

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

**Proof of Evidence of Katy Davis BA(Hons) MSc MRICS – Planning**

**Appeal Reference APP/A3655/W/21/3276474**

**GOLDSWORTH ROAD DEVELOPMENT LLP**

**NOVEMBER 2021**

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## 1 QUALIFICATIONS AND EXPERIENCE

Katy Davis will say:

- 1.1 I hold a Bachelor of Arts (with Honours) in Geography obtained from the University of Leeds and a Master of Science in Property Development and Planning obtained from London South Bank University. I have been a Member of the Royal Institution of Chartered Surveyors (Planning and Development Division) since 2005.
- 1.2 I have 19 years' experience in the field of town planning and am a Partner of Carter Jonas LLP, a national property advisor. I sit on the firm's Planning and Development Board and lead the Planning Team based in London. Prior to joining Carter Jonas in 2014, I was a Partner of Planning Perspectives LLP having joined the practice in 2002.
- 1.3 I have advised a wide variety of private and public sector clients on projects in London and the South East, with a focus on brownfield, major urban development. I have provided a wide range of town planning consultancy advice including site promotion, the submission and negotiation of major planning applications and appearance at Local Plan examinations and planning appeals. A number of my current and past instructions involve residential-led regeneration, including tall buildings.
- 1.4 I am very familiar with Woking town centre and the wider area having grown up in neighbouring Guildford. I have personally seen the town centre transform itself over recent years. I have been involved with the preparation and management of the planning application process on behalf of the Appellant since 2019 and thus have a thorough understanding of the planning background of the proposals, appeal site and local area.
- 1.5 I submit this Proof of Evidence ('PoE') to address the various planning matters relevant to the appeal site. I will take into account the evidence presented by other witnesses called by the Appellant insofar as it relates to the planning matters. I draw the Inspector's attention to matters of significance in the exercise of the planning balance in determining the appeal.
- 1.6 I confirm that my evidence to this Inquiry has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

## 2 SCOPE AND PROCEDURAL MATTERS

2.1 I appear at this Inquiry on behalf of Goldsworth Road Development LLP ('the Appellant') and this PoE has been prepared in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000/1624.

2.2 The Inquiry is into a refusal of an application to Woking Borough Council ('WBC') for planning permission (ref. PLAN/2020/0568) ('the Planning Application') for a mixed-use development on Land to the North and South of Goldsworth Road, Woking, Surrey, GU21 6JT ('the Site').

2.3 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 37 storeys (including 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').*

2.4 The Planning Application was considered by WBC's Planning Committee on 12 January 2021 with an officer recommendation for approval (CD 6.1.1). Members resolved to reject the officers' recommendation and to refuse planning permission by a small majority of 5-3 with 1 abstention.

2.5 The decision notice (CD 6.1.4) was issued on 20 January 2021 with the Reasons for Refusal stated 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').*

- 2.6 The Appellant lodged an appeal ('the Appeal') on 1 June 2021 under Section 78 of the Town and Country Planning Act 1990 against the decision of WBC and requested a public inquiry.
- 2.7 A Statement of Common Ground (SoCG) and list of Core Documents have been agreed with WBC. The SoCG provides a full description of the Site and surrounding area, the relevant planning history of the Site and a summary of the Proposed Development.
- 2.8 A comprehensive list of planning policies, applicable to the Proposed Development, are listed in the SoCG.

### **Agreed Matters**

- 2.9 The SoCG sets out the following with regards agreed matters between the Appellant and WBC:
- Land Use – the principle of providing a mixed-use development on the Site is acceptable in land use terms.
  - Need for Housing – WBC has a requirement to deliver homes in Woking town centre.
  - Tall Buildings – the principle of tall buildings at the Site is acceptable given the Site's location within Woking town centre.
  - Density – the density of over 200dph is acceptable for the Site's town centre location.
  - Design – significant weight should be given to the Design Review Panel process and the materials proposed for each building are acceptable, subject to final details being agreed through the discharge of planning conditions.
  - Heritage Impacts – the impact on nearby designated and non-designated assets has been appropriately assessed and any impacts are considered acceptable.
  - 2016 Scheme – the resolution to grant permission for the 2016 Scheme is a material consideration in the determination of this Appeal.
  - Public Realm – the proposed public realm is a benefit to the wider town centre.
  - Affordable Housing – the proposed quantum, mix and tenure of affordable housing is demonstrated to be the maximum reasonable and considered acceptable.
  - Housing Mix – the proposed housing mix is suitable for the Site's location.
  - Drainage, Wind, Noise, Air Quality, Aviation and Contamination impacts have been assessed with suitable mitigation secured by planning conditions.
  - Car Parking – the level of car parking to be provided is sufficient and gives rise to no highways concerns.

### **Matters in Dispute**

- 2.10 The following provides a summary of the matters in dispute and the case for each party.

## WBC's Case

- 2.11 The decision notice cites four Reasons for Refusal. The third Reason for Refusal relates to cycle parking which in my opinion could always be resolved by the imposition of a condition. The Appellant is seeking to agree a suitable planning condition with WBC. The fourth Reason for Refusal relates to the absence of any agreed planning obligations. The Appellant is (and always has been) 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 finalised with WBC. The intention is to submit an agreed form of legal agreement to the Planning Inspectorate prior to the start of the Inquiry.
- 2.12 The first Reason for Refusal alleges the Proposed Development would result in *“significantly harmful impacts by reason of loss of daylight, loss of sunlight and loss or privacy to neighbouring properties”*. The Reason for Refusal cites the planning policies with which, it is alleged, the Proposed Development fails to comply. The Reason for Refusal does not define which neighbouring properties are alleged to be affected but Paragraph 6.5 of WBC's SoC (CD 10.1.2) now provides a list of properties which are allegedly unacceptably impacted noting whether the alleged impact is in respect of daylight, sunlight and/or privacy. The evidence addresses the alleged impacts.
- 2.13 The second Reason for Refusal alleges the Proposed Development *“by reason of the bulk and massing would fail to respect the prevailing character and scale of development in area”*. The second Reason for Refusal then alleges that the Proposed Development would have a consequential *“harmful impact on the character of the surrounding area”*. Again the Reason for Refusal cites the planning policies with which, it is alleged the Proposed Development fails to comply.
- 2.14 It is noted that WBC's SoC refers for the first time to 'scale' as well as 'bulk and massing' which I note is not referenced in the decision notice. It is notable that neither the Reason for Refusal (raised contrary to officer recommendation) nor WBC's SoC raise the issue of height. This is deliberate and of relevance given the history which includes a resolution to grant a planning permission for buildings of the same height on the site (the 2016 Scheme – see Section 4). WBC's SoC alleges that the Proposed Development would have an unacceptably adverse impact on the prevailing character of the area in short and medium range views towards the Site. WBC also refer to the width and depth of the podium and the consideration of the perceived mass of the podium and towers.

## The Rule 6(6) Party's Case

- 2.15 The Oaks and Vale Farm Road Residents' Group ('the Rule 6(6) Party') who have been granted Rule 6 status refer to other matters beyond the Reasons for Refusal on the decision notice. They focus on the height of the Proposed Development. They question the living conditions of residents within the Proposed Development as well as externally. The Rule 6(6) Party also allege conflicts with policy in relation to density, affordable housing and dwelling mix, contrary to the position which has been agreed between the Appellant and WBC in the SoCG.

## The Appellant's Case

- 2.16 The Appellant agrees with the Planning Department's report to Committee (CD 6.1.1) that planning permission for the Proposed Development should be granted. The Appellant rejects the assertion that the Proposed Development fails to adhere to the principles of good design and placemaking and gives rise to harmful impacts.
- 2.17 The focus of the Appellant's evidence is on:
- Addressing the first, second and third Reasons for Refusal;
  - Addressing matters raised by the Rule 6(6) Party and third party representations; and
  - Providing such other information as may be required to enable the Inspector to understand the Proposed Development fully and to demonstrate that planning permission should be granted (including those raised by the other Reasons for Refusal).
- 2.18 **Mr Bidwell** of JTP will present evidence on architecture and design. He explains the context for the Proposed Development, explores the changing character of the surrounding area, the overall masterplan and how the design concept has evolved. His evidence demonstrates that the Proposed Development responds to and reflects WBC's policies for the town centre and is the result of a very successful collaboration with landscape architects Gillespies with the creation of new public realm for Woking. His evidence demonstrates the Proposed Development comprises a carefully planned family of buildings of the highest quality and adheres to the principles of placemaking and exemplary design.
- 2.19 **Dr Chris Miele** of Montagu Evans will present evidence on townscape matters, which complements the design evidence. His evidence considers that the Proposed Development is appropriate in townscape terms and consistent with the changing context of the surrounding area. He concludes that there would be no harm to designated or non-designated heritage assets (specifically highlighting a lack of such assets in the surrounding area and a corresponding ability to optimise the contribution that the Site and its associated cluster of tall buildings makes to the needs of the area) and that the Proposed Development would overall make a positive contribution to the emerging character and townscape of the area responding to planning policy.
- 2.20 **Mr Gordon Ingram** of GIA will present evidence on daylight and sunlight matters. He highlights the importance of understanding the context of any analysis to determine what the appropriate levels of amenity should be for neighbouring properties. Upon analysis of the data, he concludes that the impacts fall very much within what is expected in an urban town centre environment such as Woking and that the impacts are in line with those which have been found acceptable by WBC in that context already and that they are not significantly harmful and thus in context acceptable.
- 2.21 My evidence draws upon the evidence of others and examines the Proposed Development against all the relevant national, regional and local planning policies and any other material considerations. I will explore Woking as an appropriate location for investment in the region and Woking town centre as the focus for housing

development. Planning policy explicitly supports high density residential development in this location capitalising on its exceptional accessibility and reducing pressure on Green Belt release.

2.22 I consider the appropriateness of the Proposed Development with regards the Site Allocations Development Plan Document that is not referred to in the Reasons for Refusal but has been adopted by WBC since the Planning Application was determined. I also refer to and analyse the relevance of WBC's successful HIF bid which seeks to significantly increase housing in the town centre by unlocking infrastructure constraints to development.

2.23 I shall conclude with reference to the evidence of others, that the suggestion of harm to the character of the area and to neighbouring properties are not borne out. I conclude that there is no better opportunity than the Proposed Development to bring forward high density development of exceptional architecture that assists in the transformation of Woking town centre. As such, I find that the development is sustainable development and that there is a strong presumption in favour of approving the Proposed Development without delay.

## **Evidence Structure**

2.24 My evidence is structured as follows:

- Section 3 highlights Woking as an economic hub in the region;
- Section 4 describes the Site and surrounding area and key features relevant to the case;
- Section 5 introduces the Proposed Development and summarises the application process;
- Section 6 highlights relevant national planning policy;
- Section 7 provides a summary of the key development plan policies and material considerations;
- Section 8 considers the position on land use since the adoption of the Site Allocations DPD;
- Section 9 presents the case for Woking as the focus for high density housing;
- Section 10 considers the position in terms of housing need;
- Section 11 summarises the evidence relating to alleged impact on character;
- Section 12 deals with the alleged impacts on neighbouring properties;
- Section 13 addresses the matter of cycle parking provision;
- Section 14 responds to third party representations;
- Section 15 assesses the Proposed Development against the key requirements of the newly adopted site allocations; and
- Section 16 summarises the substantial benefits of the scheme to weigh up in the planning balance.

### 3 WOKING AS A FOCUS FOR DEVELOPMENT

- 3.1 Located within the heart of Surrey's Green Belt, Woking is a modern, thriving town with excellent road, rail and air links to the rest of the UK and Europe.
- 3.2 As WBC's Economic Development Strategy 2017-2022 sets out, WBC has committed to an ambitious economic vision to secure Woking's position as the location of choice in the South of England:
- "Woking will be the region's leading economic hub, driving prosperity and growth and attracting national and international investment. With super-high connectivity, it will lead the way on smart, sustainable growth and will be a great place for people to live, work and play."*
- 3.3 Woking is a dynamic growth town with many competitive advantages, located at the heart of two of the South East's main growth corridors which run north-south from London to Southampton along the M3 corridor and east-west along the route of the M25. Woking has exceptional connectivity, within easy reach of the UK's two main airports, Heathrow and Gatwick, with fast trains to London Waterloo, access to the motorway network, via the M25 and via the M3 and A3 to the channel ports and the continent.
- 3.4 As a result, Woking already has a modern and successful economy. The largest employer in Woking is the McLaren Group, responsible for both McLaren Racing and McLaren Automotive. Other companies with global headquarters in Woking include chemical and assembly materials company Alent plc, the UK and Ireland subsidiary of Asahi Breweries, and Ambassador Theatre Group, the largest theatre group in the world. Other significant local employers include Fidessa, Capgemini, Petrofac, John Wood, and WWF UK, based out of the BREEAM rated 'outstanding' WWF-UK's Living Planet Centre.
- 3.5 As well as a thriving economic centre, investment has enabled the town centre to grow and evolve significantly, enhancing its retail offer and role as a cultural centre. Woking has a modern shopping centre The Peacocks Centre that underwent improvement works in 2010 to add a new façade in the town square and to join it with Wolsey Place by means of a covered walkway. A programme of significant public realm improvements was embarked upon with the town square renamed 'Jubilee Square'.
- 3.6 Cultural facilities include the New Victoria Theatre, the Rhoda McGaw Theatre, the Ambassadors Cinema and The Lightbox, an arts and heritage centre. Italia Conti Academy of Theatre Arts will relocate to Woking's town centre in 2021.
- 3.7 WBC's own redevelopment and expansion of the prominent Victoria Square is nearing completion which will add a new level of vibrancy to the western end of the town centre and wider area and further stimulate the town's economic vitality and future growth prospects. A new public square is framed by the tall residential and hotel buildings, marking new landmarks on the skyline.
- 3.8 In November 2016, WBC released a video on YouTube entitled *"Woking: The South's Most Ambitious Town"* with the vision for the town being *"towards tomorrow today"*.

- 3.9 More recently, WBC published its Economic Development Action Plan for Woking's Recovery (September 2021) in response to the Covid-19 pandemic. The Action Plan sets out 6 priorities for Woking's recovery:
- Priority 1 - Focus on business;
  - Priority 2 - Build on our people and skills advantages;
  - Priority 3 - Future proofing our town and village centres;
  - Priority 4 - Woking, the place to be;
  - Priority 5 - Destination Woking; and
  - Priority 6 - Woking, centre of culture.
- 3.10 Under Priority 4, the Action Plan prioritises “*continuing the physical transformation of future-facing Woking*” (Page 27, ‘Economic Development Action Plan for Woking's Delivery’, September 2021).
- 3.11 The planning policies in place in Woking reflect these corporate ambitions. Woking and in particular its town centre is identified as a place for transformational change. The fundamental absence of heritage constraints in parts of the town centre give those areas close to a unique opportunity in the South East to meet the needs of communities with denser well designed and, where appropriate, tall buildings. Such densification has already occurred.

### **Housing Infrastructure Fund**

- 3.12 WBC's growth agenda to retain and attract businesses as well as increasing visitor numbers is to be applauded. Its next step is to deliver significant amounts of housing and other development in the town centre and it has long been recognised that a fundamental barrier to the delivery of such new housing is the ability to access the town via Victoria Arch Bridge.
- 3.13 In September 2017, Surrey County Council (SCC) and WBC, in consultation with Network Rail, submitted a Housing Infrastructure Fund (HIF) expression of interest regarding the 'A320 Woking Town Centre' infrastructure improvement works as a means of unlocking housing sites in Woking town centre (see Appendix 1 of this PoE for further detail).
- 3.14 There were three key infrastructure elements to the project:
- Acquisition/demolition of the Triangle Site;
  - A320 highway widening and improvements; and
  - The replacement of Victoria Arch bridge.
- 3.15 The bid was made on the basis that the infrastructure had the potential to deliver 4,555 new homes in the town centre across 13 sites (including the Appeal Site). Following an oversubscribed and rigorous selection process, WBC was awarded £95m in June 2019. The members of WBC's Full Council accepted the £95m grant in February 2020, WBC entered into a contractual relationship with Homes England and as part of the regeneration funded by HIF, demolition of the Triangle Site commenced in September 2020.

- 3.16 WBC have described the HIF award as a *“once in a lifetime opportunity”* to *“continue the regeneration of Woking town centre which will benefit the wider borough, and also support the Council’s ambition to meet its housing need and be a regional focus of economic prosperity”* (Paragraphs 10.1-10.2 of WBC Executive Papers, February 2020 – CD 7.1.6). Without the infrastructure provided by the HIF process, the ability of the planning system to achieve these aims and objectives is severely curtailed.
- 3.17 As detailed later in this PoE, the HIF scheme depends not just on the grant from Homes England but also on the delivery and subsequent Section 106 payments from identified housing sites including the Appeal Site, without which the infrastructure improvements are insufficiently funded.

## 4 THE SITE AND SURROUNDING CONTEXT

- 4.1 The Appeal Site and surrounding area is described in the SoCG.
- 4.2 A more detailed contextual analysis of the Site and its environs is also set out in the evidence of Mr Bidwell and Dr Miele. In particular, they explore the history of Woking town centre, its evolution over the years and its constantly changing layout, form and skyline. They illustrate how Woking has transformed over the decades and how the town centre is again undergoing a period of significant transformation. In doing so, they explore the so-called “*prevailing character*” of development in the area referenced in the second Reason for Refusal.
- 4.3 In this Section, I highlight key facts about the Site and features in the surrounding area relevant to the case.
- 4.4 As I mention above, Woking town centre is set to be transformed. As the Rule 6(6) Party acknowledges at Paragraph 6.14 (Part 2 of 2) of their SoC (CD 10.1.3), “*it is clear that the character of Woking is changing*”.

### Site as Existing

- 4.5 The Site comprises a mix of buildings either side of Goldsworth Road running through the middle, with the northern most building fronting Church Street West. The majority of the buildings have been vacant or occupied by temporary uses for a number of years now. The buildings are poor quality and beyond their useful life, with a number stripped out and hoarded around, ready for redevelopment.
- 4.6 The existing buildings poorly relate to each other, the street and their neighbours and do not offer the quality of specification of accommodation that the marketplace now demands. The public realm compounds the failings of the street with excessive space given over to vehicles creating an inhospitable street environment out of keeping with its high footfall and importance in the town centre.

### Transport Connections

- 4.7 The Site is 5 minutes’ walk to Woking Railway Station, from where journey times to London Waterloo can take 24 minutes. With a frequency of 256 trains to London Waterloo per day (Source: The Trainline) and trains connecting to Guildford, Reading and the south coast, Woking is a major commuter and transport interchange.
- 4.8 The Site, and Woking town centre, is immediately accessible to the major road network in the South East comprising the A3, M3 and M25. The international airports at London Heathrow and London Gatwick can be reached by road or rail from Woking.
- 4.9 The Site is located off Victoria Way, the A320, which is the main arterial road running through the town centre. Victoria Way has been undergoing highways improvement works as part of the Woking Integrated Transport Package, a highways improvement project by WBC and SCC that commenced in 2016 to enhance the traffic flow in the town centre and improve safety for pedestrians and cyclists.

- 4.10 The Victoria Arch railway bridge immediately to the east of the Site provides one of only two points of vehicular access under the railway lines into the town centre, the other being the Maybury Hill Railway Bridge to the east. The historic road layout underneath and on either side of the Victoria Arch railway bridge creates a pinch-point for traffic resulting in significant peak-time congestion. It has been a long-held aspiration of WBC to upgrade the highways configuration and widen the Victoria Arch bridge with the HIF bid being successful as set out in the previous Section. These works are distinct from the Woking Integrated Transport Package referred to in Paragraph 4.8 above.
- 4.11 The Site is one of the best connected of all potential development sites in the town centre.

### Site Designations

- 4.12 The Site is located within Woking town centre as defined on the Proposals Map (October 2021) (CD 1.1.2).
- 4.13 The Site is covered by three allocations in the recently adopted Site Allocations Development Plan Document (October 2021) (CD 1.1.7):
- UA11 (1-7 Victoria Way and 1-29 Goldsworth Road);
  - UA12 (Synergy House, 8 Church Street West); and
  - UA13 (30-32 Goldsworth Road, WRAC, Systems House and Bridge House, Goldsworth Road).
- 4.14 In terms of heritage assets, 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.
- 4.15 In terms of a major town centre in the South East of England, this represents a truly remarkably unconstrained site in heritage terms.
- 4.16 The closest conservation areas to the Site are the Basingstoke Canal Conservation Area to the north and Woking Town Centre Conservation Area to the east.
- 4.17 The Site lies within the 200m consultation zone surrounding the Rail Aggregate Depot to the south of the railway line.

