



Department for Levelling Up,
Housing & Communities

Mr Wayne Gold
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Our ref: APP/A3655/W/20/3265969 &
APP/A3655/W/20/3265974
Your ref: PLAN/2019/1176 &
PLAN/2019/1177

14 December 2021

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEALS MADE BY GOLDEV WOKING LTD
LAND SOUTH OF KINGFIELD ROAD AND EAST OF WESTFIELD AVENUE, WOKING,
SURREY, GU22 9PF (APPEAL A) & LAND SOUTH OF HOE VALLEY SCHOOL AND
EAST OF RAILWAY TRACKS, EGLEY ROAD, WOKING, SURREY, GU22 0NH (APPEAL
B)
APPLICATION REFS: PLAN/2019/1176 AND PLAN/2019/1177**

This decision was made by the Minister of State for Housing on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI, who held a public local inquiry on 10-14, 17-20 and 25 May 2021 into your client's appeals against the decision of Woking Borough Council to refuse your client's applications for planning permission for:

redevelopment of the site following demolition of all existing buildings and structures to provide replacement stadium with ancillary facilities including flexible retail, hospitality and community spaces, independent retail floorspace (Classes A1/A2/A3), medical centre (Class D1) and vehicle parking, plus residential accommodation comprising 1,048 dwellings (Class C3) within 5 buildings of varying heights of between 3 and 10 storeys (and undercroft and part-basement levels) on the south and west sides of the site, together with provision of new accesses from Westfield Avenue to car parking, associated landscaping and provision of detached residential concierge building in accordance with application Ref. PLAN/2019/1176 dated 28 November 2019 (Appeal A):

AND

redevelopment of the site following demolition of existing building to provide health club building (Class D2) incorporating external swimming pool and tennis/sports courts, provision of 36 dwelling houses (Class C3) up to a maximum of 3 storeys in height, associated landscaping and car parking and new vehicular access from existing road

serving Hoe Valley School in accordance with application Ref. PLAN/2019/1177 dated 28 November 2019 (Appeal B).

2. On 10 March 2021, the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeals be dismissed.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation on both appeals. He has decided to dismiss the appeals and refuse permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statements which were submitted for each proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspector's comments at IR11-12 and IR374 in respect of both developments, the Secretary of State is satisfied that the Environmental Statements for the proposals comply with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposals.

Matters arising since the close of the inquiry

6. Following the close of the Inquiry the Council has formally adopted the Site Allocations Development Plan Document (SADPD). Relevant policies include those set out at IR48-49. The Secretary of State's conclusions on the implications of the adoption of the SADPD are dealt with below. However, given its advanced stage at the time of the Inquiry, the Secretary of State does not consider that its adoption raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on the appeal, and he is satisfied that no interests have thereby been prejudiced.

Policy and statutory considerations

7. In reaching his decisions, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In these cases, the development plan consists of the Woking Core Strategy (WCS) adopted in 2012, the Development Management Policies Development Plan Document (DMPDPD) adopted in 2016 and the Site Allocations Development Plan Document (SADPD) adopted in October 2021. The Secretary of State considers that relevant development plan policies include those set out at IR33-46 & 48-49. Policy UA44 in the emerging SADPD corresponds with Policy UA42 in the adopted SADPD, and as such any references to Policy UA44 in the IR are considered to apply to Policy UA42. For the reasons set out at IR384-386 the Secretary of State agrees that the development plan policies which are most important for determining these appeals are up-to-date.

9. Other material considerations which the Secretary of State has taken into account include the revised National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as Supplementary Planning Documents referred to at IR47.

Appeal A - Main issues

10. The Secretary of State agrees that in the case of Appeal A, the main considerations are those set out at IR382.

Effect on the character and appearance of the street-scene and the surrounding area

11. For the reasons given at IR392-400, the Secretary of State agrees that the proposed development would constitute the redevelopment of previously developed land which would accord in principle with the spatial strategy for the Borough, as set out in WCS policy CS1 (IR400). The Secretary of State agrees with the Inspector at IR553 that the proposed development would be well-designed and safe in itself, and that an adequate amount of amenity space would be provided, in a mix of ground-level and rooftop locations. He further agrees at IR554 that the proposed development provide green roofs to assist with reducing run-off and flooding, and biodiversity enhancements through planning conditions. Overall the Secretary of State considers that these factors would attract moderate weight in support of the proposal.
12. Having taken the adopted SADPD into account, the Secretary of State agrees with the Inspector for the reasons given at IR401-414 that the prevailing policy framework applicable in this case offers no support in principle for tall buildings outside the town centre (IR414). For the reasons given at IR415-423 the Secretary of State agrees with the Inspector that these very tall buildings in the local context would fail to respect the character and nature of the surrounding development (IR419), and that the proposed development would materially change the nature and character of the appeal site and would appear as a large, bulky and – for this location – somewhat incongruous high-rise housing development (IR422). For the reasons given at IR423 the Secretary of State agrees that the proposed development would not satisfy the requirements of WCS Policy CS24.
13. For the reasons given at IR424-427, the Secretary of State agrees with the Inspector that the proposed development is well designed in itself (IR426). However like the Inspector, he is not persuaded that such a tall and bulky development could be said to reasonably be in keeping with the character and appearance of the surrounding area (IR425) and agrees that the proposed development is in conflict with policy DM10. He further agrees that there is no adopted development plan policy support and no convincing justification for such high residential density at this location (IR427). He notes at IR430 that UA42 reiterates that development should provide a range of housing sizes in accordance with Policy CS11 and requires development to be of a high design quality, with footprints, scales and densities that maximise the use of the site whilst respecting adjoining properties, and be of a height informed by the local context. UA42 now forms part of the development plan. He agrees for the reasons given that the proposal would be in conflict with paragraph 130 of the Framework (IR428 and IR432), and further agrees for the reasons given at IR429-430 that the proposed development would not accord with aspects of policy UA42.
14. Overall, the Secretary of State agrees with the Inspector at IR431-432 that the proposed development would have an adverse and harmful effect on the character and appearance

of the street-scene and the surrounding area, and would accordingly be in conflict with the relevant development plan policies, design guidance and paragraph 130 of the Framework. The Secretary affords this significant weight against the proposal.

Housing Mix and whether it would create a sustainable and balanced community

15. For the reasons given at IR433-437 the Secretary of State agrees that the 45% provision of affordable housing would be acceptable and compliant with policy CS12 (IR435). The Secretary of State is in agreement with the Inspector at IR551 that the development would provide a substantial amount of very much needed affordable housing. He considers that overall the provision of affordable and market housing carries substantial weight.
16. For the reasons given in IR438-451, the Secretary of State agrees that whilst the overall provision of affordable housing would represent a clear and very welcome benefit of the proposal, there would be a woeful under-provision of family-sized 3 and 4+ bedroom units, which might reasonably be expected at a suburban location such as this (IR442). He agrees that the currently proposed housing mix would not be acceptable (IR444), and agrees overall that the proposal would be unlikely to create a sustainable and balanced community, in conflict with WCS policy CS11 (IR552). He considers that this attracts substantial weight against the scheme. In reaching this conclusion he has taken into account that Policy UA42 now forms part of the development plan (IR446).

The effect of the proposed development on the living conditions of nearby residents, with particular reference to overbearing impact, loss of privacy and loss of daylight

17. For the reasons given at IR452-456 the Secretary of State agrees with the Inspector that the occupiers of existing dwellings at Nut Cottage or The Cedars would not experience an unacceptable loss of privacy.
18. For the reasons given at IR457-458 the Secretary of State agrees with the Inspector that there would not be an unacceptable impact on privacy for Penlan (IR458). For the reasons given at IR459-461 he accepts the Inspector's view that the appeal proposal would result in no greater overbearing impact to this property than currently exists (IR461). As regards the extant planning permission for the demolition of Penlan and the erection of 2 4-bedroom detached dwellings, for the reasons given at IR462 he agrees with the Inspector that only limited weight can be given against the proposal. He further agrees with the Inspector's reasoning and conclusions at IR463-465 that there would be no unacceptable loss of privacy to occupiers of 2 Westfield Grove (IR464) and the appeal proposal would not give rise to an overbearing impact (IR465).
19. For the reasons given at IR466-482 the Secretary of State accepts the Inspector's view that the proposed development would not result in a significantly harmful loss of daylight to Beech House, Hazel House and Elm View (IR482). Overall, and for the reasons given the Secretary of State agrees with the Inspector's conclusions at IR483 that the proposed development would not have a significantly harmful effect on the living conditions of nearby residents, through overbearing impact, loss of privacy or loss of daylight. As such he agrees that the proposal would not be at odds with the relevant part of WCS Policy CS21 in this regard.

Transport matters and the effect of the proposed development on parking provision and the impact of possible overspill parking

20. For the reasons given at IR484-519 Secretary of State agrees that the proposed level of on-site parking, both for the stadium and medical centre and the residential dwellings, when coupled with the measures contained in both the Stadium Travel Plan and the Residential Travel Plan, would not lead to unacceptable problems of overspill parking on the surrounding roads, or other unacceptable traffic problems (IR518). He agrees (IR518) that there is no conflict with WCS Policy CS18, the Council's Parking Standards SPD or Section 9 of the Framework.

Whether the Planning Development Agreement (PDA) would adequately and satisfactorily address the impacts of the proposed development

21. The Secretary of State notes that the PDA, as a form of Executive Undertaking, has been agreed and signed between the parties. For the reasons given at IR8-10 and IR520-534 the Secretary of State agrees that the PDA is both adequate and sufficient to secure the various obligations (IR521). He further agrees that the obligations are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development and that all meet the requirements of paragraph 57 of the Framework and Regulation 122 of the CIL Regulations 2010 (IR534). He further agrees that the PDA would adequately and satisfactorily address the impacts of the proposed development such that the proposal would not be at odds with policies CS8, CS12, CS17, SC18, CS19 and saved policy NRM6 (IR534). For the reasons given at IR611, he affords the obligations modest weight. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing the appeals and refusing planning permission.

Other matters

22. For the reasons given at IR535-540 and IR557 the Secretary of agrees with the Inspector that the provision of a new community stadium attracts only modest weight (IR557).

23. For the reasons given at IR541 the Secretary of State agrees with the Inspector's conclusion that the absence of any specific Education contributions should not count against the proposal. He further agrees with the Inspector's reasoning at IR542-543 and IR558-559 that in the particular circumstances of this case the provision of a medical centre and additional retail services should attract only limited weight.

24. For the reasons given at IR544 the Secretary of State agrees with the Inspector's conclusions on restrictive covenants. He further agrees with the Inspector at IR545 that in the absence of any authoritative evidence to the contrary the proposal, both in isolation and in combination with Appeal B scheme, would have a non-significant effect on air quality and that this does not carry weight against the appeal proposal. For the reasons given at IR546 the Secretary of State agrees with the Inspector's conclusion that the living conditions of residents of the proposed units should not carry any material weight against the proposal.

25. For the reasons given at IR547 the Secretary of State agrees with the Inspector's view that the timescale for delivery does not add any material weight in the proposal's favour.

26. For the reasons given at IR548-550 the Secretary of State agrees (R550) that the economic benefits of the proposal should be afforded significant weight.

Planning balance and overall conclusion for Appeal A

27. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with the following development plan policies: Policy CS11; those elements of Policies CS1, CS10, CS21, DM10 and UA42 relating to tall buildings, residential density at an out-of-centre location and impact on the appearance of the street-scene and the surrounding area; and the elements of CS24 requiring that a development should provide a positive benefit in terms of townscape character and local distinctiveness and should conserve, and where possible, enhance, townscape character, structure, views and landmarks and appropriate building styles and materials. He further considers that it is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
28. The Secretary of State considers that the provision of affordable housing and market housing carries substantial positive weight while provision of a new community stadium carries moderate weight. The re-use of previously developed land, design of the proposal itself, amenity space, green roofs and biodiversity enhancements carry moderate weight. The economic benefits attract significant weight. The provision of medical and retail facilities attracts limited weight, and the planning obligations attract modest weight.
29. Against the proposal there is harm to the character and appearance of the street-scene and the surrounding area which attracts significant weight. The failure to create a sustainable and balanced community carries substantial weight. Concerns about the privacy of potential future occupiers of the Penlan site carries limited weight.
30. The Secretary of State has also taken into account the conclusions on conditions set out at paragraph 50 below. Overall he considers that the material considerations in this case indicate a decision in line with the development plan – i.e. a refusal of permission.
31. The Secretary of State therefore concludes that Appeal A should be dismissed and permission refused.
32. Given this conclusion, the Secretary of State has not found it necessary to consider the issues set out at IR618-619.

Appeal B – Main issues

33. The Secretary of State agrees that in the case of Appeal B, the main considerations are those items b),c) and d) set out at IR383.

Site Allocation

34. The Secretary of State has had regard to the adoption of the SADPD which now releases Appeal B site from the Green Belt. As this now forms part of the development plan the Secretary of State has gone on to consider the proposal in light of relevant SADPD policy GB7. As such the Secretary of State considers that IR566-571, IR606 and IR613 are no longer relevant to his considerations.
35. For the reasons given at IR601-602 the Secretary of State agrees with the Inspector that Policy GB7 contains nothing to suggest that a new large health club building would be appropriate on this site, with a significantly reduced number of dwellings. While he agrees that the policy does not explicitly exclude a new major health club facility, he further

agrees that it has not been demonstrated that it would be possible to provide the number of dwellings envisaged in GB7 alongside a new large health club building while maintaining a sense of visual separation between Mayford and the rest of the urban area (IR602). The Secretary of State therefore considers that the proposal is not in accordance with Policy GB7.

36. Having taken into account the fact that the Appeal B site has been removed from the Green Belt, and that the Appeal A proposal is being refused, the Secretary of State agrees with the Inspector that it is necessary to consider the Appeal B scheme on its own (IR604).

The effect of the proposed development on the character and appearance of the surrounding area as a result of the loss of protected trees and woodland

37. For the reasons given at IR572-580 the Secretary of State agrees that the removal of about 25% of the protected canopy area of the woodland would be a significant loss (IR607), and this would have an adverse impact on the character and appearance of the surrounding area contrary to those parts of policies CS21, CS24, DM2 and SADPD policy GB7 referred to by the Inspector at IR576-578 (IR580). The Secretary of State agrees with the Inspector at IR607 that this should carry moderate weight against the proposal.

Whether the Planning Development Agreement (PDA) would adequately and satisfactorily address the impacts of the proposed development

38. The Secretary of State notes that, as with Appeal A, that the PDA, as a form of Executive Undertaking, has been agreed and signed between the parties. For the reasons given at IR8-10 and IR581-587 the Secretary of State agrees that all of these obligations are necessary to make the development acceptable and that all meet the requirements of paragraph 57 of the NPPF and Regulation 122 of the CIL Regulations 2010 (IR587). He further agrees that the PDA would adequately and satisfactorily address the impacts of the proposed development, such that there would be no conflict with WCS Policies CS8, CS12 or CS18, or with saved Policy NRM6 of the South East Plan (IR587). For the reasons given he affords the obligations modest weight in favour of the proposal (IR611). However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing the appeals and refusing planning permission.

Benefits of the proposal

39. With regard to enabling a new community stadium, the Secretary of State agrees with the Inspector at IR589-590 that there is a clear link between the 2 proposals but that this matter can only weigh in favour of the Appeal B proposal if the Appeal A proposal, itself, is seen to be acceptable in planning terms. Given his conclusions on Appeal A above he agrees that this matter cannot give weight to the Appeal B proposal (IR590).
40. For the reasons given at IR591-592, and bearing in mind his conclusions on Appeal A, the Secretary of State agrees with the Inspector that the intended amount of affordable housing on the Kingfield site cannot carry any weight in support of the Appeal B proposal (IR592).
41. For the reasons given at IR593 he agrees however that the provision of 36 affordable dwellings on the Egley Road site itself would be a clear benefit of this scheme. However, he further agrees that apart from the high percentage rate of provision there is nothing out of the ordinary or special in affordable housing units being provided as part of a development providing housing. Given this, and his conclusions at paragraphs 34-35

above, on the provision of housing envisaged by policy GB7 the Secretary of State gives this moderate weight in favour of the proposal. He further accepts at IR610 that the new dwellings and health club would be well designed in themselves and that the site would benefit from landscaping and the planting of 50 trees, which attracts modest weight in favour.

42. For the reasons given at 594-598 the Secretary of State agrees that the benefits of the new leisure/gym and health club facilities attract modest weight in favour of the scheme (IR598).
43. The Secretary of State has considered the Inspector's assessment of the economic benefits of the scheme including job creation and increased spending in the local economy (IR608). He concludes for the reasons given this should attract moderate weight in favour of the proposal.

Planning balance and overall conclusion for Appeal B

44. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with those parts of Policies CS21, CS24, DM2 and GB7 of the development plan referred to by the Inspector at IR576-578, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
45. The provision of affordable housing carries moderate weight. The design of the health club and new dwellings with provision of replacement landscaping attracts modest weight. The provision of the health club attracts further modest weight and the planning obligations also attract modest weight. The economic benefits attract moderate weight.
46. Against the proposal there is harm to the character and appearance with loss of trees and woodland which attracts moderate weight.
47. The Secretary of State has also taken into account the conclusions on conditions set out at paragraph 50 below. Overall he considers that the material considerations in this case indicate a decision in line with the development plan – i.e. a refusal of permission.
48. The Secretary of State therefore concludes that the appeal be dismissed and permission refused.
49. Given this conclusion, the Secretary of State has not considered it necessary to consider the issue set out at IR624.

Planning conditions for Appeal A and Appeal B

50. The Secretary of State has given consideration to the Inspector's analysis and advice at IR367-368 and further advice at IR616-624, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

Formal decision for Appeal A and Appeal B

51. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations. He hereby dismisses your client's appeals and refuses planning permission for redevelopment of the site following demolition of all existing buildings and structures to provide replacement stadium with ancillary facilities including flexible retail, hospitality and community spaces, independent retail floorspace (Classes A1/A2/A3), medical centre (Class D1) and vehicle parking, plus residential accommodation comprising 1,048 dwellings (Class C3) within 5 buildings of varying heights of between 3 and 10 storeys (and undercroft and part-basement levels) on the south and west sides of the site, together with provision of new accesses from Westfield Avenue to car parking, associated landscaping and provision of detached residential concierge building in accordance with application Ref. PLAN/2019/1176 dated 28 November 2019 (Appeal A);

AND

redevelopment of the site following demolition of existing building to provide health club building (Class D2) incorporating external swimming pool and tennis/sports courts, provision of 36 dwelling houses (Class C3) up to a maximum of 3 storeys in height, associated landscaping and car parking and new vehicular access from existing road serving Hoe Valley School in accordance with application Ref. PLAN/2019/1177 dated 28 November 2019 (Appeal B).

Right to challenge the decision

52. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

53. A copy of this letter has been sent to Woking Borough Council, The Hoe Valley Neighbourhood Forum and South Woking Action Group, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber

Decision officer

This decision was made by the Minister of State for Housing on behalf of the Secretary of State, and signed on his behalf



Report to the Secretary of State for Housing, Communities and Local Government

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI
an Inspector appointed by the Secretary of State

Date 14 September 2021

TOWN AND COUNTRY PLANNING ACT 1990
WOKING BOROUGH COUNCIL
APPEALS BY
GOLDEV WOKING LTD

Inquiry Opened on 10 May 2021

Land south of Kingfield Road and east of Westfield Avenue, Westfield, Woking, GU22 9PF, and land south of Hoe Valley School and east of railway tracks, Egley Road, Woking, Surrey, GU22 0NH

File Refs: APP/A3655/W/20/3265969 & APP/A3655/W/20/3265974

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Appeal A: 'Kingfield Road' - File Ref: APP/A3655/W/20/3265969
Land south of Kingfield Road and east of Westfield Avenue, Woking, Surrey, GU22 9PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by GolDev Woking Ltd against the decision of Woking Borough Council.
- The application Ref PLAN/2019/1176, dated 28 November 2019, was refused by notice dated 2 July 2020.
- The development proposed is redevelopment of the site following demolition of all existing buildings and structures to provide replacement stadium with ancillary facilities including flexible retail, hospitality and community spaces, independent retail floorspace (Classes A1/A2/A3), medical centre (Class D1) and vehicle parking, plus residential accommodation comprising 1,048 dwellings (Class C3) within 5 buildings of varying heights of between 3 and 10 storeys (and undercroft and part-basement levels) on the south and west sides of the site, together with provision of new accesses from Westfield Avenue to car parking, associated landscaping and provision of detached residential concierge building.
- The inquiry sat for 10 days on 10-14, 17-20 and 25 May 2021.

Summary of Recommendation: That the appeal be dismissed.

Appeal B: 'Egley Road' - File Ref: APP/A3655/W/20/3265974
Land south of Hoe Valley School and east of railway tracks, Egley Road, Woking, Surrey, GU22 0NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by GolDev Woking Ltd against the decision of Woking Borough Council.
- The application Ref PLAN/2019/1177, dated 28 November 2019, was refused by notice dated 2 July 2020.
- The development proposed is redevelopment of the site following demolition of existing building to provide health club building (Class D2) incorporating external swimming pool and tennis/sports courts, provision of 36 dwelling houses (Class C3) up to a maximum of 3 storeys in height, associated landscaping and car parking and new vehicular access from existing road serving Hoe Valley School.
- The inquiry sat for 10 days on 10-14, 17-20 and 25 May 2021.

Summary of Recommendation: That the appeal be dismissed.

Preliminary matters

1. Because of the restrictions in place as a result of the Covid-19 pandemic, the inquiry was held as a virtual event with the main parties and interested persons making their contributions by means of video appearances, over the internet. The inquiry considered 2 appeals made by GolDev Woking Ltd ('the appellant'), concerning 2 applications for full planning permission. It should be noted that planning permission for both of these proposals was originally sought by joint applicants, namely Woking Football Club (WFC) and GolDev Woking Ltd, but WFC made it clear that it did not support the subsequent appeals, and was not represented at the inquiry.
2. The first of these proposals relates to land south of Kingfield Road and east of Westfield Avenue (hereafter referred to as Appeal A or the 'Kingfield Road appeal'). It was refused by Woking Borough Council (WBC or 'the Council'), contrary to the Planning Officer's recommendations, in July 2020 for 5 reasons,

which are set out in full in the Appeal A Statement of Common Ground¹ (SoCG). In summary, these reasons were that the proposed development would fail to respect and make a positive contribution to the street scenes and character of the area in which it would be situated; would fail to provide an appropriate mix of dwelling types and sizes; would result in significantly harmful impacts by reason of overbearing effect, loss of privacy and loss of daylight to a number of named properties; would provide insufficient on-site car parking to serve the stadium and medical centre uses; and contained no mechanism to secure the various requirements set out in the Planning Committee report.

3. It should be noted that although the description of development on the planning application form, and repeated in the banner heading at the start of this Report refers to the residential blocks rising to a height of 10 storeys, the scheme drawings show that the highest block would, in fact have 11 storeys².
4. The second appeal (Appeal B or the 'Egley Road appeal'), relates to land south of Hoe Valley School and east of the railway tracks, Egley Road, Woking, Surrey. Although originally recommended for approval, upon refusal of the Appeal A proposal the recommendation was changed to one of refusal, and the Council's Planning Committee duly refused to grant planning permission at the same July 2020 Committee for 3 reasons, which are set out in full in the Appeal B SoCG³. In summary, the reasons were that the proposed development would be inappropriate development in the Green Belt for which no very special circumstances had been identified; that there would be a harmful loss of protected trees; and that there was no mechanism to secure the various requirements set out in the Planning Committee report.
5. Although the appeal sites are physically separated by a crow-flight distance of some 1.6 kilometres (km) the appeal proposals themselves are inter-related and dependant on one another. This is because the successful implementation of the Appeal A proposal would require the relocation of an existing David Lloyd Centre, currently on the Appeal A site, to an alternative location. The alternative location proposed is the Appeal B site, as is explained in more detail later in this Report.
6. In December 2020 the appellant lodged appeals against these refusals to grant planning permission, but by a direction dated 10 March 2021 the Secretary of State (SoS) recovered the appeals for his own determination. The reason for this direction was that the Appeal A proposal seeks residential development of over 150 units on a site of over 5 hectares (ha), which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities. The direction went on to state that Appeal B would be most efficiently and effectively decided with Appeal A, and was being recovered under the criterion that there are, on occasions, other cases which merit recovery because of the particular circumstances.
7. Drawing on the Council's reasons for refusal I indicated, when opening the inquiry, that it was likely that the main considerations upon which the SoS would base his decision would be:

¹ See section 1.4 of Core Document (CD) 1.12

² See, for example Drawing No 7884 -L(00)294A

³ See section 1.4 of CD1.13

in the case of Appeal A:

- The effect of the proposed development on the character and appearance of the street-scene and the surrounding area;
- Whether the proposed development would provide an acceptable and appropriate mix of dwelling types, and whether it would create a sustainable and balanced community;
- The effect of the proposed development on the living conditions of nearby residents, with particular reference to overbearing impact, loss of privacy and loss of daylight;
- Transport matters and the effect of the proposed development on parking provision and the impact of possible overspill parking; and
- Whether the Executive Undertaking would adequately and satisfactorily address the impacts of the proposed development.

and in the case of Appeal B:

- Whether the proposal would be inappropriate development in the Green Belt and, if so, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal;
- The effect of the proposed development on the character and appearance of the surrounding area, as a result of the loss of protected trees and woodland; and
- Whether the Executive Undertaking would adequately and satisfactorily address the impacts of the proposed development.

8. The reference to an 'Executive Undertaking'⁴ in the case of both appeals arises from the fact that the Council is the owner of part of the land which is the subject of Appeal A, and all of the land which is the subject of Appeal B. Because of this, the Council has indicated, in the respective SoCG, that it would prefer not to enter into a legal agreement under Section 106 (S106) of the Town and Country Planning Act 1990 (TCPA 1990), as amended, to secure any planning obligations which may be required to mitigate the effects of the proposed developments and which could not be secured by planning conditions.
9. Instead, the Council's Executive, acting separately from the Local Planning Authority, resolved on 22 June 2020 to give effect to the measures required, if planning permission was to be granted and implemented for the proposed developments. The Council would further ensure that these obligations would be passed to any successor in title or leaseholder as appropriate. The Council and appellant maintain that an Executive Undertaking is an appropriate format to secure the necessary obligations, and that the content would be in accordance with the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).
10. A new document called a Planning and Development Agreement⁵ (PDA) has therefore been drafted, and the Council's Executive has given authority to allow the Council to enter into this PDA. The SoCG record the agreement between the Council and the appellant that the PDA would satisfactorily address the concerns expressed in the final reason for refusal for each appeal, such that reason for

⁴ A form of Unilateral Undertaking

⁵ CD6.16

refusal 5 of Appeal A and reason for refusal 3 of Appeal B would fall away. I consider this matter in more detail later in this Report. Written statements from the Council, explaining how the planning obligations contained within the PDA would accord with CIL Regulation 122 can be found at CD6.25 and CD6.26.

11. The proposed developments meet the applicable thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017, and the appellant has submitted Environmental Statements (ES) for both proposals⁶, which have assessed the likely effects of the proposed developments on a wide range of environmental receptors. The Council considers that the ES are compliant with the requirements of the aforementioned Environmental Impact Assessment (EIA) Regulations and form an appropriate and robust assessment of the environmental implications of the appeal proposal. I share that view.
12. The ES, along with other relevant documentation submitted with the planning applications, consultee responses and representations made by other interested persons constitutes the 'environmental information', which I have taken into account in coming to my recommendations.
13. I visited the appeal sites and surrounding areas, unaccompanied, on 7 May 2021. In addition, on 24 May 2021 I undertook an accompanied visit to the Appeal A site and surrounding area in the company of representatives of the appellant, the Council, the South Woking Action Group⁷ (SWAG) and the Hoe Valley Neighbourhood Forum⁸ (HVNF). On the same day, I also undertook a further unaccompanied visit to the Appeal B site and surrounding area.
14. After the inquiry closed, but before my Report was submitted to the SoS, a revised version of the National Planning Policy Framework (NPPF) was published. The main parties were therefore given the opportunity to indicate how – if at all – the revised NPPF had impacted upon their respective cases. Comments were received initially from the appellant and SWAG, with final comments received from the appellant and the Council. These have been incorporated into this Report as appropriate. For ease, and for the purpose of clarity, I have grouped these additional comments relating to the revised NPPF into discrete sections at the end of the respective parties' cases. In addition I have taken the opportunity to ensure that any references within this Report to NPPF paragraph numbers now relate to paragraphs in the July 2021 version of the NPPF.
15. Also after the inquiry closed but before my Report was submitted to the SoS, the Inspector's Report on the Examination of the Site Allocations Development Plan Document (SADPD) was issued⁹. My report has been updated to reflect this latest position. In addition, comments on this SADPD report were sought from the main parties¹⁰. Again, for ease, and for the purpose of clarity, I have grouped these additional comments into discrete sections at the end of the respective parties' cases, where appropriate. These sections therefore provide the updated position on this matter from these parties.

