant's evidence will demonstrate how the masterplan approach, composition of building elements, architectural detailing and materials palette respond appropriately to the varied character and transitional nature of its urban context whilst delivering a transformational placemaking vision in Woking.

HIGH QUALITY DESIGN

- 8.39 The Applicant's proposal has been subject to extensive pre-application discussions and was subject to three DRPs chaired by Design South East. The latest DRP report states '*The panel commend the applicant and design teams on their thorough presentation and efforts in progressing the proposal through a series*

of design reviews in such an exemplary manner. Since the previous review the overall proposal has significantly improved; the concept and design strategy are sound, and the proposal now requires refinement of particular elevational design elements and architectural details. The panel is confident the design team will successfully resolve these to deliver a well-considered addition to Woking Town Centre'.

This statement demonstrates that the DRP does not have concerns about the bulk and massing of the proposal or its impact on the scale and character of surrounding areas.

- 8.40 Following the final DRP, the Appellant's design team continued to refine the elevational and architectural details in accordance with the Panel's advice prior to submission for planning approval. The Appellant contends that the resultant scheme is of exemplary design quality that will significantly improve the area and help to fulfil the Council's policy objectives for town centre regeneration.

Reason for Refusal 3 – Inadequate cycle parking provision

- 8.41 The third Reason for Refusal states that:

The proposed development would fail to provide sufficient cycle parking for future occupiers contrary to Supplementary Planning Document 'Parking Standards' (2018).

- 8.42 The Appellant will demonstrate that this Reason for Refusal is unjustified in the context of the proposed level of cycle parking for the residential development. The Council's SPD sets cycle parking standards for residential development as a minimum two spaces per unit. However, this is noted as applicable for houses (defined within the SPD as “*family houses, up to 6 residents living in a single household*”). The SPD does not set standards for flats and apartments, which would generate different cycle parking demand and travel patterns compared to family houses. No breakdown of standards is provided by unit size (in terms of number of bedrooms).

- 8.43 The Proposed Development incorporates a total of 1,064 long-stay residential cycle parking spaces at mezzanine, first and second levels within four communal cycle stores. This equates to in excess of one space per residential unit. This level of provision was confirmed as acceptable by officers during pre-application discussions, reflecting the unit type (flats) and mix (number of bedrooms).

- 8.44 With 60% of the Proposed Development's residential provision comprising studios or one-bed units, and all units being flats, the application of this standard was not considered suitable to the Proposed Development.

- 8.45 This interpretation, alongside the proposed cycle parking provision, was confirmed and agreed during pre-application discussions with both the Council and SCC. This was captured in the Transport Assessment that was signed-off as compliant by SCC highways officers.

- 8.46 A detailed multi-modal trip generation assessment undertaken as part of the Transport Assessment (Section 5) to forecast trips to be generated by the residential units by all modes, including cycling. The assessment methodology was developed in conjunction with and agreed by SCC Highways. This confirmed residential units are forecast to generate 195 two-way cycle trips daily, with 31 and 18 of these

made in the respective network peak hours. This was based on the original scheme (965 units) and so presents a worst case scenario.

8.47 Consequently, the Committee Report confirms at paragraph 165 that the proposed cycle provision in respect of the residential units (1,064) *"is considered reasonable in this instance and is considered consistent with other large Town Centre developments."*

8.48 The Appellant maintains that the approach to cycle parking provision was correct and the appropriate level of provision is given for future occupiers. The Appellant is working with the Council with the aim of seeking to secure the withdrawal of this Reason for Refusal. If this is unsuccessful, the Appellant's evidence will demonstrate that this Reason for Refusal is unsubstantiated, is of no merit and should not have been pursued by the Council.

Reason for refusal 4 – Planning Obligations

8.49 The fourth Reason for Refusal states that:

In the absence of a Legal Agreement to secure the contributions set out in the Planning Committee report, the proposed development is contrary to the Conservation of Habitats and Species Regulations 2017 (the "Habitats Regulations"), saved Policy NRM6 of the South East Plan 2009, Policies CS8, CS12, CS18 and CS21 of the Woking Core Strategy (2012), Supplementary Planning Document Affordable Housing Delivery (2014), the Thames Heaths Avoidance Strategy 2010-2015, the Housing Infrastructure Fund (HIF) Recovery strategy for Woking Town Centre: Section 106 tariff Guidance note, Waste and recycling provisions for new residential developments and the NPPF (2019).

8.50 The draft Heads of Terms as set out in the officer report are matters agreed between the appellant and the Council. These comprise:

- SAMM (SPA) contribution of £567,212.00;
- Provision of 48 on-site affordable units plus a late stage viability review when 75% of units have been sold/let;
- Arrangements for the delivery of the homeless shelter;
- Funding of a year's membership of the existing Enterprise-operates Woking Town Centre Car Club to those occupiers wishing to become members and credit vouchers;
- £1,858,000.00 HIF contribution;
- Maintenance of the public realm; and
- Fortnightly waste collection by a private contractor.