### Planning History

- 4.18 On 18 October 2016, WBC's Planning Committee, in line with an officer recommendation (CD 8.1.5) resolved to grant planning permission to redevelop part of the Site (the land to the south of Goldsworth Road) for the following planning application including a 35-storey building (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').*

4.19 Drawings of the 2016 Scheme are included at CD 8.1.1.

4.20 The resolution was subject to the prior completion of a legal agreement. The legal agreement has not been completed because a wider and more regenerative scheme has been shown to be deliverable: 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 fact that WBC has recently accepted this principle of:

- a high density, tall mixed-use development at this Site;
- the massing and built form of a tall building on the site and any associated impact on neighbouring properties; and
- a cluster of tall buildings at the application site with storey heights of 11-, 15-, 18-, 21-, 26- and 35-storeys;

all against an overall strategy which was if anything less ambitious and less 'transformational' than that now being pursued by WBC.

## **Neighbouring Developments**

4.21 As the evidence of Mr Bidwell describes, Woking town centre has evolved over the years and is again going through a period of planned-for transformation. There are a number of recent permissions and developments in the immediate area surrounding the Site which contribute to this emerging context and character at the western end of the town centre:

### ***Victoria Square***

4.22 The redevelopment of Victoria Square is WBC's flagship development nearing completion – a major town centre proposal by Bandstand Square Developments, a joint venture between WBC, SCC and Moyallen (owner of the Peacocks Shopping Centre).

4.23 Sitting above a retail podium are three new towers ranging from 23- to 34-storeys nearing completion – two residential towers comprising 427 Build to Rent homes and a new Hilton hotel. The development involved the demolition of the former Toys 'R' Us store and multi-storey car park and the relocation of Woking's fire station to that now constructed adjacent to the appeal Site. At the centre of the development will be a new public square, Victoria Square, connecting Goldsworth Road with Commercial Way.

4.24 The Victoria Square scheme was originally granted (PLAN/2014/0014) in March 2015 for the erection of new shops (10,967 sqm) and medical floorspace (526 sqm), a hotel, 392 apartments and changes to the Red and Yellow Car Park together with a new Green Car Park and other associated public realm and highways improvements. The scheme has been varied a number of times with an application (PLAN/2018/0444) approved to add additional homes and additional stairwells to Towers 1 and 2 (adding height). The scheme is nearing completion with the hotel due to open in November 2021.

### ***Poole Road Energy Centre***

4.25 The energy centre under construction to the west of the Site forms part of the vital infrastructure enabling Woking to grow sustainably. The energy centre has been designed to generate enough heat and power to supply the equivalent of over 2,500 homes for the next 50 years (Source: Thamesway). The energy strategy for the Proposed Development proposes to connect to this facility as secured by condition.

4.26 The scheme approved in March 2019 (PLAN/2018/1362) proposes 2,658 sqm energy centre, 3 thermal store vessels and associated infrastructure, district heating main and private wire electricity cables. The scheme is nearing completion ready to connect to future developments such as that at the Appeal Site.

### ***New Central***

4.27 New Central and Olympian Heights is the development to the south of the railway line rising to 21-storeys. It was originally approved (PLAN/2005/1229) in July 2006 on the basis of 446 studio, 1-bed and 2-bed apartments, 4-bed town houses, live/work units, 4,719 sqm of office and 1,247 sqm mixed commercial uses. Three of the blocks known as Nankeville Court, Bradfield House and Cardinal Place have planning permission for one or two additional storeys at 6<sup>th</sup> to 12<sup>th</sup> floor levels as the building staggers approved on appeal (APP/A3655/W/20/3252346) in May 2021.

### ***Altura***

4.28 On the site of MVA House and Select House to the north east of the Site on the corner of Victoria Way and Church Street West, planning permission was granted (PLAN/2007/0688) in January 2008 for the erection of an 18-storey building comprising 16,719 sqm office floorspace. The permission was granted an extension of time in May 2011 (PLAN/2011/0120) but expired in May 2014.

4.29 Whilst the permission has not been implemented, it is noted that the application was approved against the previous Local Plan position, which also supported high density development and tall buildings in this part of Woking town centre. This support has been followed through to the adopted development plan now with the identification of the site as UA10 in the Site Allocations DPD, anticipated to yield 16,719 sqm office floorspace. Such provision can only conceivably be delivered by a significant and tall building on this site. Again this is relevant to the issues of the location clustering and curation of a tall building quarter in this part of the town centre.

## Summary

4.30 In summary, the Site is a highly accessible, major brownfield urban development opportunity, located within the boundary of Woking town centre. The existing buildings and historic road layout offer little contribution to Woking as a vibrant place to live and work. The character of the area is changing rapidly, as demonstrated by the scale of new developments permitted and planned on sites in the wider area. This reflects the development potential of the area and the planning policy framework which encourages major new development and transformational change, including the introduction of tall buildings. The HIF documentation recognises the centrality of the infrastructure provision to the meeting of the overall needs of the centre.

## 5 THE PROPOSED DEVELOPMENT AND THE APPLICATION PROCESS

- 5.1 The Proposed Development, as described in the SoCG, is the product of extensive pre- and post-submission consultation.
- 5.2 The Planning Application proposes the demolition of all existing buildings on the Site and its redevelopment to create a residential-led, mixed-use urban development that will create a unique and vibrant addition to Woking town centre through dramatically improved public realm, renewed active commercial frontages and exemplary architecture.
- 5.3 The Proposed Development is organised into five buildings. These are known as Buildings T1, T2 and T3 located on land to the south of Goldsworth Road; Building BA to the north; and the homeless shelter (Building BB) on Church Street West.
- 5.4 High quality, accessible public realm is one of the key design drivers for the Proposed Development. The adaptation of Goldsworth Road to a pedestrianised public space will continue to ensure that the route is a key connection from the west of the Borough to the town centre and rail station whilst establishing a renewed relationship and improved sustainable link to the wider Victoria Square development and primary shopping area beyond. The adapted street has been designed to ensure there is good activity – the square will provide a connection for residents of the different buildings and several commercial frontages and entrances will provide for a welcome respite from the busier wider town centre, a pleasant place to sit and wait. At its eastern most point, an additional plaza will provide another informal landscaped area for visitors to enjoy the surroundings. The street will be landscaped to a high standard, incorporating mature trees and plants to introduce a green space to the town centre.
- 5.5 Buildings T1, T2 and T3 are connected at pedestrian level by a three-storey podium containing commercial units with mezzanine level for which flexible permission is requested across use classes A1-A4, D1-D2 and B1a to enable the scheme to accommodate a variety of ground floor occupants. The residential lobbies for each building with one ‘super lobby’ at the heart of the development can also be found at street level which seamlessly connects the resident and visitor between the public realm and private amenity space in the development. The Woking Railway Athletic Club’s (WRAC) new establishment will be placed at the western end of the Proposed Development with the main servicing road wrapping round to the rear of the scheme providing vehicular access to servicing areas and the elevated car park on the second and third floors.
- 5.6 Both internal and external communal amenity space will be provided on the roof of the podium which will provide choice and opportunity for residents to relax. Residential apartments are located within each of the buildings at T1, T2 and T3 above this level with roof levels providing further indoor and outdoor amenity space for residents.

- 5.7 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.
- 5.8 The homeless shelter is located in Building BB on Church Street West, providing a much-improved bespoke facility for the York Road Project ('the YRP') charity's services in addition to the services that are currently located in various buildings in Woking.
- 5.9 Of the 929 new homes, 48 are proposed as shared ownership affordable homes.

### **Pre-Application Consultation**

- 5.10 Initial discussions took place with WBC in early 2019 to discuss masterplan principles and parameters. As described in the evidence of Mr Bidwell, an early masterplanning exercise considered how the Site might come forward with adjoining land parcels.
- 5.11 Formal pre-application engagement gathered momentum in November 2019 and continued on a frequent basis through to submission of the Planning Application. A timetable for pre-application meetings was agreed in a Planning Performance Agreement (PPA) with WBC and the following meetings and workshops took place:
- PPA 1 – 8 November 2019
  - PPA 2 – 19 December 2019
  - PPA 3 – 28 January 2020
  - PPA 4 – 17 April 2020
  - PPA 5 – 15 May 2020
- 5.12 In addition to the above pre-application meetings with WBC, advice was sought from Surrey County Council ('SCC') on highways and parking matters, particularly in respect of the proposed works to the A320. A number of meetings took place with the scope of the assessment work agreed.
- 5.13 Advice was also sought from the Woking Tall Buildings Design Review Panel ('the DRP') organised through Design South East (DSE) who the Appellant's team met with on three occasions to discuss the proposals in detail. The DRP's feedback (CD 7.1.1, CD 7.1.2 and CD 7.1.3) informed the design evolution of the Proposed Development 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:
- 7 February 2020 – initial masterplan principles
  - 21 April 2020 – detailed form, massing and design
  - 20 May 2020 – final treatment, materiality
- 5.14 The evidence of Mr Bidwell and Dr Miele addresses the comments provided by the DRP and how these were taken into account during further design development of the Proposed Development. It is to be noted that the

DRP was of the overall view that the quality of the architecture proposed as part of the development was very high.

5.15 Two rounds of public consultation were held with the first public exhibition taking place on 30 January 2020 and 1 February 2020. A total of 134 people attended over both days. A separate presentation was held for elected representatives of WBC on 30 January 2020. Owing to the Coronavirus outbreak, a second public exhibition was held virtually over two days on 4 June 2020 and 6 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. A dedicated project website was also created to aid in the distribution of information and further engagement with the community.

5.16 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
- SCC Highways
- SCC 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
- WBC Building Control
- WBC Drainage and Flood Risk Team
- WBC Green Infrastructure Team
- Woking Fire Station
- Woking Railway Athletic Club
- York Road Project

## **Submission of the Planning Application**

5.17 The Planning Application was validated by WBC on 6 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).”*

- 5.18 Further meetings were held with planning officers during the determination of the Planning Application to discuss the consultation with statutory consultees and where necessary, provide clarifications and responses. The Appellant's design team also presented to elected members of WBC on two occasions during the determination process to provide them with firstly 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 to match that of the 2016 Scheme. The revised plans and supporting documentation were submitted to WBC on 13 November 2020 with the description of development being amended to that now being considered at this Inquiry.
- 5.19 The Planning Application was presented to members of WBC'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.

## **Summary**

- 5.20 The Proposed Development is the result of a collaborative design process, led by award-winning architects and landscape architects, and informed by leading experts in their field. The Proposed Development has been the subject of an extensive and rigorous pre-application and post-submission process.
- 5.21 The Proposed Development responds well to the current and changing context and will transform the Site and wider area, delivering WBC's objectives for the town centre.
- 5.22 The Committee report (CD 6.1.1) where the Planning Department of WBC recommended approval is a material consideration in the determination of the Appeal. So too is the careful analysis it contains.

## 6 NATIONAL PLANNING POLICY

- 6.1 The National Planning Policy Framework (NPPF) (2021) (CD 0.1.1) forms the basis of the Government's planning policy. Its most recent update introduces beauty and place-making as a strategic theme in national planning policy.
- 6.2 Paragraph 7 states that the purpose of the planning system is to contribute to achieving sustainable development of which there are three dimensions – economic, social and environmental. Paragraph 8 sets out the three roles:
- *“an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
  - *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
  - *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*
- 6.3 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both the plan-making and decision-taking process. This means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or out-of-date, Paragraph 14 states that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of development, or specific policies in the NPPF indicate otherwise.
- 6.4 The NPPF contains very clear advice on decision-taking. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 6.5 Paragraph 60 introduces the Government's objective of significantly boosting the supply of homes with Paragraph 120 noting that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- 6.6 Paragraph 86 notes that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

6.7 Paragraph 124 sets out that decisions should support development that makes efficient use of land, taking into account:

- a) *“The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it”*
- b) *Local market conditions and viability;*
- c) *The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) *The desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) *The importance of securing well-designed, attractive and healthy places.”*

6.8 Paragraph 126 acknowledges that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 128 references the National Design Guide and sets out that design guides and codes can provide a local framework for creating beautiful and distinctive places, with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety. Paragraph 129 states that landowners and developers may choose to prepare design codes in support of a planning application for sites they wish to develop.

6.9 Paragraph 130 sets out design criteria and recently added Paragraph 131 introduces the importance of trees in making an important contribution to the character and quality of urban environments, and how they can also help mitigate and adapt to climate change.

6.10 Paragraph 133 places emphasis on the use of design review panels, particularly for significant projects such as a large scale housing and mixed use developments. These are of most benefit if used as early as possible in the evolution of the scheme and local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

6.11 Finally Paragraph 134 notes that significant weight should be given to:

- a) *“Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

- 6.12 Overall the NPPF places a responsibility on local planning authorities to plan to meet housing and other economic needs in full and take a positive approach to supporting sustainable development. The clear need to deliver a wide choice of high quality homes, ensure the vitality of town centres and promote sustainable development in highly accessible locations are at the heart of the NPPF. Local authorities are required to approve development proposals which accord with their development plans without delay.
- 6.13 The recent updates to the NPPF highlight the Government’s stance on design quality of new development with the view that systemic change is needed to ensure design and beauty is a core part of the planning process. The updated NPPF places emphasis on granting permission for well-designed buildings and to ensure that beautiful and sustainable places are created with the importance of area-based character assessments in pursuing this goal.
- 6.14 The evidence of all experts called by the Appellant sets out how the Proposed Development accords with the overarching objectives of national policy. So does the analysis of the DRP and of the cadre of officers responsible for the recommendation to grant in the circumstances of this case.
- 6.15 In a town centre which at present lacks coherence or quality but which is fundamentally unconstrained in terms of heritage impact, the Proposed Development represents high quality and beautiful buildings, spaces and places worthy of the beauty agenda.

## 7 THE DEVELOPMENT PLAN AND OTHER CONSIDERATIONS

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 In this instance, the development plan comprises:
- WBC Core Strategy (2012) (CD 1.1.1);
  - WBC Development Management Policies DPD (2016) (CD 1.1.3);
  - WBC Site Allocations DPD (2021) (CD 1.1.7);
  - SCC Minerals and Waste Plan (2011) (CD 1.1.5); and
  - Saved Policy NRM6 of the South East Plan (2009) (CD 1.1.4).
- 7.3 Material considerations include national planning policy enshrined in the NPPF, WBC Design SPD (2015) (CD 1.1.10), WBC Outlook, Amenity, Privacy and Daylight SPD (2008) (CD 1.1.8) and WBC Parking Standards (2018) (CD 1.1.11) – all of which are referred to in the Reasons for Refusal.
- 7.4 A full list of relevant individual policies and guidance can be found in the SoCG but I refer to key policies as follows and then explore the assessment of the Proposed Development against these policies later in my evidence.

### Core Strategy

- 7.5 The Spatial Vision for the Borough adopted in 2012 states that *“Woking will be a regional focus of economic prosperity centred on a vibrant, enhanced town centre that provides a good range of quality shops, jobs, cultural facilities, services and infrastructure to cater for the Borough’s needs”*.
- 7.6 Policy CS1 (A Spatial Strategy for Woking Borough) seeks to direct most new development to previously developed land in town, district and local centres which offer the best access to a range of services and facilities with Woking town centre being the primary focus of sustainable growth. The policy sets the following targets for the plan period 2012-2027:
- 4,964 net additional dwellings (2,180 of which in the town centre);
  - 28,000sqm additional office floorspace (27,000sqm of which in the town centre); and
  - 93,900sqm additional retail floorspace (75,300sqm of which in the town centre).
- 7.7 Policy CS2 (Woking Town Centre) specifically deals with the town centre and sets out that *“Development of a dynamic and successful town centre is central to the achievement of sustainable development in the Borough”*.
- 7.8 Policy CS10 (Housing Provision and Distribution) sets out an indicative density range in excess of 200ph within Woking town centre.

- 7.9 Policy CS21 (Design) states that tall buildings can be supported in the town centre where they are well-designed and can be justified within their context. The policy requires development proposals to *“respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land”*.
- 7.10 The policy also seeks for new development to achieve *“a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook”*.
- 7.11 Policy CS24 (Woking’s Landscape and Townscape) seeks to ensure that all development proposals will provide a positive benefit in terms of landscape and townscape character, and local distinctiveness and will have regard to landscape character areas.
- 7.12 Policies CS21 and CS24 are referenced in Reasons for Refusal 1 and 2.

### **Development Management DPD**

- 7.13 The Development Management DPD (DMDPD) contains detailed development management policies to help determine day to day planning applications. The DMDPD was reviewed in October 2021 and found to be up-to-date for the purposes of managing development across the Borough.
- 7.14 Policy DM17 (Public Realm) states that *“development should create or contribute to a safe, attractive, high quality, inclusive and legible public realm that contributes positively to local character and identify and encourages appropriate levels of activity and social interaction”*.

### **Site Allocations DPD**

- 7.15 The Site Allocations DPD (SADPD) allocates land for a range of uses to deliver the spatial vision, objectives and development requirements of the Core Strategy. The SADPD was adopted on 14 October 2021 following an Inspector having found the Plan to be sound subject to a number of main modifications (CD 1.1.6). The Reasons for Refusal do not reference the SADPD but I set out compliance of the Proposed Development with the SADPD throughout this PoE.
- 7.16 The Site is split across three proposal sites – the ‘Western Approach’ sites of UA11 (1-7 Victoria Way and 1-29 Goldsworth Road), UA12 (Synergy House, 8 Church Street West) and UA13 (30-32 Goldsworth Road, WRAC, Systems House and Bridge House, Goldsworth Road).
- 7.17 The SADPD acknowledges the development of UA11, UA12 and UA13 would have a regenerative effect in the vicinity and contribute significantly towards the continuous enhancement of the town centre. It notes that the capacities identified for the sites are indicative.
- 7.18 The allocations list a number of ‘key requirements’ which are addressed fully later in this PoE.

## Summary

7.19 In summary the development plan is considered to be up to date and provides the backdrop for transformational change in Woking town centre. It specifically supports major regeneration at this Site as detailed throughout this PoE.

## 8 PRINCIPLE OF DEVELOPMENT – LAND USE

8.1 Whilst not listed in the Reasons for Refusal, it is again noted that the SADPD has been adopted since the Planning Application was determined and thus in this Section I consider the matter of the non-residential land use at the Site by reference to this document. The principle of residential development at the Site is explored in the next Section. WBC's SoC does not raise land use as an issue although the Rule 6(6) Party's SoC references the loss of commercial floorspace (Paragraph 6.98 of Part 2 of 2).

8.2 As the Planning Application was submitted prior to 1 September 2020, the Appeal is to be determined on the basis of the previous Use Classes. A number of the non-residential uses proposed (with the exception of the homeless shelter and Class A4) are now subsumed under Class E.

8.3 The SADPD sets out the following in terms of proposed uses for the Site:

- UA11 (1-7 Victoria Way and 1-29 Goldsworth Road) is allocated for mixed use to comprise of retail, office and residential development. The anticipated site yield is suggested as 1,200sqm net (3,000sqm gross) office floorspace with no figure given for retail floorspace.
- UA12 (8 Church Street West) is allocated for office development. The anticipated site yield is suggested as 900sqm net (1,000sqm gross).
- UA13 (30-32 Goldsworth Road, WRAC, Systems House and Bridge House) is allocated for mixed-use to comprise of residential, office, community and retail development. The anticipated site yield is suggested as 1,500sqm net (10,000sqm gross) office floorspace with no figures given for retail or community uses.

8.4 The Inspector's report into the SADPD (CD 1.1.6) considers mixed-use sites at Paragraph 191. The report states:

*"The SADPD includes a number of allocations which seek a mix of uses. This approach is consistent with the Framework insofar as it states that policies should encourage multiple benefits from urban land including through mixed use schemes, and positively prepared in seeking to meet the area's objectively assessed needs. Some consider the indicative mixes set out to be insufficiently flexible and cite the recent changes to the Use Classes Order, which gather together a number of previously discrete uses, in support of this view. Nevertheless, the allocations do not specify individual use classes. Moreover, site yields are indicative, and the precise mix of uses could be determined as part of the assessment of applications. Consequently, the implications of recent Use Classes Order changes, and other considerations such as viability, would be relevant considerations at the development management stage."*

8.5 The fact that some of the site allocations are silent on the anticipated yield of certain uses proposed highlights further that it is for individual assessments at the development management stage to determine the appropriate mix and quantum of uses.