⁶ Documents (Docs) A2.1 to A2.4 in the case of Appeal A, and Docs B2.1 to B2.3 in the case of Appeal B

⁷ A Rule 6 Party

⁸ Also a Rule 6 Party

⁹ See Docs 30 & 31

¹⁰ See Docs 32 & 33

The appeal sites and their surroundings

Appeal A

16. A full description of the Appeal A site and the surrounding area is given in the Design and Access Statement¹¹ (DAS), the Planning Statement¹² (PS), the Officer's report to Committee¹³, and the Appeal A SoCG.
17. In summary, the site lies some 1.5 km from Woking town centre and has an area of about 5 ha. The central part of the site is occupied by the WFC football stadium set on a north-east to south-west orientation. The spectator accommodation comprises a mix of seating areas and terracing, with the largest stand being the Leslie Gosden Stand located at the south-western end of the pitch. This has a roof height equivalent to about 5 storeys, with framework on top of the roof bringing its overall height to around 6 storeys. The south-eastern area of the site contains a collection of large-footprint buildings accommodating a David Lloyd Centre (including open-air tennis courts and surface car parking).
18. The north-eastern part of the site contains 2 medium-footprint buildings accommodating Woking Snooker Centre and Woking Gymnastics Club, with associated surface car parking. The north-western part of the site comprises an area of hoarded, largely vacant land, with a small group of residential buildings in the site's north-western corner. The site is more or less level, with a small drop of about 1 metre (m) between its northern and southern boundaries.
19. The site is bounded to the north by Kingfield Road and the rear gardens of residential properties associated with Kingfield Road and Kingfield Drive. The eastern boundary is generally lined with tall, mature trees, beyond which lie the rear gardens of further residential properties, along with a length of footpath which also lines the southern boundary. This southern boundary is also well treed, with the Loop Road Recreation Ground lying further to the south, beyond the footpath. Residential properties at the northern end of Granville Road abut part of the southern boundary, with the rear gardens of further residential properties associated with Westfield Avenue and Westfield Grove lining the site's south-western boundary. The site's north-western boundary is formed by Westfield Avenue.
20. The surrounding area is predominantly residential, with the exception of the Loop Road Recreation Ground to the south, and Woking Park, with its associated leisure facilities, to the north and north-east. The majority of the surrounding residential development comprises single and 2-storey detached and semi-detached dwellings, but there is also a more recent development called Willow Reach¹⁴, sited at the northern end of Westfield Avenue, on its western side, facing part of the appeal site. This is a fairly tight-knit residential development, comprising Acer Grove and Sycamore Avenue, containing mainly 3-storey terraced dwellings, along with 2 relatively small apartment buildings called Beech House and Hazel House, which rise to 4 and 5 storeys respectively.

¹¹ Doc A2.5

¹² Doc A2.16

¹³ CD3.1 & CD3.2

¹⁴ See Doc SWAG/KB/3

Appeal B

21. A full description of the Appeal B site and the surrounding area can be found in the DAS¹⁵, the PS¹⁶, the Officer's report¹⁷, and the Appeal B SoCG. In summary, the site has an area of a little over 4 ha and lies within the Green Belt, some 2.5 km from Woking town centre and about 1.6 km to the south-west of the Appeal A site. It mainly comprises open fields, with a large area of trees, protected by an Area Tree Preservation Order (TPO) in the southern part of the site, and a relatively large storage building towards the site's north-eastern corner.
22. The site is bounded to the north by Hoe Valley School and Woking Sportsbox (a relatively recent sporting/leisure facility which includes a gym, a running track, football pitches and tennis courts). Woking Garden Centre abuts the site's eastern boundary, while residential dwellings associated with Hook Hill Lane lie to the south. The railway line lies to the west, with open fields beyond, further to the west. The site is accessed by means of a traffic signal controlled junction on the A320 Egley Road, which runs more or less north/south a little distance to the east. This junction also provides access to the Hoe Valley School and Sportsbox.

Planning Policy and Guidance

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the NPPF, which can indicate a decision other than in accordance with the development plan, if development plan policy is not consistent with the NPPF's provisions. I therefore summarise the national planning policy context first, before turning to look at relevant development plan policies.

The NPPF and National Guidance

24. As noted earlier, the NPPF was revised in July 2021, after the close of the inquiry. Matters set out below, and throughout the remainder of this Report, therefore relate to this revised version. The NPPF emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development through 3 over-arching and interdependent objectives – economic, social and environmental. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take account of local circumstances, to reflect the character, needs and opportunities of each area. To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the NPPF.
25. Paragraph 11 of the NPPF explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or if the policies which are most important for determining the application are out-of-

¹⁵ Doc B2.4

¹⁶ Doc B2.25

¹⁷ CD3.3

date, then planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

26. Paragraph 60 of the NPPF confirms that it is the Government's objective to significantly boost the supply of homes, with paragraph 119 making it plain that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. In this regard, paragraph 120 explains, amongst other things, 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, and should promote and support the development of under-utilised land and buildings.
27. Section 9 deals with the promotion of sustainable transport and, amongst other things, states in paragraph 110, that in assessing specific applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location. In addition, paragraph 112 requires applications for development to give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
28. Paragraph 124 talks further about the need to make efficient use of land, whilst taking account of a number of factors, including the identified need for different types of housing, and the availability of land suitable for accommodating it; and the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.
29. Paragraph 125 states that area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. It explains that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities. Amongst other things it indicates that plans should contain policies to optimise the use of land in their area and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. It requires a significant uplift in the average density of residential development within such areas, unless it can be shown that there are strong reasons why this would be inappropriate. This paragraph further explains that a flexible approach should be taken 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).
30. Section 13 is entitled 'Protecting the Green Belt' and is of particular relevance in the case of Appeal B. Paragraph 137 makes it clear that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open; and

that the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 reaffirms that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved, except in very special circumstances.

31. Paragraph 148 goes on to explain that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Other relevant paragraphs in the NPPF are referenced, as appropriate, later in this Report.
32. The Planning Practice Guidance (PPG), initially published in 2014, is also a material consideration in the determination of these appeals.

The Development Plan

33. The statutory development plan for the area includes the Woking Core Strategy (WCS) adopted in 2012 and the Development Management Policies Development Plan Document (DMPDPD) adopted in 2016, with relevant policies detailed in the respective SoCG, and in the Core Documents. I therefore do not deal with them in detail here, but simply summarise those which were cited in the Council's reasons for refusal.
34. From the WCS, Policy CS6 seeks to ensure that the Green Belt continues to serve its fundamental aim and purpose and maintains its essential characteristics. Within its boundaries strict control will continue to apply over inappropriate development, as defined by Government policy in the NPPF. Policy CS8 deals with the Thames Basin Heaths Special Protection Area (SPA), and states that new residential development which is likely to have significant effect on the purpose and integrity of this SPA will be required to demonstrate that adequate mitigation measures are put in place to avoid any potential adverse effects.
35. Policy CS10 deals with housing provision and distribution and states that the Council will make provision for at least 4,964 net additional dwellings in the Borough between 2010 and 2027, with most of these dwellings planned for the town centre, for where an indicative figure of 1,980 new dwellings is given. The policy also sets out an indicative number of dwellings and indicative density ranges for different areas. The policy states that density levels will be influenced by design, with the aim to achieve the most efficient use of land. It also states that higher densities than these guidelines will be permitted in principle where they can be justified in terms of the sustainability of the location, and where the character of an area would not be compromised.
36. Policy CS11 states that all residential proposals will be expected to provide a mix of dwelling types and sizes to address the nature of local needs, as evidenced in the latest Strategic Housing Market Assessment (SHMA), in order to create sustainable and balanced communities. The appropriate percentage of different housing types and sizes for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme. Policy CS12 sets an overall target for affordable housing of 35% of all new homes, with 40% on brownfield sites providing 15 or more dwellings, and 50% for all new residential development on greenfield land and land in public ownership.

37. Policy CS17 requires all proposals for new residential development (other than replacement dwellings) to contribute to the provision of open space and green infrastructure, to include both outdoor sports facilities and children's play areas, through either on-site provision and/or developer contributions as appropriate.
38. Policy CS18 deals with transport and accessibility and explains that the Council is committed to developing a well-integrated community, connected by a sustainable transport system. Amongst other things it states that this will be achieved by locating most new development in the main urban areas, served by a range of sustainable transport modes, such as public transport, walking and cycling to minimise the need to travel and distance travelled. It also explains that minimum parking standards will be set for residential development, while seeking to ensure that this would not undermine the overall sustainability objectives of the WCS, including the effects on highway safety.
39. Policy CS19 indicates that the Council will work with its partners to provide accessible and sustainable social and community infrastructure to support growth in the Borough. Amongst other things it states that the loss of existing social and community facilities or sites will be resisted unless the Council is satisfied that adequate alternative facilities will be provided in a location with equal (or greater) accessibility for the community it is intended to serve. It also states that the provision of new community facilities will be encouraged in locations well served by public transport, pedestrian and cycle infrastructure.
40. Policy CS21 sets out a number of design criteria which proposals for new development should meet. These include that new buildings and places should be attractive, with their own identity, and should 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. It states that tall buildings could be supported in Woking town centre, if well designed and if they can be justified within the context. New development should also 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, and be designed in an inclusive way to be accessible to all members of the community, regardless of any disability and to encourage sustainable means of travel.
41. Further criteria require new development to incorporate landscaping to enhance the setting of the development, including the retention of any trees of amenity value; protect and where possible enhance biodiversity; ensure schemes provide appropriate levels of private and public amenity space; make provision for sustainable drainage systems (SuDS); and be designed so as to avoid significant harm to the environment and general amenity.
42. Policy CS24 seeks to ensure that all development proposals will provide a positive benefit in terms of landscape and townscape character, including by conserving and, where possible, enhancing townscape character, maintaining locally valued features, and protecting and encouraging the planting of new trees where it is relevant so to do.
43. From the DMPDPD, Policy DM2 sets out criteria to maintain and protect existing trees and landscaping during construction and through new development. These include the need to retain existing trees and other important landscape features

where practicable, and include the planting of new trees and other planting to enhance the quality and character of the development and the general area.

44. Policy DM10 deals with development on garden land, and sets out a number of detailed criteria which should be considered as additional requirements to those in WCS Policy CS21. It states that in all cases, any development of garden land should not result in harm to the character and appearance of an area and any biodiversity value of the site, and also requires that development involving front gardens should ensure that the character of the street is not harmed, and that appropriate boundary treatments and planting are retained.
45. Policy DM13 relates to buildings in and adjacent to the Green Belt, and states, amongst other things, that unless very special circumstances can be clearly demonstrated the Council will regard the construction of new buildings and forms of development, other than those specifically identified on allocated sites in the SADPD, as inappropriate in the Green Belt.
46. Also relevant is saved Policy NRM6¹⁸ from the South East Plan, 2009. This deals with the Thames Basin Heaths SPA and states that new residential development which is likely to have a significant effect on the ecological integrity of the Thames Basin Heaths SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.

Supplementary Planning Documents (SPDs)

47. A number of SPDs are also referred to in the various reasons for refusal. These are not part of the development plan, but they do comprise material considerations in the determination of these appeals. These are the Woking Design SPD¹⁹ (2015); the Outlook, Amenity, Privacy & Daylight SPD²⁰ (2008); the Parking Standards SPD²¹ (2018); The Affordable Housing Delivery SPD (2014); and the Climate Change SPD (2013).

Emerging Development Plan Policy

48. The Council is in the process of preparing a SADPD, with Hearings having been conducted to consider the Draft version in December 2019 to February 2020. The Main Modifications consultation was undertaken between October and December 2020. It is presently anticipated that the SADPD will be adopted sometime later in 2021. As noted earlier, following the close of the inquiry the Inspector's Report on this SADPD was issued, in August 2021²². The SADPD is clearly at an advanced stage of preparation, and the SoCG record the agreement of the Council and appellant that it should be given material weight in the decision making process. I broadly share that view, as detailed later.
49. As part of this emerging SADPD, the site containing WFC, Woking Gymnastic Club and Woking Snooker Club is allocated, under emerging Policy UA44²³, for

¹⁸ CD4.3

¹⁹ CD4.13

²⁰ CD4.12

²¹ CD4.11

²² Docs 30 & 31

²³ Note that this emerging policy appears to have been variously referred to as UA42 and UA44 in the submissions from the parties. In the August 2021 Inspector's Report it is UA44. Throughout this Report, references to either UA42 or UA44 should be taken as referring to land covered by the Appeal A proposal

mixed-use development to include a replacement football stadium, residential development including affordable housing, and retail uses to serve the local community and/or for merchandise directly linked to the Football Club. The 'sister site' at Egley Road is identified for Green Belt release for development under emerging Policy GB7 for a mixed-use development to include residential, including affordable housing and recreational/open space between 2022 and 2027. The overall GB7 site includes the land currently occupied by Hoe Valley School and Woking Sportsbox, as well as Nursery land to the north and further land to the south. On adoption, the SADPD intends to remove this site from the Green Belt in accordance with emerging SADPD Policy SA1²⁴, which sets out the overall policy framework for land released from the Green Belt for development. The southern part of this GB7 site comprises the Appeal B site.

The Appeal Proposals

Appeal A

50. Full details of the proposed development are given in the PS, the DAS and the Officer's report²⁵. In summary, the proposal seeks full planning permission for a new, replacement stadium for WFC, with retail, community and commercial development within the stadium, housing on surrounding land, together with associated car parking (much at basement and lower ground floor level), and highways and public realm improvements. This would comprise:

- A 9,026 spectator capacity stadium (4,168 seated and 4,858 standing), realigned on a north/south axis, with associated public realm works;
- A new central axis boulevard along the west and south sides of the stadium;
- 2 new pedestrian 'streets' linking the boulevard to Westfield Avenue;
- 1,048 dwellings comprising a mix of flats and townhouses/duplexes, arranged in 5 blocks, with 3 on the western side of the stadium and 2 on the southern side. 468 dwellings (Blocks 1 and 2) would be provided as affordable dwellings. Blocks 1 and 2 would front onto Westfield Avenue and would range in height between 3 and 10 storeys, with the lower elements at the Westfield Avenue frontage and the higher levels closest to the stadium. Block 3 would range in height between 2 and 8 storeys, while Blocks 4 and 5, to the south of the stadium, would range in height from 4 to 11 storeys and 4 to 9 storeys respectively. For all blocks the tallest elements would be closest to the stadium;
- A single-storey Community Concierge building to be located in the northern part of the site, close to the entrance from Kingfield Road. This would provide a variety of services including a facility to take deliveries, provide space for bicycle repair and facilitate a car-share scheme;
- Various refreshment kiosks throughout the stadium for home and away supporters, with hospitality boxes and a club bar also being provided in the west and north stands;
- Space for a medical centre at second floor level within the north stand;
- Space for flexible retail at ground floor level within the west stand;
- Space for flexible commercial uses at first and second floor levels within the

²⁴ See CD4.4 and Docs 30 & 31

²⁵ See also the scheme drawings at Docs A1.1 to A1.67

west stand;

- Parking for 915 cars (855 for residential development (including 20 tandem spaces, and 3 community concierge spaces) and 60 for the stadium);
- A main vehicle access to the stadium from Kingfield Road to the north, with pedestrian access also available from Westfield Avenue; and
- Access to the residential parking areas from 2 locations on Westfield Avenue.

Appeal B

51. Again, full details of the proposed development are given in the relevant PS, DAS and Officer's report²⁶. In summary, the proposal seeks full planning permission for the redevelopment of the site, following demolition of the existing building, to provide an area for indoor and outdoor sports, incorporating an external swimming pool and tennis/sports courts, the provision of 36 3-storey dwelling houses (all to be provided as affordable housing units), associated landscaping and car parking and new vehicular access from the existing road serving Hoe Valley School. It is intended that this facility will be operated as a David Lloyd Centre, following the move of the existing David Lloyd Centre from the Appeal A site, to allow implementation of the Appeal A proposal.

Agreed Facts

52. Section 5 in the respective SoCG set out the significant extent of agreement between the Council and the appellant on a wide range of matters, which are not repeated in detail here, but are simply summarised or referenced in the following paragraphs.
53. For Appeal A, there is agreement that matters raised in the Council's fifth reason for refusal would be addressed by the PDA. This would cover such things as affordable housing; travel plans for the stadium and the rest of the development; highways works; a bus service contribution; provision of a car club; provision of a mobility hub (to include a café, workspace, micro-consolidation centre, cycle hub, community concierge and personalised travel planning service); the funding of consultation and implementation of Traffic Regulation Orders (TROs); the provision of passive electric charging ability for residential parking spaces; and a Strategic Access Management and Monitoring (SAMM) contribution.
54. There is also agreement between these parties on such matters as the principle of a replacement stadium; the relocation of the existing David Lloyd Centre; the relocation of the existing Woking Gymnastics Club; demolition of the existing buildings on the site; landscaping and materials for the proposed development; impact on nearby designated and non-designated heritage assets; biodiversity, ecology and Thames Basins Heath SPA impact; landscaping and trees; the quantum of informal and formal open space proposed; impact on neighbouring occupiers (with the exception of specific instances and locations noted within the third reason for refusal); refuse, recycling and servicing; air quality; drainage and flood risk; and energy and sustainability.
55. In the case of Appeal B, there is further agreement that matters raised by the Council in its third reason for refusal, concerning affordable housing, a travel

²⁶ See also the scheme drawings at Docs B1.1 to B1.38

plan for the health club, necessary highways works and a SAMM contribution, would be addressed by the PDA. There is also agreement between these parties on such matters as the need for very special circumstances to be demonstrated; the mix of land uses proposed; demolition of the existing building; design and materials for the proposed development; impact on nearby designated and non-designated heritage assets; landscaping, biodiversity and ecology (with the exception of a consideration of the removal of some existing trees); the provision of informal and formal open space; impact on neighbouring properties; Nationally Described Space Standards; refuse, recycling and servicing; air quality; drainage and flood risk; and energy and sustainability.

Cases of the Parties

56. As well as the Council's opposition to both appeal proposals, the 2 Rule 6 Parties – SWAG and HVNF – also presented evidence opposing Appeal A, whilst a number of interested persons appeared at the inquiry, mainly speaking in opposition to the Appeal A proposal, but some also opposed Appeal B. I therefore deal with the cases of all those opposing the proposals first, before summarising the case for the appellant. I then deal with those who relied on their written representations – both in support of the proposals, and in opposition to them.

The Case for the Council²⁷

The material points were:

Preliminary matters

57. Although these appeals are nominally about a proposal for a replacement stadium for WFC, it is of note that the Football Club is in no jeopardy on its present site and positively opposes the application. The Club presently acts as a destination and the stadium, the principal part of which is modern and post-dates the Taylor report²⁸ is capable of accommodating the football matches it can reasonably expect to play both now and in the future, whether promoted or not.
58. At present, approaching spectators are able to see the existing stadium, but the Appeal A proposal would prevent this from happening as the destination would no longer be visible to the approaching fan. The fan arriving at Woking station (or elsewhere) would notice, after he or she has set out from the station, not a stadium but a cluster of tall buildings, surrounding the stadium, incongruously placed well beyond the town centre, which is the only location where provision is made by development plan policy for tall buildings. This would be entirely contrary to the intention expressed by the architect of the scheme, namely that the Football Club was to be the destination²⁹.
59. No evidence was submitted to suggest that WFC has been activated by any motive other than a desire to see a successful football club at its present location. In this regard it is the case that the stadium could be improved on one side or the other, or bit by bit. It is also the case that that the Council - which

²⁷ Summarised in Docs 3 & 23

²⁸ The Report which followed the Hillsborough disaster

²⁹ See paragraph 5.0.00 of Doc APP/CG/1

happens to be the landowner - views the Club with a benevolent eye. In addition, the Club now has new investors³⁰.

60. What the appellant does not appear to have considered is what effect the removal of the Club to an unknown destination for 2 years would have on the various community activities that it is involved with. It is, however, apparent, that the appellant appears to be significantly at odds with the Football Club. Whilst the Club, had, indeed, been a joint applicant for planning permission, the situation has now changed – not least as a result of the Council’s refusal of planning permission. In these circumstances it is perfectly open to the Club to change its stance, and accept the Council’s decision – as indeed it has done.
61. Insofar as the matters before the inquiry are concerned, the SoS has to deal with the applications for planning permission as if they had been submitted to him in the first instance³¹. In other words, the process to be followed in these appeals is one of full consideration of the merits and demerits of the proposals. It is not a review process. Notwithstanding the clarity of the legal position, it was put to the Council’s planning witness, Mr Rainier, that a developer made his application to the planning authority and then stood at appeal to be judged exclusively on that. It was also said that it was not expected for a developer, who appeals, and thereby renews his application, to put new material before the SoS when he was dealing with an appeal. Mr Collins, for the appellant, intimated that the case of Wheatcroft³² precluded such a step. However, this is absurd.
62. Wheatcroft is referenced in Planning Inspectorate Good Practice Note 09³³, and is to the effect that an application for planning permission cannot be amended if the effect of the amendment would mean that the public had been consulted on something different from the application as amended. In this case the focus of attention was on the fact that an assessment of parking had not been undertaken in accordance with either the Vehicular and Cycle Parking Guidance of Surrey County Council³⁴ (SCC), or the WBC Parking Standards SPD³⁵.
63. Both of these documents have a parking standard for ‘stadia’ of 1 car space per 15 seats, OR individual assessment/justification, and both make it clear that where ‘individual assessment’ is required – as here - it should be demonstrated that demand for parking is either met on site or mitigated or managed as appropriate. In this case it is clear that demand is not met on site, and there has been no demonstration of mitigation and management. In other words, this is a case where the application before the SoS ought to have been accompanied by a particular assessment, but where the appellant has conspicuously failed to carry out that assessment. It is not a case where an amendment of the application is being considered.
64. The appellant presented a case on one basis, but then departed from it, leading to substantial doubt as to the case being presented. To demonstrate – the evidence presented to the inquiry by the appellant’s architectural witness, Mr

³⁰ See CD6.6

³¹ See section 79 of the Town and Country Planning Act 1990

³² Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

³³ CD6.29

³⁴ CD4.21

³⁵ CD4.11

Gilham³⁶, and put in the public domain on behalf of the appellant, expressly stated that everything in the Officer's report (save the conclusions on the impact on 2 named properties³⁷) was accepted and asserted. However, when cross-examined on these matters, Mr Gilham drew back from the position stated in his proof of evidence, and indeed declined to answer many questions³⁸. There are consequently numerous matters stated in the Officer's report where the position taken by the appellant is not known.

65. Further, some matters were put to the Council's witnesses in direct contradiction of what was asserted in the evidence of the appellant. Two notable instances are the suggestions (to Mr Rainier) that the WCS was out of date, and that the site (in Appeal A) was not in the urban area for the purposes of WCS Policy CS10.
66. These suggestions are flatly contradictory to what is recorded in the Officer's report. At paragraph 3 of this Officer's report³⁹ it is stated the WCS '*continues to be considered up to date*', and at paragraph 85 of the same report it is recorded for the purpose of WCS Policy CS10, that '*the application site*' falls within the zone described as '*rest of the Urban Area*'. It is then said that the density of the scheme was 360 dwellings per hectare (dph) if the concierge building and adjacent verge is included in the calculations, or about 380 dph if these parts are excluded. This compares to the indicative figure of 30-40 dph for infill development in the rest of the urban area – as detailed in WCS Policy CS10 – with the report stating that the scheme '*is very high density*'.
67. A further, lamentable event is the fact that the evidence tendered to the inquiry by the appellant said the Council's case was disingenuous⁴⁰, ie, that it was in bad faith, lacking in sincerity and without candour. That is a very serious allegation which, if true, would have put the Council's witnesses in breach of their obligations to their respective professional bodies, and would also have put the Council in breach of its obligation to assist the inquiry.
68. The appellant's opening statement did not withdraw that evidence. However, it was not put to either Mr Rainier or Mr Lewis. It is self-evident that, if such an allegation is being made, it has to be put to the opposing party. The evidence making the allegation was, none the less, led, and it was only when Mr Collins was asked about this matter, on day 7 of the inquiry, that he withdrew the allegation. The only sensible approach is to treat the appellant's evidence with extreme caution and to remember to focus on the issues in the case.
69. As the inquiry proceeded it became increasingly apparent that Appeal A and Appeal B are inseparably linked. If one is to be refused, both are to be refused. The appellant has sought, from time to time, to attempt to separate them but to no avail. An example is the attempt to preclude reference to the fact that the recreational facility proposed through Appeal B would be in clear breach of policy. Nonetheless, in considering the proposals it makes sense to deal with them separately, and to deal with the Green Belt Appeal B proposal first. This, as a

³⁶ See paragraph 5.0.02

³⁷ 'No 2 Westfield and Penlan'

³⁸ See paragraphs 15 and 16, and the final Schedule in Doc 23

³⁹ CD3.1

⁴⁰ See paragraph 4.19 of Doc APP/CC/2

minimum to be permitted, requires very special circumstances - related to the site in question - to be demonstrated.

Appeal B

70. It is accepted by the appellant that Appeal B stands to be dismissed unless there are found to be very special circumstances, which must outweigh the harm otherwise caused by allowing the development. There is no magic about the expression 'very special circumstances'. The process is to identify a circumstance bearing on the site the subject of the application; then be able to qualify it as a special circumstance; then be able further to qualify it as a very special circumstance. The circumstance must of course be legitimate both as respects the law generally and planning control in particular. The circumstances surrounding the site are curious but are certainly not special; still less are they very special. The matters put forward by the appellant as very special circumstances are discussed in the following paragraphs.

Provision of new leisure/gym and health club facilities

71. One circumstance that is put forward is that a commercial enterprise – David Lloyd Leisure Ltd – is interested, subject to contract and board approval, in the site for one of its clubs, as set out in a letter dated 12 April 2021⁴¹, for which the facilities to be provided will be determined by way of commercial decision by the David Lloyd group of companies⁴². However, there is no evidence of any binding commitment to the provision of a club that is equivalent to or better than the existing club, which is, in the view of David Lloyd 'second to none'⁴³.
72. The appellant was expressly asked and given the opportunity to provide evidence of a binding commitment on the part of David Lloyd so as to identify a legally binding commitment to secure that the site at appeal site B would be equivalent to or better than the site at appeal site A. In response, the appellant produced agreements to which the David Lloyd group are not parties⁴⁴. It is axiomatic that 2 parties who make an agreement do not and cannot bind a third party. The David Lloyd group are not committed to anything.
73. The aforementioned April 2021 letter, which is the only document from the David Lloyd group, does not bind them to any course of action. Nothing binds the David Lloyd group to any particular quality, let alone equivalent quality or superior. However, both WCS Policy CS17 and paragraph 99 of the NPPF are absolutely clear that if a recreational facility is to be lost, its replacement must be of equal or better quality. This is not a matter of hope or aspiration, nor is it a commercial matter. It is a matter of control relating to land use.
74. The planning system is founded on matters that are binding. Although a planning permission is permissive, such a permission will always contain legally enforceable controls. Indeed, S106 of the TCPA 1990 is in place in order, in part, to avoid the giving of informal undertakings by developers. Such undertakings are not enforceable, however well expressed. A reason why one needs to be sure

⁴¹ See Appendix 2 to Doc APP/CC/2

⁴² See paragraph 27 in CD3.1

⁴³ CD6.3

⁴⁴ CD6.8 – CD6.10

about enforceability is that a planning permission enures for the benefit of the land. The appellant's position appears to be that as something is being provided, it is therefore bound to be taken up. However, the question is not whether something would be taken up, but whether what it is to be provided is bound to be equivalent to or better than the existing facility.