8.51 The Appellant is willing to enter into an appropriate Legal Agreement based upon the agreed Heads of Terms. A draft Legal Agreement has been prepared and in the course of being negotiated with the Council. The intention is to submit an agreed form of Legal Agreement to the Planning Inspectorate prior to the determination of the Appeal.

9 PROCEDURE

- 9.1 The Appellant requests the Appeal to be determined by the public inquiry procedure for the following reasons:
- An Inspector would benefit from a full architectural presentation identifying the context, the architectural response to that context, the architectural parti including real and virtual models in real time and in an interactive way.
 - The complexity of the technical evidence particularly in relation to daylight and the importance of a wider contextual consideration by the decision maker following Rainbird (see above) warrants examination and testing by cross examination to assist the decision maker. An Inquiry and would allow the Inspector better to understand the nature of this technical and rapidly altering field.
 - There is significant public interest in the Proposed Development and a public inquiry would provide an appropriate forum for interested parties to present their evidence on planning matters.
- 9.2 The Council has for these and its own reasons also agreed that the Appeal should be dealt with under the public inquiry procedure.
- 9.3 The Appellant intends to call four witnesses to support the case, with representatives from the following practices:
- Architect: JTP
 - Planning Consultant: Carter Jonas
 - Daylight and Sunlight: Gordon Ingram Associates
 - Townscape: Montagu Evans
- 9.4 In the event that additional matters are raised during the course of the Appeal, the Appellant reserves the right to amend and/or abate this Statement of Case and to produce evidence in response to the additional matters, including calling additional witnesses, if necessary.

10 CONCLUSION

- 10.1 The Site has a crucial role to play in the unlocking and regeneration of Woking town centre, providing the delivery of new homes, public realm and much improved facilities for both the York Road Project and WRAC in high quality architecture and placemaking. The Proposed Development contributes significantly to the Council's Core Strategy objectives in having a positive impact on the vitality and vibrancy of the town centre.
- 10.2 The Appellant is of the view that the analysis and conclusions of the officer report to the Council's Planning Committee remain valid and that planning permission should be granted for the Proposed Development.
- 10.3 Overall, the Proposed Development adheres to the principles of excellent design and placemaking. The bulk and mass are appropriate to the character and appearance of the Site and its surrounding area and overall the Proposed Development is beneficial in relation to townscape.
- 10.4 The resulting impacts on neighbouring properties are justified in their own right when considered in relation to the Site's location, surrounding character and appearance, the policy context and BRE Guidance. The acceptability is reinforced further when the other planning benefits are factored into the decision-making process. Significant weight can be given to these benefits as supported by the Council's own planning officers when recommending approval of the Planning Application.
- 10.5 In terms of housing delivery, the Council has fallen short of meeting its housing target and the Proposed Development would represent a considerable benefit in this respect. The aims of the HIF works and the additional number of units that the improved infrastructure will support across the town centre and specifically on this Site, as the Council's largest contributing site is an important material consideration in determining the Appeal.
- 10.6 The Proposed Development is consistent with the overarching aims of the Development Plan and is considered to constitute sustainable development.
- 10.7 The Appellant's evidence will include a detailed analysis of the Reasons for Refusal and demonstrate that:
1. the Proposed Development would not result in an unacceptable loss of daylight, loss of sunlight and loss of privacy to neighbouring properties; the Council's reasons for refusal are unsubstantiated when considered within the context of the wider benefits of the Proposed Development and when considering and assessing the planning balance;
 2. the Proposed Development would by nature of its bulk and massing, respect and positively respond to the existing and emerging character and scale of development in the area;
 3. the Proposed Development will provide sufficient cycle parking for future occupiers. The Appellant will demonstrate that this reason for refusal is unjustified in the context of the proposed level of cycle

parking for the residential development. The Appellant's evidence will demonstrate that this reason for refusal is unsubstantiated, is of no merit and should not have been pursued by the Council;

4. the Appellant has been and continues to be willing to enter into a Legal Agreement to secure the Heads of Terms agreed with the Council and that this Reason for Refusal is capable of being resolved.

10.8 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the development plan unless material considerations indicate otherwise. The Proposed Development provides a high density, high quality mixed use development in a sustainable location which would make efficient use of land. Any adverse impacts and conflicts with the development plan are outweighed by the overall planning and regenerative benefits of the Proposed Development.

10.9 The Appellant will respectfully request that the Appeal is allowed and planning permission granted for the Proposed Development.