## Office Floorspace

- 8.6 Policy CS15 of the Core Strategy sets out WBC's strategy for achieving economic sustainability. The Policy supports the redevelopment of outmoded employment floorspace to cater for modern business needs and refers to suitable town centre uses. It states that B class uses *except town centre office space* [my emphasis] will be safeguarded. The Site is not located within a designated employment area and there is nothing to suggest the existing dilapidated office floorspace within the Site should be protected. Such would in any event represent bad planning. Furthermore, the DMDPD does not contain any policy requirements for the safeguarding of office floorspace in the town centre.
- 8.7 At the same time, the SADPD includes office floorspace as a proposed use on allocations UA11, UA12 and UA13. The document states that an additional 98,307 sqm of B1 floorspace is to be provided in the Urban Area 2018-2027 through the SADPD as a delivery mechanism for meeting the needs of the Core Strategy. This is in keeping with national policy for a plan-led system. However, the SADPD also respects the need for flexibility in the urban area in stating that *"the development achievable on a site will ultimately be determined once a planning application is submitted and determined. In this regard, the estimated yields are indicative to only serve as a guide to inform development proposals"* (Page 23). This supports the creation of conditions in which businesses can invest, expand and adapt (NPPF Paragraph 81) and enable a rapid response to changes in economic circumstances (NPPF Paragraph 82).
- 8.8 The Appellant has provided an overview of the Woking office market in association with the local agent Curchod & Co who have operated in Woking and the wider Surrey market for the past 80 years – this can be found at Appendix 2 of the Planning Statement (CD 2.2.2). The overview sets out that the Woking office market is stable and that supply and demand is being accommodated within the existing premises across the town; new Grade A office supply in Woking is significant, totalling circa 360,000 sq ft (as at Spring 2020); occupiers are managing their estates much more efficiently, driving greater occupational efficiencies by occupying space more intensively and therefore requiring less space; and that whilst permitted development rights have taken supply out of the market, these older and outdated buildings are not what modern occupiers are seeking. Whilst the total supply has reduced, this has not impacted on the supply of the quality of space that occupiers are seeking and there is ample supply to support a successfully functioning employment land/building market.
- 8.9 As such, the Proposed Development does not include significant office provision and would thus not fully accord with some of the indicative requirements set out in the SADPD. However, it is considered that the Proposed Development is consistent with the wider aims of the SADPD and that it complies with the specific policy and the development plan when both are read as a whole in that it provides a mixed-use development which better utilises the Site and results in a regenerative effect on this part of the town centre. It is proposed that the extensive commercial ground floorspace (flexible use classes much in the spirit of Class E) will provide the town centre with a much-needed offering for independent businesses as advocated by Policy CS15 with the option of a variety of unit sizes that could contribute towards providing significant employment for local people and provide across a variety of sectors. It is anticipated that approximately 1,706 gross person years

of employment (PYE) will be generated over the life of the construction period of the proposed development. Once complete, the Proposed Development is expected to provide an average of 198 FTE jobs (ranging from 139-257 FTE) within the flexible commercial use: retail/ restaurants/ cafés/ co-working office, the homeless shelter, WRAC and gym & spa. The proposed flexible use classes for the new commercial units includes provision for B1a (offices) to allow for the possibility of a co-working office space which would provide a professional office environment for the new residents of the Proposed Development and existing Woking residents in need of an office environment.

- 8.10 Further, part of the Site falls within UA11 which covers a wider land ownership of properties to the north of Goldsworth Road. The proposal does not at all prejudice the development of parts of this site for offices. Indeed the proposal would be likely to act as a catalyst to the appropriate development of these sites. The land uses proposed within the allocation could therefore still come forward with a significant proportion of office space. Furthermore, UA10 also allocates the land for office development in line with a now expired planning permission for office use (PLAN/2011/0120 for a 18-storey speculative office building), which could still be delivered. The redevelopment of the Appellant's land adjacent to these properties would not therefore prejudice the delivery of UA10 and UA11.

### **Flexible Uses**

- 8.11 The NPPF requires that local planning policies promote a positive approach to the growth of town centres and provide a diverse retail and leisure offer which reflects the individuality of the centre. The recognition that town centres are at the heart of communities is also established and thus their vitality, viability and growth is to be supported (Paragraph 86). The Site falls within Woking's town centre boundary and the proposed ground floor uses are in accordance with WBC's vision set out at Policy CS2.
- 8.12 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.
- 8.13 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.
- 8.14 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 1930s 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 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.

- 8.15 The WRAC is an integral part of the local community and bringing its home into the 21st century has been an aim for both the Appellant and the club for a number of years. It has a strong community presence and provides continual support in raising money for a number of armed forces charities throughout the year. The retention and renewal of the club's position amongst Woking's community is a material consideration in the planning balance of this planning application.

### **Homeless Shelter**

- 8.16 Policy CS13 of the Core Strategy supports the development of specialist accommodation for vulnerable groups, including people who are homeless, in suitable locations. The York Road Project (YRP) in Woking is a registered charity and has been supporting people experiencing homelessness in the borough since the late 1990s. Its focus has always been on Woking borough, although in recent years and due to funding requirements, the charity does support some people with local housing connection to Waverley borough.
- 8.17 The charity currently provides some of its existing functions from 30 Goldsworth Road alongside a number of properties around Woking. It provides 31 beds: 11 in the direct access night shelter and 20 in five 'move on' properties which offer varying levels of support to the clients living there. The charity provides its day centre and offices from the existing building at 30 Goldsworth Road. The day centre offers clients advice, skills training and workshops, laundry and showers for rough sleepers. The outreach team that also operate from this building includes a wellbeing work and criminal justice specialist.
- 8.18 Delivering a lot of services across various premises is costly both financially and in terms of staff time. The night shelter and day centre premises are adequate but were not designed to meet the needs of a complex and diverse client group and prevents the charity from providing a 24/7 service where clients have access to their rooms all day. Currently, clients staying in the night shelter have to leave the premises between 9am and 6pm as the charity does not have enough staff to allow for the opening of two premises (night shelter and day centre) at the same time. This prevents clients the security of stable accommodation and may increase the likelihood of anti-social behaviour in the community.
- 8.19 The change in use of this part of the Site from B1a to sui generis is considered acceptable in principle as a result of the intensification of the use of the Site to provide for the needs of the YRP in a sustained way for the long term. The design, layout and specification of the building has been designed in conjunction with the charity – it will be a bespoke building, built to their needs and exemplary in Woking. The Proposed Development supports the aims of Policy CS13 by providing a stable environment for Woking's most vulnerable people.
- 8.20 A letter of support from the YRP for the Proposed Development is included at Appendix 4 of the Planning Statement (CD 2.2.2).

## Summary

8.21 The officer report to Committee (CD 6.1.1) at Paragraphs 26-28 captures the land use position as follows:

*“The proposed development would reprovide facilities for the WRAC and YRP. The proposed building to be used by the YRP will enable the charity to consolidate a number of existing uses into one location ranging from day centre and staff facilities through to accommodation with differing levels of support. This will assist WBC in securing accommodation and support pathways for rough sleepers. Whilst dedicated floorspace would not be reprovided for the office floorspace to be lost, the regenerative effect of the proposed development is considered a significant public benefit which outweighs the conflict with the Development Plan...*

*Whilst the proposal would not fully accord with the requirements set out in the [then] draft Site Allocations DPD, as discussed above the proposal is providing commercial floorspace at ground floor for Use Classes A1-A4, B1a and D1-D2 which would provide flexibility and the proposal is considered consistent with the aims of the DPD in providing a mixed use development which better utilises the proposal site and results in a regenerative effect on this part of the town centre.*

*Overall the proposal is considered consistent with the aims of the Development Plan and aspirations of Woking town centre and the proposal is considered acceptable in principle in land use terms.”*

8.22 In my opinion, the Proposed Development for mixed use regeneration of this highly sustainable site accords with the overarching provisions of the development plan in land use terms and there are significant public benefits that outweigh any conflict with parts of the site specific allocations.

## 9 WOKING TOWN CENTRE AS THE FOCUS FOR HIGHER DENSITY HOUSING

### Policy Support

- 9.1 The development plan makes it clear that the focus for new housing is very much within the boundary of Woking town centre.
- 9.2 Indeed as the Introduction to the Core Strategy notes, *“land is a limited and finite resource in Woking”*. The Core Strategy highlights the spatial strategy approach to development as follows:
- Outside the main urban area, the remaining 60% of the Borough is Green Belt, with the built-up area being surrounded by extensive heathland, some being unique habitats for species of European significance (Thames Basin Heaths Special Protection Area (SPA)). The approach to development should be ‘brownfield first’.
  - There are a number of listed buildings, conservation areas, ancient monuments and historic landscapes in the Borough. Development should not adversely impact these assets.
  - Some areas of the Borough are liable to flooding (there was major flooding in the Hoe Valley in 2000). Development should be directed away from areas liable to flood.
- 9.3 The Core Strategy thus seeks to maximise the efficient use of land by concentrating most new development on previously developed land at high densities – *“its efficient use is central to the strategy to deliver the vision for the Core Strategy (Paragraph 3.7).”*
- 9.4 Policy CS1 (A Spatial Strategy for Woking Borough) states:
- “Most of the new development will be directed to previously developed land in the town, district and local centres, which offers the best access to a range of services and facilities... The impact of development will be fully assessed to ensure it does not adversely impact on sensitive environmental designations such as the Thames Basin Heaths Special Protection Areas, Special Areas of Conservation (SAC), the Green Belt and other important built and natural features such as Listed Buildings, Conservation Areas and Ancient Monuments. It is a clear objective of the Core Strategy to protect and/or enhance these assets. Development will be located to take full account of the relative risk of flooding in the Borough.”*
- “Woking town centre will be the primary focus of sustainable growth to maintain its status as an economic hub with a flourishing, diverse and innovative economy and a transport hub which provides transport services, links and communication linking people to jobs, services and facilities. The town centre is designated as a centre to undergo significant change and the provision of a range of shops, cultural facilities, jobs and housing to meet locally identified needs and the needs of modern businesses will be encouraged.”*
- 9.5 The Proposed Development accords with this strategy and thus Policy CS1 as follows:

- The Site is previously developed land in Woking town centre. The Proposed Development contributes to the town centre's vitality, alleviates pressure to release or build on Green Belt land and (with mitigating CIL and Section 106 contributions) has no impacts on the SPA.
- The immediate area surrounding the Site is devoid of heritage assets. The well designed, high density Proposed Development enhances the image of Woking town centre.
- The Site is within Flood Zone 1 reducing the pressure to build in areas with a greater level of flood risk.

9.6 My evidence demonstrates that the Proposed Development delivers the aims and objectives of Policy CS1 and thus national policy contained within Paragraph 119 of the NPPF guiding development towards previously developed land/urban centres.

### **Principle of Tall Buildings in Woking Town Centre**

9.7 Policy CS1 expands on the principle of new housing development in the town centre with confirmation that the town centre is also considered the appropriate location for high density development including tall buildings in the Borough:

*“In the town centre, well designed, high density development that could include tall buildings and which enhances its image will be encouraged, but without compromising on its character and appearance and that of nearby areas.”*

9.8 The supporting text to the policy explains that in assessing a building's suitability in terms of height, consideration will be given to the relative height of the building compared to neighbouring buildings, the building's mass, the topography of the site and impact on the Borough skyline, and the context of the building's location in terms of any historic, conservation or amenity constraints. The policy acknowledges that tall buildings can act as gateway and focal points in the town centre and can represent the efficient use of land. Proposals should be of the highest architectural quality and enhance the street scene and character of the area.

9.9 Policy CS2 (Woking Town Centre) recognises that mixed-use, high density development within town centres makes the best use of urban land in the most sustainable locations, and helps to reduce the use of private cars and create sustainable communities. It sets out that given *“Given Woking Town Centre's importance to the future prosperity of the Borough, an Area Action Plan will be developed which will set out in detail how the proposed development will be managed to create the vision envisaged for the town centre... [The] Area Action Plan will also include details of how the delivery of tall buildings will be managed”*.

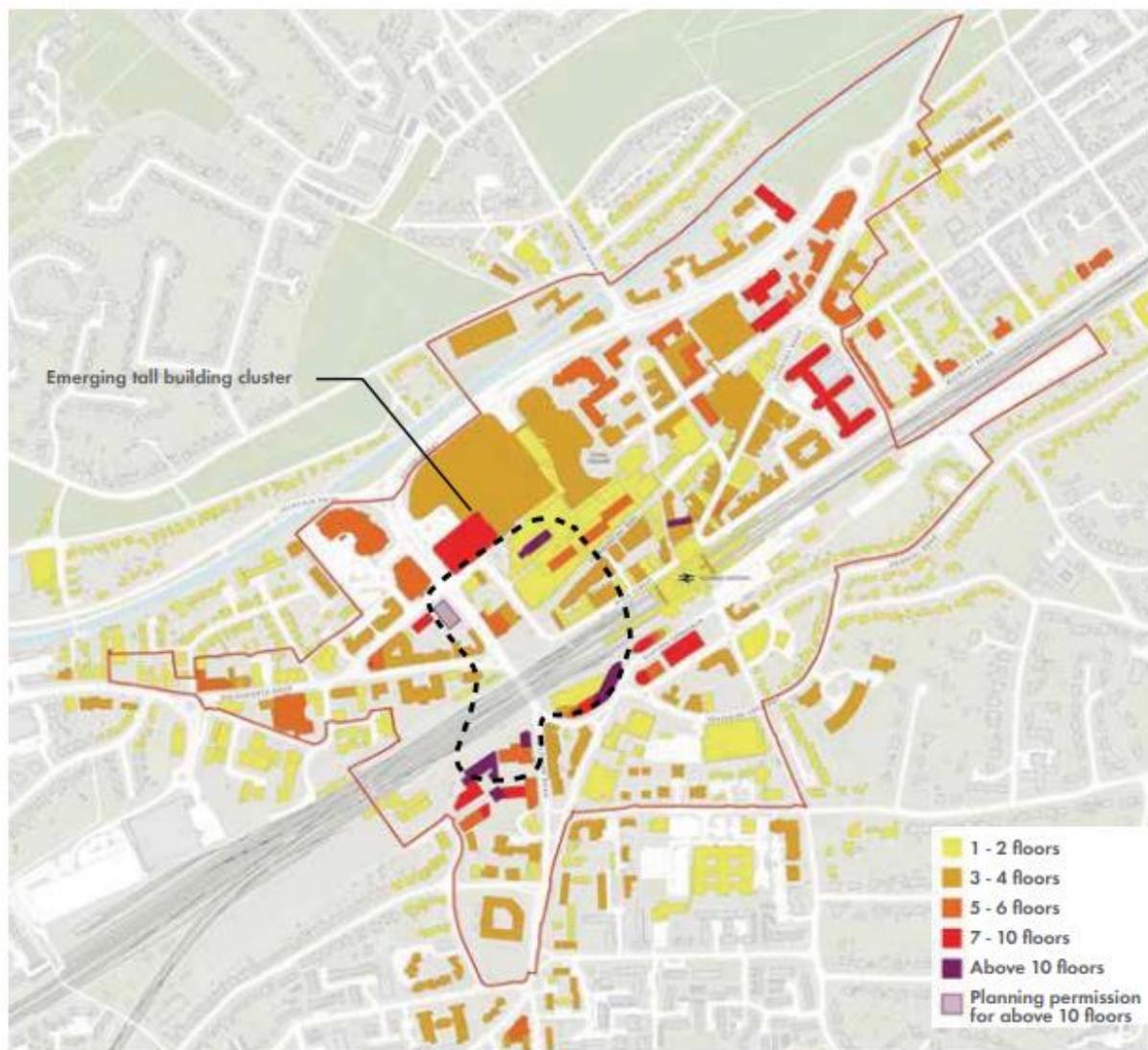
9.10 The Area Action Plan (AAP) for the town centre has not come forward in the time since the Core Strategy was adopted in 2012. An AAP is a Development Plan Document (DPD) that provides specific planning policy and guidance for an area where significant regeneration or investment needs to be managed. The absence of an AAP is not in itself reason to refuse an application for high density development including tall buildings. Guidance contained within the AAP would need as a matter of law to conform with the overarching spatial planning framework, comprising the broad principles set out within Policies CS1, CS2 and CS21 and the

SADPD which allocates specific deliverable sites for development including 24 allocations in the town centre. The absence of an AAP has not prevented WBC from progressing its agenda for large scale transformation in the town, including tall buildings such as that at Victoria Square, as detailed throughout this PoE.

- 9.11 Drawing upon the evidence of Mr Bidwell and Dr Miele in relation to tall buildings, the Proposed Development accords with the aims of Policies CS1 and CS2.

### Guidance on Tall Buildings

- 9.12 Part B of the WBC Design SPD (2015) provides some guidance on tall buildings. The SPD provides an analysis of existing building heights across the town centre, noting that there is considerable variation in heights within the town centre but that there is a cluster of tall buildings emerging on the southern part of Victoria Way and to the south of the railway line:



Existing heights within Woking town centre with the emerging tall building cluster highlighted

Figure 1 – Extract from Design SPD page 26

9.13 The SPD goes on to say that the setting of heritage assets, including conservation areas and listed buildings, is an important consideration when assessing an area’s appropriateness for tall buildings. The SPD notes that areas with a predominantly low-rise character, which are outside the core of the town centre, are not considered suitable for tall buildings, regardless of a lack of recognised heritage assets. It also comments that Woking train station is a major focal point for the town centre and the suitability of sites for tall buildings should be seen to decrease moving away from it:

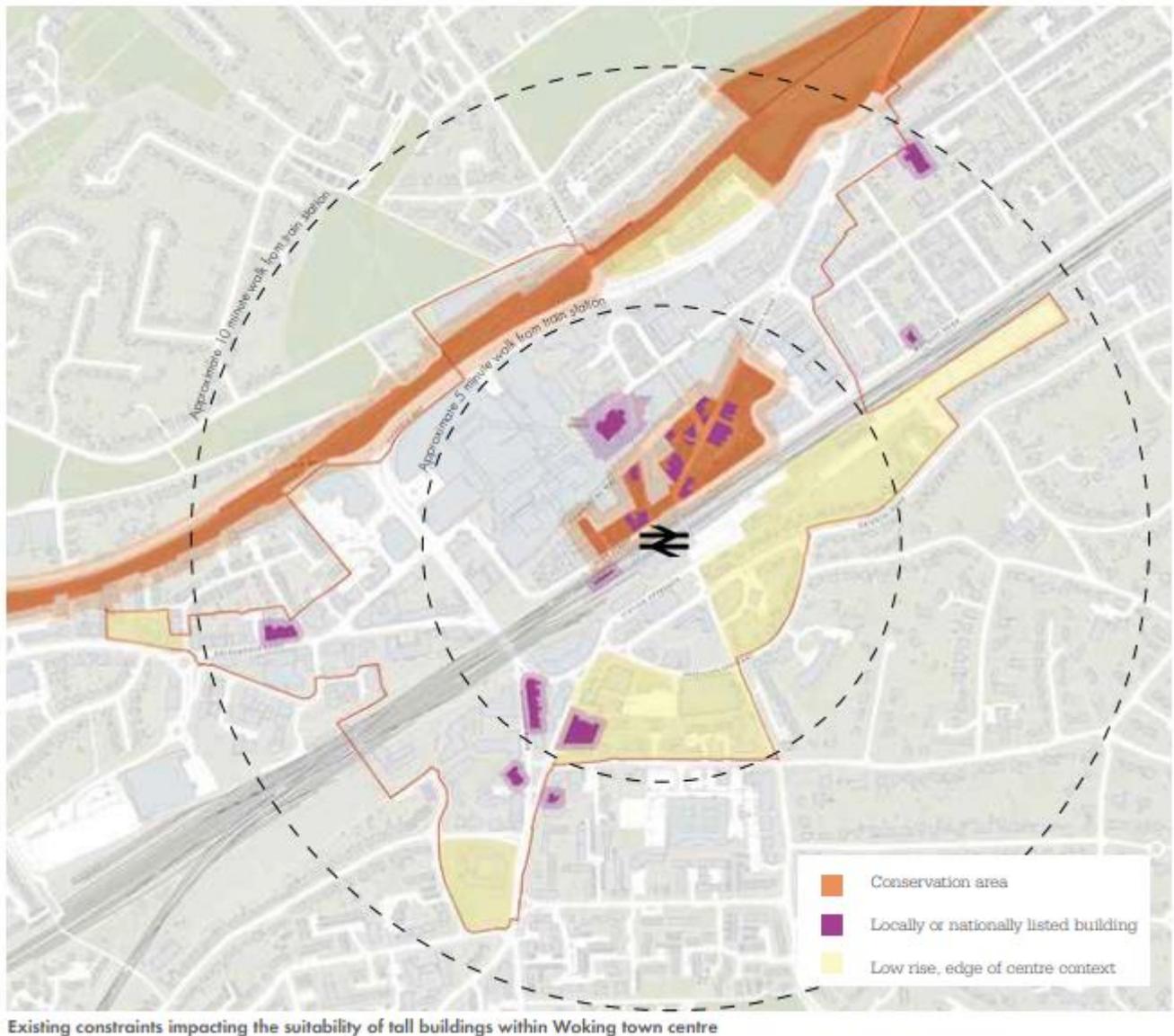


Figure 2 – Extract from Design SPD page 27

9.14 The SPD does not define what is meant by the ‘core’ of the town centre but it is noted that the Site is not shaded as ‘low rise, edge of centre context’. It is also noted that the area immediately north of the station within the primary shopping area of the town centre is constrained by the Woking Town Centre Conservation

Area and a number of locally or nationally listed buildings where generally it would be unsuitable for tall buildings.