75. This matter is illustrated by the PDA⁴⁵, dated 18 May 2021. By this deed GolDev Woking Ltd covenant that the Stadium Development Completion should take place by the earlier of 2 dates⁴⁶. The Stadium Development Completion is defined⁴⁷ as the date on which the Stadium Development, ie the new football stadium and the Ancillary Stadium Development, is completed in accordance with the Stadium Specification. Thus, we know that there is a commitment to the Stadium Specification. The Stadium Specification is detailed. It runs to over 16 pages⁴⁸. The pitch is specified. It will be turf reinforced with a plastic fibre, of which illustrative trade names are given. The pitch apparatus is specified, as is the run off, astro turf. The lighting is specified with the lux value identified.
76. The facility to be provided, asserted by the appellant as being for the David Lloyd group (despite this name not appearing in the deed) has to be provided as Ready for Occupation⁴⁹. This does not include fit-out, furniture, floor coverings, fittings and other decorative accessories. There are a number of matters that are notorious about most sports and certainly tennis – including that the surface one plays on is critical. There are, obviously, grades of surfacing. Further, we are here concerned with an indoor racquet sport where lighting is important.
77. The proposed facility would also include a gym, which would be dependent on sophisticated and expensive equipment for individual users. There is no evidence as to what would be provided or how it would differ from or reflect that which is at the existing site. No one has even stated whether or not the surface of the tennis courts would be the same or better or whether the lighting would be the same or better. The same holds true for the swimming facilities. Even if the appellant had troubled to provide such evidence it would not change the position, for what is necessary to know is whether that which would come forward would be equivalent to or better than that which is present at the current site.
78. The evidence is that the club at appeal site A cannot be bettered⁵⁰. Further, the evidence, expressly accepted and asserted by the appellant⁵¹ is that it would be a commercial decision for David Lloyd as to what they come to do, assuming they surrender their current leases and decide to move to the Appeal B site. The David Lloyd group of clubs are just that - a group having commercial premises in a variety of places. There is no evidence from the appellant or before the inquiry as to whether other clubs could expand or whether there is scope for David Lloyd facilities elsewhere in Borough of Woking or in neighbouring parts of Surrey.

⁴⁵ CD6.16

⁴⁶ See Schedule 1, clause 2.2 of CD6.16

⁴⁷ Page 11 of CD6.16.

⁴⁸ See the pages that follow page 30 in CD6.16

⁴⁹ See page 10 of CD6.16

⁵⁰ See CD6.3

⁵¹ See paragraph 27 of CD3.1, and the appellant's acceptance of this at paragraph 5.0.02 of Doc APP/CG/1

79. Assuming the David Lloyd group decides to surrender its leases and move to appeal site B, commercial decisions would have to be made as to all the matters mentioned above and more besides. There would be a range of decisions to be made by the David Lloyd Group, all of which would have cost implications and all of which would bear on the question whether an *'alternative [facility] of equal or better quality would be provided as part of the development'*, as is required by WCS Policy CS17. Something that is in clear breach of development plan policy cannot be a very special circumstance justifying an override of Green Belt policy.
80. The only sensible conclusion to be drawn on the evidence is that any new David Lloyd facility is more likely than not to be inferior to the existing facility because that facility is second-to-none and the commercial factors that would bear on the fit-out of the facility suggest a lower quality. However, it is not necessary to base this view on what is more likely than not, for there is one respect in which any new facility would be certain to be inferior for users. This is the time available for use of the club, which would be less at the prospective club than at the existing club. This is because the hours of use set out in agreed Conditions 19 and 20 for Appeal B, are less than those at the current David Lloyd facility⁵².
81. Moreover, whilst the existing David Lloyd Centre has a well-used car park, it also has some walk-in custom from proximate housing. The inquiry heard from one such walk-in customer, Mrs Bowes, who pays a membership fee of £125 a month. The proximate housing at the Appeal B site would be affordable accommodation, provided for those whose disposable income is limited. It is reasonable to assume that those living in affordable accommodation would not be able to afford £125 a month.
82. Furthermore, appeal site B is more distant from the centre of population in Woking than is the case with appeal site A. This can be seen from the plan of Woking Borough at page 33 of CD4.1. It is also relevant to note that figures from the 2011 Census⁵³ show that the population of the Kingfield and Westfield Ward, where the existing David Lloyd Centre is located is 5,576, whereas the proposed site would lie within the Mayford and Sutton Green Ward, which has a much lower population of 2,470.
83. Drawing the above points together, whilst the interest of the David Lloyd group in appeal site B is clearly a circumstance, it is most certainly not a special circumstance as the David Lloyd group have sites elsewhere, and can provide sites elsewhere. Further, it would be a breach of both the NPPF and the development plan to remove an existing recreational facility if its replacement would not be equivalent or better⁵⁴. Finally, it should be remembered that not only has the David Lloyd group given no binding commitment to a move to appeal site B, any replacement facility is more likely than not to be inferior to the current facility, which is described as 'second-to-none'.

Affordable housing

84. The appellant contends that the provision of affordable housing at appeal site B should be seen as a very special circumstance. However, there is nothing special

⁵² See CD6.28

⁵³ See page 13 of CD6.5

⁵⁴ See paragraph 99(b) of CD4.7 and WCS Policy CS17 at page 90 of CD4.1

about the provision of affordable housing in Woking and nothing special about its provision on this site. In fact, the emerging SADPD policy under consideration for the site⁵⁵ provides for a greater level of affordable housing (118 units) than does this Appeal B proposal (just 36 units). Thus, allowing Appeal B could prevent the provision of the larger quantum of housing envisaged by the currently emerging policy, especially as it has not been demonstrated that any further dwellings could be constructed on this overall GB7 site whilst maintaining a sense of visual separation between Mayford and the rest of the urban area, which is one of the key requirements of this emerging policy.

85. Accordingly, the provision of residential accommodation - whether affordable or not - is not a special circumstance. This can clearly be seen by looking at housing provision and its supply in Woking, as set out in the Council's Annual Monitoring Report (AMR), dated December 2020⁵⁶, which shows a number of important matters. First, housing completions rose in the last year⁵⁷. Second, there is an overall supply of 9 years, which takes account of the required buffer, with the supply having been strengthened by the progress of the SADPD towards adoption and the successful WBC/SCC bid for Housing Infrastructure Fund money for infrastructure to support the delivery of housing in the town centre⁵⁸.
86. Third, there is a reasoned explanation for the below target, affordable housing figure⁵⁹. Fourth, the context of Woking, which plainly bears on its character and that of the areas that make it up, is one of a population of just over 100,000 spread over 6,359 hectares at a population density of 15.9 per hectare. The Appeal A proposal would add 2% to the population of Woking but concentrated within just 5 ha, to include a football stadium, and at a density 20 times that which otherwise characterises Woking. Fifth, the WCS has clear provisions as to how to deal with any shortfall⁶⁰, but the appellant has not suggested they need to be applied.
87. It is apparent that the provision of affordable accommodation on appeal site B, in a way that may preclude a greater amount of affordable accommodation on the site, is not a very special circumstance for the purpose of displacing the Green Belt designation.

Enabling a new stadium

88. A further matter put forward by the appellant is the creation of a new stadium for WFC. However, the Football Club has made it plain it does not want the new stadium proposed through Appeal A, and in fact is opposed to Appeal A and the underlying application that is before the SoS⁶¹. It is a matter of indifference if the Club at some antecedent stage had a different view. Thus, the new stadium is not sought by the Club and there is no evidence that the Club is in jeopardy

⁵⁵ Policy GB7 in CD4.4

⁵⁶ See CD4.10, the Annual Monitoring Report, dated December 2020

⁵⁷ Page 4 of CD4.10

⁵⁸ Page 18 of CD4.10

⁵⁹ Page 23 of CD4.10

⁶⁰ See Chapter 6, especially paragraph 6.20, of CD4.1

⁶¹ See Doc 16

other than through this appeal, which would see it lose its ground for 2 seasons⁶² if the development were to proceed as planned.

89. It is entirely unknown and unspecified where WFC might play its matches during this 2-year period. There is no commitment to a given proximity to the current stadium or Woking generally; indeed, there is no commitment to Surrey. The appellant has produced no evidence as to the impact on the community aspects of the Club, whether for this period or at all. Moreover, there is no evidence that the pitch would be of a different size or quality, and no evidence that there is any regulatory impediment to the Club being able to extend its occupation of the current ground to 100 years and beyond⁶³. The inquiry was informed that the Club has support from a number of sources, including a new American source.
90. Mr Gold for the appellant said that the Club would be bound to accept the proposal it does not support, and contends this to be the contractual position. But even if that is the case, it makes no difference to the planning position.
91. In respect of Appeal B the appellant has to contend that forcing the demolition of the present stadium; a 2-year gap from Woking for WFC; and then a return to a stadium surrounded by 5 blocks of flats constitutes such a very special circumstance as to outweigh Green Belt designation and Green Belt harm. The comparative position is continuing in situ, as for the previous 99 years; having no 2-year exodus; and the ability to continue to play with scope for improvements (both in play and built form) with community aspects of the Club continuing without interruption. In these circumstances it is clear that the provision of this proposed new stadium cannot be considered a very special circumstance in favour of Appeal B.

Emerging policy

92. The appellant also maintains that allowing Appeal B would reflect the emerging SADPD Policy GB7 which, amongst other things, would remove the area covered by the policy (which includes but is greater in size than appeal site B) from the Green Belt. But this could hardly be considered a special circumstance, and most certainly not a very special circumstance. In any event the Appeal B proposal does not anticipate the emerging policy. Rather, it would preclude that policy from finding fulfilment, assuming the policy comes to be adopted.

Summary

93. In light of all the points set out above, there are no very special circumstances supporting an abandonment of extant Green Belt Policy. If there are such circumstances they do not overcome the harm that would occur. The appellant was very keen to talk of definitional harm as if, somehow, it were not harm. However, the NPPF⁶⁴ says that inappropriate development, which this development is acknowledged to be, is by definition, harmful and that substantial weight must be 'given to any harm to the Green Belt'. Substantial weight must be therefore given to 'definitional harm'.

⁶² See Officer's report CD3.1

⁶³ The Club started at the site in 1922

⁶⁴ See paragraphs 147 and following of CD4.7

94. Very special circumstances, according to the NPPF, cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case there would be substantial Green Belt harm and other harm resulting from breaches of policy and the link to the Appeal A proposal.
95. There would also be harm arising from the extensive loss of woodland, subject to a TPO, that would be a consequence of the Appeal B proposal. The Arboricultural Impact Assessment⁶⁵ (AIA) submitted with the planning application confirms that the development would result in the loss of 7 individual trees, 4 groups of trees and the northern edge of the woodland on site, which equates to approximately 25% of its total canopy area. The Council's Arboricultural Officers objected to the planning application⁶⁶, noting that the woodland area is classified as A2 woodland, which represents trees of high quality with a remaining life expectancy of at least 40 years, and with particular visual importance as arboricultural and/or landscape features. They also noted that the loss of 25% of this woodland would be of significant detriment to the character of the area.
96. The trees in question constitute an important feature in the locality as they are prominent in views from Egley Road to the east, from the school to the north and from Hook Hill Lane to the south and the railway to the west. The loss of these trees would therefore be harmful. The overall conclusion of the Council's Arboricultural Officers was that the removal of the protected trees to facilitate the development would not be acceptable.
97. The appellant suggested that as the TPO was old, it could therefore be disregarded or given limited weight. This is wrong. It ignores the legal position which is that *'the validity of ... [a tree preservation order]... shall not be questioned in any legal proceedings whatsoever'*⁶⁷. The trees plainly have high amenity value, such is the evidence before the inquiry.
98. It has already been noted that the site is part of a draft allocation under emerging SADPD Policy GB7. This states that development of the site should address key requirements, one of which is that the development should retain, and where possible strengthen, any trees and groups of trees of amenity and/or environmental value on the site – including protected trees and the wooded area to the south of the site which is covered by an Area TPO. In addition, the reasoned justification says that proposals for development would greatly benefit from early engagement with a number of consultees, including the Council's Arboricultural Officer regarding the protection and conservation of trees and tree belts, including the aforementioned wooded area to the south of the site.
99. It is clear therefore, that the release of the site from the Green Belt is contingent on the fact that the protected trees are retained on site and that the wooded area of the site is not developed.
100. To summarise the policy position, WCS Policy CS1 does not envisage appeal site B as a location for residential development, other than as a possibility of being identified with the broad location for future direction of growth to meet housing

⁶⁵ Doc B2.6

⁶⁶ CD2.21

⁶⁷ See section 284 of the TCPA 1990

need after 2022 in accordance with a review, to be completed. This policy does not envisage the site as for recreational purposes at all. WCS Policy CS6 requires '*strict control*' over '*inappropriate development*' which the appellant accepts is constituted by the Appeal B proposal. WCS Policy CS10 does not embrace appeal site B as a site within its housing provision and distribution.

101. WCS Policy CS12 records an '*overall target*' for affordable housing. In this case the appellant has unduly placed too much weight on its provision of affordable accommodation. More particularly the appellant has been overly critical of the quantum of provision of affordable accommodation, with its evidence omitting matters of significance. In this regard it is worthwhile repeating points made earlier, taken from the Officer's report, namely that the Council has a 9-year housing land supply; that density for the Appeal A proposal is recorded as 360 dph or 380 dph; that very high development can indicate overdevelopment; and that high densities often result in tall buildings affecting the landscape.
102. WCS Policy CS17 expressly provides a presumption '*against any development that involves the loss of a sport, recreation or play facility⁶⁸ except where it can be demonstrated that there is an excess of provision, or where alternative facilities of equal or better quality will be provided as part of the development*'. Insofar as the appellant ever sought to grapple with the necessary question of '*demonstration*', under Policy CS17, it may be supposed to be in the further statement to the inquiry from Mr Gold, dated 14 May 2021⁶⁹, and the associated CD documents 6.8, 6.9, 6.10 and 6.11.
103. However, these documents do not identify any legally binding commitment on the David Lloyd group that secures that the site at appeal site B would be equivalent to or better than the site at appeal site A. The material relied upon by the appellant is the letters from David Lloyd Leisure Ltd dated 12 April 2021⁷⁰ and 14 May 2021⁷¹ but neither is any way binding, and neither speaks to the quality of the facility. The latter refers to a standard commensurate with a new build David Lloyd Club, but it is not made clear what that standard is. The former is heavily caveated and does not lead to the required policy conclusion. An unspecified, non-binding, reference to unspecified facilities is, from the point of view of planning policy, hopeless.
104. In summary, the application before the SoS stands to be determined by reference to the development plan so far as material. The material development plan provisions, which are agreed to be up-to-date, clearly signify refusal. It then has to be asked whether other material considerations outweigh that determination. Other material considerations include those circumstances suggested by the appellant as very special. These are the demolition of the largest football stadium in Surrey and its unwanted replacement 2 years later; the provision, in breach of policy, of a recreational facility; an anticipatory development adversely affecting a development proposal that may come forward; and the provision of affordable accommodation in a lesser amount than that which is proposed through emerging policy.

⁶⁸ The creche at the current David Lloyd facility should not be overlooked

⁶⁹ CD6.7

⁷⁰ Appendix 2 to Doc APP/CC/2

⁷¹ CD6.11

105. It follows that a determination in accordance with the development plan requires refusal and that other material considerations do not undermine that determination but in fact support it. It therefore follows that Appeal B should be dismissed.

Appeal A

106. As with the Appeal B proposal, consideration of Appeal A has to be informed in exactly the same way. The development plan – which it is agreed is up-to-date – must prevail unless other material considerations signify otherwise.

107. An important part of this proposal is that there should be 1,048 residential units. This was made clear by Mr Gold's evidence, which indicated that the viability of the project to cover all the associated costs and outgoings was an important consideration in the design process⁷². This proposal can properly be categorised as creating a new neighbourhood. This is obvious from looking at the area in which it sits, the census figures⁷³ and the housing monitoring reports⁷⁴.

108. It has always been a feature of the modern town and country planning system that the Local Planning Authority must keep under review the matters which may be expected to affect the development of its area or the planning of its development. These matters include the principal physical, economic, social and environmental characteristics of the area; the principal purposes for which land in the area is used; the size, composition and distribution of the population of the area; and the communications, transport system and traffic of the area⁷⁵. In this regard there is no suggestion that the Local Planning Authority has not done that which is demanded of it.

109. Against that background, the development plan, including the WCS, sets out 'a clear vision of what the Borough will look like by 2027 and a clear sense of direction for how the vision will be achieved'⁷⁶. Further, 'the spatial vision of the WCS paints a clear picture of where the community would like the Borough to be by 2027. It encapsulates the aspirations of the local community.....'⁷⁷.

110. Appeal site A lies within Kingfield, identified in the WCS as part of the urban area⁷⁸. It is not town centre, district centre or local centre. From both the 2011 Census⁷⁹ and the 2020 AMR⁸⁰ the population of Kingfield can be seen to be around 6,000. The Appeal A proposal would put about 2,000 people into less than 5 ha of Kingfield. In other words, one location would increase the population of Kingfield by the equivalent of about one third. As the character of an area is affected by its population – agreed by both Mr Collins and Mr Gilham for the appellant – this proposal would obviously have a profound effect on character. It would create a new neighbourhood.

⁷² See paragraph 4 of Doc APP/WG/1

⁷³ CD6.5

⁷⁴ CDs 4.9 & 4.10

⁷⁵ See section 13(2) of the Planning and Compulsory Purchase Act 2004

⁷⁶ Paragraph 1.4 of CD4.1

⁷⁷ Paragraph 3.1 of CD4.1

⁷⁸ Map 1 on page 33 of CD4.1

⁷⁹ CD6.5

⁸⁰ CD4.10

111. However, there is no hint within the WCS that the creation of a new neighbourhood, having a profound effect on character at appeal site A, is any part of the WCS's clear vision. There is no suggestion it is part of that clear picture of where the community would like to be by 2027. Nor is there anything to suggest that the Appeal A proposal encapsulates the aspiration of the local community⁸¹. Accordingly, there is a proposal of a type one would obviously expect to see as part of the vision for the community – but it is simply absent from the vision. There is no policy support for it in the WCS.
112. WCS Policy CS1 states that the WCS will make provision for 4,964 dwellings, with most of this development to be '*directed to previously developed land in the town, district and local centres*'. It is agreed that appeal site A is outwith each of those categories. Infill development is permissible in the built-up area of the Borough not falling in those categories, but the appellant has been keen to say that the Appeal A proposal is not infill development. This policy also states that '*details of how the overall strategy will be delivered are set out by the rest of the policies of the Core Strategy*', with WCS Policy CS10 going on to explain that the 4,964 units will be distributed '*in accordance with the distribution set out in the table*' included within that policy.
113. As has already been noted, the area where Kingsfield sits is '*the rest of urban area*', and the expectation for Kingsfield is for infill development at an indicative density range of 30-40 dph. The whole of the rest of the urban area has an indicative total figure of 750 dwellings in Policy CS10, but the appellant is proposing that more than one third more than this total – 1,048 dwellings – should be accommodated on just one site. The only way these extraordinary numbers, wholly lacking in development plan support, could be achieved is by building tall buildings. These cannot be referenced to the stadium, which has a latticed roof that does not sensibly count as a storey. These buildings can only sensibly be referenced by the existing buildings that make up the surrounding area – the vast majority of which are 2-storey, domestic buildings.
114. It is necessary to consider whether there is any policy support for 5 tall buildings on appeal site A, where the existing development creates a coarse urban grain, which contrasts with the finer urban grain present within the surrounding area. This question has, in fact, already been considered by the SoS who, through his agent Inspector, dismissed a proposal for demolition of existing buildings and erection of a mixed-use development ranging in height to 17 storeys at 9-13 Poole Road, Woking⁸², in March 2020. The Inspector determined that despite the appeal proposal's closeness to the town centre boundary, and its acknowledged very good access to town centre facilities and public transport, there is no policy support for tall buildings outside the town centre⁸³. The date of the decision is significant as there has been no policy change since that time.
115. In reaching this view the Inspector had regard to WCS Policies CS1 and CS15, Policy UA14 of the emerging SADPD, the NPPF, and the Woking Design SPD adopted in 2015. The Inspector's conclusion is also supported by WCS Policy CS21, with its reference to tall buildings possibly being supported in the town

⁸¹ The letters of support submitted when the application was before the Local Planning Authority should be treated with caution, for want of reference to the housing aspect of the proposal

⁸² Appeal Ref APP/A3655/W/19/3229047, in Appendix 1 to Doc WBC/PR/2

⁸³ See paragraph 21 of the above Appeal Decision

centre. There is no hint of any support elsewhere. It is clear, therefore, that there is no policy support for tall buildings at appeal site A. Consistency in decision making demands, therefore, that Appeal A should be refused. In any event the prior decision requires careful consideration, with any departure from it needing to be fully reasoned.

116. Insofar as the Council's Design SPD⁸⁴ is concerned, this document contains the 'Woking Tall Buildings Strategy'⁸⁵ which provides for tall buildings in the town centre but not elsewhere. Accordingly, it can be seen that the Poole Road Inspector's reasoning about the want of policy support for tall buildings outside the town centre in respect of the SPD was sound.
117. This fundamental policy objection applies with more force in respect of Appeal A, as the site lies further from the town centre and the proposal comprises not 1 tall building but 5, in an area more strongly characterised as low-scale residential. This previous appeal decision is therefore a serious and conclusive impediment to the grant of planning permission for the Appeal A proposal.
118. Turning to consider the market and affordable housing proposed, WCS Policy CS11 requires a mix of dwelling types and sizes to be provided, with the local needs that this should address being set out in the latest SHMA⁸⁶. For Woking, this explains that for market dwellings, 10.9% should be studio/1-bedroom units; 28.1% should be 2-bedroom units; 38.3% should be 3-bedroom units; and 22.7% should have 4 or more bedrooms. In the case of affordable housing, 50.3% should be studio/1-bedroom units; 24.4% should be 2-bedroom units; 22.3% should be 3-bedroom units; and 2.9% should have 4 or more bedrooms.
119. However, the proposed development would provide mostly a mixture of studio/1-bedroom and 2-bedroom dwellings, with only a very small amount of 3-bedroom dwellings. Whilst the reasoned justification for Policy CS11 does state that '*lower proportions of family accommodation (2+ bedroom units which may be houses or flats) will be acceptable in locations in the Borough such as the town and district centres that are suitable for higher density developments*', the appeal site clearly does not lie in either the town centre or a district centre.
120. The SHMA therefore indicates that for market dwellings, the need is for over 60% 3 and 4+ bed roomed units, and almost 40% of 1 and 2-bed dwellings. But the proposed development completely fails to meet this mix, as over 99% of the dwellings would have 1 or 2 bedrooms (about 50.5% studio/1-bed and about 48.5% 2-bed), with less than 1% having 3 or 4+ bedrooms. In the case of affordable housing, at about 47% and 0% respectively, the proportions of 1 and 4+ bed units would be close to the SHMA figures detailed above. But whereas the SHMA identifies the need for 2-bedroom dwellings at 24.4% - the scheme would deliver way in excess of this, at about 52%. Moreover, the scheme only proposes about 1% of 3-bed units, whereas the SHMA identified need is 22.3%. Mr Rainier pointed out that the Officer's report contains incorrect percentages in this regard⁸⁷. Overall, this proposal would deliver over 99% 1 and 2-bed units, and less than 1% of 3-bed units - and no 4+ bedroom units.

⁸⁴ CD4.13

⁸⁵ See pages 25-29 of CD4.13

⁸⁶ CD4.15

⁸⁷ Compare the table at para 107 of CD3.1 with the correct figures in the table at para 7.22 of Doc WBC/PR/1

121. High rise and high density developments often give rise to an abundance of small units, as would be the case here. But on a site which does not fall within the town centre where most developments have resulted in 1 and 2-bedroom dwellings, there is a need to take the opportunity for a more balanced development which better meets the mix indicated within the SHMA. Emerging SADPD Policy UA42 supports this view by stating, as one of its criteria that development must *'provide a range of housing sizes in accordance with Policy CS11'*. Something approaching the SHMA mix would be achievable on this site, and would be likely to result in a built form more appropriate to the site surroundings than the current proposal.
122. In summary therefore, the Appeal A proposal can clearly be seen to be at odds with the development plan, so far as material. Leaving aside the previous Inspector's decision it is outwith the clear vision⁸⁸, outwith the spatial strategy⁸⁹, outwith the distributive provision of WCS Policy CS10⁹⁰, in breach of the requirement that the character of an area should not be compromised⁹¹, and in breach of the housing mix provision⁹².
123. WCS Policy CS12 contains a target provision for affordable accommodation over the years 2010 to 2027, with the policy being subject to contingencies. Whilst the appellant seeks to provide affordable accommodation such provision is, amongst other things, a function of a misplaced proposal which is non-compliant in terms of policy. Accordingly, such provision as would be made for affordable housing does not make the proposal compliant with the development plan.
124. WCS Policy CS21 is concerned with design and demands that new development *'should respect and make a positive contribution to the street scene and the character of the area in which [it] is situated'*. In this case the street scene is modest and suburban, with the new Willow Reach blocks at the corner of Westfield Avenue and Kingfield Road not undermining that characterisation. The character of the area includes views from time to time of the football stadium, but the character of the area has happily embraced a football stadium for almost 100 years and the new, southern stand for a quarter of a century.
125. In contrast, the Appeal A proposal would result in 5 new blocks which would have considerable height, mass and depth and would surround the stadium, which otherwise contributes to the character of the area. These blocks would not be of a height informed by the local context, as required by emerging SADP Policy UA42, nor would their contribution be one of respect or positivity to the street scene and character of the area, as required by WCS Policy CS21. Indeed, that is apparent from the descriptive terms used by the appellant, which refer to the development creating its own character, its own neighbourhood, with its own internal streets. This is not to say that a proposal cannot have character but in

⁸⁸ Paragraph 1.4 of CD4.1

⁸⁹ Pages 29 & 30 of CD4.1

⁹⁰ Pages 63 & 64 of CD4.1

⁹¹ Page 64 of CD4.1. It is clear the area being referred to, whose character must not be compromised is the Kingfield and Westfield part of the urban area. The change in number of households between 2001 and 2011 was from 2095 to 2119 (see CD6.5 at page 14). The change proposed by this one development is almost 50%. Such a numerical change would obviously compromise the character of an area.

⁹² See WCS Policy CS11 and paragraphs 7.22 to 7.26 of Doc WBC/PR/1

order to accord with the requirements of WCS Policy CS21, that character should go 'hand in hand' with the area in which it is placed, not be 'hands off'.

126. This policy also requires new development to have a satisfactory relationship to adjoining properties, but this would not be the case if the Granville Road, Westfield Road and Loop Road area is considered. The area described by those roads is open space used as playing fields with open access. If Appeal A were to be permitted anyone in that open space would have modest dwellings to the west, with similar but slightly less modest properties to the south and east. But to the north the observer would be confronted with 2 tall apartment blocks rising to 9 and 11 storeys, with the 8-storey Block 3 a little to the rear. This would conspicuously not be a satisfactory relationship to adjoining properties.
127. This exercise can be performed throughout the site's perimeter but always with the same result. WCS Policy CS21 demands not merely a satisfactory relationship to adjoining properties but also that one must avoid '*significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk proximity or outlook*'. In this regard the evidence was that there is a difference between considerations bearing on the design of new buildings and those that bear on impact on existing buildings. Further, it was expressly agreed that context is significant. In other words what might be a harmful impact to one building might not, depending on context, be a harmful impact to another building. Here, therefore, significance can be attached to the fact that the appellant's witness had not been inside the buildings under consideration.
128. In terms of the impact on daylight to existing buildings, this was assessed within the ES⁹³ which accompanied the planning application, in compliance with the methodology outlined within the Building Research Establishment (BRE) Guide 'Site Layout Planning for Sunlight and Daylight: A Guide to Good Practice'⁹⁴. Although this BRE Guide provides numerical guidelines, it emphasises that the advice given is not mandatory and that the Guide should not be seen as an instrument of planning policy. The numerical guidelines need to be interpreted flexibly, and one example of this is that achieving good light levels in bedrooms has become more important over the past year or so, with more people having to work at home during the Covid-19 pandemic, using a variety of rooms.
129. That said, the numbers and qualitative descriptions set out in the ES, and summarised in the Officer's report⁹⁵ are generally agreed, along with the qualitative descriptions given. However, as just noted, WCS Policy CS21 requires an assessment as to whether there would be a '*significant harmful impact*'. This is a contextual judgement for the decision maker, and is not a matter determined by anyone else's view. In that regard the approach to balconies can be noted as a curiosity⁹⁶. It is said that if an existing flat has a balcony above, bearing on its light, then its loss of daylight can be more readily accepted than if it did not have the balcony. This emphasises the importance of the development plan approach, which breaks free of technical restraint, to ask the important contextual question as to the significance of the harmful impact. Here, of course, the Council considers that there would be impacts and that they would be harmful.

⁹³ Chapter 11 of the ES, in Doc A2.1

⁹⁴ CD4.22

⁹⁵ Para 426 in CD3.1

⁹⁶ See paras 2.1.17 & 2.2.11 of CD4.22

130. Taking all the above points into account, it is clear that the Appeal A proposal finds no support from the WCS, and stands in material opposition to it. Such a conclusion can be expressed even before looking at the question of parking, which has been mentioned earlier in the sense of the complete absence of the required assessment.

Parking considerations

131. The parking provision for the residential component of the Appeal A proposal exceeds that which is mandated, and in this regard it should be remembered that it has been acknowledged that the site is not as sustainable as other locations in Woking. For visitors to the stadium no parking provision has been made. There has been, contrary to policy, no assessment. There was a survey on a day in the school holidays, when there is an expectation that some people will be away from home, but the appellant has made no assessment of where people would park or the constraints that obtain. The traffic management offer is derisory.
132. It is evident that spectators will visit the football ground in cars, which have to be parked somewhere. It is also evident that given a choice, people prefer to park for free as close as they can to the destination. It is further evident that more people will travel by car than by any other means. Woking does have a good railway service from Waterloo, but it has to be questionable whether a supporter in say Battersea or Morden would leave their car at home to travel by train from Waterloo, when they could simply get in the car and drive straight to Woking. The roads around the stadium are ordinary residential roads, not blessed with much off-street parking. There is no assessment in respect of the number of driveways and their impact on parking.
133. The answer to the parking problem is given by Mr Lewis in his Technical Note dated 19 May 2021⁹⁷, which was submitted in rebuttal of Mr Southwell's additional information⁹⁸, submitted earlier on that same date. This late information from the appellant suggests that for a maximum capacity event (9,026 spectators) at the proposed new stadium, an additional 651 vehicles would be likely to seek to park in the previously-defined study area⁹⁹ around the stadium, even allowing for a 5% reduction in car driver mode, as a result of proposed Travel Plan measures. Such a reduction may never happen, of course, especially in the dark, the wind and the rain.
134. Mr Lewis calculated that if a further 651 vehicles park in the study area as suggested by Mr Southwell, on-street parking demand would increase from 1,441 vehicles to 2,092 vehicles on a match day, equating to an on-street parking occupancy of 94%. This high level of parking stress would have an unacceptable impact on highway safety, with detrimental harm to residential amenity.
135. Mr Lewis further argued that the parking numbers put forward by Mr Southwell are actually an underestimate, and that for a maximum capacity event there would be a parking demand for a further 1,010 vehicles associated with the proposed stadium, unaccounted for by Mr Southwell. This means that a likely

⁹⁷ CD6.24

⁹⁸ CD6.20

⁹⁹ See Figure 5.1 in Doc WBC/DL/1

significant increase in on-street parking would be neither managed nor mitigated, leading to substantial harm.

136. Only 2 matters are canvassed against Mr Lewis's, obvious conclusion. The first is that there is a general aspiration that the nation should leave cars at home and travel by other means. However, there is to be no inhibition on car ownership. The second is that a sum of money is potentially contributed in order to have a consultation about a traffic management or regulation order. But this is hopeless. All that is contemplated is some yellow lining, which would adversely affect residents and clearly not resolve the problem. Enforcement is expensive and thus the development would result in parking stress and a financial burden.
137. Having regard to all the above points, the reasons for refusal for both appeal proposals are fully justified. In the case of Appeal A, it is quite clear that the proposal would have excessive height, bulk, mass and housing density, and that by reason of these matters, and its design, it would fail to respect and make a positive contribution to the street scene and character of the area in which it would be situated. The proposal would also fail to provide an appropriate mix of dwelling types and sizes to address the nature of local needs, as evidenced in the latest SHMA. The figures are set out in Mr Rainier's proof and are not in dispute. The proposal would therefore clearly not reflect the established character and density of the neighbourhood, and would fail to create a sustainable and balanced community - the massive increase in population makes this plain.
138. The Council further maintains that notwithstanding any particular technical guide or standard it is necessary to assess, in the context of WCS Policy CS21, whether the proposed development would result in significantly harmful impacts by reason of overbearing effect and loss of privacy to certain properties; significantly harmful impacts by reason of loss of privacy to certain other properties; and significantly harmful impacts by reason of loss of daylight to certain other properties.
139. It is apparent from the Officer's report that there would be an impact, and that these impacts would be adverse. As such, it is more likely that the householders concerned would consider this harm to be significant rather than insignificant. This has all been detailed by Mr Rainier¹⁰⁰ and his approach is to be commended. His conclusion is that there would be significantly harmful impacts as detailed in the third reason for refusal. It is also clear that in view of the height, mass and scale of the proposed 5 blocks of apartments, and their proposed relationship to existing properties, there is likely to be a loss of daylight to other residential properties, not particularised in the reason for refusal. All of these points indicate that the proposed development would be at odds with WCS Policy CS21, the Outlook, Amenity, Privacy and Daylight SPD, and section 12 of the NPPF.
140. Only a small amount of on-site parking would be provided for the stadium itself and the evidence is clear that there would be displacement of parking onto the surrounding streets leading to an exacerbation of existing pressure for on-street car parking, contrary to WCS Policy CS18, the Parking Standards SPD, and section 9 of the NPPF.

¹⁰⁰ See paragraphs 7.27 to 7.61 of Doc WBC/PR/1

141. In respect of the Appeal B proposal, it is agreed that it would be inappropriate development in the Green Belt, and there would also be a loss of openness and an encroachment into the countryside. As detailed in the NPPF, any harm to the Green Belt should be given substantial weight. There would also be further harm as a result of the 25% loss of canopy of the protected trees. The appellant argues that very special circumstances exist, to outweigh this harm, with 4 matters put forward. But facilitating, elsewhere, a new stadium, that is not wanted; placing substantial buildings on site to house tennis courts in breach of policy about removal of recreational facilities; providing affordable housing (but to a lesser quantity than emerging policy suggests); and anticipating (but not correctly) emerging policy, are all suggested. However, none of these is a special circumstance for the Green Belt, let alone a very special circumstance.
142. Finally it is worth making a procedural point. The applications before the SoS stand to be determined in a particular way. This means that even if a Local Planning Authority had tendered no reasons for refusal the SoS could, applying the legal approach, refuse planning permission. Such is by no means unusual. However, what refusal reasons do, in effect, is provide a non-binding point of focus and also reveal to the SoS the issues that are of concern to the Local Planning Authority. The SoS should, therefore, when considering character, have regard to those matters which the Local Planning Authority, with its knowledge of the local circumstances, view as important.
143. Drawing all the above threads together it has been shown that the development plan not merely gives no support, but is breached on multiple occasions. Material considerations do not indicate otherwise. Consequently, the planning legislation demands refusal. The reasons given by the Local Planning Authority are clearly supported. The required approach under the legislation demands refusal. The SoS is therefore asked, to dismiss these appeals and refuse the applications for planning permission.

Additional points, arising from the revised July 2021 version of the NPPF¹⁰¹

144. The Council did not submit any additional information to indicate that its case had been affected by the publication of the revised NPPF. It did, however, support the comments made by SWAG, which it says *'illustrate clearly how the scheme fails to meet the requirements of the revised NPPF (2021) resulting in a poor environment not only for surrounding dwellings but also the proposed housing and particularly the affordable units'*.
145. The Council also made a number of comments in direct response to the additional matters put forward by the appellant. It reiterated its view that both appeal schemes fail to accord with the development plan when read as a whole, and that both schemes fail to meet the NPPF requirement for beautiful/well designed buildings. It maintains that the appellant's assertion that the Design Review Panel¹⁰² (DRP) adds support to the design being 'beautiful, well-designed and accessible' is clearly incorrect – pointing out that the quoted comments from the DRP supported 'the ambition of this large and complex scheme', which the Council considers is far from indicating that the scheme could be considered beautiful or, well-designed. It maintains that contrary to the view expressed by

¹⁰¹ Doc 28

¹⁰² See CD4.17

the appellant, the Kingfield Road proposal has not taken into account local design guidance nor does it respect the character of the locality.

146. Finally, whilst noting that paragraph 134(b) of the NPPF indicates that significant weight should be given to *'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'*, the Council maintains that the appeal scheme fundamentally fails to *'fit in with the overall form and layout of the surroundings'*, being of a wholly inappropriate and unsympathetic scale, form and mass.

*Additional points, arising from the issuing of the Inspector's SADPD report*¹⁰³

147. With regards to the Appeal A site, covered by emerging Policy UA44, the Council notes the Inspector's view that modifications are necessary to give an indicative density of 93 units, being a figure which would meet the requirements of Policy UA44 at (iv) to *'maximise the use of the site whilst respecting adjoining properties'*. Moreover, crucially, at (vi) the policy, as now endorsed by the Inspector, goes on to state that the development of the site should be *'of a height informed by the local context'*. With these points in mind it is clear that the Appeal A scheme (1,048 units/up to 12 storeys high) would fail to accord with emerging Policy UA44, which requires development to be informed by local context and respect adjacent dwellings (predominantly houses and bungalows). Policy UA44 should now attract full weight as the most recent and relevant development plan guidance in respect of this appeal site.
148. In the case of the Egley Road Appeal B site, the Inspector's comments at paragraphs 140 and 141 of his report reinforce the case made by the Council at the inquiry in respect of the importance of the preserved trees and the need to strengthen, retain and where possible enhance such key landscape features, rather than remove a large area of trees as envisaged in the Appeal B scheme.

The Case for the Rule 6 Party – South Woking Action Group (SWAG)¹⁰⁴

The material points were:

149. SWAG is concerned about the excessive bulk and mass of the proposed Appeal A development in this out of town centre location. If allowed to proceed, it would set a precedent for this scale of development in other 'villages' in the Borough. The proposal reflects the interests of the appellant, rather than those of the wider community and indeed WFC, whose absence at this inquiry is an indication of its lack of support for the scheme. SWAG supports the decision of the Council's Planning Committee to refuse planning permission, and stands fully behind the evidence given by the Council's witnesses Mr Lewis and Mr Rainier. In particular the evidence of Mr Rainier supports SWAG's view that the detrimental impact of this development would not be outweighed by any community benefit.
150. SWAG welcomes investment in WFC, and supports the need to upgrade the Football Club's facilities. But thanks to 2 new shareholders who have joined the WFC board¹⁰⁵, the Appeal A proposal is not necessary to secure the Club's future.

¹⁰³ See Doc 32

¹⁰⁴ Summarised in Docs 4 & 22

¹⁰⁵ See Doc 16 – email dated 18 May 2021

SWAG also welcomes investment and new housing in South Woking, like the Willow Reach family home development, but it does not welcome such an unbalanced development as the Appeal A proposal, which would detrimentally and permanently change the character of South Woking.

151. This enabling development is predicated on a new football stadium for WFC. But as was apparent during the course of the inquiry, this stadium proposal and the wider development is opposed by WFC. Mr Gold, for the appellant, admitted that he has no relationship with the Club anymore, with various emails demonstrating the depth of antagonism between them¹⁰⁶. In addition, from meetings SWAG had with senior Council officials, who have since retired, it was abundantly clear that the 9,000+ capacity football stadium vision was a personal ambition and is not fully supported by WFC, nor financially viable in the current climate.
152. SWAG is particularly concerned about the height of the proposed development. In January 2020 a Planning Inspector reinforced the planning position on tall buildings outside the town centre in an appeal decision for 9-13 Poole Road, Woking¹⁰⁷, by saying that *'areas with a predominantly low-rise character, outside the core of the town centre, are not considered suitable for tall buildings'*. He called this a *'fundamental policy obstacle'*. Hoe Valley is predominantly single-storey and 2-storey homes and is not town centre. The proposed towers, of up to 11+ storeys, are 5 times higher. On height alone, this appeal should be refused.
153. SWAG is also very concerned about the bulk and mass of the proposal. Local planning policy states that local character needs to be retained and any increase in density must be respectful. However, the extreme bulk and mass of this proposal, along with its crowded layout and lack of soft landscaping, make it a discordant form of development which would irreparably harm the character, harmony and appearance of an established and thriving local community.
154. It is of note that in the Woking Strategic Housing Land Availability Assessment (SHLAA) (October 2018 update)¹⁰⁸, the appeal site minus the David Lloyd Centre and the houses to the north-west corner of the site was identified for a potential housing yield of just 40 residences and for those to be family houses/flats.
155. The area around the appeal site is suburban in character, largely made up of single-storey and 2-storey properties. To the west is a recent development of largely 3-storey properties but including one 4-storey and one 5-storey block. The Officer's report for this scheme, now known as Willow Reach, indicated that it would have an overall density of about 80 dph¹⁰⁹, with densities in the existing, nearby streets ranging from 14 dph for Westfield Avenue, Lime Grove and Maple Grove, to 41 dph for Granville Road. North of the site is an area designated for high density residential use, but in practice this has meant schemes up to 4-storeys high only, and with densities of around 70 dph¹¹⁰.

¹⁰⁶ Doc 16

¹⁰⁷ Doc SWAG/NJ/3

¹⁰⁸ See Doc SWAG/NJ/6

¹⁰⁹ See page 41 in Doc SWAG/NJ/7

¹¹⁰ See Figure (Fig) 1 and para 3.21 in Doc SWAG/NJ/1

156. An aerial photograph of Woking in the evidence of Mr Gilham¹¹¹ graphically demonstrated that the clusters of tall buildings in Woking are only in the town centre. In the wider Borough the appellant could identify only one other cluster - that being in West Byfleet - the largest suburban centre in the Borough, over 5 km from the appeal site and with its own railway station.
157. The SoCG gave residential densities for the Appeal A proposal as 210 dph gross and 336 dph net, whilst the Officer's report gave a net value of 360 or 380 dph. In the context of a mixed-use scheme like this, the footnote to WCS Policy CS10 makes it clear that it is the net density figure that is relevant. The net density proposed here is clearly representative of the policy applicable to Woking town centre, not the suburbs, nor the high density residential area that acts as a transition between the town centre and the suburbs. The significant departure from the indicative density range for the area in Policy CS10 of 40 dph can only be compliant with that policy if justified by location sustainability, and if the character of an area would not be compromised. On this latter point, for reasons already stated, SWAG does not believe that to be the case here.
158. 1,048 dwellings are proposed because the appellant believes this quantum is required to fund the football ground redevelopment and the David Lloyd Centre move. Respecting the character of the area in which the scheme is proposed was not an aim for the scheme but must be achieved, in particular around the site perimeter. However, the fundamental difficulty is that the proposed residential development forms the edge of the scheme on the west and south sides of the site, and in this regard it would not blend in with neighbouring properties. The 6½ storey frontages of Block 1, rapidly stepping up, would dominate the 4 and 5-storey frontages of Hazel House and Beech House opposite, whilst the 5½ storey frontages of Block 2 would dominate the 3-storey houses and flats of Willow Reach.
159. The stepping-back of the proposed residences in Block 1 and 2, rising up to their full 11½ storey height (including plant enclosures), would be clearly visible from Westfield Avenue when oblique views are considered. The impact of the full 7½ to 9½ storey height of Block 3, including plant enclosures, seen from Westfield Avenue rising above the existing bungalows is plain to see from figure 109 of Mr Gilham's evidence. Turning through 180° on Westfield Avenue, one simply sees the largely 3-storey Willow Reach with blue sky beyond.
160. The western edge of the scheme would therefore be non-compliant with WCS Policy CS21, in particular the criteria requiring development proposals to '*.... 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*'; and with WCS Policy CS24 which requires that '*Development will be expected to conserve, and where possible, enhance townscape character*'.
161. On the southern edge, Blocks 4 and 5 would dominate the townscape around Loop Road playing fields in a way completely out of character with the single-storey and 2-storey dwellings that otherwise surround the playing fields.

¹¹¹ Fig 6 in Doc APP/CG/1

162. It is of note that the appellant has submitted a further application for a significantly smaller scheme¹¹², nearly one-fifth the size of the current proposal. Whilst this alternative scheme is still not local and national planning policy compliant, it does show a better degree of balance, housing mix and also affordable housing provision, without compromising Green Belt land at Egley Road. This alternative scheme, which has still been met with overwhelming objection does, however, show how excessive this current proposal is.
163. Turning to the Council's second reason for refusal, the proposed development would not remotely satisfy the housing mix that Woking requires. Mr Rainier's proof¹¹³ shows the distribution of proposed property sizes compared to the SHMA¹¹⁴ assessment for affordable and market dwellings, demonstrating that it would not comply with WCS Policy CS11, nor the emerging SADPD Policy UA42¹¹⁵ requirement that '*Development should provide a range of housing sizes as set out in Core Strategy Policy CS11*'.
164. The social, political and economic landscape has changed significantly since pre-pandemic 2019, rendering this scheme even more inappropriate for this area, the Borough and WFC. As of 2010, there was already an over-supply of 1-2 bedroom dwellings in Woking and a need for 3-4 bedroom dwellings (as well as affordable housing dwellings of this size), a need that will have been heightened by the Covid-19 pandemic, as people desire more space and green living space, as many more will continue to work from home.
165. So far as viability is concerned, there is no clear explanation regarding the affordable housing proposed. The detailed November 2019 BNP Paribas report¹¹⁶ assessed that 18% affordable homes were viable. The increase to the current figure of 45% is without supporting evidence, and questions around the impact on viability still remain. Mr Gold claimed further work by BNP Paribas, but chose not to submit it for scrutiny.
166. With respect to WFC, the financial statement of Jeffreys Henry LLP of November 2019¹¹⁷ included reference to the ground to be used for concerts and other stadium shows, with the financial figures in Appendix 1 of that report demonstrating the importance of non-matchday income. But Mr Collins, for the appellant, confirmed that the report had not been updated for this appeal despite such activities specifically being excluded by proposed planning conditions, and that exclusion also being explicitly stated in the Officer's report¹¹⁸.
167. In any case, many affordable housing units are already in the pipeline for Woking with mention being made at the inquiry of 499 affordable dwellings being included in the in the Sheerwater regeneration scheme; 48 supported living flats at Hale End Court Old Woking; and 64 in a scheme at Brookwood¹¹⁹, for which planning permission is expected to be sought in July 2021.

¹¹² See Doc SWAG/AC/5

¹¹³ See table at paragraph 7.22

¹¹⁴ CD4.15

¹¹⁵ CD4.4

¹¹⁶ Doc A2.14

¹¹⁷ Doc A2.25

¹¹⁸ See page 20 of CD3.1

¹¹⁹ See Doc 19

168. With regards to accessibility, the design of the housing currently only satisfies M4(1) category 1 for visitable dwellings¹²⁰. Mr Gilham felt the scheme could be adapted to achieve M4(2) Accessible and adaptable dwellings. SWAG suggested this might be covered by a planning condition but no condition has been proposed to give any indication that M4(2) was achievable for the scheme, or even for part of the scheme. Adaptations to the submitted drawings would be needed to make the development M4(2) category 2 compliant as a whole or in part. Therefore, a new planning application would be required to bring forward a M4(2) compliant scheme.
169. Amongst other things, emerging SADPD Policy UA42¹²¹ requires development to *'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 – the residential element of the scheme should incorporate 'Optional requirement M4(2): Category 2- Accessible and adaptable dwellings' where practicable and viable in accordance with Policy CS21: Design'*. This replaced the earlier text for the site, which said *'Lifetime homes will be encouraged for the residential element of the development'*.
170. Developments being M4(2) Category 2 compliant can meet the needs among some older people for downsizing, thereby potentially bringing more family homes to the market. The lack of provision for accessible and adaptable dwellings in the current scheme would limit the benefits to Woking's housing supply. It would therefore lead to a community with an imbalanced age profile, contrary to WCS Policy CS11.
171. Turning to the Council's third reason for refusal, and the likely loss of daylight to Hazel House and Beech House, it is clear that if there was a development scheme that genuinely mirrored Willow Reach with respect to heights and density, there would be no issue with daylight, as a scheme satisfying the 25° BRE angle of view guideline would be readily achieved.
172. With respect to privacy of Penlan (or its successor properties as covered by the planning permission in Mr Rainier's Proof¹²²), the appellant relies on existing tree screening which it assesses to be 15m high¹²³. The east-facing single-aspect residences of Block 5 are proposed to be just 10m from the site boundary and 15m from the existing Penlan property, with the existing largely evergreen trees forming the greater part of the tree screen being on the application site itself. The same Figure 125 indicates those trees coming up to 3m from the east-facing façade of Block 5. Whilst Mr Dunford for the appellant felt daylight to the residences would still meet required minimum daylight factors, they would be considerably less than described in the EB7 daylight assessment¹²⁴, which it was acknowledged, ignored the effects of tree screening.
173. Having trees this close to residences is contrary to guidance in the Council's Outlook, Amenity, Privacy & Daylight SPD¹²⁵, which says *'Developments which*

¹²⁰ See paragraph 5.93 of Doc A2.5

¹²¹ See CD4.4

¹²² See Appendix 2 in Doc WBC/PR/2

¹²³ Fig 125 in Doc APP/CG/1

¹²⁴ Doc A2.6

¹²⁵ See Fig 2 and paragraph 3.3 of CD4.12

retain existing mature trees should ensure they are of sufficient distance away from principal windows so as not to overshadow accommodation as this may result in pressure for the trees' removal'. Angling some of the windows has been suggested to address this matter, but that would be less effective in the event of the approved 2-house redevelopment scheme for Penlan being implemented, as those houses would be 15m-18m from and directly facing Block 5¹²⁶.

174. On the matter of stadium parking, there was a lack of effective consultation with the Football Club and there has been no recognition in the appellant's evidence of the fact that the Club currently uses about 123 parking spaces¹²⁷. The parking beat survey exaggerated parking spaces available and failed to count at least one road in its area. The additional 120 parking spaces available on the Loop Road Recreation Ground on the date of the parking beat survey went unrecognised. During the inquiry it was suggested that this area could be part of the permanent solution, whereas an email from WFC showed that this is not correct¹²⁸.
175. SCC as local highway authority did not object to the appellant's proposals, but its own policy makes clear that its grounds for objection are self-limited, with amenity explicitly said to not be a reason to object. In contrast, this is an important reason for SWAG's objections.
176. The appellant's proposal that stadium-related parking should go to fee-paying town centre car parks 24 minutes' walk away is not credible, given the existence of parking available on residential roads much closer to the site. The provision of about 600 spaces at or near the stadium, to accord with the Council's parking standards would significantly reduce parking demand on local residential roads. Instead, the appellant only proposes 54 standard parking spaces - substantially less than the 123 the Club currently uses. The application documents do not include any schedule of the Club's own parking needs assessment.
177. Promises of TRO studies fail to address the parking issue recognised by the appellant on the first day of the inquiry as 'appalling'. If this development was allowed to proceed, this situation would be greatly exacerbated. The appellant should have addressed this issue during the application process.
178. With respect to disabled car parking Mr Jarman assessed 30 spaces should be provided¹²⁹, with reference to the Council's guidelines. An email exchange with WFC¹³⁰ showed existing demand for disabled parking at the ground of 10-14 spaces, with typical crowds of around 2,000. This is well in excess of the 8 spaces the appellant is proposing for a ground 50% larger than at present, and with a potential attendance over 4 times the current level. Disabled parking spaces in Woking Park could not be used as they are for users of the park and its related leisure facilities and are, in any case, too far away, being some 400m from the ground. Disabled parking spaces should be located around the stadium matching the proposed locations of disabled stadium seating, all as discussed in the Football Licensing Authority Accessible Stadia guide¹³¹.

¹²⁶ As shown on LRW drawing 7884 L(00)156Q at Doc A1.96

¹²⁷ See paragraph 5.25 in Doc SWAG/NJ/1

¹²⁸ See Doc 16 – email dated 18 May 2021

¹²⁹ See paragraph 5.5 in Doc SWAG/NJ/1

¹³⁰ Doc OD/SWAG/1

¹³¹ Doc 14

179. 855 parking spaces are to be provided for the residences. The appellant believes 791 of those would be for residents, with 64 visitor spaces. The Officer's report, however, concluded that the scheme would offer 847 resident spaces but only 5 visitor spaces plus 3 at the concierge building. It is common ground that the reason for the differences in these assessments comes down to whether 8 3-bed townhouses and 95 1-bed townhouse/duplexes are considered to be houses when considering the Council's parking standards, or whether the whole scheme should be considered as apartments.
180. The appellant cites text in these parking standards which states '*However in some instances this has been balanced against the type of dwelling provided, such as houses and bungalows – these are less likely to share parking facilities and be located in high accessibility areas and therefore have been rounded up to the nearest whole parking space.*' This makes it clear that houses and bungalows are unlikely to share parking spaces and are unlikely to be located in high accessibility areas. Indeed, only Woking town centre is identified as a 'highly accessible'. This approach was upheld at the Rydens Way planning appeal¹³² – a location just some 300m east of the appeal site.
181. The appellant's own planning application form identified houses as forming part of the scheme. 5 of the 3-bed townhouses are in a terrace at the front of Block 2, and most of the 1-bed townhouse/duplexes are at ground floor level and have their own private garden space, so clearly are of a different character to standard 1-bedroom flats.
182. Of the 847 resident spaces, 20 would be tandem spaces (ie affecting 40 spaces in total). Such spaces would only be suitable for residents with 2 cars, but only the 8 3-bed town houses are assessed as having such a requirement, with most of these townhouses proposed for Block 2, whereas the tandem spaces are in Block 5. Furthermore, SWAG believes that the Council should have applied its discretionary visitor parking policy requiring at least 10% visitor parking, which would mean at least 85 visitor spaces rather than the 5 proposed. This was the case at the Willow Reach development across the road.
183. The proposed distribution of parking spaces under the 5 blocks is unbalanced, with Blocks 4 and 5 having an excess of parking spaces, when compared to the Parking Standards requirement, and Blocks 1-3 being deficient. The Block 1 and Block 2 car parks are independent of each other and of the car parks serving Blocks 3, 4 and 5. A Block 1 or Block 2 resident or visitor finding their carpark full would be expected to drive back up the ramp out onto Westfield Avenue, drive 80m down the road then into another carpark before parking in spaces typically more than 200m from Block 1. It is no coincidence that the 2 blocks affected are those proposed to provide the affordable housing.
184. It is the view of SWAG that some residents and visitors would, due to the deficiencies in overall numbers of spaces provided and in the poor distribution of those spaces, instead seek to park on local roads nearby, in particular Willow Reach. Willow Reach already suffers parking pressures due to deficiencies in spaces provided for residents. As such, the Appeal A proposal would be likely to exacerbate this existing problem. Local roads would suffer the cumulative

¹³² Doc SWAG/NJ/5

impacts of overspill residential parking and matchday parking, all clearly in conflict with WCS Policy CS18 and the Parking Standards SPD.

185. Finally, SWAG considers that any perceived benefit, like a 50% larger stadium, medical centre, and affordable housing remain unsubstantiated, unproven and unsigned. SWAG supports affordable housing, but a mix of affordable and family homes and a sustainable stadium size would not have resulted in this massive overdevelopment. This proposal shows a blatant disregard for so many fundamental planning policies which are there to protect the local community and the Borough at large. The community consultation before the application was derisory. Moreover, although the appellant has claimed there is substantial support for the scheme, no-one other than the appellant's team appeared at the inquiry to speak in support of the proposal. In contrast, the opposition to the appeal from the Council, the community and WFC is extremely clear.
186. In conclusion, SWAG considers that the Appeal A proposal would not remotely satisfy the housing mix that Woking requires, would provide highly insufficient parking, and – as the appellant accepts - is not required to meet Woking's 5-year housing land supply. It would therefore not be appropriate for the South Woking locality and the Borough at large. Accordingly, SWAG fully supports the Planning Committee's unanimous rejection of this proposal, and requests the Inspector to recommend that the appeal be dismissed.