9.15 Taking into account the above, the appeal Site is considered to be one of the most, if not the most, appropriate location for tall buildings in the town centre – unconstrained by and sited away from heritage assets, within 5 minutes' walk of the train station and at the junction with Victoria Way and the railway lines where existing tall buildings are centred.

9.16 The SPD was prepared at a point in time when an emerging cluster of tall buildings was coming forward. It was adopted prior to the grant of permission for Victoria Square and in advance of the preparation of the SADPD. The dashed line in the Figure shown on Page 35 of this PoE does not purport to limit where tall buildings are considered appropriate. Rather the SPD lists the following criteria against which proposals for tall buildings will be considered:

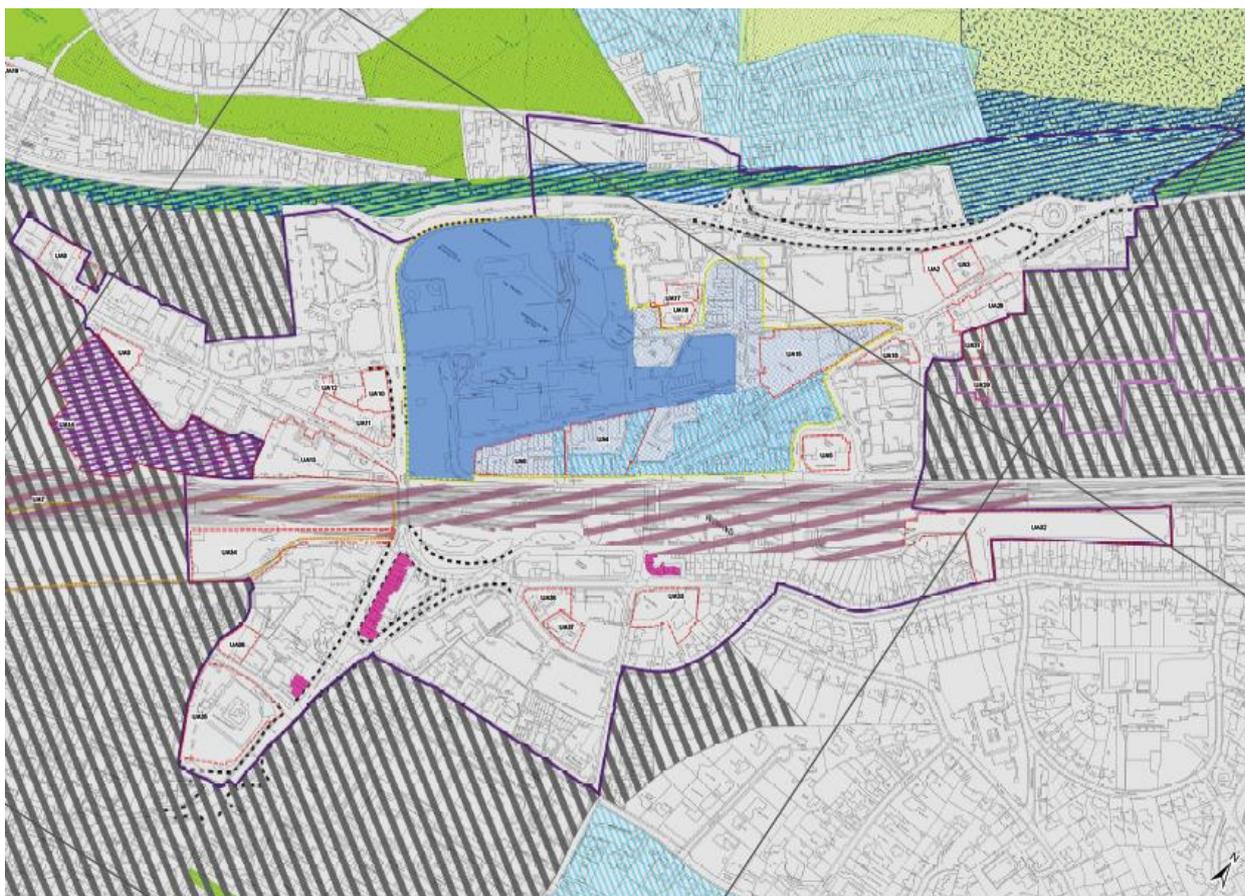
- Be of exceptional design quality and subject to a formalised design review process during the evolution of the scheme;
- Not adversely affect the site's surrounds in terms of micro-climate, wind, overshadowing, glare, aviation navigation and telecommunications interference;
- Contribute positively to the setting of identified heritage assets that might be affected by the proposal;
- Take account of key views both across the site and long views towards the building itself. Design proposals will need to take into account the need for the building to be designed so it is seen in the round; and
- Pay particular attention to the environment created at ground floor. Proposals must be appropriate to the streets and spaces they address and should exploit opportunities for improvement of existing and creation of new public spaces.

9.17 The Proposed Development is considered against these criteria in the evidence of Mr Bidwell and Dr Miele and summarised in my Section 11 below.

### **Future Development in the Town Centre**

9.18 On the basis that the Core Strategy did not identify specific sites to deliver on its spatial vision, WBC prepared the Site Allocations DPD (SADPD) to allocate land, making it clear where development will take place in the future, what kind of development that will be and when it is likely to take place. Forty-four of the 55 allocations for development are proposed in the built up area, with 24 of those being within Woking town centre. The maps and visuals at Appendix 2 of this PoE illustrate that a large part of the town centre is anticipated to undergo further change.

9.19 The updated Proposals Map (2021) for the town centre showing the site allocations is provided here:



**Figure 3 – Extract from Proposals Map 2021**

9.20 The Site is split across three proposal sites – the ‘Western Approach’ sites of UA11 (1-7 Victoria Way and 1-29 Goldsworth Road), UA12 (Synergy House, 8 Church Street West) and UA13 (30-32 Goldsworth Road, WRAC, Systems House and Bridge House, Goldsworth Road).

9.21 In the Reasoned Justification and Supporting Text for each allocation, the following is noted:

*“It is important that the development complements that of other Western Approach allocated sites, to ensure effective integration and sustainable development of the entire area and to maximise the benefits of developing this prominent area of the Town Centre.*

*The development of the site would have a regenerative effect in its vicinity and contribute significantly towards the continuous enhancement of the Town Centre and its surrounds.”*

9.22 As noted in the previous Section, the allocations refer to ‘indicative yields’ – in terms of housing numbers, the indicative site yield for UA11 could be 55 and UA13 could be 125 new homes. The Supporting Text notes the words “at least” when referring to the number of homes that could be delivered. Indeed, the Supporting Text for UA13 references the 2016 Scheme which had an acceptable but significantly higher yield. That demonstrates that these figures should be seen as a minima:

*“The principle for mixed use development has already been established on the site through the grant of planning permissions (PLAN/2007/1298 and PLAN/2008/1350). There is also in-principle support to grant planning permission for mixed use redevelopment of the site, subject to an S106 Agreement being agreed. This proposal would see 560 dwellings permitted.”*

9.23 The ‘key requirements’ for UA11 and UA13 are similar with development required to *inter alia*:

*“Be of exceptional design quality and visually attractive at this prominent (corner) position as a result of good architecture, and with development footprints, scales and densities that maximise the use of the site whilst reflecting the development grain of the surroundings, in a way that is sympathetic to the prevailing local character – taking into account the immediate context including other Western Approach allocated sites and the Victoria Square development.*

*Be of a height informed by the local and wider Town Centre context, taking into account the local and long-distance views of the site, and the necessity to avoid adverse environmental effects in terms of micro-climate, wind, light pollution overshadowing and glare. In particular, development will need to carefully consider the transition in building heights from 34 storeys at Victoria Square, to 3-storeys at 31 Goldsworth Road (UA11)/5-storeys at Woking Fire Station/Greenwood House (UA13).”*

9.24 The first ‘key requirement’ for UA12 requires development to *“be of high quality design and visually attractive”*.

9.25 The Proposed Development embraces the aims and objectives of the site allocations by contributing significantly towards the continuous enhancement of the town centre and its surrounds. The number of homes being delivered optimises the Site’s potential to deliver in the most sustainable location. A more detailed assessment of the Proposed Development against the key requirements of the allocations is set out in Section 15 of this PoE.

## **Town Centre Masterplan**

9.26 At WBC’s Full Council meeting on 8 April 2021, it was agreed that a Town Centre Masterplan (‘the Masterplan’) would be prepared to help guide future sustainable development within the town centre. At its Executive meeting on 15 July 2021, further detail of what the Masterplan might comprise was presented (CD 7.1.9) including:

- The concept of Masterplanning and the objectives of the Woking Town Centre Masterplan;
- The journey so far to focus most new development in the town centre;
- The process for preparing the Masterplan and its planning status;
- The options for the Masterplan;
- The timescale for preparing the Masterplan;
- The estimated budget for preparing the Masterplan; and
- The community engagement and consultation that would be undertaken to inform the Masterplan.

9.27 Three options for the Masterplan were presented with the ultimate option to be decided upon following consultation.

- Option 1 – Woking Townscape Strategy
  - Focus on heights of tall buildings
  - Status as an SPD to the extant development plan
  - 6-9 months preparation
- Option 2 – Town Centre Integrated Masterplan
  - Analysis of uses, connectivity and heights of tall buildings
  - Status as an SPD to the extant development plan
  - 12-14 months preparation
- Option 3 – Town Centre Holistic Masterplan
  - Wider strategy for the town centre
  - Not a planning document
  - 24-36 months preparation

9.28 The Rule 6(6) Party in their SoC refer to the need for a comprehensive Masterplan for Woking town centre but acknowledge at Paragraph 6.29 (Part 2 of 2) that it could take up to three years to prepare.

9.29 Given the status of the consultation at this stage, the Masterplan has no weight in planning terms. Neither can the Planning Application for the Proposed Development be considered premature to its deliberations or delivery. Given the clear guidance in the NPPF on prematurity (Paragraphs 49 and 50). It is my opinion that:

- The Masterplan is not now, nor is it likely to be a development plan document (DPD) therefore the issue of prematurity simply cannot arise;
- Even were it to be a DPD, it has not progressed anywhere near far enough such that the Appeal should in the terms of the NPPF be refused on the grounds of prematurity;
- It would be contrary to the NPPF to wait until the Masterplan process was completed before determining this or similar Appeals on their merits;
- Any Masterplan DPD could not in any event rewrite the adopted development plan and must accord with the existing policies contained within the Core Strategy; and
- The progression of the Masterplan does not alter the fact that both existing and emerging policy supports the delivery of transformative development within the town centre.

9.30 Notwithstanding this, the Report to the Executive on the Masterplan and specifically Appendix 1 *Shaping the Future – How the Spatial Distribution of Development has Evolved* (CD 7.1.9) provides useful context at this stage. It reminds members and the community that extensive consultation has already been undertaken for the Core Strategy, commencing back in 2009 with the outcome being:

*“There was almost a unanimous agreement to focus most of the new development on previously development land in well designed, high density development that could include tall buildings within the Town Centre. A Town Centre specific policy was developed as a result.”*

*“It should be noted that the less dense development at the Town Centre would be, the more Green Belt land that would be needed to meet the identified development needs.”*

9.31 The note appended to the Report goes on to list the investment in infrastructure that has been made, the preparation of other Local Development Documents to enable the sustainable delivery of the Core Strategy and the HIF award to unlock the delivery of additional housing in the town centre.

9.32 With regards matters of design and the subject of tall buildings:

*“The above provides a good basis for the built development to be brought forward. It is likely that the development would comprise of varying heights of tall buildings. The Victoria Square development is a model of a tall building to demonstrate what could be achieved at the Town Centre. At this stage it would be very difficult to speculate with precision how development on the various sites would look like across the Town Centre. The Town Centre Masterplan that the Council is preparing will provide guidance on this.*

*“Woking is a compact urban area tightly surrounded by the Green Belt. The Council is acutely aware that when the community agreed to focus most new development at the Town Centre, it did so with the understanding that it will be of high quality design. In this regard, the Council is investing significant amount of money and effort to achieve this goal. It has published a Design SPD and a Character Study to ensure development achieves high quality design, set up a Design Panel of experts to scrutinise development proposals when they come forward for determination, invested in VU-City to enhance understanding on how development would look in its context and is investing in design training of Officers. Every bit of action that the Council is taking is intending to deliver the vision that the community has already agreed. The Council is not complacent, it will continue to monitor its actions, and review underlying evidence to make sure that new information is constantly fed into the delivery of the vision. That underlying evidence includes a conversation with the community about their views on how the Town Centre should look and feel by 2030. The Town Centre Masterplan will provide an opportunity to understand what the community wish for the area.”*

### **Significance of the HIF Award**

9.33 Whilst not an instrument of policy itself, the HIF award is very relevant to the issue of the implementation of the planning strategy set out in the adopted development plan itself. It is also very clear that the Inspector considering the SADPD placed significant emphasis on the HIF (and the sites it released) as part of his finding that the plan was sound and that no other sites were needed to be released for development now.

9.34 The HIF funding in this case was allocated on a highly competitive basis (it was considerably over-subscribed) where each scheme had to show that it both required the funding and could be delivered in a way which provided significant additional housing. Its entire purpose is in ensuring the delivery of housing projects which

need to be unlocked by the delivery of infrastructure through the provision of Government monies. The bid was the subject of intense and detailed scrutiny on behalf of the Government and Homes England. The Government would not award £95m of HIF funding without being satisfied that the scheme in question, and indeed the housing that would be unlocked, is deliverable.

9.35 The subject Site of this Appeal was included in the calculation of homes that would be unlocked by the HIF monies. Indeed the Site, along with the adjoining land parcels fronting Victoria Way, makes up the largest of the HIF sites, earmarked to deliver the most significant number of homes of all the 13 sites, at 1,205 in total. The Site is also the most prominent of all the 13 sites, located immediately adjacent to Victoria Arch itself, at the gateway into the town centre on the northern side of the railway line.

9.36 The HIF Business Case (CD 7.1.5) provides helpful background for the Appellant's case. The document outlines the role of Woking town centre as a regional focus of economic prosperity and the focus for ambitious housing growth. It provides the policy support for the HIF scheme and considers local housing need. The document summarises the support for the HIF bid from Network Rail, Woking Chamber of Commerce, the local MP, the local community, Local Enterprise Partnerships and other stakeholders. Finally the document lists the 'Critical Success Factors' to assess the delivery of the project. Key points from the document are highlighted below.

*"The [HIF] scheme is critical to ensuring that WBC's long-term housing, economic growth and infrastructure ambitions can be achieved in a timely and sustainable manner. The funding will enable significant additional housing to be provided, help maximise the efficient use of previously developed land and unlock key sites for development."*

*"All the development will be directed to previously developed land (brownfield) and will be high density, well designed and better integrated to sustainable modes of transport and key services and facilities to create a conducive place where people will want to live, work and visit."*

*"Policies CS1 and CS2 articulate the clear vision and significance of the town centre in the wider context of the Borough. 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."*

*"Woking town centre has the potential to enable the delivery of significant housing provision over and above what has been identified in the Woking Core Strategy and the emerging Site Allocations DPD"*

*"WBC has a primary role for enabling and determining the suitability of development proposals. It will exercise this responsibility proactively to ensure the delivery of the scheme and the associated housing it will unlock."*

*"The scheme will unlock the delivery of 4,555 new homes, 3,304 of which are additional homes over and above what is planned in the Core Strategy and the Site Allocations DPD. The housing that will be facilitated by this*

*scheme are all in the town centre, which is the most sustainable location within the Borough, on brownfield land, to be built to high density to maximise the efficient use of land and are in close proximity to key services and facilities. The Council has a Design Review Panel who will make sure that the housing schemes that will come forward on the proposed development sites are of very high quality design. The Core Strategy also has robust policies to make sure that housing provision meets high environmental standards to minimise development impacts on climate change. This includes a requirement for development to connect to the CHP network where the Council has already laid out the infrastructure.”*

- 9.37 As noted above, the SADPD Inspector also recognised the importance of the HIF award as a means of facilitating the delivery of housing in Woking. His report refers to the HIF programme and the implications for housing supply from Paragraph 51 onwards:

*“... Woking Town Centre has become the subject of a successful bid for the Housing Infrastructure Fund Forward Funding (HIF), which will deliver infrastructure improvements to enable the development of homes “that otherwise would not have been built”. In short, the HIF programme will enable changes and improvements to transport infrastructure in Woking Town Centre through remodelling the Victoria Arch Railway Bridge and reconfiguration of the A320. The programme aims both to release sites for residential development and to increase development capacities over and above those anticipated in the SADPD on allocated sites. The HIF programme aspires to deliver an additional 4,555 homes within the Town Centre by 2030. Moreover, to comply with HIF requirements, the infrastructure improvements that it would facilitate need to be completed at the latest by March 2024. Indeed, the relevant works are anticipated to have been completed by August 2023, well in advance of that deadline. It is clear then that due to the contractual necessity to complete the works by 2024 the HIF programme has a strong potential to boost delivery of housing in the latter years of the plan period.”*

- 9.38 The number of homes to be unlocked by the HIF award was considered realistic and deliverable for an authority with a thriving economy and exceptional connections as set out in previous Sections. The number of homes envisaged on the individual sites will inevitably mean building at high densities and building tall as illustrated in the evidence of Mr Bidwell. The fact that WBC set up a DRP specifically named the Woking Tall Buildings Panel demonstrates their commitment to seeking the best advice to ensure very high quality design in the town.

- 9.39 The weight accorded to the HIF bid as part of the consideration of soundness is also apparent from the following quote, to which I shall return more fully below:

*“In terms of the relevant allocations within the town centre without planning permission, the HIF programme amounts to clear relevant information about large-scale infrastructure funding, which weighs in favour of their deliverability.*

*...the SADPD identifies sufficient land with the capacity to deliver over 3,000 net additional dwellings over the residual plan period. moreover, when taken together, the indicative capacities of sites with extant planning permission and the allocated town centre sites which would benefit from delivery of HIF programmed*

*infrastructure, could yield some 1,745 dwellings. this would equate to around 6 years' worth of deliverable supply based on the adopted housing requirement - and this would be roughly equivalent to the 20% buffer required by the HDT.*

*Taking these matters together with the pipeline of sites which are not allocated by the SADPD, but nevertheless have extant planning permissions (c.1,166 dwellings), and the potential for the HIF programme further to increase supply in the town centre on both allocated and unallocated sites towards the end of the plan period, i consider that there is therefore no necessity at this juncture for the SADPD to identify any further sites for residential development."*

9.40 The Proposed Development accords with the aspirations of the original HIF bid:

- The proposal is for 929 homes on Site 08 (77% of the numbers envisaged for the wider site), maximising the use of previously developed land.
- It focuses housing numbers in the town centre, alleviating pressure on the Green Belt.
- The high density, high quality designed scheme was presented to, and praised by, the DRP on three occasions.
- The Proposed is committed to connect to the CHP facility (Thameswey) on Poole Road (secured by planning condition) and fully embraces sustainable design.

9.41 The scheme also secures £1,858,000 through planning contributions in accordance with the HIF Recovery Strategy (CD 1.1.15). This represents over 18% of the £10m funding gap that WBC have had to bridge and would be secured through the legal agreement presented to this Inquiry. Without the housing schemes unlocked by the HIF bid monies making good this shortfall, then the infrastructure projects are not fully funded and are unlikely to come forward. In such circumstances, it is clear that the Government can seek the repayment of the sums committed to the project for the delivery of the infrastructure and its associated housing.

9.42 The Rule 6(6) Party asserts at Paragraph 6.14 (Part 1 of 2) of their SoC that *"the LPA's obligations to the HIF must not count as argument for the proposed development"*. It is my opinion that the HIF award is obviously not directly determinative or binding on the decision maker in this case. But it is a material consideration in the consideration of the Appeal as are the arguments which Central Government found compelling in the decision to grant such substantial funding. Indeed, by unlocking and making as much use as possible of previously developed land for accommodating objectively assessed needs, the HIF award significantly contributes to the overarching aims of national and local policy.

9.43 The Proposed Development provides nearly £2m funding – one fifth of the shortfall – for the infrastructure works which are fundamental to the future of Woking. Without such funding driven by privately delivered sites, the infrastructure will not be delivered and the Government funds can be recovered.

## Summary

- 9.44 The principle of providing high density residential development on an underutilised, brownfield site is entirely consistent with national and local policy. WBC's 'brownfield first' stance has been engrained in its planning policy documents since the adoption of the Core Strategy in 2012 and remains in accordance with national policy. The SADPD aligns with this strategy and the forthcoming Masterplan will not alter this position.
- 9.45 The Site offers the greatest scope to reduce the need to travel by private vehicle because of the proximity to existing services, jobs and public transport. High density development at the Site, away from sensitive designations (such as the SPA) and areas prone to flooding will help minimise the amount of land that will be needed to be released from the Green Belt in the future. The Site is unconstrained by and sited away from heritage assets and at the junction with Victoria Way and the railway lines where existing tall buildings are clustered.
- 9.46 With the Council's drive for high density residential development in the town centre supported by the HIF award, there is no better opportunity than the Proposed Development to bring forward high density development that assists in the transformation of Woking town centre. The Site represents the biggest and best opportunity to meet the shortfall in funding without which the HIF works are not deliverable on WBC's own case.
- 9.47 The next Section addresses how the Proposed Development helps meet housing need.

## 10 HOUSING NEED AND DELIVERY

- 10.1 WBC's SoC references the WBC Five Year Housing Land Supply Position Statement 2019 and remarks that WBC has an overall housing land supply of 10 years. The SoC also asserts that "*whilst accepting that housing supply figures and a 5 year supply are not a cap, the Council does not have a pressing need to approve residential development in order to meet its housing land supply needs*" (Paragraph 5.10). The Rule 6(6) Party basically asserts the same.
- 10.2 I do not dispute that there is a 5 year housing supply. But, the way in which the 5 year supply figure has been reached has to be properly understood. It does not come close to meeting objectively assessed needs (OAN). Furthermore, the claimed 10 years is a significantly over generous position for the reasons I set out below.
- 10.3 In the particular circumstances of this local authority, the existence of a 5 year supply does not mean that the Borough does not have a pressing housing need. The position properly understood is much more complex. There is both an acute and chronic shortage of housing in this Borough as has been recognised by the planning system for a number of years. The spatial characteristics of the Borough, particularly associated with Green Belt and flooding mean that it is unable to meet its OAN for housing.
- 10.4 This means that the ability to meet this pressing need on sites which do not involve the development of greenfield or Green Belt sites which are well located in terms of public transport and well designed in architectural and other terms should be optimised and taken.

### Housing Need and Requirement

- 10.5 The Inspector's Report into the SADPD published in August 2021 (CD 1.1.6) summarises the position clearly in stating at Paragraph 44 that "*the Core Strategy requirement is substantially lower than all of the assessments of need carried out in respect of the Borough*".
- 10.6 The Core Strategy requirement of 292 dwellings per annum derives from the now revoked South East Plan that indicated the need for net dwelling completions to be at an annual average of 2,394 within the London Fringe which included an annual average housing figure of 292 dwellings for Woking. The South East Plan was adopted in 2009 at the time when the Core Strategy was being prepared.
- 10.7 At the same time, the 2009 SHMA, prepared jointly with Guildford and Waverley Councils and which informed the production of the Core Strategy, found an OAN for the Borough of 594 dwellings per annum. However, the examining Inspector into the Core Strategy found that environmental constraints (flood risk and proximity to the Thames Basin Heaths SPA) and the proportion of the Borough covered by the Green Belt justified the lower housing requirement of 4,964 dwellings which equates to an average of 292 houses per annum. As covered in earlier Sections, Woking town centre is advocated throughout as being the most sustainable option to deliver the Council's housing need in the Core Strategy.

- 10.8 In 2015, the SHMA was updated with the OAN for Woking determined to be 517 dwellings per annum over the period 2013-33 – almost double the Core Strategy’s planned housing provision. However when the Core Strategy was reviewed in 2018, no update to the housing requirement was found to be necessary. The West Surrey authorities are jointly committed to meeting needs identified in the SHMA within the housing market area. The recently adopted Waverley and Guildford Local Plans include housing requirement figures which respond to Woking’s unmet need – a fact explicitly addressed in the Inspectors’ Reports on those plans.
- 10.9 The Government has since introduced the Standard Method with Woking’s figure (based on 2014-based household projections) calculated to be 431 dwellings per annum. It is noted that the current Core Strategy only has 6 years to run and it will soon need to be replaced with a new Local Plan that accounts for the Standard Method figure, a 48% increase on the 292 requirement.
- 10.10 Taking into consideration the above, the Core Strategy requirement is clearly substantially lower than all of the assessments of housing need carried out in respect of the Borough. Indeed the Core Strategy requirement has fallen far short of meeting OAN each year – a cumulative failure year on year.
- 10.11 The Core Strategy requirement is below the OAN because of Green Belt constraints and other environmental concerns such as the risk of flooding so Woking town centre is identified as the best place for delivery. The Proposed Development, due to its size and the speed of delivery, will likely run into the next Plan period. Delivery of the Proposed Development at the Appeal Site will assist greatly in meeting the borough’s OAN for housing in the most sustainable location. The fact the Proposed Development would achieve a considerable proportion of housing into the next Plan period should be looked upon favourably – notably in respect of the longer term benefits to safeguard the remainder of the Green Belt not proposed for allocation in the SADPD, through making the best use of previously developed land.

### **WBC Housing Land Supply Position Statement 2019**

- 10.12 WBC’s Position Statement that was submitted as part of the SADPD Examination and referred to in WBC’s SoC states:

*“Woking Borough has a total housing land supply at 1 April 2019 to enable the delivery of 2,913 net additional dwellings, compared with the Core Strategy requirement of 1,460 net additional dwellings – or 1,619 including undersupply and a 5% flexibility allowance/buffer - between 2019/20 and 2023/24.*

*This represents a surplus of 1,453 net additional dwellings against the Core Strategy requirement over the 5 year period and an overall supply of 10.0 years.*

*Taking into account under supply since 2006 (-82) this represents a surplus of 1,371 net additional dwellings or 9.4 years housing land supply.*

*Additionally taking into account the NPPF 5% buffer, this is a surplus of 1,294 net additional dwellings or 9.0 years housing land supply.*

*For illustrative purposes only, the supply has also been calculated with a 10% buffer. In this case there would be a surplus of 1,217 net additional dwellings, or 8.6 years housing land supply.*

*Also for illustrative purposes, the supply has been calculated excluding Local Plan allocations and other HIF sites that do not have full planning permission. The results of this are shown in the lower part of Table 2. This shows that even if such sites were to be excluded, there would still be a healthy 5 year housing land supply in the Borough.”*

10.13 Extracts from Table 2 referred to above are summarised below:

<b>Including Local Plan Allocations Without Full Planning Permission</b>	<b>Years Supply</b>
Housing requirement (292 pa)	<b>10.0</b>
Housing requirement (292 pa) + current under supply (82)	<b>9.4</b>
Housing requirement (292 pa) + current under supply (82) + 5% flexibility allowance/buffer (14.6 pa)	<b>9.0</b>
Housing requirement (292 pa) + current under supply (82) + illustrative 10% flexibility allowance/buffer (29.2 pa)	<b>8.6</b>
<b>Excluding Local Plan Allocations Without Full Planning Permission (Illustrative Purposes)</b>	
Housing requirement (292 pa)	<b>7.0</b>
Housing requirement (292 pa) + current under supply (82)	<b>6.6</b>
Housing requirement (292 pa) + current under supply (82) + 5% flexibility allowance/buffer (14.6 pa)	<b>6.3</b>
Housing requirement (292 pa) + current under supply (82) + illustrative 10% flexibility allowance/buffer (29.2 pa)	<b>6.0</b>

**Figure 4 – Extract from Table 2 of WBC’s Position Statement 2019**

10.14 WBC’s simple assertion that there is overall land supply of 10 years ignores the above. Further analysis of the land supply position by the SADPD Inspector is included below.

### **Housing Delivery Test**

10.15 The 2020 Housing Delivery Test (HDT) measurement for Woking published earlier this year set out that Woking was delivering only 80% of its housing requirement in the three years to March 2020.

10.16 The consequence of the 2020 result is that a 20% buffer will be added to WBC’s requirement. Where the HDT indicates that housing delivery in an area is below a specified level, the NPPF sets out a series of actions that authorities must undertake. For authorities that have an HDT result below 95% this includes the requirement to prepare an Action Plan within six months that considers the root causes of under delivery and identifies the

actions that the authority will undertake to help increase housing delivery in future years. WBC has not yet prepared an Action Plan nor an explanation as to why one has not been provided.

### **SADPD Inspector's Report**

10.17 The SADPD Inspector took into consideration sites with extant planning permission and allocated Town Centre sites that would benefit from the delivery of HIF programmed infrastructure in arriving at a housing land supply figure of 6 years (Paragraphs 52, 55 and 56):

*"In terms of the relevant allocations within the Town Centre without planning permission, the HIF programme amounts to clear relevant information about large-scale infrastructure funding, which weighs in favour of their deliverability.*

*...the SADPD identifies sufficient land with the capacity to deliver over 3,000 net additional dwellings over the residual plan period. Moreover, when taken together, the indicative capacities of sites with extant planning permission and the allocated Town Centre sites which would benefit from delivery of HIF programmed infrastructure, could yield some 1,745 dwellings. This would equate to around 6 years' worth of deliverable supply based on the adopted housing requirement - and this would be roughly equivalent to the 20% buffer required by the HDT.*

*Taking these matters together with the pipeline of sites which are not allocated by the SADPD, but nevertheless have extant planning permissions (c.1,166 dwellings), and the potential for the HIF programme further to increase supply in the Town Centre on both allocated and unallocated sites towards the end of the plan period, I consider that there is therefore no necessity at this juncture for the SADPD to identify any further sites for residential development."*

10.18 It is noted that the Inspector recognised that the HIF works represent an opportunity to further increase supply in the town centre on both allocated and unallocated sites. Indeed he was relying upon sites such as this, boosted by the HIF programme, to go beyond the indicative capacities in the site allocations in coming to his conclusion that the SADPD did not need to identify any further sites for residential development.

### **Future Delivery**

10.19 The Appellant highlights concerns about future delivery in the Borough as a whole but particularly in the town centre given the number of homes that have been refused planning permission in the past 18 months. Since, February 2020 (the date WBC members agreed to accept the HIF money), some 3,010 homes have been refused by the Planning Committee, all against an officer recommendation for approval. 1,848 of these are on town centre sites, all identified as HIF Sites with two allocated in the SADPD:

- 366 homes on the Crown Place site (HIF Site 11 and allocated in SADPD as UA15) refused at Planning Committee in March 2020 and appealed since (PLAN/2019/1141 and appeal reference APP/A3655/W/20/3259819);

- 310 homes on the BHS site (HIF Site 9 but not allocated in SADPD) refused at Planning Committee in March 2020 (PLAN/2019/0611);
- 1,084 homes on the Woking FC site (outside the town centre but allocated in SADPD) refused at Planning Committee in June 2020 and appealed since (PLAN/2019/1176 and PLAN/2019/1177 and appeal references APP/A3655/W/20/3265969 and APP/A3655/W/20/3265974);
- 929 homes on the Goldsworth Road site (HIF Site 8 and allocated in SADPD as UA11 and UA13) refused at Planning Committee in January 2021 (subject of this Appeal); and
- 243 homes on the Church Gate site (HIF Site 13 but not allocated in SADPD) refused at Planning Committee in April 2021 (PLAN/2020/1201).

## Summary

10.20 The Proposed Development has the potential to make a very significant contribution towards the sustainable delivery of new homes in Woking town centre and this fact should weigh heavily in favour of the application.

10.21 As stated above, the Core Strategy requirement is clearly substantially lower than all of the assessments of need carried out in respect of the Borough and represents a cumulative failure year on year with regards meeting OAN. This is compounded by concerns around delivery and the absence of an Action Plan.

10.22 Given Green Belt constraints and other environmental concerns such as the risk of flooding, Woking town centre is identified in policy as the best place for delivery. The Proposed Development at the Appeal Site can assist greatly in meeting the OAN for housing in the most sustainable location. The fact the Proposed Development would achieve a considerable proportion of housing into the next Plan period should be looked upon favourably – notably in respect of the longer term benefits to safeguard the remainder of the Green Belt not proposed for allocation in the SADPD, through making the best use of previously developed land.

## Affordable Housing

10.23 Paragraph 63 of the NPPF requires local planning authorities to identify where affordable housing is needed and set policies for meeting this need on site, unless off-site provision or an appropriate financial contribution can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

10.24 With regard to balancing the requirements set by local authorities, it is also important to refer to Paragraph 58 of the NPPF which states:

*“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.”*

- 10.25 Policy CS12 of the Core strategy sets out the parameters for the delivery of affordable housing in the Borough, including the overall delivery target over the Plan of 1,737 new affordable homes. This equates to an annual target of 102 dwellings per annum.
- 10.26 In this regard Policy CS12 states that all new residential development on previously developed (brownfield) land will be expected to contribute towards the provision of affordable housing and that, on sites providing 15 or more dwellings, or on sites of over 0.5ha, the Council will require 40% of dwellings to be affordable. Policy CS12 also sets out that the proportion of affordable housing to be provided by a particular site will take into account, among other factors, the costs relating to the development in particular the financial viability of developing the site. The policy provides a clear set of considerations that will be taken into account in determining the final proportion of on site affordable housing and is supplemented by the SPD on Affordable Housing Delivery (2014).
- 10.27 However, as established above, the Core Strategy requirement falls short of meeting need. The 2015 SHMA indicated a net need of 375 affordable housing units per annum in Woking Borough in order to meet current and future needs. The SHMA estimated that 26% of the need was for low-cost home ownership (shared ownership/discount market sale) and 74% for social/affordable rented dwellings.
- 10.28 As reported to WBC's Overview and Scrutiny Committee in September 2020, there were a total of 1,109 applicants on the Housing Register as at July 2020. In terms of mix, the Housing Register shows that the greatest need is for 1-bed homes at 43%, but there is also a significant need for 2- and 3-bed homes at 31% and 20% respectively.
- 10.29 In the update report to WBC's Overview and Scrutiny Committee in October 2020, it was confirmed that, since the adoption of the Core Strategy, affordable housing delivery in the Borough has resulted in the provision of 581 affordable dwellings comprising 320 affordable/social rent dwellings and 261 intermediate dwellings. This not only falls short of the Core Strategy requirement but fails to meet affordable housing need.
- 10.30 The Proposed Development includes 48 homes of shared ownership tenure provided on site – these are secured in the legal agreement presented to the Inquiry with a review mechanism included to revisit the viability position once 70% of the homes have been completed.
- 10.31 I note that matters relating to affordable housing are not in dispute between WBC and the Appellant. The Rule 6(6) Party refer to what they call "*the under provision of affordable housing*" (Paragraph 6.84 of Part 2 of 2).
- 10.32 The viability position was however carefully scrutinised by two independent experts appointed on behalf of WBC at the application stage – Kempton Carr Croft and Dixon Searle Partnership – who agreed that the Proposed Development because of the exceptional costs associated with developing the Site cannot for now provide any additional element of affordable housing beyond the 48 shared ownership homes being offered.
- 10.33 An update on the viability position has since been prepared by Quod in conjunction with Kempton Carr Croft (CD 3.1.4) which confirms that, at the current time, the Proposed Development secures the maximum

reasonable level of affordable housing. The parties are in the process of agreeing upon the wording of the viability review to be secured in the legal agreement.

10.34 The proposed approach secures an appropriate quantum of affordable housing on the basis of the Appellant adopting a constructive and collaborative approach to the affordable provision acknowledging the priority of WBC for this type of provision and seeking to find a route to including a package without undermining the project viability. Ensuring the scheme represents a deliverable proposal is absolutely key to maintaining the momentum on the wider town centre redevelopment. Delivering a consent which stalls quickly due to viability constraints will deliver none of the identified benefits of the scheme.

10.35 Indeed, the provision of affordable housing on site is correctly considered to be a benefit of the Proposed Development in helping to meet affordable housing need in the Borough that weighs heavily in its favour.

## Summary

10.36 WBC assert that *“the Council does not have a pressing need to approve residential development in order to meet its housing land supply needs”* (Paragraph 5.10 of WBC’s SoC). However, this fails to recognise its own delivery shortfall, the significant contribution that the Proposed Development can make in meeting OAN, including the provision of affordable housing, on a highly sustainable, urban site in the town centre, unconstrained by environmental designations or heritage assets. As has been described earlier, the Proposed Development is capable of providing such a contribution to housing supply as envisaged in the HIF bid, described as a *“once in a lifetime opportunity...”* to *“...support the Council’s ambition to meet its housing need”*. This should weigh heavily in the Proposed Development’s favour.

## 11 IMPACT ON CHARACTER

- 11.1 In this Section and with reference to the evidence of others, I deal with Reason for Refusal 2 before assessing the position with regards the impact of the Proposed Development alleged in Reason for Refusal 1 in the next Section.
- 11.2 Reason for Refusal 2 alleges that the Proposed Development fails to respect the prevailing character and scale of the development in the area and would consequently result in a harmful impact on the character of the surrounding area. The wording is concise in that it refers specifically to the bulk and massing of the Proposed Development giving rise to these concerns; it is noted that height, scale and design are not referenced. However, in order to appreciate the evolution and form of the Proposed Development, the evidence of Mr Bidwell and Dr Miele covers these elements.
- 11.3 WBC's SoC builds on Reason for Refusal 2 and makes specific reference at Paragraph 6.21 to certain key short and medium range views and the impact of bulk and massing within this context. The SoC also refers at Paragraph 6.23 to the character of the neighbourhood to the north of the Site being harmed, assumed to be the Oaks and Vale Farm Road area. Finally the SoC at Paragraph 6.22 sets out that the perceived mass of the podium will be considered. WBC's SoC does not question the principle of height in this location, nor put forward any criticism of the design of the Proposed Development.
- 11.4 The Rule 6(6) Party's SoC alludes to an in principle objection to the height of the tallest element of the Proposed Development whilst acknowledging at Paragraph 6.34 (Part 2 of 2) that *"there will be tall buildings within the town centre"*. Their SoC sets out at Paragraph 6.38 (Part 2 of 2) that *"it is our understanding that Victoria Square was intended to be the tallest building within the town centre"*, albeit there is no policy justification for this.
- 11.5 The Reason for Refusal cites Core Strategy Policies CS21 and CS24. As established in previous Sections of this PoE, high density development and tall buildings are acceptable in principle within Woking town centre. Policies CS21 and CS24 must be read in this context.
- 11.6 The Reason also references the Design SPD which has specific guidance on tall buildings and the NPPF, with the 2021 version having introduced the concept of 'beauty' since the Planning Application was determined.

### Officer Report to Committee

- 11.7 Given that the Planning Application was refused contrary to officer recommendation, it is important to reference back to the Planning Department's report (CD 6.1.1) prepared at the time. Officers have had the benefit of working on other tall buildings in the town centre context and were very, very aware of the content of their adopted and emerging planning policy.
- 11.8 Under the heading of 'Character and Design', Paragraph 34 of the report states:

*“The proposal has been subject to extensive pre-application discussions and was subject to three Design Review Panels chaired by Design South East. The latest design review panel 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’. The submitted planning application has incorporated the key recommendations from the latest design review panel.”*

11.9 Quoting from the report to Committee at Paragraphs 38-40 with regards height:

*“There is an emerging character in Woking town centre for high density developments and tall buildings established by the Victoria Square development which is currently under construction and includes towers of 34, 30 and 23-storeys (PLAN/2014/0014) and planning application PLAN/2016/0742 at 30-32 Goldsworth Road which has a resolution to grant planning permission included 35 and 31 storey towers. Woking town centre is generally characterised by a modern and varied townscape. Other existing tall buildings in the west and south west of Woking town centre include the New Central development at 21 storeys, the ‘Centrium’ development at 16 storeys and Export House at 17 storeys.*

*The proposed 37-storey tower (T3) would be 116.5m, the same height as the 35-storey tower in the 2016 resolution to grant scheme. The height of the proposed buildings has been chosen to reflect the 2016 resolution to grant scheme and complete the western cluster of tall buildings with Victoria Square (currently under construction) and The Gateway (WBC and Coplan have signed an agreement to develop the site, a planning application has not been submitted to date). The reduction in height from the east to west has been designed to recognise the transition between the high-rise town centre developments and medium-rise developments of Goldsworth Road (generally 3-7 storeys). The proposed height of T3 is significant but not at odds with the emerging town centre context and no higher than the 2016 resolution to grant scheme on the same site.*

*The principle of ...a 37-storey building in this location can therefore be considered acceptable in principle subject to the detailed design of the building and its relationship with its surroundings.”*

11.10 With regards townscape and visual impact, Paragraphs 50 and 51 quote:

*“The assessment concludes the proposal will give rise to effects ranging from negligible to moderate/major positive townscape and visual impact and demonstrates the proposals would not give rise to any unacceptable impacts to heritage, townscape and visual receptors. On the whole, the proposed development would demonstrably improve the appearance, character and function of the townscape. Significant effects are found to the character, appearance and function of Woking town centre in particular, which will see a high magnitude of impact and transformative change. Across longer distances, the proposed development is seen in conjunction with the nearby Victoria Square development and further tall buildings to the south of the railway.*

*The proposals thus reinforces and complements the wider skyline by virtue of tapering the western side of the cluster.*

*Overall the height and scale of the proposed development is considered consistent with the emerging character of Woking town centre and will complete the western cluster of tall buildings with Victoria Square. The proposal 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.”*

11.11 In summarising this section, the officer report at Paragraph 78 quotes:

*“Considering the points discussed above, overall the proposal is considered to result in a proposal with an acceptable height, bulk and massing. The height of the proposed buildings has been chosen to reflect the height of the 2016 resolution to grant scheme and complete the western cluster of tall buildings at Victoria Square. The proposal 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.”*

11.12 Overall, the Planning Department’s position was one that supported the Proposed Development from a character and design perspective in bringing about regenerative change in this important part of Woking town centre. I share that judgment. So too does Dr Miele who undertakes his own independent townscape analysis in his PoE. Significant weight should be given to these expert assessments and to the position on these matters by the DRP.