Additional points, arising from the revised July 2021 version of the NPPF¹³³

187. SWAG highlighted paragraph 129 of the NPPF which, amongst other things, refers to the National Model Design Code¹³⁴ (NMDC) which was published in June 2021. In particular SWAG maintains that the advice in this NMDC (in paragraph 188 and Figure 77) is that single-aspect flats should not face north, and that the Appeal A proposal is in conflict with this advice as a total of 135 single-aspect residences in the scheme would face north, with 109 of these being affordable units within Blocks 1 and 2. As such, SWAG contends that the extent of north-facing, single-aspect residences in the affordable housing in particular, justifies the refusal of planning permission.
188. SWAG also referred to paragraphs 184 and 185 of the NMDC which deal with accessible dwellings. SWAG maintains that these paragraphs show that there is an expectation that a proportion of dwellings should be in the higher categories (2 and 3), whereas the Appeal A scheme only satisfies Category 1 for visitable dwellings. As such, SWAG considers that for the scheme to be adapted to achieve Category 2 dwellings, a new planning application would be necessary.

The Case for the Rule 6 Party – Hoe Valley Neighbourhood Forum (HVNF)¹³⁵

The material points were:

189. HVNF believes that the Appeal A proposal represents a serious overdevelopment of the site, and supports the decision to refuse planning permission made by the Council's Planning Committee. HVNF believes that this decision, made with reference to relevant Council policies, was the correct decision. These planning

¹³³ Doc 27

¹³⁴ January 2021 version is at CD4.25

¹³⁵ Summarised in Doc 21

policies stress that any development must be in keeping with the local surrounding area in respect of height and density. Prior to 1930 the area surrounding Westfield Avenue was agricultural. It was then developed with an estate of bungalows, each having a front and back garden, with a facility to park a car off-street. About 95% of all homes in the area are now single-storey bungalows, with a few 2-storey houses built after the 1930s.

190. The Council has consistently refused applications from homeowners who wanted to raise the height of their property to make a 2-storey house, on the grounds that they would not be in keeping with the surrounding area. For consistency, 10 to 11 storey high developments must be held to be inappropriate and not in keeping with the surrounding area.
191. The same policy states that new developments should be in keeping with the surrounding area by virtue of density. The current properties are at a density of about 16 homes per acre (about 40 dph), whereas the proposed development would have a density of about 240 dph and would clearly not be in keeping with the surrounding area. The Council's policies also state that all new developments must be in keeping with the local surrounding area in respect of design. But as the proposed development would not provide any gardens, and only 66 parking spaces for anything up to 1,500 cars¹³⁶, it would definitely not be in keeping with the surrounding area.
192. Land Registry records relating to the Appeal A site, under title SY680229, show a restrictive covenant which states that no building other than detached or semi-detached dwellinghouses shall be erected on this land, and not more than 20 such dwellings per acre of land. At some 4.5 acres (about 1.8 ha), only about 90 dwellings should be built on this land. This accords with a recent Planning Inspector's assessment that 93 would be an appropriate number of dwellings for this site.
193. HVNF believes that the recently constructed Willow Reach development breaches the above planning policies and should never have been allowed by the Council. It should not provide a precedent for further high-rise developments. The appeal site lies in a semi-urban area of 3 separate villages, each with its own identity. The area does not lie within the town centre, where tower blocks are accepted.
194. The appellant contends that traffic on the local roads is not a problem, but all the roads in the surrounding area are gridlocked at peak times. The junction of Kingfield Road, Westfield Avenue and the exit from the park are particularly bad. A recent survey undertaken by Mr Shatwell, for HVNF showed a continual flow of traffic during the day with a significant increase during rush hour, resulting in major congestion¹³⁷.
195. In addition, the proposed parking provision is inadequate for a development of this size. No parking spaces are proposed for football supporters, and only some 66 parking spaces for over 1,000 homes. We live in a car-orientated society where it could be anticipated that there would be at least 1 car per household. This would result in some 1,000 to 1,500 cars being parked on local roads,

¹³⁶ Although this was stated in the HVNF Statement of Case, Mr Shatwell accepted, at the inquiry, that some 855 parking spaces would be provided for the residential units

¹³⁷ Doc HVNF/RS/3

causing daily congestion. Coupled with cars for approximately 2,000 spectators on match days, this would totally freeze the surrounding area, resulting in cars being parked illegally on grass verges, on double-yellow lines, within the confines of junctions and across entrances to residents' properties.

196. Existing residents have so far accepted these breaches of The Highways Act because they wish to support the Football Club and they accept that there is nowhere else to park for a couple of hours on match days. However with the possibility of over 1,500 extra cars for the residents of the proposed development, this would mean the situation would occur 7 days a week, and be much worse on match days. Decking the existing David Lloyd Centre car park could provide on-site parking for about 600 cars.
197. The appellant argues that occupants of these apartments will not need cars as they are within walking distance of the town centre and railway station, but the requirements of the elderly and infirm, who cannot walk that distance are not being considered. Moreover, although the appellant has said that every apartment will be provided with an electric bicycle, the submitted plans do not show where these cycles would be secured. In any case, the idea of encouraging cyclists would only make life dangerous for pedestrians. Most people, including serious cyclists will not use the roads because they consider they are too dangerous. This would increase the numbers of cyclists on the footpaths.
198. If 10-storey blocks of flats were built around the stadium the residents in Willow Reach, facing the football club, would lose the amazing view that they enjoy from their properties. They would also be shaded from sunlight and daylight, and be overlooked by the 10-storey apartment blocks.
199. In terms of infrastructure, with over 1,000 apartments proposed they could be anticipated to be home to some 500 to 1,000 children of school age. Already many local children have to attend school away from the local area due to the schools being oversubscribed. There is no provision within this proposal for the education of the children. In addition, this proposed development is within the area of Ashford and St Peter's Hospital. Already residents have to wait at least 3-6 months for an appointment, (except in emergency), and there are no details within this proposal to reduce this waiting time.
200. The Council does not currently have a shortage of housing land. Mr Shatwell indicated that he had submitted a scheme to the Council, for some 2,000-3,000 apartments to be built in the town centre, in a series of 10 to 15-storey apartment blocks, in conjunction with a redevelopment of the railway station, but that this suggestion had been rejected by the Council for no good reason¹³⁸.
201. Finally, the appellant maintains that the application received over 4,700 letters of support, but this is not the case. Not all of these letters were in support of the proposal – many opposed it – and many of the letters in support appear to be fraudulent. In addition, many of the letters of support come from people living outside Woking, and even from abroad.
202. For the Appeal B proposal the appellant makes light of the proposed removal of 25% of the trees/hedgerow on the Egley Road site, but it is Council policy that

¹³⁸ Doc HVNF/RS/1

trees and hedgerows will be protected and preserved and shall not be removed unless dead, dying or diseased. None of the trees on the Appeal B site are in such condition and therefore should not be removed. Replacement trees would not adequately replace those lost unless they are of equal size to those removed. Although the public has no access to the woodland proposed to be removed, it is still a vital wildlife habitat which cannot be replaced once destroyed.

203. In conclusion, HVNF considers the Appeal A proposal would breach the Council's planning policies, especially those which state that developments must be in keeping with the local surrounding area in respect of height, density and design. These policies are local laws and must be upheld. HVNF also considers that WFC, Woking Gymnastics Club, Woking Snooker Club and David Lloyd Health and Fitness Club are integral parts of the local community, established over many years, and should not be displaced by this proposed development.
204. On the basis of all the above points, HVNF respectfully submits that both appeals should be rejected.

The Cases for Interested Persons Opposing the Proposals

205. A number of interested persons also spoke at the inquiry, mainly in opposition to the Appeal A proposal, but there was a certain amount of repetition of some matters – for example parking concerns and the high-rise nature of the proposed Appeal A development. I have therefore not detailed every topic spoken on by every person in the following sections, but have given an overall summary of the matters raised.

Ward Councillors for Hoe Valley Ward¹³⁹

206. Ward Councillors consider that planning permission was refused for good reasons. The Hoe Valley community is not a deprived area as discussed in WCS paragraphs 3.11 and 4.35 and Policy CS5 and it is without foundation to suggest it requires regeneration. The area is a combination of villages which have merged over the years to form a vibrant cohesive community with a wide variety of housing. The football stadium lies in the midst of the Ward and has been an integral part of it for many years, with the Club being well-supported locally.
207. The appellant appears to consider it is a simple process just to 'carve out' the football stadium and supporting adjoining land and create a stand-alone new community. We challenge this proposition. Protection for established neighbourhoods is emphasized in the NPPF and the WCS, and it is clear the Hoe Valley community is unique with its special character and charm. Paragraph 130 of the NPPF specifies the 6 key features of what is required of planning decisions and no evidence has been submitted to show that the proposed Appeal A development would enhance the area. Indeed there is substantial evidence of harm due to the development proposal.
208. There would be no real benefits to existing residents, apart from football fans, and the viability of the development is questioned. The Football Club is now working with new owners who are seeking to develop the existing site of the Club without any major apartment building. It is only in the last few years there has

¹³⁹ Councillors Deborah Hughes and Will Forster – represented at the inquiry by Mr Graham Chrystie. Case summarised in Docs 5 & 20

been any question of building a substantial housing development to supposedly enhance matters for the Club.

209. There is no signed contract for the relocation of the David Lloyd Centre to Egley Road. The existing facility has been recently refurbished, and the move to a new location might be detrimental to its viability. The local community has already been dealt a serious blow by the recent termination of a large and irreplaceable children's nursery facility based at the current David Lloyd Centre.
210. A large medical building was promised, within the new main stand, but the evidence has revealed that this was only a vision with no solid foundation. Although the appellant laid great emphasis upon the new facility as a real benefit to the community, there are doubts as to whether it would ever be delivered.
211. The appellant has not suggested any workable car parking solution, especially on match days, and seems to have little appreciation of the current congestion. The fact that an increased number of fans would be likely to attend matches as a result of the proposed new facilities seemed almost irrelevant. The appellant has provided no convincing evidence to show that that football fans would change their usual behaviour, or that there would not be a considerable adverse impact upon the ability of existing residents to enjoy their property.
212. The Appeal A site is plainly outside the town centre and the height and mass of the proposed apartment blocks is an issue. Tall buildings are permissible in the town centre, but there has been a lack of success of recent planning applications for high-rise buildings in the town centre, and there is no evidence at all that large buildings are on the increase in Woking. Outside the town centre and in Westfield there is no documentary encouragement of higher buildings.
213. The SADPD is in the final stages of production and, as such, it should carry substantial weight. Thus the Inspector's view and analysis that 93 new dwellings are appropriate for this site should be heeded. The Council currently has a 5-year housing land supply, as required by the Government, and no convincing evidence was provided to demonstrate why there is a need for 1,048 new apartments, or why such a large amount of new housing would be appropriate at this location.
214. Any new development, be it infill or otherwise, would be required to blend into the existing development, which this proposed development would not. These points reinforce the argument that the proposed development is grossly oversized for this site. Furthermore, no convincing evidence has been submitted to show how the original proposal for 18% affordable housing on site became 45% within a short period of time.
215. Finally, the lack of support for the appeal by the Football Club is significant, especially as huge marketing and publicity was undertaken by the appellant to emphasise the benefit of the development to fans, the Football Club and the Borough. It has to be questioned whether this was just screening for a wholly unsatisfactory housing development which would wreck an existing thriving community. In view of all the above points the decision of the Planning Committee to reject this planning application in June 2020 should be upheld.

Mrs Charge¹⁴⁰

216. Mrs Charge lives in Turnoak Avenue on a section which is unadopted, narrow and has no footways or street lights. Her driveway is on a bend in the road, and if cars are parked inconsiderately she is unable to move her vehicle in or out as there is insufficient turning ability. On match days, even with the current stadium capacity, she is effectively marooned in her property, unable to use her car.
217. On match days the majority of people will still use their cars to get to the football ground and will look to park their cars as close to the venue as possible. Turnoak Avenue is a particular favourite as the walk to the football ground is minimal. Fans arrive early to get a good spot, and wait in their cars. In the past she has asked these fans to adjust their parking to allow her to get out of her drive, but has been responded to with non-co-operation and abuse.
218. Vehicles also park on the private grass verge outside Mrs Charge's property. Fans have been politely asked to remove their vehicles from this verge in the past but, again, Mrs Charge has been met with abuse. A fire engine or ambulance would be unable, in an emergency, to get down the road on a match day - it is simply too narrow when there are cars parked bumper to bumper on both sides.
219. To increase the potential of the Football Club, with the possibility that the venue would be used for activities other than football throughout the week, would cause an intolerable parking issue in the surrounding residential streets, which were designed only for local use by residents. In addition, should the planned development proceed there would clearly be insufficient parking for the number of dwellings which would lead to even more parking overspill in the local areas.

Mrs Woodland¹⁴¹

220. Mrs Woodland is a resident of Turnoak Avenue, where she has lived for 27 years. This private road consists of 2-storey houses and bungalows located some 200m from the Appeal A site. The sign at the end of Turnoak Avenue clearly states 'No parking or turning' and many years ago the Police used to cone off one side of the road when WFC were playing at home, to facilitate access for emergency vehicles. This no longer happens, so residents of Turnoak Avenue now struggle to get down the road and into their drives on match days. Fans will not park in the town centre and walk to the ground (taking 25 minutes), when they can find a parking place in a residential road, just a few minutes from the ground.
221. A bigger stadium would just exacerbate the problem and turn the residential roads surrounding the football ground into car parks on match days. An appropriate football ground redevelopment which would be proportionate to the surrounding homes and in character with the existing neighbourhood would be supported, but the current proposals do not offer this in any way.

Mr Instone¹⁴²

222. Mr Instone has lived in the Kingfield area for over 30 years. He is concerned that the appeal process is being used as a form of leverage to try and get an

¹⁴⁰ Doc 6

¹⁴¹ Doc 7

¹⁴² Docs 8 & 13

alternative proposal approved¹⁴³. The appellant has been reported in local newspapers stating that the current appeal will be dropped if planning permission is granted for the smaller scheme.

223. As well as the parking problems which are likely to arise if the capacity of the stadium is increased from about 6,000 to about 9,000, there would also be parking problems for contractors and construction delivery vehicles during the construction period. This area is already gridlocked, morning and nights, and it can take 20 minutes to cover a mile on occasions. On football match days local roads are overrun with inconsiderate parking on pavements and obstruction to driveways, creating health and safety issues.
224. The proposed total of 855 parking spaces would fall well below the estimated local usage of 1.4 cars per household¹⁴⁴, which would result in 1,197 vehicles. This falls short by 342 spaces and still would provide no parking for football fans and other events at the stadium. Chaos would ensue in all local roads.
225. A report carried out for the appellant states that this area is in one of only 2 areas within Woking that exceed required maximum pollution levels. This proposed development would add many more cars to the area from the flats and the stadium. This would both increase pollution and undermine the Council's efforts to reduce pollution. There is nothing in the proposal to demonstrate an eco-friendly development. If anything, the opposite appears to be the case, with the destruction of a hedge and some 31 trees on the site.
226. Buildings should be built in context to their surroundings, which is normally understood to mean no more than 2 storeys above other local buildings. Kingfield is a largely residential area of 2-storey housing meaning that a maximum build height, subject to all other parameters being met, should be no more than 4 storeys rather than the 11 storeys proposed here.
227. Woking does have some higher density housing areas, with one such area some 60 metres to the north, but the Appeal A site lies outside this area. Moreover, the Planning Officer has recommended a maximum of 93 properties for the Appeal A site, rather than the 1,048 currently proposed. Woking actually needs more 3 and 4 bedroom houses as substantial numbers of flats have been built in recent years. For all the above reasons, the appeal should be refused.

Mr Egginton and Mrs Evans¹⁴⁵

228. Mr Egginton had indicated he wished to speak at the inquiry, but was unable to attend. His statement was read by Mrs Evans, the Chairman of the Mayford Village Society. Mrs Evans was the only objector who spoke at the inquiry specifically against the Appeal B proposal.
229. Mayford Village Society maintains that the Appeal B proposal and the relocation of the David Lloyd Centre to the Green Belt is not wanted by the local residents or the wider residential local community. Nor is it wanted by its current members, its current neighbours or indeed its potential new neighbours. It would be an enclosed, exclusive, private, members, leisure facility that has no place or

¹⁴³ Application reference PLAN/2021/0302

¹⁴⁴ See Doc 13

¹⁴⁵ See Docs 9 & 18

purpose in the Green Belt. Its exclusivity is represented by its high membership cost, making it financially inaccessible to both residents and beyond.

230. The relocation of the facility to the Appeal B site would have zero community benefit. Firstly, it already exists on our doorstep. Secondly, it would further add to the local community chaos and detract from the village's identity by bringing a further 3,000 daily traffic movements to Egley Road and the surrounding narrow roads, in addition to the school traffic movements which are increasing as the school grows. Thirdly, it would add to the running track traffic and the underused Sportsbox traffic, neither of which have yet realised their full traffic volume. There are also gymnastics facilities waiting to be developed nearby at Smarts Heath Road. Fourthly it would bring further late-night trading hours and a licensed bar to the village - all in the Green Belt. Finally, the open-air swimming pool and barbeque facilities would increase noise pollution.
231. This Green Belt/open land is a finite and irreplaceable asset. The aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is more relevant today than when the original policy guidance was issued in 1955. A private, members-only health club business is not a stated exception in the NPPF and is therefore deemed inappropriate development in the Green Belt. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. None have been demonstrated here, sufficient to outweigh the harm caused.
232. In addition, the proposed houses would be up to 3 storeys high, making them the first of this height in Mayford Village and they would therefore be out of character with the local area and would set another unnecessary and detrimental precedent in the village.

The Case for the appellant¹⁴⁶

The material points were:

Appeal A (Kingfield Road)

233. This proposal is more than just the provision of housing. It would deliver the creation of a new place - a destination in the form of a community stadium with numerous planning and public benefits. To refuse it would not simply be a missed opportunity, it would be another example of what the SoS recently described as '*our broken planning system*'¹⁴⁷.
234. The Government recently outlined its intention for a Planning Bill rooted in 'Planning for the Future', the planning White Paper. This is expected to outline measures to further speed up and simplify planning; assist with the recovery from the pandemic; level-up opportunities across the country; and, importantly, maintain housing as the top priority.
235. A deliverable housing land supply is a key component. New housing and infrastructure go hand in hand, with a public-private partnership often needed to unlock strategic development in some locations. A public-private partnership is at

¹⁴⁶ Summarised in Docs 1, 2, 24 & 25

¹⁴⁷ 23 September 2020: Robert Jenrick's speech, on Planning for the Future

the heart of the proposals forming Appeal A (and B)¹⁴⁸. This partnership would unlock a key regeneration site in Woking and enable the provision of desperately needed affordable housing. It is anticipated that the Planning Bill will focus investment and policy on the urban areas, already signalled by the adjustment to the standard method for the calculation of housing needs in the largest 20 cities, and supported by guidance on design. Put shortly, the Government wants smarter ways to improve our towns and cities with appropriate densification.

236. Despite lockdown the UK housing market has performed unexpectedly well - at least for those with homes. But the pandemic has led to more and more aspiring homeowners being locked out of the housing market. Successive governments have failed to build enough homes for the next generation, resulting in serious consequences for young people trying to put down roots. House prices keep soaring and those who have yet to buy fall further from the dream of ownership.

237. It is no accident, therefore, that the only kind of development which is particularised in the opening paragraph of the NPPF is housing, when it says:

'The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced'.

238. The proposed development complies with the development plan¹⁴⁹, and the appellant agrees with the original Officers' recommendation¹⁵⁰. It is obvious that the Officers' report was produced with the approval of senior management within the Council. The report followed substantial pre-application dialogue¹⁵¹ and several years of discussions¹⁵². It is unusual, but significant, that Mr Bittleston as the former Leader of the Council, with his substantial inside knowledge and experience, is able to tell us clearly and genuinely how for over 3 decades the Council has wanted to improve the Football Club; and how the Council recognises over the last decade its woeful under-provision of affordable housing. This development is 'joined-up planning' at its best, in the sense of achieving policy aims in a sustainable manner.

239. The original application was heard at Committee in June 2020, following extensive work which resulted in no statutory consultee objections to the proposal, with all technical issues resolved and a comprehensive set of planning conditions and obligations secured by the way of an Executive Undertaking/PDA. Contrary to the recommendation in the Officers' report, Planning Committee Members refused planning permission.

240. At this inquiry the appellant has demonstrated, through its comprehensive and impressive evidence, that the 5 reasons for refusal are without merit. None of them stand scrutiny in light of national planning policy¹⁵³, the development

¹⁴⁸ See Docs APP/WG/1, APP/DB/1 and CDs 6.7-6.10

¹⁴⁹ See Appendix 1 in Doc APP/CC/1

¹⁵⁰ CD3.1

¹⁵¹ See Section 3 of Doc APP/CC/1 and its Appendices 2 & 3

¹⁵² See Docs APP/WG/1 and APP/DB/1

¹⁵³ CD4.7

plan¹⁵⁴ and the relevant design and parking guidance¹⁵⁵. Importantly, each witness called by the appellant demonstrated through their area of expertise or factual experience of the background that the Members' opposition is illusory.

241. The Council's case is demonstrably limited. This is unsurprising as the corporate governance and political leadership had framed this proposal as a public-private partnership with the objective of compliance with the development plan when read as a whole. At the inquiry the Council relied on external consultants who attempted to find reasons to show that the original application was deficient. Through pedantic cross-examination the Council attempted to rubbish the view of statutory consultees as well as the Planning Officers of the Council. The Council has provided no fresh analysis of architecture, daylight or transport. Instead, it has sought to rely on the premise that back in 2012 the development plan had not anticipated this proposal, and that the transport assessment is inadequate (despite being agreed by the highway authority).
242. Indeed, the Council's case on transport is extraordinary. First it seeks to undermine the engagement of SCC's professional Officers, even ridiculing the specific sums sought by SCC towards annual TRO reviews. Secondly, the Council does not want additional parking at the stadium for the non-residential element yet, despite acknowledging that travel plans are required, suggests that people will not pay heed to them anyway. If a developer suggested that sustainable travel aspirations are a waste of time because no-one pays attention to them, any reasonably minded planning authority would show them the door.
243. The reality is that having comprehensively considered the proposals through statutory consultees and its entire contingent of Officers up to directorate level, the Members, for reasons that have never been revealed, ignored the advice and devised reasons for refusal that have comprehensively been shown to be lacking merit. The best that we have seen from the Members is either misguided cross-examination by the Chair¹⁵⁶ or statements from Councillors (who did not attend for cross-examination) of which a cursory reading reveals misunderstanding of the facts and of policy and a woeful lack of planning judgement.
244. The scheme is an imaginative, positively and professionally prepared proposal which accords with the national objectives to make the best use of previously developed land in the area of an authority that is 63% Green Belt. It would result in substantial benefits and limited harm. It is appropriate for the compact town of Woking which is part of a wider West Surrey Housing Market Area where demand for smaller properties is high¹⁵⁷. Further, the development would retain the Football Club in the town in a greatly enhanced facility, fit for purpose, so as to become an asset to the town and Council (who are its owners).

Woking Football Club (WFC)

245. The Council has for over 30 years supported the ambitions of WFC to be the best in Surrey¹⁵⁸ and the proposed stadium would be the largest football stadium in

¹⁵⁴ CDs 4.1, 4.2 & 4.3

¹⁵⁵ CDs 4.11, 4.12, 4.13 & 4.21

¹⁵⁶ A reference to Mr Chrystie, who was Chair of the Planning Committee at the time the applications were considered

¹⁵⁷ See Section 7 of Doc APP/CC/1

¹⁵⁸ See Doc APP/DB/1

Surrey. The inquiry was reminded of the compelling statements made by the Football Club in support of the application. There are 2 documents in particular that were submitted by the Club which remain good evidence. Neither the Council nor the Club has withdrawn them. First, the Business Plan dated 15 November 2019¹⁵⁹, which was prepared for the Club Chair, Rosemary Johnson MBE. The report describes how the stadium urgently needs upgrading and was losing £200,000 annually¹⁶⁰. The Club is loss-making and relies on shareholders for additional finance¹⁶¹. The major weaknesses in the current stadium are summarised and confirm the need for wholesale redevelopment¹⁶²:

- a. *Commercial income from hiring of rooms/bars/restaurant space is negligible due to a lack of attractive facilities and space.*
- b. *Commercial income from matchday hospitality is relatively insignificant due to poor quality facilities and the lack of any pitch views from those facilities.*
- c. *Toilet and concourse facilities are particularly poor and inadequate. Modern facilities for the disabled are woefully lacking.*
- d. *The Club is overly reliant on income from unreliable runs in cup competitions and naming rights; income which can fluctuate significantly depending upon performance on the field. The only current income (ignoring funding from the FA) which is truly independent of on-field performance is Sheerwater FC groundshare income (which is time bound and will cease in the short term), extra games, community tournaments and some limited commercial income.*
- e. *The long terrace looks unattractive as it has some large warehouse type structures sitting behind it.*
- f. *In addition, the safety authorities have made it clear that they will insist upon significant and costly health and safety improvements should Woking FC not secure a new stadium.*

246. The report affirms the role for sustaining the Club and thereby the town's role in the county as an economic, administrative and business hub¹⁶³. The report states the Club will not be financially sustainable without the stadium redevelopment and will ultimately fail¹⁶⁴. The report masks nothing and asserts:

It is absolutely clear the stadium development is necessary for Woking Football Club's finances. It will improve the standard of football in Woking and will benefit the wider community¹⁶⁵.

Woking Football Club is currently slowly dying. The Club loses £200,000 per annum on average and has a decaying stadium that will cost fortunes in maintenance over the next few years. Papering over the cracks by refurbishing the existing stadium will only delay the inevitable. That course of action will see millions of pounds wasted since

¹⁵⁹ Doc A2.25

¹⁶⁰ Para 1.2 of Doc A2.25

¹⁶¹ Para 2.1.7 of Doc A2.25

¹⁶² Para 3.2.3 of Doc A2.25

¹⁶³ Para 1.3 of Doc A2.25

¹⁶⁴ Para 1.4 of Doc A2.25

¹⁶⁵ Para 1.6 of Doc A2.25

*sustainable income cannot be generated. The deficit will continue to grow until it can no longer be sustained. The benefit to the local community will be lost*¹⁶⁶.

...

*Without the new stadium Woking Football Club fails. With a new stadium the Club could be Surrey's first Football League Club*¹⁶⁷.

247. The Club was completely involved in the design of the new stadium¹⁶⁸. Specialist architects in Scotland dealt with its design¹⁶⁹, and the Club confirmed its involvement in the Business Plan¹⁷⁰. The Club is an important, arguably crucial part, of the town of Woking. It has a long history and close community ties¹⁷¹.

248. The second significant document is 'Why Not Woking?'¹⁷². This was produced by the Club using the appellant's public relations agency, and says the:

*...regeneration proposal is a once in a generation opportunity to build a new home that will secure the future of Woking FC at Kingfield...*¹⁷³

It is absolutely clear the Stadium development is necessary for Woking Football Club's finances, will improve the standard of football in Woking and will benefit the wider community.

Creating a social hub for the whole community.

*Establish a vibrant destination through new multi-purpose facilities for business, community and leisure activities to create a social hub in the heart of Hoe Valley*¹⁷⁴.

249. This short document is a powerful statement by the Club, explaining in every way how the redevelopment would help it and the community of which it is part. Considerable weight must be given to this material, which was provided at a time when the Club whole-heartedly supported the application.

250. No-one from the Club was present at the inquiry for cross-examination, although its Chair did 'drip-feed' emails saying it did not support the appeal¹⁷⁵. Further emails between the appellant and the Chair, including some from the appellant's lawyers, show that the Club supported the application all the way to its refusal and only appears to have stop supporting it sometime between 9 October and 8 December 2020¹⁷⁶. The Club's current lack of support for the appeal, as expressed by its Chair, is a curious position, but not relevant to the issues.