### **WBC’s Consideration of Other Developments**

11.13 In addition to the above, it is important to consider other major development proposals that have come forward in the town centre and how their determination was made against a similar policy framework. Of particular note, I refer to the Victoria Square nearing completion and the 2016 Scheme on part of the Site before making note of the Altura development approved against an historic policy framework but relevant to this discussion nonetheless.

### **Victoria Square**

11.14 In January 2014, an application (PLAN/2014/0014) was lodged in respect of the major town centre proposal at Victoria Square by Bandstand Square Developments – a joint venture between WBC, SCC and Moyallen (owner of the Peacocks Shopping Centre). The scheme, since varied and now nearing completion, features three tall buildings of 23-, 30- and 34-storeys arranged around a new public square. The officer report to Committee (CD 8.1.3) recommending approval references the tall buildings strategy for the scheme:

*“A review of the height of existing buildings within the town centre shows increased height within its core. Notable taller buildings include Export House, New Central and Centrium. Consent has also been granted for a number of schemes including Altura (although that consent has now lapsed). The form a circle of taller buildings centred around the intersection of Victoria Way and the railway line and the proposal for three towers is presented as reinforcing this circle as part of a cluster of taller building in the core of the town centre. This strategy is considered acceptable.”*

11.15 The Design SPD was at a draft stage by the time the application was presented at Committee with reference made to the criteria listed in the document.

11.16 The Committee agreed with the officer recommendation with the report concluding:

*“The proposal is large scale, high-rise and dense development but it is in the right place as it is in a town centre location, which by nature is the most accessible when considering all modes of transport. The scale and form of the development will help consolidate the existing cluster of taller buildings in the town centre and create a new visual interest to the skyline, helping with legibility and drawing the eye to the town centre which can be viewed positively.*

*Overall it is considered that the new buildings make a positive contribution to the street scene, the character of the area and Woking town centre. The development will pride an important new public space at Victoria Square and it will provide greater emphasis and visual interest to this section of Victoria Way.*

*The scheme has significant economic benefits in terms of job creation and strengthening the retail function of the town centre. It has significant social benefits as, notwithstanding that affordable housing provision is unviable, it will provide a significant amount of new good quality housing in the town centre and contribute to provision and improvement of social and community infrastructure including education and recreation in the town centre and Woking generally.*

*Overall, it is considered that the proposed development will have a beneficial effect upon the site and town centre. It will assist in providing a significant amount of new housing, enhance the retail function of the town centre and can be viewed as a sustainable, urban, mixed-use development which accords with adopted planning policy.”*

11.17 The Victoria Square development, including significant tall buildings, was clearly deemed to be considered acceptable against the broad policy framework still in place. Indeed if anything, the Victoria Square development played its planned role in altering the prevailing character of the area in a planned and appropriate way. The application was assessed against Core Strategy policies CS1, CS2, CS21 and CS24 – the same policies that the Proposed Development is to be considered against.

## 2016 Scheme

11.18 In July 2016, the previous owners of the part of the Site to the south of Goldsworth Road lodged an application (PLAN/16/0742) for what I refer to as the 2016 Scheme. The application proposed 560 homes, 10,582sqm offices, 843sqm retail/gym use in three buildings – Block A being 35-storeys, Block B being 21- rising to 26-storeys and Block C comprising 11-, 15- and 18-storeys. The Planning Committee in October 2016 agreed with the officer recommendation to grant permission. The legal agreement has not been signed.

11.19 The officer report (CD 8.1.5) sets out the following with regards the tall buildings strategy:

*“As the scheme developed it was clear that two medium blocks stepping up to one pivotal ‘marker’ on the junction of Victoria Way fronting the new Victoria Square would follow the natural progression of the skyline and respond to the existing and emerging cluster of buildings situated around the junction of Victoria Way.*

*Existing and permitted buildings within the town centre show an increased height within its core. Taller buildings include Victoria Square, Export House, New Central and Centrium. They form a circle of taller buildings centred around the intersection of Victoria Way and the railway line and the proposal is seen to reinforce this circle as part of a cluster of taller buildings in the core of the town centre, or alternatively, could work as a sentinel building in its own right demarcating the intersection of the A320 and railway.*

*The application site, despite being located within the town centre, is set adjacent to a transitional area between the medium-rise developments of Goldsworth Road (generally 3-7 storeys) and the proposed high-rise development at Victoria Square and the existing New Central/Olympian Heights and Centrium developments. The proposal therefore has the potential to create a transition in building heights to the surrounding context. Woking Fire Station/Greenwood House is 5 storeys in height adjacent to the application site. Block C of the proposal is eight storeys in height fronting Goldsworth Road. The proposal rises to 21 storeys (Block B) and peaking at 35 storeys (total) (Block A). The proposed height of Block A, when considered within the context of the emerging tall building cluster, is significant but not at odds with the emerging Town Centre context. This is demonstrated by the suite of illustrative information that the developer has submitted illustrating the proposal from key viewpoints, including the Townscape and Visual Impact Assessment and the ES analysis of townscape views.*

*In addition, the supporting Landscape Strategy highlights that the proposed public spaces will be of high quality that will exploit the opportunity to create a new public space. It is considered that the proposed café and public seating as well as street trees will help to define the human scale. The proposed public realm is also in general conformity with Policy DM17: Public Realm. The Design SPD states that balconies in tall buildings should be recessed or semi-recessed to achieve a calm expression, give wind protection and minimise the risk of bird strike. The proposed scheme provides private balconies for the majority of the residential units, of which, all are either fully or predominantly recessed into the structure of the buildings. The design of the balconies therefore complies with the guidance set out in the SPD.*

*In summary, it is considered that the approach to the proposals in terms of height is sound and justifiable and they have the potential to create a high quality addition to the town centre's skyline in distant and local views, either as a counterpoint to the consented Victoria Square scheme or in their own right as a landmark development defining the junction of the A320 and mainline railway.*

*Moreover, good practice in Urban Design seeks to enhance the general character of the area and contribute to the permeability of the town centre. The proposal is considered to be particularly effective in how it addresses Goldsworth Road, and potentially, Victoria Square, creating a high quality public realm and active frontage.*

*In this respect the proposal closely reflects policy and guidance."*

11.20 The 2016 Scheme was considered against the same Core Strategy policies as the Victoria Square development and was also considered against the Design SPD in its final form and the DMDPD which was adopted in the meantime, specifically Policy DM17 in relation to public realm. The 2016 Scheme was also considered against the then emerging SADPD which proposed site specific allocation UA16 (later revised to be UA13 in the Regulation 19 version).

11.21 The policy framework the 2016 Scheme was assessed against still stands today with even greater weight placed on the now adopted SADPD that specifically allocates the Site for high density, mixed-use development that acknowledges the transition from Victoria Square in the east to beyond the town centre to the west.

### **Altura**

11.22 Whilst the development of this scheme on the site of MVA House and Select House never went ahead and the permission has since expired, it is useful to look at the application's consideration at that time, particularly given the site has since been allocated as UA10. The application (PLAN/2007/0688) was first approved in January 2008 (later extended) for the erection of an 18-storey building comprising 16,719 sqm office floorspace against an historic, now superseded, Local Plan position. However, the officer report to Committee (CD 8.1.9) makes for interesting reading with continued relevance in this case:

*"Whilst the proposal for the application site is on a vastly different scale to its existing context, the whole area is promoted for regeneration and the proposal needs to be considered against an emerging context of significant intensive change rather than compatibility with the existing context. Thus the site is considered to be a part of a wider site that is an important location in the town centre where a landmark building would assist in its identification. In policy terms therefore there are no limiting factors on the height of a redevelopment proposal for this site.*

*Furthermore, the Council's emerging Streets and Spaces Strategy identifies the zone around the Market Square [Victoria Square] as a suitable location to site a number of significant tall building developments to provide a cluster of feature buildings around this key public space. This would be in conjunction with the consented scheme for the site on Guildford Road [Olympian Heights] and the existing Centrium and BAT*

*towers. The site is suitably located within this zone to contribute towards this cluster of tall buildings, which could add shape and legibility to the overall urban form of the town centre.*

*The proposed building would be significantly taller than the majority of other buildings in the vicinity of the application site and would have a significant impact on the skyline. However, the visibility and change in scale are not in themselves harmful.*

*The proposal for the redevelopment of the site with a multiple tower combination has been fully appraised and it is considered that it will have a positive effect on the image and identity of the town and in view of its location within a designated regeneration area it is likely it will act as a beacon of regeneration thus setting the way forward for further redevelopment.”*

11.23 It is clear that WBC’s spatial strategy for tall buildings in Woking town centre goes back before the adoption of the Core Strategy and it is useful to note the recognition given to the need to embrace change rather than retain the existing context. The Proposed Development offers the opportunity to realise and deliver on what was first envisaged for this part of the town centre 15 years ago.

### **Prevailing Character**

11.24 Having considered the context for decision taking in the past, it is important now to address the wording in the Reason for Refusal and how this is considered in the evidence of Mr Bidwell and Dr Miele – specifically the reference to the “*prevailing character and scale*” of the area and whether the bulk and mass of the Proposed Development would result in a harmful impact on that character.

11.25 The NPPF makes a number of references to ‘character’, with the 2021 revisions placing greater emphasis on assessments of character. Paragraph 124 sets out that planning policies and decisions should support development that makes efficient use of the land taking into account “*the desirability of maintaining an area’s prevailing character and setting..., or of promoting regeneration and change*”. Paragraph 125 notes “*area-based character assessments, design guides and codes and masterplans can be used to help ensure the land is used efficiently while also creating beautiful and sustainable places*”.

11.26 Paragraph 126 remarks that “*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process*”.

11.27 Paragraph 128 now advises that “*to provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places,*

*with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety”.*

11.28 New Paragraph 129 reads *“design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development for their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes”.*

11.29 Finally with regards references to character, Paragraph 130 states that planning policies and decisions should ensure that developments *“are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”.*

11.30 The assessment of Woking town centre’s planned-for changing character and its wider relationship has been a fundamental part of the design journey taken by the Appellant and its design team. As considered in detail in the evidence of Mr Bidwell, the Appellant has undertaken its own masterplanning exercise, undertaken significant engagement within the community and taken the advice of the WBC’s DRP on three separate occasions to inform the design context and thus evolution of the Proposed Development.

11.31 As his evidence elaborates, Mr Bidwell is of the opinion that the character and scale of development in the areas adjacent to the Site do not share or exhibit a prevailing character apart from the diversity of scale and character that has resulted from the piecemeal redevelopment of Woking over the years. He analyses Woking’s past and present and how it may look in the future. He describes how areas to the north, south, east and west of the Site differ from each other in scale and character and how a recognition of this diversity has shaped the design.

11.32 He concludes that there is a lack of any prevailing character in the area around the Site and that the wide range of building styles and combinations of materials results in a lack of visual unity. He summarises that several decades of piecemeal redevelopment of the town centre including the area around the Site has resulted in a lack of any predominant character, scale or visual coherence and that the transformation of area through good placemaking as demonstrated at Victoria Square is the appropriate approach for the Site. As such, the redevelopment of the Site provides an opportunity to create a more cohesive place through utilisation of urban forms that better define the street edges and a combination of materials that draw inspiration from the best newer and older buildings in the area. He considers this approach to be an integral aspect of the Proposed Development’s design. There is also an opportunity to visually tie the area together through a public realm

design that incorporates materials and landscaping consistent with those used in recent town centre improvements to the east of the Site.

11.33 The evidence of Dr Miele reinforces this in stating that the area does not demonstrate or possess any particular townscape merit; rather that it has a mixed quality, ranging from low and poor to ordinary quality. He notes that for prevailing character to matter, it must be meritorious in some way and/or settled with that not being the case here.

11.34 Turning to whether the Proposed Development is considered to harm the character of the area, both Mr Bidwell and Dr Miele emphasise the need to acknowledge the evolving context for the area and the policy framework for transformational change in Woking town centre as detailed throughout my evidence.

11.35 Against this background, Mr Bidwell examines how:

- The Proposed Development responds to the different scales and characters of development around it and seeks to establish some visual unity whilst also creating an exciting new neighbourhood with its own identity;
- Tall buildings by their nature are already visible from many areas within and around the town centre and that the delivery of WBC's policies will inevitably result in more tall buildings as the townscape intensifies;
- The architectural strategy creates a gradual transition in scale from taller buildings close to Victoria Arch to midrise buildings on the periphery of the Site;
- The height of buildings has been designed to 'complete' the Western Cluster and create an elegant profile when viewed from areas beyond the town centre;
- The height and massing of the Proposed Development will improve townscape legibility by reinforcing the spatial hierarchy of gateways and focal points;
- The massing of the Proposed Development has been broken down to enable it to be read as a series of individual elements and articulated through the careful selection of different exterior materials and detailing to reference the best of Woking and to establish visual unity in an area where it is currently lacking;
- The Proposed Development would create a high quality new neighbourhood with its own character and identity and deliver multiple community benefits; and
- The placemaking approach integrates with the approach adopted at Victoria Square and transforms Goldsworth Road from a poor quality traffic dominated environment into an active Green Street providing much needed green space and significantly increasing biodiversity.

11.36 With reference to Paragraph's 21-23 of WBC's SoC, Dr Miele's evidence includes a full visual impact analysis having regard to Core Strategy Policy CS24. With the assistance of accurate visual representations and digital animations, Dr Miele considers that the bulk and mass of the Proposed Development has an acceptable and in some cases beneficial effect on the townscape character of the local area and its visual amenity. Indeed he considers the Proposed Development has an acceptable impact on the visual amenity across a wider area,

enhancing the skyline in certain respects and causing no harm to the visual quality of settled residential areas, including that at Vale Farm Road and Oaks Road.

11.37 I share their expert opinions which I note chime with those carefully set out in the report to Committee in this case.

## Policy Assessment

11.38 Having regard to the evidence of Mr Bidwell, Dr Miele and my own considerations, I can set out an assessment of the Proposed Development against the relevant elements of the policies listed in the Reason for Refusal as follows. I also draw reference to the key requirements of the SADPD allocations which have been adopted since the Planning Application was determined.

11.39 Policy CS21 sets out WBC's intention to ensure new development satisfies a series of design criteria. The policy seeks to create buildings and places that are attractive with their own distinct identity, which may include tall buildings in Woking town centre. The policy does not reference bulk or mass specifically but does require development to pay due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land whilst making a positive contribution to the street scene.

11.40 Policy CS24 requires development proposals to have a positive benefit in terms of landscape and townscape character.

11.41 The key requirements of the individual allocations in the SADPD further this by requiring development to specifically (in the case of UA11 for example):

*“Be of exceptional design quality and visually attractive at this prominent corner position as a result of good architecture, and with development footprints, scales and densities that maximise the use of the site whilst reflecting the development grain of the surroundings, in a way that is sympathetic to the prevailing local character – taking into account the immediate context including other Western Approach allocated sites (UA10, UA12 and UA13) and the Victoria Square development; and*

*Be of a height informed by the local and wider Town Centre context, taking into account the local and long-distance views of the site, and the necessity to avoid adverse environmental effects in terms of micro-climate, wind, overshadowing, glare and light pollution. In particular, development will need to carefully consider the transition in building heights from 34 storeys at Victoria Square to 3 storeys at 31 Goldsworth Road”.*

11.42 The Design SPD provides a series of criteria against which proposals for tall buildings will be considered. The SPD calls for exceptional design quality that has been subject to a formalised design review process during the evolution of the scheme. The SPD requires key views to be taken into consideration and for development proposals to pay particular attention to the environment created at ground floor. The SPD also requires the assessment of impacts with regards micro-climate, wind, overshadowing, glare, aviation navigation and telecommunications interference.

- 11.43 The NPPF policies as outlined earlier in this Section place great emphasis on the creation of sustainable, beautiful places and the weight to be placed on tools that decision-makers can make use of in informing decisions.
- 11.44 The Proposed Development is the result of a very successful collaboration between leading architects JTP and landscape architects Gillespies, informed by the townscape advice of Montagu Evans. The building forms and treatment have evolved through the course of detailed pre-application discussions and peer reviewed by the DRP. The different building typologies on the Site have distinct massing, height and placement which has been the subject of scrutiny by the DRP to ensure detailed design contributes effectively to their articulation and thus, an exceptional design. The design process has paid due regard to the design criteria contained within Policy CS21 with the Proposed Development considered to make a very positive contribution to the street scene.
- 11.45 With the development of Victoria Square, it has been necessary to consider the form of the emerging tall building cluster and the role of the Proposed Development in defining and controlling this composition. The Proposed Development completes the 'Western Cluster' and frames the new Victoria Square. The Site's location at the western end of the town centre places a responsibility on the Site to mitigate the height and bulk differences between the residential neighbourhoods to the west and the tall buildings to the east. Having regard to the assessed views, the Proposed Development provides an overall townscape benefit, embracing and indeed enhancing the changing character of Woking town centre. This accords with the provisions of Policy CS24.
- 11.46 Town and cities are not frozen in time and Woking is one that is very much undergoing transformation. The Site, unfettered by environmental designations or heritage assets, presents the opportunity to create a distinctive development (Paragraph 128 of the NPPF) that epitomises innovation and change (Paragraph 130 NPPF) promoting regeneration and change rather than maintaining the status quo (Paragraph 124 of the NPPF). The role of the Proposed Development is thus to provide an exciting addition to the town centre thereby enhancing its character as a modern, thriving town rather than one that mimics the past. It acts as a catalyst for further regeneration at the western end of the town centre as advocated in the SADPD and as envisaged in the HIF bid.
- 11.47 The public realm situated between the tallest buildings provides an opportunity to frame the built form, providing breathing space and a sense of scale that is required for tall buildings to succeed – a similar approach to that taken at Victoria Square. The public realm and landscape improvements accord with DMDPD Policy DM17 and Paragraph 131 of the NPPF regarding trees and seeks to provide an exemplary scheme that can be utilised by new and existing residents and visitors to Woking town centre. The provision of this extensive, green, public space is a unique offering and sets the scheme apart from others. The contribution it makes to the town overall is significant and should weigh heavily in favour of the proposals.
- 11.48 Having regard to the checklist in the Design SPD:

- *Be of exceptional design quality and subject to a formalised design review process during the evolution of the scheme* – It is my opinion that the Proposed Development is of exceptional design quality. It was presented to WBC’s DRP, specially named the Tall Buildings Panel, on three occasions prior to submission. The DRP “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”. Weight should be given to the DRP process as advocated by Paragraph 133 of the NPPF.
- *Not adversely affect the site’s surrounds in terms of micro-climate, wind, overshadowing, glare, aviation navigation and telecommunications interference* – All technical assessments have been undertaken that conclude that all impacts are either acceptable or can be mitigated through suitable planning conditions.
- *Contribute positively to the setting of identified heritage assets that might be affected by the proposal* – As set out in the SoCG, the impact on nearby designated and non-designated assets has been appropriately assessed and any impacts are considered acceptable;
- *Take account of key views both across the site and long views towards the building itself. Design proposals will need to take into account the need for the building to be designed so it is seen in the round* – The Proposed Development is in a very prominent position and thus due regard has been given to its visibility on all four sides – indeed every elevation has been given equal importance. A full visual impact assessment has been undertaken that captures the overall beneficial impact of the Proposed Development on the townscape; and
- *Pay particular attention to the environment created at ground floor. Proposals must be appropriate to the streets and spaces they address and should exploit opportunities for improvement of existing and creation of new public spaces* – The ground floor strategy and the creation of the public realm to enjoy by the wider community has been a key driver in the design. The flexible commercial spaces and residential entrances will inject vitality to this part of the town centre.