251. These remain as they did in the application and the unwithdrawn evidence of the Club remains pertinent. Nothing in planning terms has changed since. Whatever the motivation for the Chair's position in her emails they are outwith the material considerations relevant to this appeal. People come and go, but the Club will

¹⁶⁶ Para 10 of Doc A2.25

¹⁶⁷ Para 10 of Doc A2.25

¹⁶⁸ See Doc APP/WG/1

¹⁶⁹ See APP/CG/1

¹⁷⁰ Para 4.4.1 of Doc A2.25

¹⁷¹ Para 5.2 of Doc A2.25

¹⁷² Doc A2.15

¹⁷³ Opening lines of first page of text of Doc A2.15

¹⁷⁴ First column on third page of text of Doc A2.15, under *A Social Hub*

¹⁷⁵ Doc 16

¹⁷⁶ CD6.23

persist. Importantly, the claimed investment from the new American director has not materialised in evidence. The suggestion therefore from anyone that the Club's future is soundly secured is simply 'smoke and mirrors'.

252. Furthermore, the stadium has the support of the Football Association as well as Sport England. If constructed it would be English Football League compliant. Currently, there are health and safety concerns in respect of the existing stadium, should WFC obtain promotion.
253. Accordingly, Appeal A remains the political and practical aspiration of the Council's leadership (outwith its Planning Committee). Appeal A also remains the stated aim of the Football Club itself and is heavily justified by documentation prepared by or with the direct input of the Club's leadership. Moreover, the redevelopment of the Club remains the emerging policy aspiration of the Council as local planning authority. Although as currently worded, emerging Policy UA42¹⁷⁷ of the SADPD contains some ambiguities, which the appellant is seeking to clarify¹⁷⁸, it remains the case that this policy allocates the site for mixed development to include a replacement football stadium and residential development including affordable housing.
254. The Council has done very little to work up a proper masterplan for this area, with the housing density referred to in the emerging policy simply based on its categorisation of the site under WCS Policy CS10. Considerable weight can be given to the emerging plan principle of a replacement stadium. Appeal A would deliver exactly what the Council wants to achieve in principle and is the only realistic proposal in over 30 years that would fulfil this long held political and now planning ambition. Matters of consideration, highlighted by the Inspector, are discussed in the following sections.

Design considerations and the effect on the character and appearance of the street-scene and the surrounding area

255. The Appeal A site is in a sustainable urban location¹⁷⁹ and is large enough to create its own character¹⁸⁰, as was recognised in the Officers' report¹⁸¹. The site lends itself for urban regeneration and change, and through good design the regeneration proposed would create its own contemporary character and townscape, to frame a community stadium and respect and enhance the existing street-scenes on Kingfield Road and Westfield Avenue. It is an imaginative proposal, not atypical of other football stadium redevelopments elsewhere in the UK¹⁸² and complies with the most relevant design policies, WCS Policies CS21 and CS24, and material design guidance¹⁸³.
256. The DAS¹⁸⁴ demonstrates the thoroughness with which Mr Gilham led the architectural team to come up with the current design. Contrary to the Council's assertions the design was not led by a requirement for a particular number of

¹⁷⁷ See CD4.4.

¹⁷⁸ See CD4.5

¹⁷⁹ See Section 5 of Doc APP/CC/1

¹⁸⁰ See Figs 6 and 41 in Doc APP/CG/1

¹⁸¹ See paras 96, 199 and 232 in CD3.1

¹⁸² See Figs 20, 21, 98-102 in Doc APP/CG/1

¹⁸³ CD4.12 & CD4.13

¹⁸⁴ Doc A2.5

housing units. It is clear from the chronology that Mr Gilham came up with the approximate number of units during 2018, long before Mr Gold signed the various agreements in January 2019¹⁸⁵. Indeed pages 203 and 208 of the DAS show a design for about 1,000 units in July 2018. Mr Gilham explained that his design brief was first informed by an internal review of a previous architectural concept prepared in 2018, primarily with a focus on shaping a new place in this location, and with particular regard to the treatment of the development edge.

257. The design quality is exceptional, contemporary in nature, endorsed by an independent DRP¹⁸⁶ and would create a new destination in the town in an easily accessible location. The DRP said (emphasis added):

The panel support the ambition of this large and complex scheme where it is clear that comprehensive analysis has informed key design moves.

The proposal overcomes numerous site complexities and we commend the ambition to provide a development that will benefit Woking Football Club, prospective residents and the wider community.

The brick detailing on the tall residential blocks provides the site with a unique character, which is commendable¹⁸⁷.

We commend the provision of a combination of uses across the site and consider the injection of a greater density appropriate for this area of Woking. The site layout has been informed by the rectangular football stadium that radiates a rectilinear layout across the residential development¹⁸⁸.

258. The DRP made a number of constructive suggestions to improve the scheme and most of these were included in the version submitted as part of the application. The DRP even recommended greater height for some of the residential blocks¹⁸⁹, although this recommendation did not find its way into the final drawings.

259. There are no other locations available to relocate the Football Club. Indeed, if the Club were to relocate it would inevitably be in a less sustainable location, and likely to be in the Green Belt. The fact that the Council is not looking for the Club to move elsewhere is underlined by the emerging SADPD Policy UA42, which actively supports regeneration and change in this location.

260. For its part, the Council offered no architectural evidence to substantiate its case, and called no architectural witness to deal with this topic. The first reason for refusal alleged a broad criticism of the scheme as being harmful by reason of its 'cumulative excessive height, bulk, mass, housing density and design'. But Mr Rainier's evidence failed to address the relevant matters, and simply asserted that there is a character for the area already and the site cannot have its own character; that the development exceeds density figures in the WCS; and that the buildings would be prominent and should be in the town centre¹⁹⁰. His conclusion is merely a rehearsal of the reason for refusal. In contradistinction, Mr

¹⁸⁵ CDs 6.8 – 6.10

¹⁸⁶ See CD4.17

¹⁸⁷ Summary, page 4 of CD4.17

¹⁸⁸ Para 2.1 of CD4.17

¹⁸⁹ Para 2.3 of CD4.17

¹⁹⁰ See paras 7.1-7.21 of Doc WBC/PR/1

Gilham carefully analysed the proposed changes and assessed whether, in planning terms, they would be harmful¹⁹¹.

261. The design approach was, of course, previously endorsed by the Council's entire professional planning department. The imprimatur of an Officers' report containing a recommendation for approval cannot be overstated. It would have been considered all the way to the head of the professional staff that serves the Council. While Members may disagree with Officers, they have to do so by providing clear evidence. Merely disagreeing with Officers is insufficient and the inquiry demonstrated the absence of any coherent analysis of the Council to substantiate and explain exactly why the proposal was now deficient.
262. As to density, it is common ground¹⁹² that the measure is either 210 dph or 336 dph net of the community stadium. However, density is a crude measure of a development proposal. There are other measures which can be used, such as analysis of the existing against proposed development footprint and the relative ratios of different building heights¹⁹³. The proposal includes a community stadium at a height equivalent to 3-5 storeys (in the context of an existing South Stand at a maximum extent of 6 storeys¹⁹⁴) and residential development at 3 to 11 storeys. On only 13.66% of the site area would buildings rise above 6 storeys. In any case, there is already a precedent on height next door at Willow Reach. The computer-generated imagery in the DAS shows how the scheme responds well at the Westfield Avenue edge to what is already there¹⁹⁵.
263. Mr Rainier explained that the Council was supportive of taller buildings in the town centre, but could point to no policy that restricts tall buildings elsewhere in the town – because there is none. It is agreed that the proposed development would be 'windfall' and not 'infill'. Mr Rainier incorrectly applied WCS Policy CS10 with regard to the proposal being infill development - thus the 'indicative' density range he suggested of 30-40 dph does not apply. Given the scale and form of the proposed development it is clearly not infill and so must be considered in its own context. The WCS allows for higher densities of the kind proposed through Appeal A, detailed towards the end of WCS Policy CS10.
264. Given that there is agreement that the site is a large windfall development allowing for comprehensive and sustainable regeneration, and not an infill development as described in WCS Policy CS10, it is clear that any assessment of the development must be in terms of how it creates its own character and its relationship to neighbouring properties. It represents an entirely appropriate and best use of previously developed land so as to exceed the 'indicative' densities prescribed by the development plan, but full square supported by national policy to achieve regeneration objectives in urban areas¹⁹⁶.
265. Elements of the proposal are taller, but acceptable in the context of a dense town, characterised by a mixture of low-rise and very high-rise buildings. It would contribute positively to the townscape (noting the development cannot be

¹⁹¹ See Section 3 of Doc APP/CG/1

¹⁹² CD1.12

¹⁹³ See Figs 75, 110 to 114 in Doc APP/CG/1, and also Doc APP/CG/4

¹⁹⁴ CDs 6.12 & 6.13

¹⁹⁵ See page 144 in Doc A2.5

¹⁹⁶ See paras 5.24 & 6.6-6.14 in Doc APP/CC/1 and WCS Policy CS10

seen from a number of the viewpoints outlined in the Townscape Visual Impact Assessment¹⁹⁷) and skyline, sitting well below the very high-rise buildings of the town centre, in its own cluster and in an area well located for higher density development. In any case, simply being able to see a development does not equate to harm. The real issue is whether the development would be harmful by the character it creates, and/or whether the surroundings in which it would sit would be harmed visually (or otherwise) by its presence.

266. Much was made of the Poole Road appeal decision, resulting from a hearing determined in March 2020¹⁹⁸. Savills, on behalf of the appellant, had provided a detailed commentary on this matter prior to the original application determination in the form of a Supplemental Planning Note¹⁹⁹. This appeal decision was therefore taken into account by the Council's Officers when recommending approval, including that Inspector's comments on a formal design review process. It is clear that the Poole Road site differs from the Appeal A proposal in that it would have been a stand-alone taller building, of 17 storeys, whereas the current proposal would create its own setting through a cluster of 5 residential blocks framing the community stadium.
267. The Poole Road Inspector was influenced by the size of that stand-alone proposal outside the town centre²⁰⁰, and the lack of likelihood that other tall buildings would be coming forward as part of its context²⁰¹. Accordingly, any decision in Appeal A is unaffected by the Poole Road appeal decision, which can easily be distinguished when the different contexts are considered.
268. The emerging policy for the Appeal A site in the SADPD (Policy UA42), is supportive of stadium-led regeneration. The 'anticipated' site yield of 93 dwellings has arisen following a simple calculation by the Council of the land remaining once the stadium and the David Lloyd Centre are excluded, with the Council confirming that it has no published evidence base on this matter. It should be remembered that this figure was provided by the Council, not the SADPD Inspector, and that as the figure appeared after the refusal of the current scheme it might be viewed as tactical on the part of the Council, rather than considered. In any event, nothing in emerging policy restricts the Appeal A proposal. The policy merely seeks an 'anticipated site yield' which should be approached in the context of the Borough-wide minima densities set out in WCS Policy CS10, the need to deliver affordable homes, and the proper application of WCS Policy CS21 and relevant design guidance.
269. Mr Rainier took the view that the proposal would amount to overdevelopment, but at the same time he acknowledged there was scope to increase the density on the site. The Council's case relies on the SoS concluding that the site is inappropriate for regeneration and change, and insufficient to create its own character and identity. Furthermore, the Council's case provides no weight to the design intent to create 5 residential blocks of varied heights and high-quality

¹⁹⁷ Doc A2.2

¹⁹⁸ Appendix 1 in Doc WBC/PR/2

¹⁹⁹ Doc A3.5

²⁰⁰ See para 21 of Appendix 1 in Doc WBC/PR/2

²⁰¹ See para 31 of Appendix 1 in Doc WBC/PR/2

design, framing the community stadium, and purposely intended to enhance the 2 street-scenes of Kingfield Road and Westfield Avenue²⁰².

270. The appellant maintains that the change proposed is entirely appropriate, sensitive and in accord with the Council's own design guidance which provides no character definition at all to the site. Moreover, and in accordance with the National Design Guide²⁰³, Mr Gilham's evidence explains, by reference to 'the 10 characteristics' set out in the Guide, that the design responds comprehensively and positively to every criteria²⁰⁴. Moreover, as the Guide further advises in relation to the application of the NPPF (emphasis added) ²⁰⁵:

...permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

...

It may also introduce new approaches to contrast with, or complement, its context.

However, well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.

Well-designed tall buildings play a positive urban design role in the built form. They act as landmarks, emphasising important places and making a positive contribution to views and the skyline.

271. There is agreement that the Appeal A site is described as having 'other' character, as supported by the applicable Design Guide²⁰⁶ and Character Study²⁰⁷. But it should not simply be considered, unimaginatively, as low-rise suburban. The magnitude of change must be viewed in the context of the appropriate measures of such change, as outlined by Mr Gilham, who explained that the design response was to create a fresh character. This is entirely in keeping with the NPPF and the expressions of the SoS as to how planning should respond to being broken and the housing crisis.
272. The Council's opposition misses an opportunity to provide much needed housing and improved and important community facilities in a location within the compact urban area, ideally suited for redevelopment. The proposal would reduce pressure to develop outside of settlements and, especially, to remove further land from the Green Belt. This must be set in the context of a development plan which is fast running out of time²⁰⁸, and the prospect of needing to plan for a higher overall housing requirements set by the Government's Standard Methodology of at least 431 dwellings per annum²⁰⁹ (dpa).

²⁰² See Figs 52-55 in Doc APP/CG/1

²⁰³ CD4.25

²⁰⁴ Page 8 of CD4.25

²⁰⁵ Paras 15, 16, 44 and 70 of CD4.25

²⁰⁶ CD4.13

²⁰⁷ CD6.4

²⁰⁸ The WCS has a plan period of 2012-2027

²⁰⁹ Para 5.7 of Doc APP/CC/1

273. It is acknowledged that the Council can demonstrate a 5-year housing land supply, but this was the position on 1 April 2019, with no more recent update having been published. Housing delivery from the Appeal A proposal would ultimately end up within the housing trajectory as a substantial development commitment which could help address the 80% score in the recent (January 2021) Housing Delivery Test.

Mix of dwelling types and the need to create a sustainable and balanced community

274. It is bad planning to suggest that each and every development site can deliver a housing mix exactly in accordance with the West Surrey SHMA²¹⁰. Indeed, WCS Policy CS11 does not prescribe this. The SoS would be entitled to consider the proposal in the context that some house type targets would not be met. The SHMA must be viewed in context over the Housing Market Area which includes Waverley and Guildford. Both of these authorities have incorporated an element of Woking's unmet housing needs in their Local Plans, which include significant development allocations to enable a broad mix of housing types²¹¹.

275. The delivery of affordable homes is a key driver for the Appeal A proposal, especially as a number of recent proposals for schemes in the town centre²¹² had all been refused planning permission for, amongst other matters, the absence of a policy compliant level of affordable housing.

276. Woking town is characterised by a range of 1 to 5-bedroomed properties and so the town is already sustainable and balanced in that regard. The Appeal A proposal seeks 99% provision of 1 and 2-bedroomed properties of varied scale and unit types (apartments, duplex, townhouses) in order to facilitate 45% affordable housing provision (secured in Blocks 1 and 2) in a location where flatted development continues to be permitted²¹³. The affordable provision would be secured by the PDA and appropriate conditions, and the background to the provision was explained to Officers prior to the determination of the application, as detailed in the Officers' Report.

277. During cross-examination in respect of Appeal B, Mr Rainier opined that the delivery of over 500 dwellings of affordable housing across Appeals A and B should not be given significant weight. This was despite the extremely poor track record of delivery by the Council that was not challenged in evidence - namely that only 16% of dwellings delivered since 2012 were affordable²¹⁴. This is well below the WCS Policy CS12 target of 35% and blended policy requirement for this site of 45%. Mr Rainier's opinion on weight should therefore not be accepted. Together, the Appeal A and Appeal B proposals would enable the provision of a significant number of affordable homes, and this should weigh significantly in favour of both appeals.

278. The Council attempted to defend this historic undersupply of affordable housing with evidence that they have about £6 million to spend in financial contributions.

²¹⁰ CD4.15

²¹¹ Para 7.11 of Doc APP/CC/1

²¹² 81 Commercial Way (PLAN/2019/0611), Crown Place (PLAN/2019/1141) and Church Gate (PLAN/2020/1201) – all referred to by Mr Collins in evidence in chief

²¹³ Para 7.12 of Doc APP/CC/1

²¹⁴ Table 7.2 in Doc APP/CC/1

But whilst this is welcome, the realistic quantum of units this could provide would undoubtedly be a fraction of both what the Appeal A site could offer, and what the Council has under-delivered in previous years.

279. The proposal was endorsed by the Council's Housing Officers²¹⁵ in regard to mix, types and tenures proposed, not least owing to the historic under provision of affordable homes in Woking²¹⁶, and the fact that the need for affordable homes is focused on 1 and 2-bedroomed properties. Indeed, the proposal would enable more affordable homes on a single site than has been delivered in the whole Borough since 2012 and likely the most of any scheme being progressed in Surrey at present. It is not appropriate to simply dismiss the views of the relevant Officers on housing matters.
280. The Council's case assumes that there is no variance in the type and size of the 1, 2 and 3-bedroomed properties proposed and attaches reduced weight to the affordable housing enabled by the mix proposed. Yet the Council provides no further expertise or comment from a housing specialist. The case is further reliant on the SoS determining that the overall opportunity for regeneration and change in this location is inappropriate (although Mr Rainier's assertion that the proposal would be acceptable in the town centre should be noted²¹⁷). The appellant's evidence and the supporting application documents note the sustainable location of the site as endorsed by Officers in their recommendations.
281. No harm would therefore arise from the proposed mix. Indeed, the provision of predominantly 1 and 2 bedroomed properties of varied types would enable the Council not only to deliver more housing in and beyond the existing plan period, but of a type to meet demand, resulting in scope to achieve larger unit sizes elsewhere in the Borough and wider Housing Market Area.

The living conditions of nearby residents with particular reference to overbearing impact, loss of privacy and loss of daylight

282. The Appeal A proposal would comply, in all respects, with the Outlook, Amenity, Privacy and Daylight SPD²¹⁸. There would be a significant vegetation buffer between Block 5 (which is proposed at 5 storeys) and The Cedars, Nut Cottage and Penlan, where there are separation distances of between 15m and 39m, taking account of the relevance of the actual principal elevations of those properties. The proposed stadium would be sited some 26.5m away from the Cedars, and about 36.5m away from Nut Cottage²¹⁹, with no windows proposed on this eastern elevation of the stadium. There would therefore be no loss of privacy to The Cedars, Nut Cottage, Penlan or 2 Westfield Grove, and no loss of privacy or overbearing effect to Penlan or 2 Westfield Grove (located 20.5m at its closest point from Block 4).
283. The Council presented no coherent analysis against the relevant SPD. This can be contrasted with the detailed analysis by Mr Gilham which was not challenged²²⁰.

²¹⁵ See paras 147-148 of CD3.1

²¹⁶ Paras 7.13 -7.21 of Doc APP/CC/1

²¹⁷ Para 7.17 of Doc WBC/PR/1

²¹⁸ CD4.12

²¹⁹ Figure 119 in Doc APP/CG/1

²²⁰ Section 4 of Doc APP/CG/1 and Doc APP/CG/2

The Council's approach that it is a matter for the Inspector is a truism - but in order to reach any evaluative conclusion the Inspector must not only take into account the facts on the ground, but also the published policy criteria.

284. Sunlight was never an issue, and following concessions made at the inquiry by Mr Rainier daylight is no longer contested by the Council. For the appellant, Mr Dunford provided detailed evidence on daylight impacts on Beech House, Hazel House and Elm View²²¹ and Mr Rainier agreed that these were the only properties the Council considered might be harmfully impacted. This allegation effectively fell away as a matter of evidence in cross-examination of Mr Rainer, although the Council's closing submissions show it has not abandoned it in argument²²².
285. Mr Dunford followed the 2-stage test suggested in *Rainbird*²²³: first to consider the technical calculations; then to apply a professional judgement²²⁴. This evidence, and the information originally submitted with the application, show that there would be no significant harm arising from any loss of daylight. A noticeable change to daylight does not mean an unacceptable impact. No daylight evidence was provided by the Council and under cross-examination Mr Rainier conceded the significance of the change to be only a moderate harm.
286. Mr Rainer's evidence concerning major harm to Elm View's windows W2 and W3 was found to be incorrect as it did not take account of the fact that Window W2 serves a dual-aspect room, and W3 serves a hallway. A hallway is considered by the BRE guidance²²⁵ as non-habitable and consequently should be ignored in any assessment. Mr Dunford's thorough analysis, and Mr Rainier's concessions show that there would be no breach of WCS Policy CS21, which seeks to avoid significant harmful impacts and must be viewed in light of the NPPF, which is clear that decision makers must take a flexible approach on such matters²²⁶.
287. Because of the concessions by Mr Rainier and contrary to the wording of the third reason for refusal, there are no properties other than Beech House, Hazel House and Elm View where it is considered there would be an impact upon daylight. Even for those specific properties the Council's position is now one of only moderate harm. The further detailed analysis prepared by Mr Dunford has offered a professional and technical assessment that confirms that the impacts upon those named properties would be within the terms of acceptability. Hence there would be no significant harm by reason of loss of daylight.
288. Although the outlook of Beech House, Hazel House and Elm View would undoubtedly be altered by the proposed development, the treatment of the Westfield Avenue frontage would incorporate a range of building heights compatible with that street-scene. This has to be compared with the present undefined outlook of the site, and its character, which is underdeveloped regeneration land within the compact urban area. The proposed alterations to townscape and street-scene, including alterations made following the DRP's

²²¹ See Doc APP/LD/1

²²² See paras 105-108 of Doc 23

²²³ Paras 83-84 of CD5.5: *R (Rainbird) v The Council of the London Borough of Tower Hamlets* [2018] EWHC 657 (Admin).

²²⁴ See para 4.1 of Doc APP/LD/1

²²⁵ CD4.22

²²⁶ See para 123(c) of CD4.7

comments about boundary treatments in respect of Blocks 4 and 5 would, in fact, be enhancements²²⁷.

289. Nonetheless, should any harm be considered likely to occur, this demonstrably would not be significant, and should be weighed against the substantive benefits of the proposal. Planning conditions could be imposed to secure the angling of some windows on Blocks 4 and 5 (a minor alteration), to further avoid any alleged loss of privacy, if this was considered necessary²²⁸.

Parking provision and the impact of possible overspill parking

290. SCC as the statutory highway authority does not object to the proposal as is clear from the SCC Highways Consultation Response²²⁹. Moreover, the appellant has demonstrated that at each and every step, the scheme was developed in accordance with SCC's wishes. This covered the overall approach, the methodology used, the conclusions drawn from the survey and assessment work and then the strategy that was adopted. Contrary to the evidence of Mr Rainier, it is common planning practice to provide more weight to the representations of statutory consultees, particularly on those matters of most relevance to them.

291. The Council was critical of the parking survey being undertaken for a mid-week game in August. But the purpose of the survey was to demonstrate which streets reported the highest levels of parking demand, to be able to understand the most appropriate form of mitigation to address any issues which arose – and, should any TROs be required, the streets to which they may be most applicable. To this end the mid-week Aldershot game was specifically selected because a large attendance was expected – it was the first home game of the season and a local derby. The attendance at this game (3,922) was 83% higher than the average attendance for the 2019-20 season (2,135), and 48% higher than the next highest attendance that season. This vindicated the choice of survey day.

292. The sustainable location of the proposal is underlined by the site being only 15-20 minutes' walk from the town centre²³⁰. The appellant therefore disputes the claims of local residents that a walk is longer. Indeed, Mr Caulfield accepted that walking to the station in the morning might take slightly longer, but that walking back downhill might well take 5 minutes less time. He confirmed that many existing residents do already walk regularly to the town centre and the railway station, which underlines the sustainability of the location. Mr Bittleston further commented that Woking is characterised by a town centre within 5-10 minutes' walk of parkland, and that the routes from the centre to Kingfield are extraordinarily safe. The appellant's approach to transport is entirely in accord with the promotion of sustainable transport and reflects the character of the compact town. This is sound planning.

293. The Council alleges an under-provision of parking in respect of the stadium and medical facility, and an absence of a particular survey and analysis which it now says is required, despite the pandemic and despite the matter never previously being raised. The Council's case is narrow, and fails to recognise the emphasis of

²²⁷ See Doc APP/CG/1 and CDs 4.17 & 6.21

²²⁸ See pages 69, 70, 76 & 77 in Doc APP/CG/1

²²⁹ CD2.17

²³⁰ See para 2.6 of CD1.12

local and national policy toward encouraging the use of sustainable transport. The issue is also greatly overplayed, noting that stadium event days would be about 25-35 a year. These are relatively irregular occurrences set against the rest of the year when the stadium is not used for matches.

294. The event period when demand for parking from visitors to the stadium would be at its highest represents only 1% of the year and ignores that the stadium is not always at capacity for every match²³¹. At other times, the medical centre would have ample parking which could be controlled by planning condition. It would require 8 spaces, according to both the SCC and WBC Parking Standards, and these would be provided²³². Moreover, the medical centre opening times are not anticipated to coincide with the timings of football matches²³³. The issue of accessible parking could also be addressed by condition, and in this regard a revised plan has been proposed by the appellant²³⁴.
295. The present football stadium has a capacity of about 6,000 and is notably absent of any of the contemporary planning controls now proposed, with the associated benefits. It is clear from the public opinion expressed that parking controls would resolve the issues contributors identified. There are limited existing parking controls or management as acknowledged by the submissions of SWAG, HVRF, Mrs Charge and Mrs Woodland. Mr Lewis acknowledged, under cross-examination that the Council is not assisting properly to correct any existing problems.
296. The evidence of Mr Southwell shows that the matchday surveys support the application, and show the focus of the proposal and associated mitigation is on sustainable modes of transport. This evidence demonstrates a 'worse case' mobility shift, and through proactive management, such as information on tickets, guided by a Stadium Travel Plan²³⁵, supporters would be encouraged to find alternative modes of transport. This is normal practice for sports stadia and applies nationally for much larger venues, with much greater travel demand.
297. Through the evidence of Mr Lewis the Council assumes a continued 'predict and provide' approach to travel demand, where the private car must remain the predominant mode of choice for spectators. In cross-examination Mr Lewis agreed that parking should not be provided for every single supporter, but this is at odds with the reason for refusal which alleges an under-provision of car parking. Indeed, Mr Lewis accepted that there should not be any more parking at the stadium for supporters than what the scheme proposes. The Council therefore seems to be at odds with its own fourth reason for refusal.
298. This move towards more sustainable forms of transport is a clear reflection of national policy, and the appellant maintains that a package of education and experience for supporters could and would lead to changes in travel patterns. For a match with a bigger attendance, people would respond and react in different ways, which is why stadiums all across the country operate efficiently, sometimes in much more constrained locations with much bigger attendances.

²³¹ See para 5.2 of Doc APP/IS/2

²³² See para 3.3 of Doc APP/IS/1

²³³ See para 3.6 and Appendix IS1 in Doc APP/IS/1

²³⁴ See Appendix D to Doc APP/IS/2

²³⁵ Doc A2.24

299. During the inquiry Mr Southwell produced an additional note²³⁶ to clarify certain matters, to which Mr Lewis responded²³⁷. Mr Lewis accepts the level of increased on-street parking demand within the survey area on the surveyed match day as 699 vehicles, and this demonstrates that people who drive do not simply try and park as close to the stadium as possible (ie within the survey area). Any analysis undertaken on such a basis is therefore incorrect. The appellant is not stating that 699 vehicles is the total current stadium parking demand. Rather, it is the total stadium parking demand on-street in the survey area.
300. The Council's case is that the appellant has not assessed on-street parking demand around the stadium, but the appellant's response is that the 523 additional vehicles referred to by Mr Lewis²³⁸ are clearly parking elsewhere - but not within the survey area - and are not all trying to park as close to the stadium as possible. Moreover, the 1,010 vehicles²³⁹ that Mr Lewis refers to in the 'proposed stadium with Travel Plan' scenario are not 'unaccounted for' - it is simply that they would not park within the survey area. The appellant therefore maintains its view that the roads around the stadium would not fill to capacity, even for a maximum attendance match.
301. The Council has seemingly paid no attention to the benefits of retaining a stadium in this location, while also failing to acknowledge how the modest increase in capacity of about 3,000 supporters may be addressed sustainably. The Council's approach to transport is therefore both flawed and unsound. Mr Lewis accepted that providing about 2,360 car parking spaces on-site (the likely peak demand) would be unsustainable. The appellant has provided evidence to show that sufficient parking would be available in the town centre to serve the stadium on match days for those who want to drive. Indeed the WCS notes that the town centre is well served by parking²⁴⁰ and the Transport Assessment²⁴¹, submitted as part of the ES, to support the proposal, notes that the town is very well served by rail, alongside appeal site A being in a sustainable location.
302. Ultimately, the Appeal A proposal accords with WCS Policy CS18 and was prepared with full regard to SCC requirements. The impact of the development was assessed, some stress on local parking was identified (though there is no evidence of an actual problem), and appropriate mitigation which may lead to TROs, alongside sustainable transport measures, is proposed. The proposal would mitigate its impacts whilst adhering to the principles of sustainable planning, to seek to ensure that the vast majority of football supporters would use alternative modes, rather than the car. When they do travel by car the evidence is that they share vehicles, are dropped off, or use 'Park and Stride'. Thus, there is no requirement to provide more than the 60 spaces proposed, as requested by the Club and as agreed by the Council. Overall, this location is the most accessible place for a stadium and the scheme would only improve its sustainability as part of furthering national and local transport objectives.

²³⁶ CD6.20

²³⁷ CD6.24

²³⁸ See para 2.5 of CD6.24

²³⁹ See paras 3.2-3.5 of CD6.24

²⁴⁰ See para 2.32 of CD4.1

²⁴¹ See Doc A2.3

The absence of an Executive Undertaking

303. As the PDA has now been agreed, the Council accepts that the matters raised in the fifth reason for refusal have been satisfactorily addressed. The appellant has also suggested some additional planning conditions, so as to ensure that the required affordable housing and other matters could be secured in order to make the proposal acceptable in planning terms.
304. If planning permission was to be granted the scheme would be implemented with the Football Club bound by its contractual arrangements to surrender its lease and relocate temporarily for 2 years, while a new stadium is built. It could then return to its new stadium with the Council as its landlord. The developer would drop out of the equation once the stadium, housing and relocated David Lloyd Centre are built. The David Lloyd group has made plain they would relocate to Egley Road²⁴². The suggestion from the Council that there is no guarantee the scheme would be delivered in its entirety is fanciful and not grounded in reality.

Conclusion

305. In summary, the proposal accords with the development plan, the spatial strategy of which focuses growth on the urban area of Woking²⁴³. The WCS envisaged selected Green Belt release toward the later part of the plan period, and the amount of Green Belt which may need to be released in the future (beyond 2027) is dependent on development decisions now, notably those which make the best use of urban land. The distribution of a minimum level of housing is set by WCS Policy CS10 which is silent on windfall development. The proposal is plainly not infill development. The policy sets 'indicative' density ranges, but also, as is the case here, makes clear the need for an efficient use of land and crucially, that the nature of the site is key – noting the site is only 60m from a higher density residential area where at least 70 dph is sought.
306. As supported by the Design SPD and the evidence of Mr Gilham and Mr Collins, the site of some 5 ha has the capacity for regeneration and change, being of 'other' character. The design response was to create a fresh character, with this approach being endorsed by a DRP and according with WCS Policies CS21 and CS24. The proposed development would provide substantive planning and public benefits which would outweigh any limited harm. These include:
- a. Realisation of a long-held Council and Football Club intention for a new community stadium (of 9,026 capacity) as reflected in the emerging SADPD policy intention for regeneration and change in this location²⁴⁴;
 - b. The unique opportunity provided for regeneration and change on the site, against an absence elsewhere of a viable, feasible and available site for a new community stadium;
 - c. Job creation and delivery of economic growth²⁴⁵;
 - d. Upgrades as required to local infrastructure (public transport, cycling and provision of a Travel Plan/Match Day Travel Plan);

²⁴² See CD6.11

²⁴³ See paras 3.7 & 5.62 of CD4.1

²⁴⁴ Policy UA42 in CD4.4

²⁴⁵ Paras 5.15-5.22 of Doc APP/CC/1, and Chapter 6 'Socio-Economics' in Doc A2.1

- e. Delivery of a significant proportion of the Borough's housing requirement, notably for affordable dwellings, in the context of a Borough-wide provision of only 16%, an increasing housing requirement of 48% (to 431 dpa – post 2027), and a recent Housing Delivery Test score of only 80%;
 - f. Best use of previously developed land (to accord with the NPPF);
 - g. Delivery of comprehensive development and integrated design;
 - h. Provision of a medical facility;
 - i. Support to sustain the Football Club and associated extensive community benefits²⁴⁶;
 - j. Additional retail services accessible to the local area; and
 - k. New public access routes through the site (as suggested by the DRP).
307. An entirely acceptable approach to relocate the Woking Gymnastics Club within the Borough is safeguarded by condition, and the Woking Snooker Club, if needed, could either be retained on site or could relocate more easily in the town, given its requirements. The approach accords with WCS Policies CS17 and CS19 and did not attract any objection from Sport England.
308. The proposal would also provide around £8.2 million of CIL funding. Amongst other things this could be used towards factors such as education – thereby addressing the criticisms raised by HVNF. On this point there has been no objection from the SCC Education Department.
309. The emerging SADPD Policy UA42 clearly anticipates a significant improvement to the existing stadium by its use of the language *'to include a replacement football stadium'*. This is further underscored by the Football Club's complete buy-in to the proposals, which should not be clouded by the more recent ad-hoc submissions to the inquiry. The evidence before the SoS that matters is the proposal and its supporting detailed evidence submitted to the Council.
310. These benefits should be viewed in the context of a largely uncontrolled (in planning terms) existing stadium of around 6,000 capacity which is of poor quality, and a large site which fails in any way to make a positive contribution to the townscape of Woking. Indeed, according to the Club's own submissions accompanying the application the Club is in dire financial straits and its long-term existence depends on the approval of the scheme.
311. As the SoS said in September 2020, at the Creating Communities Conference, when quoting from John Ruskin 150 years ago then commenting on it:
- 'When we build, let us think that we build forever. Let it not be for present use alone. Let it be such work as our descendants will thanks us for.'*
- His powerful words - rooted in the belief that beauty underpins and shapes the values of a community – were written in support of the Gothic Revival. But they are as true today as they were back then. Ruskin considered the hallmark of beautiful design to be instinctive admiration. The idea that when you see something beautiful, you immediately know it.*

²⁴⁶ See Docs A2.15 & A2.25

...
This government doesn't want to just build houses. We want to build a society that has re-established powerful links between identity and place, between our unmatched architectural heritage and the future, between community and purpose.

312. With its unmatched architecture this scheme would allow the creation of a football stadium for a team with a proud heritage to reach onwards and upwards while providing housing that has an identity and strong sense of place within the existing urban area of Woking. This would fulfil the key ambition of the executive leadership of the Council that goes back over 3 decades, whereby it wanted to support the Football Club while providing desperately needed affordable homes.
313. Therefore, for all the very sound reasons detailed above, the appellant requests that Appeal A be allowed and that planning permission be granted.

Appeal B (Egley Road)

314. The Appeal B proposal would facilitate the delivery of the Appeal A scheme through the relocation of the David Lloyd Centre to a site within close proximity (about 1.6 km) of its existing location. It follows that the planning and public benefits of granting planning permission for Appeal A should be considered to fully justify Appeal B. It should be remembered that the Council purchased the Appeal B site unconditionally in October 2019 in order to allow the relocation of the leisure club²⁴⁷. This business decision must be viewed in context with the emerging SADPD Policy GB7²⁴⁸ to allow a mix of uses on site.
315. The original application for Appeal B was heard at Committee in June 2020 (with a recommendation for approval, only altered at that Committee following the refusal of the Appeal A proposal), following extensive work which resulted in no statutory consultee objections. All technical issues had been resolved and a comprehensive set of planning conditions and obligations had been agreed, to be secured by the way of an Executive Undertaking. Through its evidence and submissions to the inquiry the appellant has shown that the 3 reasons for refusal are wholly without merit and do not stand scrutiny in light of national planning policy, the development plan or the emerging development plan.
316. There are coherent very special circumstances to justify the proposal which only remains within the Green Belt owing to the advanced stage of the SADPD, the Main Modifications consultation having progressed. In short, the Appeal B site will form part of allocation GB7 which identifies it as part of a wider allocation for residential and mixed-uses. It will link with the recent development to the north - the 3-storey Hoe Valley School and Woking Sportsbox - which themselves were granted planning permission on the basis of very special circumstances. The SADPD had been envisaged for some-time, originally by 2016, to implement the development required by the WCS in the latter part of the plan-period.
317. It is therefore inappropriate of the Council to oppose the development on Green Belt grounds, given the public proposals for change, as fully evidenced by the

²⁴⁷ See para 12 and Appendix 5 in Doc APP/WG/1

²⁴⁸ See CD4.4

Council's own Green Belt Review²⁴⁹. Furthermore, SWAG has highlighted a scheme that will deliver affordable housing alongside other supporting developments, currently being promoted by the Council's own housing provider elsewhere on another proposed Green Belt allocation in the Borough. Again therefore the Council's approach to opposing the appeal is misdirected.

Inappropriate development in the Green Belt, loss of openness and encroachment into the countryside – with no very special circumstances to outweigh these Green Belt harms

318. The Egley Road Appeal B site has been demonstrated to be plainly sustainable through its identification in the emerging SADPD for development which is already part implemented²⁵⁰. The site is located about 400m as the crow flies from Worplesdon railway station, with the Hoe Valley School providing the immediate context, along with a number of amenities in Mayford village. The appellant accepts, nonetheless, that the development proposal is technically inappropriate development in the presently defined Green Belt. This is commonly referred to as definitional harm. However, the appellant's case is that there is very limited other actual harm.
319. The NPPF and the development plan recognise that exceptional circumstances are needed to justify an alteration of Green Belt boundaries. This forms the basis for why the WCS originally recognised the need for Green Belt alterations and the SADPD proposes those alterations, as justified by the supporting evidence. The NPPF also recognises that very special circumstances may justify the grant of planning permission for inappropriate development in the Green Belt. What may constitute very special circumstances is defined by relevant appeals and case law. Housing provision is capable of being part of the very special circumstances, as is an emerging plan proposal to remove a site from the Green Belt. Whether very special circumstances exist is a matter of planning judgement in each case.
320. In this case, and notwithstanding the site's imminent release from the Green Belt, the appellant maintains that there are 4 clear components of the very special circumstances case, supporting the conclusion that the Appeal B proposal is acceptable, when weighed against the definitional harm to the Green Belt and very limited other harm.
321. First, the proposal would enable Appeal A. Appeal B should be therefore viewed hand-in-hand with Appeal A and the substantial benefits arising from that development in terms of the enhanced community stadium and associated facilities, the significant level of general housing delivery from a windfall site within the urban area and the substantial contribution to affordable housing.
322. Secondly, the Appeal B proposal would provide 100% affordable housing, in the form of 36 much needed 2 to 5-bedroomed properties (with associated direct benefits of enabling the delivery of Appeal A which provides a further 468 affordable dwellings)²⁵¹. In view of the Council's longstanding under-provision of affordable housing, and the fact that its political leadership views the delivery of affordable housing as a priority, the provision of such housing through these 2

²⁴⁹ Part of CD4.16

²⁵⁰ See paras 4.2 & 4.18-4.24 in Doc APP/CC/2

²⁵¹ See para 5.19 in Doc APP/CC/2

appeal proposals should carry significant weight in favour of the appeal as a very special circumstance.

323. Thirdly, the provision of a new leisure/gym and health club facility provided by the David Lloyd group, would enhance its offer to its existing as well as potential future membership in a location close to the current facilities at Kingfield. The relocation is remarkably close (only 1.6 km) and would attract the same catchment of population. It has been confirmed that there are no other available locations to meet the bespoke design requirements for the facility²⁵².
324. During the course of the inquiry, David Lloyd Leisure Ltd reiterated its steadfast commitment to the project²⁵³, confirming that it would build and fit-out the proposed Club to the highest standards. The new facility would be bespoke to David Lloyd's needs and a marked upgrade on the current facility on Appeal A, which the Council acknowledged had not originally been built for its present purpose.
325. The public benefit of a state-of-the-art David Lloyd Club should not be underestimated. As well as a family health and fitness club, it is renowned as a premier racquet sport facility, with an offering to both amateur and elite players. It would also provide additional, indirect public benefits and would serve to free-up capacity of local public health facilities²⁵⁴.
326. Sport England Guidance²⁵⁵ makes no distinction between private, municipal, or membership-model clubs and the benefits they can provide for health and wellbeing. Indeed, as Sport England says, facilities such as this should not be dismissed as an extension of leisure and fashion. They can provide a valuable way for people of all ages, ethnicities, and abilities to introduce exercise into their daily lives and reap the public health benefits in fitness and wellbeing. Sport England, as the relevant statutory consultee on matters of sport and fitness provision, did not object to Appeal A, understanding the proposal to be linked to Appeal B. The Council's attempt to claim the relocated club being private makes it irrelevant to very special circumstances is therefore another misdirection.
327. David Lloyd Leisure Ltd has also put on record that any new club would offer a variety of membership packages and prices, many of which would be below the £125 quoted by Mrs Bowes during the inquiry²⁵⁶. A brand-new premier gym, fitness centre and racquet club would be an exceptional family-friendly facility to have in a location such as Woking.
328. Through Mr Rainier the Council expressed the view that the existing location of the David Lloyd Centre is more sustainable, despite no evidence to justify this claim, and despite the recognition by the Council that the part-implemented emerging allocation covered by SADPD Policy GB7 makes the site suitable as a sustainable location for development. The physical constraints of the Borough (63% Green Belt) are well known, and it was the conclusion of the Council's planning department that there were no alternative sites to provide a relocated

²⁵² See Appendix 1 to Doc APP/CC/2

²⁵³ CD6.11

²⁵⁴ See para 5.20 and Appendix 2 in Doc APP/CC/2

²⁵⁵ CDs 6.14 & 6.15

²⁵⁶ CD6.11

David Lloyd Centre facility. As is common ground, the Appeal B proposal is linked hand-in-hand to Appeal A and hence would only be delivered if the Appeal A proposal were to be delivered.

329. The fourth component of very special circumstances is the emerging SADPD identification of the site as part of allocation GB7. This is already part-implemented as a result of the delivery of the adjacent Hoe Valley Secondary School, thus further eroding the contribution the site makes to the existing (and soon to be defunct) Green Belt designation. Mr Rainier argued that 'mixed-use' in the wording of Policy GB7 limits development to affordable housing and recreational/open space only. However, the policy wording does not represent a closed list. When read sensibly and reasonably the policy need only to include housing and open space with other potential uses, which this proposal does. The policy is plainly openly worded to allow other uses. This would be both rational and logical in the context of the Council's acquisition of the land for the expressed purpose of relocating the David Lloyd Centre.
330. Indeed it would be bizarre for the Council to claim that the principle of mixed-use/residential development in this location would not be supported by its own emerging development plan evidence base. Although Mr Rainier asserted that the existing David Lloyd Centre could remain in-situ on the Appeal A site, this would impede the comprehensive redevelopment proposed in Appeal A and does not give due weight or regard to the benefits arising from enhanced facilities and the wider regeneration benefits that would be achievable.
331. The Appeal B proposal would provide 36 dwellings out of the 118 dwellings anticipated in the emerging GB7 allocation and the appellant maintains that there would remain ample scope within the boundary of GB7, specifically to the north of the Hoe Valley School, to deliver the balance of the residential allocation. Government policy is abundantly clear that there should be a significant boost in the supply of housing, and with this in mind the Council is incorrect in not giving significant weight to the provision of housing - notably the 100% affordable housing - as a very special circumstance, particularly given the poor historical track record of delivery in the Borough.
332. The loss of the existing woodland (only 25%), to be replaced in any event by compensatory trees²⁵⁷, would need to be weighed in the planning balance. This is at worst very limited harm, and arguably a neutral impact when considered sensibly in the round. Overall the Appeal B proposal is consistent with emerging policy and affirms its achievement. This further undermines any suggestion of actual harm (as opposed to definitional harm).

Effect on the character and appearance of the surrounding area, as a result of the loss of protected trees and woodland

333. The site is not a designated sensitive landscape and is well suited to development, being bordered by existing development and a railway line. It forms a logical and defensible development site which is why it is proposed for release from the Green Belt. The appellant has accepted that a loss of some 25% of woodland canopy would result from the proposal, but a substantial wooded

²⁵⁷ See para 6.12 of Doc APP/CC/2

area would be retained. This area is subject to an Area TPO, dating from 1973, which should only be given limited stature, for several reasons.

334. Firstly, as outlined in the PPG²⁵⁸, an Area TPO should only ever be used as a temporary measure for short term protection in an emergency – but in this case the Area TPO is now over 45 years old. The Council confirmed that it has not re-surveyed this woodland since 1973 – despite the PPG encouraging Councils to do so. As a result, the most up-to-date evidence on this woodland is the appellant’s AIA²⁵⁹ in which the woodland is categorised as being of modest quality.
335. The proposal would not result in the loss of any Category A Trees and would ensure the planting of 50 new trees. The proposed conditions also set out comprehensive mitigation measures, a requirement for a Landscape and Ecological Management Plan (LEMP) and biodiversity enhancements. Measures such as this were considered acceptable in the planning permission given for Hoe Valley School and Woking Sportsbox²⁶⁰ directly to the north, which saw the loss of 32 individual trees within the same Area TPO. Overall, the appellant considers the loss to represent very limited harm in the context of the overall proposal.
336. Mr Rainer relied on the Council’s Tree Officer’s original objection to the application, which had been taken into account in the comprehensive Officers’ report²⁶¹. This objection ignored the age and quality of the tree specimens and the findings of the AIA, and also ignored the fact that the woodland is not publicly accessible. The Council’s case is simply one of amenity impact, which should be weighed in the overall planning balance against the combined benefits of Appeals A and B.

The absence of an Executive Undertaking

337. As with Appeal A, the agreed PDA means that matters raised in the third reason for refusal would be satisfactorily addressed. Again, as with Appeal A, the appellant has also suggested a number of additional planning conditions to be imposed as necessary, to ensure that the required affordable housing and other matters could be secured to make the proposal acceptable in planning terms.

Conclusion

338. In summary, the Appeal B proposal would provide substantive planning and public benefits which outweigh the very limited actual harm to woodland which may be identified. Four very special circumstances outweigh the definitional and other very limited harm to the site’s current designation as Green Belt. The site’s present Green Belt status diminishes by the day, and its release has been anticipated for a considerable period of time, as indicated by the spatial strategy of 2012 and draft iterations of the emerging SADPD.
339. The proposal complies with the NPPF and development plan, and would generate particular benefit for sports/leisure provision and affordable housing. It can neither be described as premature nor piecemeal (in the context of emerging Policy GB7), and no coherent nor evidenced case has been put on these factors.

²⁵⁸ CD4.8: Paragraph: 029 Reference ID: 36-029-20140306

²⁵⁹ Doc A2.7

²⁶⁰ Application reference PLAN/2015/073

²⁶¹ CD3.3

The appellant therefore requests that Appeal B be allowed and planning permission granted.

Additional points, relating to both appeal proposals, arising from the revised July 2021 version of the NPPF²⁶²

340. The appellant consider that the updates to the NPPF do not materially or significantly change its case, put forward at the inquiry, that planning permission should be granted for both the Appeal A 'Kingfield' scheme and the Appeal B 'Egley Road' scheme. It does, however, make a number of comments, as set out in the following paragraphs.
341. In paragraph 8, the social objective of sustainable development has been amended by the introduction of 'beautiful' places as a requirement. Whilst beauty is subjective, and is not defined in the NPPF, the appellant points out that the independent DRP presented a positive response to the Appeal A proposal, and that its broad support and positive commentary adds support to the design as beautiful, well-designed and accessible. Moreover, the appellant maintains that both appeal schemes have beauty and design quality as a key pillar.
342. The wording of the environmental objective of sustainable development has also been strengthened, with a requirement to 'protect and enhance' the environment and 'improve biodiversity' rather than 'contribute to' protection and 'helping to improve' biodiversity. Both appeal schemes have been designed to make quantitative improvements to biodiversity and the landscape, as summarised within the appellant's proofs of evidence²⁶³ and Statements of Case, and the appellant has also agreed to proposed conditions that require full details of biodiversity enhancements to be submitted and approved by the Council.
343. Overall, the appellant maintains that these measures would ensure that the proposed developments would meet the amended guidance to 'protect and enhance the natural, built and historic environment and improve biodiversity'.
344. NPPF paragraph 22, relating to the plan-making process, has been expanded to include the need to look further ahead than the plan period (at least 30 years) to take into account the timescale for delivery. As the current WCS only has 6 years to run, it will soon need to be replaced with a new Local Plan, that will need to account for the Standard Method figure of 431 dwellings per annum, a 48% increase. The Appeal A proposal, due to its size and the speed of delivery would likely run into the next plan period, and as it would therefore achieve a considerable proportion of housing into the next plan period it 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 emerging SADPD, through making the best use of previously developed land.
345. Within Chapter 8, 'Promoting healthy and safe communities', paragraph 96 adds emphasis on local planning authorities working with developers, delivery partners and statutory bodies to ensure faster delivery. This new paragraph highlights the importance of a public/private partnership to achieve strategic aims and plan for new facilities, and it is exactly by this method that the appeal proposals would

²⁶² Docs 26 & 29

²⁶³ See Docs APP/CG/1, APP/CC/1, APP/CC/2 and CDs 1.6 & 1.7

achieve a multitude of public benefits for Woking including a new Football Stadium, David Lloyd Centre, improved transport infrastructure and resulting dwellings. The Appellant contends that the provision of a new community stadium would represent public service infrastructure and therefore considers that the changes made in Chapter 8 add further weight in support of both appeal schemes.

346. Within Chapter 12, 'Achieving well-designed places', the NPPF has been updated to include reference to the National Design Guide (CD4.24) and the NMDC (CD4.25) and the use of area, neighbourhood and site-specific design guides. Paragraph 134 makes it plain that significant weight should be given to development which reflects local design policies, government guidance and outstanding or innovative design which promotes high levels of sustainability 'or helps 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'.
347. The NMDC was touched on in evidence at the Inquiry and, in the appellant's view, is intended to inform design codes rather than act as guidance in its own right. Its application as a development management tool is not necessary where there is existing local guidance in place, as is the case here, with the Council currently having both Design264 and Outlook, Amenity, Privacy and Daylight²⁶⁵ SPDs, both of which aid decision making. Both of these were considered in detail by Mr Gilham in the DAS and his proof of evidence. In short, the design guidance already in operation in Woking reads well alongside the new NPPF requirements in that it offers a local design guide.
348. In arguing that the amount of north-facing single-aspect residences in the Appeal A scheme mean that planning permission should be refused, SWAG is suggesting that the NMDC should be applied in a prescriptive and rigid way, as if it were development management guidance. In contrast, the appellant considers the NMDC to be a document which has the purpose of influencing and inspiring new locally produced codes - not a code itself. It should not take effect for development management purposes where there is local guidance in place and it certainly should not be interpreted so as to reduce the weight provided by national policy to make the best use of land. In the case of the Appeal A proposal the design has been robustly and comprehensively explained in the case presented at the inquiry. As such, the appellant maintains that the proposal complies with NPPF paragraph 134 as it takes account of local design guidance and is a logical and well-designed response to the site.
349. Whilst NPPF paragraph 128 expects local design guides to create beautiful and distinctive places, it acknowledges a 'suitable degree of variety'. The appellant considers that this allows for a development to create its own character, and in this regard it reiterates that the Appeal A development is an imaginative proposal that would create its own contemporary character and townscape to both frame a community stadium and respect and enhance the existing street-scenes on Kingfield Road and Westfield Avenue. In addition, paragraph 131 has been introduced with emphasis on the importance of trees to the character of an area

²⁶⁴ CD4.13

²⁶⁵ CD4.13

and the quality of environments. The appeal proposals do not conflict with this new wording.

350. Regarding SWAG's additional concerns about Accessible Homes, paragraphs 184 and 185 of the NMDC do not require accessible homes to be provided - nor do they provide any prescriptive policy for such provision. There is no local policy requiring such provision and the appellant has not, at any stage of the design, been requested by the Council to meet Part M4(2) or Part M4(3) of the Building Regulations. Thus, the scheme is currently designed to be fully compliant with Part M4(1). The absence of accessible homes was not a reason for refusal in the case of either appeal proposal and, in any case, this is a matter which could have been addressed by Condition or Obligation if it was considered necessary and reasonable to require. In view of the above points the appellant considers that the comments made by SWAG regarding the revised NPPF do not undermine the appellant's case on these appeals.
351. Overall, the appellant considers that the additions and amendments to Chapter 12 are aligned with both appeal schemes, and therefore do not alter the substance of the appellant's case. The changes serve to highlight how reflecting local design guidance and promoting imaginative design are encouraged nationally.
352. Although much of NPPF Chapter 14 is unchanged and/or not relevant to the overall case, the appellant highlights the change made in paragraph 161(c), which has added additional wording on how improvements in green and other infrastructure can be used as part of an integrated approach to flood management. The use of green roofs within the proposed developments is a highly effective and sustainable way of reducing run-off and flooding in urban developments. As such, both appeal proposal would utilise a range of techniques to flood management and in this regard would accord with the revised NPPF.
353. In summary, the appellant asserts that the revised NPPF continues to support positively the substance of both appeal proposals, and does not adversely affect things any differently from assessment against the previous 2019 version of the NPPF. Both appeal schemes therefore respond well in the context of the revised NPPF and national policy aspirations.

Additional points, arising from the issuing of the Inspector's SADPD report²⁶⁶

354. With regards to Appeal A, the appellant welcomes the confirmation of the allocation of Site UA44 for mixed-used redevelopment including retaining provision of a football stadium. This will result in up-to-date policy, which indicates the area for significant regeneration and change. It is no coincidence that UA44 was advanced post the adoption of the WCS to address the planned regeneration of the area, as advanced by the Council corporately, and discussed extensively in evidence at the inquiry.
355. The modifications reiterate that density and site yield is indicative, with the policy allowing densities that maximise the use of the site whilst respecting adjoining properties, and with strong boundary treatments. As was set out in

²⁶⁶ See Doc 33 – and note that this document refers to Site/Policy UA42, whereas in this final, issued SADPD Inspector's report, the policy reference is UA44

significant detail throughout the inquiry, the Appeal A proposal has addressed all of the points in part (iv) of the policy, with the high quality design taking the opportunities for both a maximising of use within an area that has sufficient scale to create its own character, whilst also working strongly at its boundaries to respond to the existing neighbouring areas. The policy wording references improving the character and quality of the area, rather than simply maintaining the existing status quo, and the proposed improvement to the relevant street scenes is particularly relevant in this regard.

356. The proposed development also reflects the policy in regard to the provision of affordable housing, the use of travel management plans, the provision for car and cycle parking alongside the promotion of alternative means of transport in an accessible location, the upgrading of the local road network, ensuring amenity for new and existing residents, provision of outdoor amenity space and ensuring a positive relationship between the range of different uses on the site. As such, the Appeal A proposals are fully policy compliant, and offer a creative and bold vision for Kingfield. As clarified in paragraph 207 of the Inspector's report, there is scope to differ from the indicative development quantum noted.
357. Furthermore, on the basis of the WCS Policy CS10, assumptions about the potential housing delivery from the site should be considered a minima. The case presented by the appellant has demonstrated that the proposed development reflects the requirements of the development plan as a whole. The SADPD Inspector's comments confirm this position, meaning that any development of this site must be assessed in this wider policy context and not just with reference to UA44.
358. In respect of Appeal B, the appellant is pleased that Policy GB7 remains in the SADPD, meaning that once adopted by the Council the site will be removed from the Green Belt and allocated for mixed-use development. This should be considered a significant material consideration now. The need for very special circumstances will fall away upon that adoption. Significant weight can therefore be afforded, now, to the nearly adopted SADPD in judging the very special circumstances. The SADPD Inspector, in paragraph 142 of his Report, comes to the view that a combination of the developed character of the site and the qualitative housing requirements of Woking, amount to exceptional circumstances which justify the removal of GB7 from the Green Belt.
359. Emerging Policy GB7 continues to reference 'mixed-use' development, with the site capacity increased to an indicative total of 118 dwellings. Whilst 36 dwellings are planned as part of Appeal B, Policy GB7 is clear that the remainder of this allocation can be accommodated to the north of Hoe Valley School and the existing athletics track. The importance of landscaping value and visual separation could be addressed within any proposed future development in this area, which Appeal B does not prejudice.
360. The proposed development also reflects the emerging policy in terms of delivering high quality design, a contribution towards affordable housing, improved accessibility and connective to adjacent road and footway networks and contributions to increasing biodiversity on the site. References to the woodland and landscape character remain as described at the inquiry. The woodland would be overwhelmingly retained, with additional planting including a LEMP. The appellant considers that the proposals at Egley Road retain landscape

character, all of which should now be viewed firmly in the context of Appeal B sitting within land allocated for development.