11.49 Overall, contrary to the Reason for Refusal and the assertions in WBC’s SoC and the Rule 6(6) Party’s SoC, the Proposed Development is considered to implement the development plan’s spatial strategy whilst embracing the overarching provisions of creating beautiful, sustainable and life-enhancing places. Should the Inspector consider the Proposed Development represents an outstanding or innovative design that helps raise the standards of design more generally in the area, then significant weight should be attached in accordance with Paragraph 134 of the NPPF. The Proposed Development accords with the provisions of Policies CS21 and CS24, the Design SPD and the NPPF.

## 12 IMPACT ON NEIGHBOURING PROPERTIES

12.1 Reason for Refusal 1 alleges 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 SoCG lists the properties that are alleged to be impacted.

12.2 The Reason for Refusal lists Policy CS21, the Outlook, Amenity, Privacy and Daylight SPD and the NPPF. I address the separate issues of daylight/sunlight and privacy in turn below.

12.3 It is noted that the officer report recommending approval for the Proposed Development at Paragraph 133 notes:

*“Balancing these points, along with the benefits of the proposal and the requirement to make efficient use of land... overall the proposed development is considered to form an acceptable relationship with surrounding neighbours in terms of loss of light, overbearing and overlooking impacts”.*

### Daylight and Sunlight

12.4 National policy recognises that increased flexibility is required in response to the requirement for higher density development (Paragraph 125 of the NPPF):

*“Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should 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)”.*

12.5 Paragraph 6 of the NPPG acknowledges that new development may cause an impact on daylight and sunlight levels enjoyed by neighbouring occupiers. It requires local authorities to assess whether the impact to neighbouring occupiers would be unreasonable. Paragraph 7 of the NPPG refers to the wider planning considerations in assessing appropriate levels of daylight and sunlight. The test is whether living standards are acceptable and recognises that acceptability will depend to some extent on context.

12.6 Policy CS21 of the Core Strategy states that proposals for new development should *“achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook”.*

12.7 The Outlook, Amenity, Privacy and Daylight SPD (CD 1.1.8) dates back to 2008 and provides guidance on achieving suitable outlook, amenity, privacy and daylight in new residential developments whilst safeguarding those attributes of adjoining residential areas. It refers to the guidance by the BRE but the now superseded 1991 guidelines. A consultation draft of an updated version of the SPD was published in October 2021 (CD

1.1.9) which refers to the 2011 BRE guidelines noting that the recommendations in the BRE guide are not mandatory.

- 12.8 The allegation of significantly harmful impacts by reason of loss of daylight and sunlight to neighbouring properties is addressed in the evidence of Mr Ingram of GIA. He has undertaken a comprehensive, independent assessment of daylight and sunlight with the list of supposedly affected neighbouring properties agreed in the SoCG.
- 12.9 He highlights the importance of context in understanding what the appropriate levels of amenity should be for neighbouring properties. He then takes into consideration what could be construed as significant harm with reference to the NPPF and the NPPG which recognise that a flexible approach should be taken when considering policies or guidance relating to daylight and sunlight. Again, this will depend on the context of a site.
- 12.10 His evidence focuses on the Woking context and considers that the density of the Proposed Development falls very much within what is expected in an urban town centre such as Woking, particularly when taking into consideration the spatial strategy to drive up development in the town centre.
- 12.11 He concludes that, based on the context of the Site, the impact of the Proposed Development falls very much within what is expected in an urban town centre environment such as Woking. The impacts are thus not considered to be significantly harmful and the Reason for Refusal based on daylight and sunlight is thus unsustainable.

## Privacy

- 12.12 As above, Policy CS21 of the Core Strategy states that proposals for new development should “*achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook*”.
- 12.13 WBC’s Outlook, Amenity, Privacy and Daylight SPD (2008) provides guidance on privacy, however the focus is on low-rise residential environments rather than high density environments that the 2012 Core Strategy envisages for Woking town centre. The guidance makes reference to this focus on low-rise housing layouts throughout the document and acknowledges that it is generally intended for application to traditional developments where family houses are dual aspect with a street frontage and a rear garden. The illustrations throughout the document reflect this emphasis. They include examples of midrise apartment blocks but not of tall buildings of the scale now common within Woking town centre. It is noted that the October 2021 consultation draft update has been updated at Paragraph 1.2 to include reference to ‘development within dense urban locations’:

*“The Council will use this guidance to help determine planning applications, but will apply it flexibly, having regard to the individual circumstances and other material planning considerations of each case, such as development within dense urban locations or the historic environment”.*

- 12.14 Appendix 1 of the SPD sets out a table of minimum recommended separation distances between dwellings which distinguish between the front to front elevations, and back to back elevations reflecting the presumption that the focus is on homes laid out along traditional streets. The SPD recommends minimum separation distances of 15m for 'front to front' relationships and 30m for 'rear to rear' relationships to avoid undue overlooking.
- 12.15 It is then interesting that Appendix 2 has been added to the consultation draft that provides examples of separation distances contained with guidance documents of other local planning authorities in the South East including London. A number of these examples have back to back distances of much less than 30m.
- 12.16 WBC's SoC specifically refers to Birchwood Court, Victoria House and 11-13 Goldsworth Road as being neighbouring properties impacted by the Proposed Development by way of privacy.
- 12.17 The potential for loss of privacy is examined in the evidence of Mr Bidwell of JTP with Appendix A.6 of his PoE providing a detailed Privacy Study that identifies distances between windows of apartments within the Proposed Development and those of neighbouring properties and evaluates these using the separation distances in the SPD. His evidence also includes an assessment of other schemes that have been approved in Woking and provides commentary with regards closer distances that were deemed acceptable in those instances.
- 12.18 Mr Bidwell concludes that the Proposed Development would achieve a high quality environment and appropriate relationship with neighbours with regards privacy. The Proposed Development would not result in significantly harmful impacts by reason of loss of privacy to neighbouring properties and thus this Reason for Refusal is unsustainable.

## Summary

- 12.19 Having regard to the evidence of Mr Ingram and Mr Bidwell, the Proposed Development is not considered to result in significantly harmful impact by reason of loss of daylight, loss of sunlight and loss of privacy that would warrant refusal. The impacts are considered acceptable in the context and thus the Proposed Development is considered to accord with Policy CS21, the Outlook, Amenity, Privacy and Daylight SPD and the NPPF.

## 13 CYCLE PARKING

- 13.1 Reason for Refusal 3 alleges that the Proposed Development would fail to provide sufficient cycle parking for future occupiers contrary to WBC's SPD on Parking Standards (2018) (CD 1.1.11).
- 13.2 The Appellant is of the view that there is no policy basis for this Reason and has thus been seeking to remove this matter through discussion with WBC in advance of the public inquiry. In the event that this matter remains outstanding at the time of the inquiry, the following sets out the Appellant's case and approach.

### Cycle Parking Standards

- 13.3 WBC's Parking Standards SPD (2018) sets cycle parking standards for residential development as a minimum two spaces per unit. However, this is noted specifically 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 apartments with lower levels of occupancy which would generate a different cycle parking demand and travel pattern in comparison to the definition for a 6 person household, as outlined above.
- 13.4 No breakdown of standards is provided by unit size in terms of number of bedrooms and with 60% of the Proposed Development's residential provision comprising studios or one-bed homes, and all homes being apartments, the application of this standard is not considered applicable to the Proposed Development.
- 13.5 This interpretation, alongside the proposed cycle parking provision, was confirmed and agreed during pre-application discussions with both WBC and SCC as the highways authority. This was captured in the Transport Assessment (CD 2.2.7) that was signed-off as compliant by SCC.
- 13.6 It is noted that the officer report at Paragraph 165 in recommending approval agrees with this position as follows:

*"It should be noted that the SPD Parking Standards 2018 sets a minimum standard of two spaces per dwelling but states that this applies to 'family houses, up to 6 residents living as a single household..' but does not refer to flats".*

- 13.7 Later at Paragraph 189, the report summarises the transportation impacts of the Proposed Development as follows:

*"Overall the proposal is considered to deliver an acceptable level of off-street parking and would provide sufficient cycle and bin storage and space for servicing. The County Highway Authority has reviewed the proposal and raises no objection subject to conditions. Overall the proposal is considered to result in an acceptable transportation impact".*

## Cycle Parking Provision

- 13.8 The Proposed Development incorporates a total of 1,064 long stay residential cycle parking spaces within four communal cycle stores. This equates to in excess of one space per residential unit. One cycle space would be provided for each studio/1-bed flat/2-bed flat (905 spaces) with two cycle spaces for each 3-bed flat (48 spaces) with 111 additional cycle spaces.
- 13.9 This level of provision was determined by undertaking a detailed multi-model trip generation assessment as part of the Transport Assessment to forecast trips generated by the residential units by all modes, including cycling. The assessment methodology was developed in conjunction with and agreed by SCC highways.
- 13.10 This approach confirmed that the 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. As a result, the proposed cycle parking provision remains significantly above this forecast and would allow for over four times additional capacity for any future demand.
- 13.11 The Proposed Development includes 2,710 sqm of flexible commercial floorspace within Classes A1/A2/A3/A4/B1/D1/D2. The most onerous cycle parking standard within the Parking SPD in relation to such uses is one cycle space per 125 sqm which would require 22 cycle spaces to be provided for the commercial units. A total of 22 spaces are included within the Proposed Development accordingly.
- 13.12 The Parking SPD notes that minimum cycle parking for sui generis floorspace shall be assessed on an individual basis. Paragraph 167 of the officer report notes that 12 cycle spaces will be provided for the homeless shelter which is considered acceptable.
- 13.13 Taken together with the package of measures to promote sustainable modes of travel (low car parking provision, car club, electric vehicle charging points, Travel Plan and improved pedestrian and cycling routes), the Proposed Development is considered to accord with the provisions of the NPPF (Paragraph 112) and Core Strategy Policy CS18.

## Comparable Cycle Parking Provision

- 13.14 By way of comparison, I have reviewed the level of cycle parking provision in other recently considered flatted schemes in the Borough.
- 13.15 The development at Victoria Square (PLAN/2018/0444) was approved on the basis of one space per residential unit with additional spaces for the retail element, hotel and gym.
- 13.16 Whilst none of the following town centre flatted developments have been approved, the cycle parking provision of each of the below proposed schemes was considered acceptable by officers and not given as a reason for refusal by members:
- Crown Place (PLAN/2019/1141 with an appeal pending) – one space per residential unit;

- BHS Site (PLAN/2019/0611) – one space for each 1-bed and 2-bed and two spaces for each 3-bed; and
- Church Gate Site (PLAN/2020/1201) – one space per residential unit.

13.17 In the consideration of the Church Gate application, the officer report to Committee noted that the Parking Standards SPD does not refer to flats and that provision should be based on individual assessments.

13.18 As noted above, the Proposed Development incorporates 1,064 spaces for the residential occupants – this represents one space for each of the studio/1-bed/2-bed homes and two spaces for each of the 3-bed homes with 111 additional spaces. This is a much greater level of cycle parking than any of the four schemes deemed to be acceptable above.

### **Planning Conditions**

13.19 In the absence of any cycle parking standards for the Proposed Development's residential mix, the Reason for Refusal is unjustified.

13.20 However, should the Inspector disagree and consider the level of provision is insufficient, the Appellant is willing to agree to a condition, perhaps by way of a wording amendment to the condition regarding cycle parking that would propose that Monitoring Surveys are undertaken at pre-determined regular intervals of three to six months of usage of residential cycle parking, to confirm usage against supply.

13.21 The survey would entail nominated members of development staff (or externally contracted consultants) undertaking a count of the number of cycles parked within each of the four cycle stores, from which a percentage occupancy figure can be determined. The surveys would be undertaken at different time periods throughout a neutral weekday and weekend, including an overnight period, to ensure peak cycle parking demand is recorded, as well as trends throughout the weekday (such as for commuting patterns) and weekend (including leisure cycle use).

13.22 Results of the monitoring surveys, including photographic data, would be provided to WBC after completion of each survey. Data would also be provided to SCC Highways, if required.

13.23 A commitment would be made by the Appellant to increase cycle parking spaces through the conversion of other space within the Proposed Development once a set threshold of cycle parking occupancy is reached. It is suggested that a threshold of 75% occupancy is utilised; this is the threshold used to determine high levels of car parking occupancy, when users may have difficulty in finding a parking space.

### **Summary**

13.24 As detailed above and as supported by the officer recommendation, the level of cycle parking for the Proposed is considered acceptable. However, should the Inspector disagree and consider the level insufficient, the Appellant has suggested an approach to increasing future capacity.

## 14 THIRD PARTY REPRESENTATIONS

### **The Rule 6(6) Party**

- 14.1 The Oaks and Vale Farm Road Residents Group who have been awarded Rule 6 status have issued a SoC in two parts (Part 1 of 2 a summary document and Part 2 of 2 a document prepared by Chestnut Planning) (CD 10.1.3).
- 14.2 The Rule 6(6) Party's SoC refers to and discusses the four Reasons for Refusal but also raises further grounds of objection in respect of the Proposed Development, a number of matters which are not in dispute as set out in the SoCG.
- 14.3 I can provide a response to the key issues as follows:

### ***The Status of the Resolution to Grant Scheme***

- 14.4 The Appellant agrees that the 2016 resolution did not lead to a formal grant of planning permission but asserts that it is clearly a material consideration in the determination of the Appeal given the conclusions reached by officers and members as to the acceptability of that scheme in the context of a similar but less positive planning regime. More detail as to the relevance of the 2016 Scheme can be found in Section 11 of this PoE.

### ***The Need for a Comprehensive Masterplan for Woking Town Centre***

- 14.5 The potentially emerging Masterplan does not constitute a DPD and even if it did, it has not been progressed far enough such that the Appeal should be refused on grounds of prematurity. It would be contrary to the NPPF to wait until the Masterplan process is complete before determining the Appeal. The Masterplan cannot rewrite the adopted development plan and must accord with the existing policies contained within the Core Strategy. The progression of the Masterplan does not alter the fact that both existing and emerging policy supports the delivery of development within the town centre. This is discussed in more detail in Section 9 of this PoE.

### ***The Appropriateness of Tall Buildings in this Location***

- 14.6 This is addressed in detail in the PoE of Mr Bidwell and Dr Miele and in Sections 9 and 11 of this PoE.

### ***The Proposed Layout of the Proposed Development***

- 14.7 The PoE of Mr Bidwell considers in detail the overall design principles of the Proposed Development. With specific reference to fire safety raised at Paragraph 6.52 of Part 2 of 2 of the Rule 6(6) Party's SoC, the Appellant can confirm that the Proposed Development will meet Building Regulations.

### ***Separation Distances within the Proposed Development***

14.8 This is addressed in Section 8 of Mr Bidwell's PoE with reference made to the separation distances in other developments in Woking that have been approved and thus considered acceptable.

### ***Daylight/Sunlight Levels within the Proposed Development***

14.9 The PoE of Mr Ingram includes commentary on the living conditions of proposed occupants and references Paragraph 141 of the officer report in stating "*considering the high density nature of the proposed development and the town centre location of the proposal site, the proposal is considered to achieve an acceptable quality of daylight for future residents*".

### ***Residential Density***

14.10 The SoCG sets out the density calculations for the Site are agreed and that Policy CS10 only refers to a minimum rather than maximum density level.

### ***The Under Provision of Affordable Housing***

14.11 The SoCG sets out that the level of affordable housing secured through the legal agreement is not in dispute. An update on the viability position is included at CD3.1.4 with the Appellant's viability consultant and WBC's consultant having agreed that the Proposed Development provides the maximum reasonable level of affordable housing.

### ***Dwelling Mix***

14.12 The SoCG sets out that the mix of homes is agreed and explains why it is appropriate for a scheme in this sustainable location.

### ***Loss of Commercial Floorspace***

14.13 This is addressed in Section 8 of this PoE with reference to the newly adopted SADPD site allocations.

### ***Fairoaks Airport***

14.14 Fairoaks Airport (Fairoaks) submitted objections to the Proposed Development at both the Planning Application and Appeal stages.

14.15 As agreed between the Appellant and WBC in the SoCG, Fairoaks is a non-safeguarded aerodrome. As a result, the Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas) Direction 2002 does not apply to Fairoaks. The officer report to the Planning Committee at Paragraphs 267 to 273 confirms the position on aviation – principally that the CAA did not have any comments to make on the Proposed Development and that Fairoaks Airport has not demonstrated that any real adverse impact on safety would occur.

14.16 The Appellant's aviation consultant, Pager Power, submitted an Aviation Safety Assessment ('ASA') in December 2020 (CD 3.1.7) responding to Fairoaks' objection. The ASA has been updated following receipt of Fairoaks' further objection submitted as part of the Appeal. A copy of the updated ASA can be found at CD 3.1.8.

### **SCC Minerals/Day Group/Network Rail**

14.17 Whilst not formally submitted as a representation to the Appeal, there was an outstanding objection at the time of the Planning Committee from the above parties. The objection related to potential noise impacts from the aggregates yard to the south of the Site and the inclusion of external balconies within the scheme.

14.18 The Inspector will note that noise impacts was not a Reason for Refusal and the Appellant is currently in discussion with WBC regarding appropriately worded planning conditions relating to noise.

## 15 COMPLIANCE WITH SADPD SITE ALLOCATIONS

15.1 As stated elsewhere in this PoE, the SADPD has been adopted since the Planning Application was determined. It is important to provide the Inspector with an assessment of the Proposed Development against the adopted site allocations to reflect the up to date development plan position. Sections 8 and 9 of this PoE already provide an assessment of the land uses proposed (non-residential and residential). This Section considers the Proposed Development against the 'key requirements' listed in the allocations.

15.2 The Site is split across three proposal sites – the 'Western Approach' sites of UA11 (1-7 Victoria Way and 1-29 Goldsworth Road), UA12 (Synergy House, 8 Church Street West) and UA13 (30-32 Goldsworth Road, WRAC, Systems House and Bridge House, Goldsworth Road). The key requirements for the allocations differ but considering the Proposed Development comprises a single comprehensive development, the assessment below is provided in the round grouping the key requirements together but having regard to the individual allocations where relevant.

### Key Requirements

15.3 Development of the site will be required to:

- *Be of exceptional design quality and visually attractive at this prominent corner position as a result of good architecture [UA11] / Be of high design quality and visually attractive as a result of good architecture [UA12] / Be of exceptional design quality and visually attractive at this prominent position as a result of good architecture [UA13], and with development footprints, scales and densities that maximise the use of the site whilst reflecting the development grain of the surroundings, in a way that is sympathetic to the prevailing local character – taking into account the immediate context including other Western Approach allocated sites and the Victoria Square development.*

15.4 As detailed in the evidence of Mr Bidwell and Dr Miele and as summarised in Section 11 of this PoE, the Proposed Development is of exceptional design quality, adhering to the requirements of UA11 and UA13 and bettering the standard set for UA12. The Proposed Development pays due regard to its prominent position in the town centre having regard to local character (see Section 11 of this PoE) whilst acknowledging that the Site and its surrounding area is undergoing significant change.

- *Contribute towards Strategic Access Management and Monitoring to mitigate the impacts of residential development of the site on the Thames Basin Heaths Special Protection Area.*

15.5 The SAMM contribution is secured in the legal agreement.

- *Contribute towards Affordable Housing provision in accordance with Policy CS12: Affordable Housing of the Core Strategy.*

- 15.6 The Proposed Development includes the delivery of 48 on site shared ownership homes and a commitment to review the viability at a later stage secured through the legal agreement with the potential for further affordable housing delivery as a result.
- *Accord with Core Strategy Policy CS19: Social and community infrastructure in terms of re-provision of community floorspace.*
- 15.7 The Proposed Development includes the provision of a new facility for the WRAC, which whilst Class A4 in planning use terms, constitutes a facility used by the community. The WRAC is an integral part of the local community and bringing its home into the 21st century has been an aim for both the Appellant and the club for a number of years. It has a strong community presence and provides continual support in raising money for a number of armed forces charities throughout the year. The retention and renewal of the club's position amongst Woking's community is a key part of the Proposed Development.
- *Be supported by a Transport Assessment to assess the likely impacts of the development, and to inform appropriate mitigation.*
- 15.8 The Planning Application was supported by a detailed Transport Assessment (CD 2.2.7) that assessed and confirmed the acceptability of highways impacts.
- *Include appropriate provision for car, cycle parking and servicing within the site, taking into account the guidance of the Parking Standards SPD; the site's accessible location and the need to avoid adverse highway safety effects.*
- 15.9 The Proposed Development includes appropriate provision for car, cycle parking and servicing having regard to its sustainable location and the need to avoid adverse highway effects. SCC in its capacity as highways authority raised no objection to the Planning Application.
- *Be supported by a Travel Plan to minimise car use of prospective occupants of the development.*
- 15.10 A Framework Travel Plan (CD 2.2.16) was submitted in support of the Planning Application with a further Travel Pack to be provided to future occupants as secured by planning condition. The Proposed Development promotes sustainable modes of travel and minimises car use.
- *Create an attractive, welcoming and distinctive public realm and provide ground floors that directly address the street, with elevations that respect adjacent properties.*
- 15.11 A key element of the Proposed Development is the pedestrianisation of Goldsworth Road and creation of public realm for the benefit of the occupants of the development and the wider community. The adapted street has been designed to ensure there is good activity – the square will provide a connection for residents of the different buildings and several commercial frontages and entrances will provide for a welcome respite from the busier wider town centre. At its eastern most point, an additional plaza will provide another informal landscaped area to complement that to be provided at Victoria Square.

- *Incorporate effective access arrangements that are safe and suitable for all users. Incorporate buildings designed to be adaptable or capable of being adapted to allow scope for changes to be made to meet the needs of occupiers.*

15.12 The Design and Access Statement (CD 2.2.4) describes how ‘access for all’ has been integrated with the design.

- *Be of a height informed by the local and wider town centre context, taking into account the local and long-distance views of the site, and the necessity to avoid adverse environmental effects in terms of micro-climate, wind, overshadowing, glare and light pollution. In particular, development will need to carefully consider the transition in buildings from 34 storeys at Victoria Square to 3 storeys at 31 Goldsworth Road [UA11] / to five storeys at Woking Fire Station/Greenwood House [UA13].*

15.13 As detailed in the evidence of Mr Bidwell and Dr Miele, the height of the individual buildings has evolved through a careful consideration of the Site and its surroundings, its opportunities and the role that it has to play in the wider regeneration of Woking town centre. The height of the Proposed Development in context with its surroundings varies depending on the vantage points as illustrated in the visual impact assessment contained within the evidence of Dr Miele. The tallest elements acts as a ‘marker’ at the junction with Victoria Way addressing the Site’s relationship with Victoria Square, much as the 2016 Scheme had proposed. The massing drops with distance to the west to reflect this change in scale. All environmental effects have been assessed as appropriate, with mitigation where necessary, in the Planning Application documents.

- *Include storage of waste and recyclable materials within the site minimise street clutter.*

15.14 The Design and Access Statement (CD 2.2.4) describes the refuse strategy for the Proposed Development which is all accommodated within the development itself.

- *Provide a high standard of amenity for future users, in particular residential occupants, including any necessary mitigation in respect of noise and air quality impacts cause by the adjacent road and railway line, and ensure that appropriate levels of sunlight and daylight are available for internal environments.*

15.15 The Environmental Statement with regards noise and air quality impacts (CD 4.1.10 and CD 4.1.11) and Internal Daylight Assessment (CD 2.2.6) conclude that future occupants will be provided with the appropriate standards of amenity with appropriate planning conditions secured as appropriate.

- *Retain any trees of demonstrable amenity value, and provide appropriate landscaping, including proportionate measures to support the creation, protection, enhancement and management of local biodiversity and green infrastructure.*

15.16 A Biodiversity Net Gain (BNG) Assessment was undertaken in support of the Planning Application as requested by the Surrey Wildlife Trust who were consultees on the project. Biodiversity enhancements included amenity grassland, shrub and herbaceous planting, living roof, vertical planters and the planting of

118 new trees. As a result of this extensive 'greening', the Proposed Development stands to result in a net gain of 1.85 area based biodiversity units compared with pre-development value. This is equivalent to a total net increase of 916.73% in ecological value which exceeds the 10% net gain target set by emerging national policy.

- *Consider complementing the retail choice on offer within the adjacent Primary Shopping Area with opportunities for independent businesses.*

15.17 The Proposed Development includes a range of commercial unit spaces and sizes for flexible planning uses that could attract independent businesses. The commercial element is intended to complement that provided in the Primary Shopping Area.

- *Be supported by a Detailed Surface Water Drainage Design that mitigates impacts on surface water flooding and incorporates sustainable drainage systems in accordance with Core Strategy Policy CS9: Flooding and water management, and taking into account the Council's guidance supporting the provision of a Surface Water Drainage Statement.*

15.18 The Flood Risk Assessment and Drainage Strategy (CD 2.2.14) assesses all drainage impacts with WBC's drainage officer having agreed the strategy, the details and management of which are to be secured by planning condition.

- *Connect to an existing or proposed district heating network, unless it can be demonstrated that a better alternative for reducing carbon emissions can be achieved, subject to considerations of technical feasibility and financial viability.*

15.19 The Appellant has been in discussion with Thamesway regarding connection to the energy centre at Poole Road (adjacent to the Site) which has capacity to serve the Site. A planning condition appropriately secures this connection.

- *Incorporate relevant sustainable construction requirements at the time of planning application, including the achievement of BREEAM 'Very Good' standards for any non-residential buildings of 1,000 sqm or more, in accordance with Policy CS22: Sustainable construction, and taking into account the Climate Change SPD.*

15.20 As detailed in the Energy Strategy (CD 2.2.12), measures have been adopted to ensure the building fabric will be energy efficient. The Proposed Development has been designed to enable a connection with nearby Thamesway CHP on Poole Road. The Proposed Development has an anticipated carbon dioxide emissions improvement of 40.5%. Thus the Proposed Development is in compliance with the planning requirement of achieving 19% betterment on Part L 2013, by surpassing this, and providing a betterment of 40.5%. The BREEAM Pre-Assessment Report (CD 2.2.11) highlights that the Proposed Development will achieve a BREEAM rating of 'Very Good'. The proposed strategy currently achieves a scores of 64.01% for the commercial units and 57.63% for the homeless shelter, both of which represent a 'Very Good' rating.

- *Avoid any impact, directly or indirectly, on the minerals functions and operational requirements of the Downside Goods Yard rail aggregates depot.*

15.21 The Appellant engaged with the operator of the aggregates depot, Day Group, both prior to submission of the Planning Application and following submission. The Appellant is in the process of agreeing suitable planning conditions with WBC that deal with noise levels, testing and the overheating/ventilation strategy.

- *Avoid any impact, directly or indirectly, on the future widening of Victoria Arch Tunnel at Victoria Way.*

15.22 The Proposed Development does not prejudice the delivery of the works to Victoria Arch and the associated widening of Victoria Way. Indeed the alterations to the highway proposed as part of the Proposed Development have been drawn up in collaboration with WBC/SCC/Network Rail having regard to their proposals and their drawings. Indeed the Proposed Development wholly embraces the infrastructure improvements and secures a contribution of £1,858,000 towards the works, being 18% of WBC's funding gap..

- *Consider current or historical contaminative uses of the site and make appropriate provision for investigation and any necessary remediation.*

15.23 Planning conditions have been drawn up to deal with matters relating to contamination which would ensure the safe construction and occupation at the Site.

- *Be supported by a detailed Air Quality Assessment to determine the potential impact of development on European protected sites through deteriorating air quality, taking account of in combination effects.*

15.24 As assessment of air quality impacts on the SPA has been provided in the Appendix to the Environmental Statement (CD 4.1.18) with suitable SANG and SAMM contributions secured through CIL and the legal agreement respectively.

## Summary

15.25 The adoption of the SADPD represents a key milestone in WBC implementing its spatial strategy. The SADPD signals support for high density, mixed-use development at this Site that embraces the principles of exceptional design and placemaking whilst managing and mitigating environmental effects.

15.26 Having regard to the form of development proposed and the key requirements of the allocations, the Proposed Development is considered to reflect the expectations of the SADPD as part of an overall conformity with the wider adopted development plan when read as a whole. As the Introduction to the SADPD sets out “*development proposals submitted in line with the SADPD would carry more weight in planning decision-making*”.

## 16 SUSTAINABLE DEVELOPMENT AND OVERALL PLANNING BALANCE

- 16.1 Having regard to the evidence of others and previous Sections of this PoE, in my opinion the Proposed Development complies with the development plan when read as a whole and is further supported by relevant material considerations, including substantial public benefits. It supports the three limbs of sustainable development by delivering economic, social and environmental benefits. In this regard, it constitutes sustainable development and should be approved without delay.
- 16.2 In this final Section, I summarise the key benefits of the Proposed Development with reference to the three themes of sustainable development as defined by the NPPF before concluding on the overall planning balance of the case.

### Economic

- The efficient use of an underutilised brownfield, town centre Site for a mix of town centre uses in the most sustainable location. The Proposed Development will act as a catalyst for regeneration and transformative change at such a prominent location at the axis with Victoria Square and the soon-to-be improved Victoria Arch.
- A boost to town centre vitality and viability with the introduction of residential use (929 homes) to the Site and a range of flexible commercial uses (2,710.13 sqm across planning use classes A1-A4, B1a and D1-D2) to suit a range of retail/commercial/community occupiers to benefit the day and evening economy.
- Provision of an essential £1,858,000 towards the funding gap in WBC's HIF works (over 18% of the total required contributions). This will allow WBC to meet the programme for delivering the HIF works and the identified total number of new homes delivered in the town centre by 2030. Without gap funding, the business case for the provision of the infrastructure is not met and the funding can in these circumstances be recovered by the Government.
- Enhanced linkages and pedestrian footfall as a result of the pedestrianisation and improved connections between Goldsworth Road and the Primary Shopping Area. The creation of public realm with new active frontages also better connects existing commercial premises further along Goldsworth Road to other parts of the town centre providing visitors, workers and shoppers with more consumer choice in a safe, accessible environment.
- The local net additional employment generated directly and indirectly during the construction phase directly is estimated at 106 FTE employees.
- The overall local net additional operational employment is predicted to be 70 to 140 FTE employees in a range of service and professional roles.
- Additional expenditure as a direct result of the residential occupants at the Site estimated to be in the order of £29.4 million and an estimated £14.7 million to be spent locally.

- The commitment of approximately £10.5 million through CIL and SAMM contributions to invest in local infrastructure.

## Social

- The delivery of a substantial number of new homes in the town centre which would improve Woking's housing delivery and meet unmet objectively assessed need. The contribution of 929 new homes to Woking's housing supply would limit the pressure to release further sites from the Green Belt beyond those allocated in the SADPD. This supports WBC's policy of town centre intensification to protect the Green Belt.
- The delivery of 48 on site shared ownership affordable homes in the first phase of the Proposed Development. A review mechanism is also proposed to be secured in a legal agreement to revisit the opportunity to make further affordable contributions towards the completion of the development.
- 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.
- The Proposed Development 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. This represents a major social benefit to the vulnerable and has the potential to improve wellbeing and reduce the likelihood of crime.
- The Proposed Development 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.
- The public realm and mix of uses presents opportunities for social interaction, leisure and respite, improving overall health and wellbeing.
- Active frontages and an increase in footfall encourages passive and active surveillance, improves the feeling of security and reduces the opportunities for crime.
- The provision of CIL monies to invest in social infrastructure such as education and open space.

## Environmental

- 16.3 The efficient use of previously developed land in an urban, sustainable location, away from areas prone to flooding, environmental designations such as Green Belt and the SPA and sensitive designated and non-designated heritage assets. This is wholly in accordance with WBC's strategic approach to development.
- 16.4 The replacement of existing poor quality buildings and an outdated highway configuration with a Proposed Development of exceptional design including new high quality buildings and extensive public realm.

- 16.5 Sustainable measures including energy efficient design and connection to the district heating network in Woking to ensure a 40.5% improvement beyond Building Regulations requirements. The commercial units and homeless shelter are expected to meet BREEAM Very Good.
- 16.6 Sustainable modes of travel through low car provision, electric charging points, cycle parking, car club spaces and Travel Packs for all occupants. The new pedestrianised street encourages safe pedestrian movement and cycling connections.
- 16.7 The planting of 118 new trees and the provision of new habitats across the development results in a biodiversity net gain of 916.73%.

### **Overall Planning Balance**

- 16.8 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 16.9 Paragraph 14 of the NPPF makes clear that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision taking. This means approving development proposals that accord with the development plan without delay.
- 16.10 In this case the development plan should be regarded as up to date. The Appellant's evidence demonstrates that the Proposed Development accords with the relevant policies of the development plan when read as a whole and there are no material considerations which would indicate refusal against the provisions of the development plan.
- 16.11 The Proposed Development meets all relevant national and local design standards and is of the highest architectural quality as demonstrated in the expert evidence of Mr Bidwell. Townscape matters are all addressed by Dr Miele, an acknowledged leading expert in the field, who has guided the design of the Proposed Development from the outset. The Proposed Development embodies the principles of good design, beauty and placemaking and is further enhanced by the landscape designs of Gillespies.
- 16.12 The technical evidence covering, inter alia, daylight/sunlight/privacy, demonstrates that there are no other material considerations which would justify refusal. There is an overwhelming case in favour of the Proposed Development.
- 16.13 The Proposed Development will secure the long overdue redevelopment of an unattractive urban block with a scheme of exceptional architecture, referencing distinctive styles of the locality which will enhance the character, appearance and significance of the area whilst contributing significantly to housing supply, including affordable housing, helping meet unmet need. The Proposed Development is consistent with, and a key part of, Woking's spatial strategy, boosted by the receipt of HIF money to deliver additional housing.

16.14 The Proposed Development has been devised carefully over a number of years, in consultation with key stakeholders, having regard to both planning and commercial considerations. The Proposed Development will deliver a range of significant public benefits. The economic, social and environmental benefits are substantial.

16.15 As set out throughout this PoE, I agree with the original officer report and recommendations therein.

16.16 There is a compelling case for approving the Proposed Development and the WBC Reasons for Refusal are not supported by the evidence in this case. It is my strong belief and professional opinion that the Proposed Development is acceptable in planning terms, it represents positive planning, and is in compliance with the development plan when read as a whole. The Appeal should be allowed.

## **APPENDIX 1 – HOUSING INFRASTRUCTURE FUND**

## APPENDIX 1 – HOUSING INFRASTRUCTURE FUND

The Housing Infrastructure Fund (HIF) was launched by the then Secretary of State for Communities and Local Government Sajid Javid in 2017 as a Government capital grant programme of up to £5.5 billion to help to deliver up to 300,000 new homes in England. The window for applications was time-limited and represented the first major gap funding initiative from Homes England/Central Government since the Kickstart Housing Fund of 2008-2010. Bids were invited to be awarded to local authorities on a highly competitive basis providing grant funding for new infrastructure that will unlock new homes in the areas of greatest housing demand.

In its launch statement, it was quoted that HIF would:

- Deliver new physical infrastructure to support new and existing communities.
- Make more land available for housing in high demand areas, resulting in new additional homes that otherwise would not have been built.
- Support ambitious local authorities who want to step up their plans for growth and make a meaningful difference to overall housing supply.
- Enable local authorities to recycle the funding for other infrastructure projects, achieving more and delivering new homes in the future.

The Fund provided funding for individual housing sites (Marginal Viability Funding) or more strategic and high impact infrastructure schemes (Forward Funding). For a bid to be eligible, it had to:

- Require grant funding to deliver physical infrastructure and provide strong evidence that the infrastructure is necessary to unlock new homes and cannot be funded through another route.
- Support delivery of an up to date plan or speed up getting one in place.
- Have support locally.
- Spend the funding by 2020/21.

The assessment of eligible applications was rigorous and bids needed to demonstrate they met certain criteria:

- The proposal takes a strategic approach, with strong leadership and joint working to achieve higher levels of housing growth in the local area, in line with price signals, and supported by clear evidence.
- The proposal is value for money, on the basis of an economic appraisal.
- The proposal can be delivered. This is about both delivering the infrastructure and how that will then lead to the delivery of new homes. It also means all the key delivery partners need to be working together.

## A320 Woking Town Centre HIF Award

In September 2017, SCC and WBC, in consultation with Network Rail, submitted a HIF expression of interest regarding the 'A320 Woking Town Centre' infrastructure improvement works as a means of unlocking housing sites in Woking town centre.

There were three key elements to the project:

- Acquisition/demolition of the Triangle Site;
- A320 highway widening and improvements; and
- The replacement of Victoria Arch bridge.

The works would facilitate a widened Victoria Arch to accommodate a dual carriageway, the removal of the one-way gyratory system, improved pedestrian and cycle links, new toucan crossings and the left turn moved from Goldsworth Road (at the eastern end of the Site) to Church Street West (further north).

The bid was shortlisted to the next stage. A detailed HIF Business Case was then sent to Homes England in December 2018. Homes England, Department for Transport and a range of consultants scrutinised the bid over a 3-month due-diligence process to ensure that the proposal adhered to the criteria set out above.

The HIF bid for Forward Funding (HIF/FF/609) was formally approved by the Housing Minister Kit Malthouse in June 2019, with £95m, the full amount requested, awarded to the scheme. The £95m is in the form of a grant which means that it does not need to be repaid. The award of the grant demonstrates the Government's support for Woking in meeting its housing needs and becoming a regional focus of economic prosperity.

In papers to WBC's Executive on 6 February 2020 then put to Full Council on 13 February 2020, the Deputy Chief Executive of WBC highlighted the project benefits:

*"The award of the HIF grant of £95m represents a once in a lifetime opportunity to replace Victoria Arch and improve highway infrastructure in the town centre. A widened bridge and enhanced highway will remove the significant congestion which has had a tangible negative impact on residents, businesses, and the environment for many years. The delivery of this scheme will also continue the regeneration of Woking town centre which will benefit the wider borough, and also support the Council's ambition to meet its housing need and be a regional focus of economic prosperity.*

*An enhanced bridge will facilitate an increase in passenger capacity throughout the Wessex Region which will have a significant positive impact on the rail network and underpin both local and regional growth. The key benefit of this project for the Government and Homes England is that the new infrastructure will unlock 13 town centre sites for the development of homes. These sites will help the Council to meet its housing targets and deliver high numbers of affordable housing."*

In summarising the scheme, the report set out the following:

*“The Council has been working for many years to address the various issues that result from the Victoria Arch Bridge. The existing structure is a single span overbridge, constructed circa 1905, under which runs the A320 main arterial road through Woking. The single carriageway that runs through Victoria Arch cannot cope with the volume of traffic, resulting in a pinch-point which leads to significant congestion at peak times. This infrastructure deficit has stifled local growth and housing development opportunities for decades.*

*The long-held ambition is to widen the highway that passes under the bridge to improve traffic flows between both sides of the town, and provide better access across the railway and to the railway station for cyclists and pedestrians.*

*Over the years many options have been explored to try to resolve this infrastructure deficit, but a solution has not been forthcoming for a variety of reasons. The cost of replacing the bridge is estimated to be around £65m, which has always been prohibitive for both the private and public sectors. In addition, the Council’s aims and timeframes have historically not aligned with Network Rail’s capacity and strategic priorities.”*

The report to the Executive noted that whilst SCC remained a key partner in taking the scheme forward, the £95m would be directly awarded to WBC, along with full responsibility for delivering the scheme. The report sets out the various conditions associated with the funding and the requirement to enter into a contract with Homes England.

The report highlighted that the total cost of the project is estimated to be £115m, financed by £95m HIF, £10m from WBC (Public Works Loan Board loan) and £10m saving/contribution from Network Rail. Appendix 7 to the Executive report outlined a HIF Recovery Strategy for WBC’s £10m loan, with part of the strategy being to secure developer contributions via Section 106 from town centre schemes.

In terms of housing delivery, the report to the Executive reminded members that the Core Strategy identifies the need for around 5,000 new dwellings by 2027, with the town centre the primary focus for these developments. The report then identified the 13 town centre brownfield sites and forecast housing numbers, with 3,304 extra town centre homes above existing commitments identified (4,555 in total). The Site is shown as HIF Site 08 (Goldsworth Road), which along with immediately adjoining land parcels, is considered to be capable of delivering 1,205 homes.

Along with the purpose of unlocking sites for development of new homes, the highways works would result in a number of tangible improvements including:

- Reduced and more reliable journey times to and from Woking town centre;
- Additional crossing options for pedestrians and cyclists without the need to dismount;
- New pedestrian and cycle links to and from Woking station and around the town centre connecting to Woking Park, Woking Leisure Centre and other amenities; and
- Provision of a new and improved railway bridge for Network Rail at one of the busiest points of the railway network between London and the south coast.

With regards the HIF project milestones, it is understood that:

- WBC members unanimously agreed to accept the £95m grant at the Full Council meeting on 13 February 2020;
- The members of the Full Council also agreed to the use of compulsory purchase powers to acquire the necessary land in order to facilitate the HIF works;
- WBC published its HIF Recovery Strategy for Woking Town Centre: Section 106 Tariff – Guidance Note in 2020 – with the requirement for schemes in the town centre to contribute £2,000 per unit towards the funding gap; and
- Demolition of the Triangle Site commenced on 28 September 2020.