361. In summary, the appellant reiterates that the Appeal A and Appeal B proposals reflect the expectations of the SADPD as part of an overall conformity with the wider adopted development plan as a whole. They would enable significant regeneration and change at UA44 and enable the delivery of mixed-use development on part of GB7, now allocated for development. The net result would be a greater than indicatively planned housing, and a windfall amount of much needed affordable housing (along with significant other benefits), all consistent with plan objectives from 2012, ensuring development delivery to 2026 and beyond.

Written Representations

362. A significant number of written representations were submitted for both the Appeal A and the Appeal B proposals – both in support of the proposals and in opposition - with the vast majority submitted at application stage²⁶⁷. The Officer's report indicates that for the Appeal A proposal there were about 1,840 representations in objection (along with a petition in objection with around 1,530 signatures), and some 4,770 representations in support; whereas for the Appeal B proposal, there were about 1,340 representations in objection and some 3,450 in support. It should be noted, however, that because of the inter-related nature of the Appeal A and Appeal B proposals, many of the representations submitted for Appeal B actually seem to relate predominantly to Appeal A.
363. In addition, the Council cautions that some comments originate outside of Woking Borough and some originate from abroad. Further, some comments have duplications (ie an individual/group has submitted several separate representations), some comments have unusual names and some comments do not provide originator addresses.
364. Many of the matters raised in objection have already been covered either by the Council's reasons for refusal or by the evidence from the Rule 6 Parties and the other interested persons who spoke at the inquiry, and I therefore do not repeat them here. All other points of objection are well-summarised in the Officer's reports to Committee, and it is therefore not necessary to repeat them in detail here. I do not consider that these representations raise any additional matters of objection likely to have a material bearing on the outcome of the appeal. It is, however, relevant to draw attention to the fact that although WFC was not represented at the inquiry, its Chair did submit a number of emails during the course of the inquiry, setting out the Football Club's current position, which is one of clear opposition to Appeal A²⁶⁸.
365. With regard to the representations submitted in support, the matters raised are again summarised in the Officer's report for each proposal. Unsurprisingly, almost all of the matters listed have been covered as part of the appellant's case, above, with many of the representations asserting how beneficial the proposal would be for WFC, by the creation of a larger, modern stadium.

²⁶⁷ For Appeal A, see pages 25-29 in CD3.1; and for Appeal B, see pages 191-192 in CD3.3

²⁶⁸ See Doc 16

366. Points which have not been specifically referred to in the appellant's case are that the Appeal A proposal would: provide an opportunity to create a real community 'focus' in the town; be vital for economic growth in the town; and be likely to reduce noise and light pollution due to the relocation of the stadium and access being shielded by residential blocks. A final point is that the football ground predates most of the residential development in the vicinity, such that redevelopment is an obvious requirement. Whilst not directly covered in the appellant's case, I do not consider that these representations raise any additional, significant matters that warrant special attention or consideration.

Conditions

367. Schedules of conditions²⁶⁹ to be imposed should planning permission be granted, are set out at Appendix C to this Report together with stated reasons why each condition is considered necessary. In the case of Appeal A the Schedule contains 83 conditions (with an additional 'optional' condition), whilst the Schedule for Appeal B contains 57 conditions. The conditions were discussed at round table sessions at the inquiry, with the vast majority being agreed between the Council, the appellant and SWAG²⁷⁰. A few conditions at the end of the Appeal A schedule were suggested by SWAG, and I discuss these further in my conclusions.

368. An 'optional' condition for Appeal A is included to allow for a possible alternative design for some of the units in Blocks 4 and 5, to allow for an 'angled' window design, to further prevent any overlooking or loss of privacy, as outlined earlier in the appellant's evidence presented by Mr Gilham²⁷¹. Again, I discuss this further in my conclusions.

Planning Development Agreement²⁷² (PDA)

369. As has already been noted, the Council felt that in its position as both landowner and Local Planning Authority it was unable to enter into a unilateral undertaking, but instead secured the same obligations by entering into a PDA with the appellant. This PDA relates to both appeal proposals, and in summary contains the following covenants from the appellant:

Appeal A

- To pay a Bus Services Contribution, index-linked, up to a maximum of £1.4 million, to provide the following Bus Services:
 - To serve the Kingfield Road Residential Land, a service operating between the Kingfield Road Site and Woking town centre and Guildford as follows:
 - Mondays to Saturdays (inclusive) at a frequency of no less than 1 bus every 20 minutes, with no fewer than 3 buses per hour operating in each direction, between the hours of 06:00 to 19:00 hours, with a reduced level of service after 19:00 hours; and

²⁶⁹ Doc 45

²⁷⁰ SWAG only contributed to the discussion on conditions for the Appeal A proposal. HVNF did not contribute to the conditions round table sessions, and made no direct comment on any of the suggested conditions

²⁷¹ See pages 69, 70, 76 & 77 in Doc APP/CG/1

²⁷² CD6.16

- On Sundays at a frequency of no less than 2 buses per hour operating in each direction, between the hours of 07:00 to 19:00 hours; and
 - To serve the Stadium Land, on matchdays, a service operating between the Stadium Land and Woking railway station, with no fewer than 3 buses per hour operating in each direction, from no less than 90 minutes prior to a match and no less than 60 minutes following a match;
- Not occupy more than 606 dwellings on the Kingfield Road appeal site until such time as the Stadium Development Completion has occurred – this is covenanted to be no later than 2 years from the commencement of the Appeal A proposal, or 3 years from the commencement of the Appeal B proposal;
- Not to demolish the Woking Gymnastics Club until such time as a replacement Gymnastics Club has been constructed and is ready for occupation;
- To pay, upon written request from the Council, the Westfield Avenue TRO Contribution (£1,650 index-linked) and the Stadium TRO Contribution (£1,500 index-linked);
- To enter into necessary Section 278²⁷³ Agreements with SCC as County Highway Authority;
- To pay the Kingfield Road SAMM Contribution (£655,779 index-linked);
- Not to permit the occupation of more than 468 dwellings on the Kingfield Road appeal site until the Mobility Hub has been practically completed and is ready for occupation;
- To implement or procure the implementation of the Kingfield Road Residential Travel Plan;
- To submit a Public Art Strategy for approval, and then provide the agreed Public Art;
- To construct or procure the construction of the Kingfield Road Affordable Housing Units, in accordance with an agreed mix and tenure;
- To use reasonable endeavours to procure a Car Club operator, and to provide the Car Club Parking Spaces prior to the occupation of the 606th Kingfield Road Residential Unit, and also to establish a Car Pool Database;
- To provide the first residential occupier of each Kingfield Road Residential Unit with a Fold-Up Bike on occupation;
- To provide each Kingfield Road Residential Car Parking Space with Passive Electric Vehicle Charging Ability, and carry out the Active Electric Vehicle Charging Upgrade as requested; and
- To implement or procure the implementation of the Stadium Travel Plan.

Appeal B

- To pay the Egley Road SAMM Contribution (£35,531 index-linked);

²⁷³ Of the Highways Act 1980

- To construct or procure the construction of the Egley Road Affordable Housing Units, in accordance with an agreed mix and tenure;
- To implement or procure the implementation of the Egley Road Health Club Travel Plan;
- Not to demolish (or otherwise make incapable of use) the David Lloyd Building until such time as the Health Club has been constructed and is ready for occupation; and
- To enter into necessary Section 278 Agreements with SCC as County Highway Authority.

370. In its turn, the Council covenants:

- To apply any financial contribution or any other sum paid to it pursuant to the PDA for the purposes specified in the PDA; and
- On reasonable notice from the Developer, provide details of how the sums paid to it pursuant to the PDA have been spent.

371. The Council and the appellant agree that the provisions of the PDA would adequately and satisfactorily address the matters raised in the fifth reason for refusal relating to the Appeal A proposal, and the third reason for refusal relating to the Appeal B proposal.

Inspector's conclusions begin on the next page

Inspector's Conclusions

372. I have reached my conclusions on the basis of the evidence before me, the written representations, and my inspection of the appeal sites and the surrounding areas. References in superscript square brackets ^[ref] are to preceding paragraphs in this Report, upon which my conclusions draw. Two separate but inter-related appeals were under consideration at this inquiry which, for ease, I have labelled Appeal A (also referred to as the Kingfield Road appeal) and Appeal B (also referred to as the Egley Road appeal).
373. In summarising its case, in its closing submissions, the Council dealt first with the Appeal B proposal, which relates to a site in the Green Belt. All parties agree that this proposal represents inappropriate development in the Green Belt, and national policy in the NPPF requires there to be very special circumstances to justify allowing such development. But whether or not very special circumstances exist can only be established once all potential harms and benefits of a proposal have been considered and weighed in the balance. The appellant's case is that certain aspects of the Appeal A proposal go towards providing the very special circumstances which it maintains do exist in this case. With these points in mind I consider it apposite to deal first in these conclusions with the Appeal A proposal, and then move on to consider the Appeal B proposal.
374. I am satisfied that the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017, have been complied with, and I have had regard to the ES submitted for each appeal proposal, together with all other environmental information, in coming to my conclusions^[11]. In addition, the comprehensive SoCG agreed between the Council and the appellant for each appeal detail the areas of agreement between these parties, and also make it clear where the parties disagree^[2,4].
375. For the avoidance of doubt, it should be noted that both of these proposals were originally placed before the Council's Planning Committee in June 2020 with the Officer's report²⁷⁴ in each case recommending approval. However, Members of the Planning Committee refused to grant planning permission for the Appeal A proposal and, as a result, the Officer's recommendation in the case of the Appeal B proposal was changed from approve to refuse. Members duly agreed with this revised recommendation and also refused planning permission for the Appeal B proposal^[2,4].
376. It is also of note that although planning permission for both of these proposals was originally sought by joint applicants, namely Woking Football Club (WFC) and GolDev Woking Ltd, the Football Club made it clear that it did not support the subsequent appeals, and did not appear and was not represented at the inquiry^[1,364].
377. In addition to the Council, the proposals were opposed at the inquiry by 2 Rule 6 Parties - the South Woking Action Group (SWAG) and the Hoe Valley Neighbourhood Forum (HVNF), along with a number of local residents.

²⁷⁴ In these conclusions I refer to an *Officer's* report, to reflect the fact that a single Officer is named as the author of each report. I do recognise, however, that this was a point of dispute between the Council and the appellant, with the appellant maintaining that the report would not simply be the work of a single Officer, but rather the work of the Officer corps of the Council - hence the reference to 'Officers' report' in the summary of the appellant's case. I do not dispute this point, but use the above convention for the reason stated

378. The SoS's recovery letter^[6] explained that Appeal A had been recovered because the proposal seeks residential development of over 150 units on a site of over 5 ha, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities. Appeal B was recovered on the grounds that there are, on occasions, other cases which merit recovery because of the particular circumstances, and in this case it was considered that this proposal would be most efficiently and effectively decided with Appeal A.
379. I begin, therefore, by first examining how the Appeal A proposal would perform against the main considerations, and against any other relevant matters of concern raised by SWAG, HVNF and interested persons in written representations and in oral presentations at the inquiry. I then undertake a final planning balance, summarising the benefits and disbenefits, before reaching my recommendation in respect of this Appeal A proposal. I have approached my conclusions in this way as it is necessary to have formed a clear view on this Appeal A proposal before moving to consider Appeal B.
380. I then undertake a similar examination of the Appeal B proposal. However, in cases involving development within the Green Belt, as noted above, it is not possible to ascertain whether very special circumstances exist until all harms or disbenefits have been considered and assessed. Accordingly I first make an assessment of all these harms, before turning to consider the matters put forward as weighing in the proposal's favour. It is only when these harms and benefits are summarised and weighed against one another, in a final planning balance, that the presence or otherwise of very special circumstances sufficient to outweigh the Green Belt harm and any other harm, can be determined.
381. I then move on to reach my overall conclusions and recommendations on both appeal proposals. Where appropriate I also refer to the additional matters raised by the appellant, the Council and SWAG, as a result of the revised July 2021 version of the NPPF, published after the close of the inquiry^[144-146,187,188,340-353].

Main Considerations

382. In light of the above points, I have concluded that in the case of Appeal A, the main considerations are:
- a) The effect of the proposed development on the character and appearance of the street-scene and the surrounding area;
 - b) Whether the proposed development would provide an acceptable and appropriate mix of dwelling types, and whether it would create a sustainable and balanced community;
 - c) The effect of the proposed development on the living conditions of nearby residents, with particular reference to overbearing impact, loss of privacy and loss of daylight;
 - d) Transport matters and the effect of the proposed development on parking provision and the impact of possible overspill parking; and
 - e) Whether the Planning Development Agreement (PDA) would adequately and satisfactorily address the impacts of the proposed development.

383. In the case of Appeal B, having regard to the points detailed above, I consider that the main considerations in this case can best be expressed as:

- a) The extent of the harm to the Green Belt;
- b) The effect of the proposed development on the character and appearance of the surrounding area, as a result of the loss of protected trees and woodland;
- c) Whether the PDA would adequately and satisfactorily address the impacts of the proposed development;
- d) Whether other matters weigh in the appeal proposal's favour; and
- e) Whether, in the final planning balance, the Green Belt harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Adopted and emerging development plan policies

384. Before turning to look at the main considerations, it is helpful to first consider the weight that should be given to relevant development plan policies and any emerging policies. Section 38(6) of the PCPA 2004 and section 70(2) of the TCPA 1990 make it clear that applications for planning permission have to be determined in accordance with the development plan, unless material considerations indicate otherwise. This point is reiterated in the NPPF, which also explains that policies in local plans and spatial development strategies should be reviewed at least every 5 years to assess whether they need updating.

385. The development plan includes the WCS which was adopted in October 2012 and the DMPDPD which was adopted in October 2016^[33-46]. The Officer's report^[16,21] explains that the WCS has been reviewed in accordance with the latest version of the NPPF, the PPG and the appropriate Town and Country Planning (Local Planning) (England) Regulations. I understand that this review concluded that there was no immediate requirement to modify the WCS either in part or as a whole. As such the Officer's report states that the WCS continues to be considered up-to-date in providing the necessary strategic policy framework for managing development across the Borough^[66,104,106]. The Officer's report makes no specific reference to any review of the DMPDPD but as it was less than 5 years old at the time of the Officer's report (and still is), I consider it to be up-to-date.

386. Notwithstanding the above points, the NPPF further explains that relevant development plan policies have to be considered out-of-date in situations where the Local Planning Authority cannot demonstrate a 5-year supply of deliverable housing sites (with the appropriate buffer). In this case the main parties agree that on the basis of the latest information, contained in the Council's 2018-2019 AMR, the Council was able to demonstrate a 5-year housing land supply (indeed could demonstrate a supply of 9.0 years)^[85,101,213]. It should be noted that this was the position on 1 April 2019, but no more recent update has been published. Although the appellant points out that this housing supply position is very likely to change as a result of a recent (January 2021) Housing Delivery Test score of 80%^[273,306], the appellant did confirm that it is not making a case of an absence of a 5-year housing land supply. In these circumstances, I consider the development plan policies which are most important for determining this proposal to be up-to-date.

387. The emerging SADPD was subject to examination in public during December 2019^[48]. Main Modifications were published in September 2020, with representations on these Main Modifications still being considered by the Inspector at the time this inquiry was sitting. However, subsequent to the close of the inquiry, the SADPD Inspector issued his report and recommendation – which is that subject to a number of Main Modifications, the SADPD would be sound, legally compliant and capable of adoption^[15,48]. The SADPD is therefore at an advanced stage of preparation and I consider that it should be given appreciable weight^[48,316].
388. Relevant to Appeal A, emerging Policy UA44 seeks to allocate the vast majority of the appeal site (excluding the 4 residential buildings at the north-western corner and a small area fronting Kingfield Road) for a mixed-use development to include a replacement football stadium, residential including affordable housing, and certain retail uses^[49]. This emerging policy contains an anticipated delivery of 93 additional dwellings, although I have noted the appellant's point that this figure should be treated as a minima^[268]. With these points in mind, I consider that this emerging policy should carry appreciable weight.
389. In the case of Appeal B, the appeal site comprises the southern 4 ha or so of a much larger site of some 18.65 ha, with the whole of this area covered by emerging SADPD Policy GB7^[49,92,98,316]. This overall site lies within the Green Belt, but is proposed to be excluded from the Green Belt and allocated for a mixed-use development to include residential, including affordable housing, and recreational/open space between 2022 and 2027, in accordance with emerging SADPD Policy SA1. This latter policy is aimed at providing an overall framework for land which is intended to be released from the Green Belt for development^[49].
390. Insofar as this overall Egley Road site is concerned, the latest version of Policy SA1^[49] states that this land is allocated for residential development to include both market and affordable housing and a school to meet future educational needs of the area and recreational/open space. It explains that part of the land has already been developed for a school, which opened in September 2018, but that the design, layout and landscaping of the residential development of the rest of the site will be required to take into account the desirability of maintaining a sense of visual separation between Mayford and the rest of the urban area. It goes on to say that the extent to which this is achieved will be assessed through the development management process.
391. The policy also states that until the land is released for the proposed uses, development will only be acceptable in principle where it would not prejudice the future development of the site for the proposed uses; and where the development is not inappropriate development in the Green Belt in accordance with WCS Policy CS6 and the NPPF. This part of the policy concludes by noting that it is expected that the release of the land for residential development will be between 2022 and 2027. Again, for reasons given above, I consider that emerging Policies GB7 and SA1 should carry appreciable weight in this appeal.

Appeal A

The effect of the proposed development on the character and appearance of the street-scene and the surrounding area

392. This consideration reflects the Council's first reason for refusal, which contends that the excessive height, bulk, mass, housing density and design of the

proposed development, taken together, would fail to respect and make a positive contribution to the street-scenes and character of the area in which it would be situated^[2]. As a result, the Council maintains that the proposed development would be at odds with a number of development plan policies, its Design SPD and Section 12 of the NPPF. I explore these policy matters shortly, but first it is necessary to consider the nature and character of the existing development on the appeal site; the surrounding area; and the proposed development itself.

393. At some 5 ha the appeal site is of a fairly significant size. It contains the Kingfield Stadium (the home of WFC), which comprises a tall, fairly modern south stand, with various, lower stands and terracing on the other 3 sides, together with a number of associated buildings and portacabins and areas of surface car parking. The site also contains a number of large and medium footprint buildings housing a David Lloyd Centre (which also has open air tennis courts and fairly extensive surface car parking), the Woking Snooker Club and the Woking Gymnastics Club, each of which have their own small car parking areas^[17,18].
394. In addition, the north-western part of the site, which fronts onto Westfield Avenue, contains a small group of single-storey and 2-storey dwellings, together with a hoarded, cleared area (formerly the site of dwellings), used occasionally for car parking. There are many tall, mature trees within the site on its south-western, southern, eastern and north-eastern boundaries, with further tall, mature trees in the residential gardens which abut these boundaries, and which line the northern boundary of the Loop Road Recreation Ground to the south^[19].
395. The WFC south stand rises to a height equivalent to around 5 domestic storeys, with the framework structure on top of the roof taking the overall height to the equivalent of around 6 storeys^[17]. The large footprint David Lloyd Centre buildings rise to a height equivalent to around 3 storeys, with the Snooker Club and Gymnastic Club buildings being around 1-2 storeys high. The tall south stand can be seen from locations outside the site, principally from Westfield Avenue, Westfield Grove and Kingfield Road, but the other buildings on the site are largely screened from view by the boundary trees and existing development. With these points in mind I share the Council's view that the built form within the site creates a coarse urban grain, and I further agree that this contrasts with the much finer urban grain present in the surrounding area^[114].
396. On this point, much of the area within which the appeal site sits is characterised by relatively low-density suburban housing with front and rear gardens. This existing development is predominantly of 2-storeys, but also with a significant number of single-storey bungalows, especially on Westfield Avenue and Westfield Grove^[20,152,155]. The existing densities in these established streets close to the appeal site are set out in the Officer's report for the relatively recent scheme which subsequently became known as Willow Reach, on the north-western side of Westfield Avenue^[20,155]. This report states that Westfield Avenue, Lime Grove and Maple Grove have densities of 14 dph, with Granville Road at 41 dph.
397. I acknowledge that the Willow Reach development itself, which comprises predominantly 3-storey housing centred on Acer Grove and Sycamore Avenue, has a higher density of around 80 dph. This development does contain 2 taller elements, in the 5-storey Hazel House which sits at the junction with Kingfield Road, and the 4-storey Beech House to its south, facing onto Westfield Avenue, but these are relatively small footprint buildings when compared to the proposed

apartment blocks in this Appeal A scheme, and are of a much lower height, overall, than the buildings proposed^[155].

398. There is also a 'High Density Residential Area' as defined on the October 2016 Proposals Map, stopping some 60m north of the appeal site, within which densities generally in excess of 70 dph will be permitted^[155,157], as detailed in the supporting text to WCS Policy CS10. This policy sets out indicative density ranges for different parts of the Borough to demonstrate how the Council sees a minimum of 4,964 dwellings being provided and distributed by the end of the plan period – 2027. The policy also shows that by far the largest number of dwellings are anticipated to be provided within Woking Town Centre (some 1,980 dwellings), at an indicative density in excess of 200 dph^[35,112,113].
399. The Officer's report notes that the appeal site falls within the zone described as 'rest of the urban area' in WCS Policy CS10, and whilst it is clear that the proposal would not constitute 'infill development' - as referred to in the policy - the stated, indicative density figure of 30-40 dph does suggest the scale of development anticipated for this area^[66,113].
400. The proposed development would constitute the redevelopment of previously developed land^[244,264]. In this regard it would accord in principle with the spatial strategy for the Borough, set out in WCS Policy CS1, although the appeal site does not lie in the town, district or a local centre where this policy envisages that most new development will take place, as these offer the best access to a range of services and facilities^[112]. The policy goes on to say that the scale of development that will be encouraged in these centres will respect their respective functions and nature, and explains that well designed, high density development that could include tall buildings and which enhances its image will be encouraged in the town centre, provided it does not compromise its character and appearance and that of nearby areas.
401. The appeal proposal would clear all the existing development from the site and then re-provide a football stadium (the equivalent of about a maximum of 5 storeys high) with a different orientation, at the eastern side of the site, along with 5 blocks of apartments with heights ranging from 3 to 11 storeys (with additional plant enclosures on the roofs of some blocks). These would wrap around the western and southern sides of the stadium. Each of the blocks would have a 'stepped' design, with the taller elements closest to the stadium and the lower elements towards the site boundaries. The David Lloyd Centre would relocate to the Appeal B, Egley Road site, and provision would also be made for the Woking Gymnastics Club to relocate to another site, as secured by one of the agreed conditions. No specific provision has been made for the relocation of the Woking Snooker Club.
402. Although somewhat higher figures are set out in the Officer's report, the SoCG records the agreement of the Council and appellant to the proposed development having a density of 210 dph if the whole site area is considered, or 336 dph if the area of the stadium is excluded^[157,262]. There was no firm agreement as to which of these figures is the most appropriate to use, but having had regard to the explanatory note within WCS Policy CS10 that '*densities are pro rata where part of a mixed-use scheme*' it seems right to me to exclude the stadium area in order to more fully appreciate the density of the residential element of this proposal^[157].

403. I accept that density figures should not be seen as determinative in themselves, but they can give a clue to the likely form and design of the development concerned. If a certain quantum of development is sought on what might be considered a somewhat constrained footprint, it inevitably points to the need for tall buildings, resulting in high density housing. In this case the apartment buildings would rise significantly above the height of the new stadium and be significantly higher than the existing buildings in the vicinity. The key question, therefore, is whether these tall buildings, and the consequent very significant increase in population^[86,110,137] which would flow from this development, would accord with the development plan and local guidance.
404. At this point it is appropriate to examine the policies which the Council allege would be conflicted by this proposal. But before looking at individual policies, I note that whilst the appellant maintains that this proposal has the potential to unlock a key regeneration site in Woking^[235], none of the adopted policies that have been drawn to my attention describe this site in this way. This is not to say that some form of redevelopment and regeneration cannot take place on the Appeal A site, but to refer to this site as a key regeneration site seems to me to be questionable in the context of the currently adopted planning policy framework.
405. Turning to specific policies, WCS Policy CS10 has already been referred to, above. The particular form of development proposed here – a major redevelopment of a previously developed site – is not directly covered by the categories set out in this policy. It has already been stated that the appeal site lies within the ‘*rest of the urban area*’, but the development would clearly not be ‘*infilling*’ – which if it did occur in this area, would be expected to be at a density of 30-40 dph^[66,113]. The policy makes it clear that these density ranges are indicative and will depend on the nature of the site; and that density levels will be influenced by design, with the aim to achieve the most efficient use of land – wherever possible exceeding 40 dph.
406. Importantly, the policy also indicates that higher densities than the stated guidelines will be permitted in principle where they can be justified in terms of the sustainability of the location, and where the character of an area would not be compromised. It is clear to me that the appeal site lies in a sustainable location. In this regard I note the assessment in the Officer’s report²⁷⁵, which draws on the comments in the SHLAA relating to a slightly smaller site, but still containing the existing football ground, namely that ‘*the site has excellent accessibility to key local services (schools and GP surgery). Accessibility to the nearest centre by bike and foot is also excellent*’ and that ‘*the site is located within the existing urban area in close proximity to Woking Town Centre and Westfield Neighbourhood Centre, and is well-served by public transport. As a result of this sustainable location, a mixed-use scheme, comprising improvement and/or expansion of the football stadium and residential development, is considered suitable*’.
407. The Officer’s report does, however, go on to say that the location is not one of the most sustainable within the Borough (such as Woking Town Centre)²⁷⁶. To

²⁷⁵ See para 92 of CD3.1

²⁷⁶ See para 94 of CD3.1

my mind this has to prompt the question as to whether such a high density – more than 8 times the maximum infill density in this area, and only anticipated in Woking Town Centre or the Poole Road/Butts Road employment area – would be appropriate and acceptable at this location, where the surrounding area is clearly one of low-rise, relatively low density suburban character.

408. Indeed it was more or less this question to which the Officer's report drew Members' attention, in its paragraph 97, where it made it clear that a subjective assessment would be needed, with Members being urged to consider whether the benefits of the wider scheme would outweigh any harm. Clearly, on this matter the Planning Committee Members decided that the harm would not be outweighed, as detailed in the first reason for refusal, and the overall decision to refuse planning permission.
409. A further policy cited in this reason for refusal, and with which the Council considered the proposal to conflict, is WCS Policy CS21. This is a fairly all-embracing policy, setting out a variety of design criteria which new development will be expected to meet^[40,124,160]. Of particular importance in the context of this first consideration, the policy not only sets out the need for new buildings and places to be attractive, with their own distinct identity; it also requires new development to respect and make a positive contribution to the street scene and the character of the area in which it is situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land. The policy goes on to indicate that tall buildings could be supported in Woking Town Centre, if well-designed and if they can be justified within the context.
410. It is important to explore this matter of 'tall buildings' at this point. There is no specific definition in the WCS of what constitutes a tall building, with paragraph 3.8 explaining that whether a building is considered 'tall' will depend on the relationship between the building and the surrounding built form. Further, this paragraph advises that when 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. However, no party has identified any reference to 'tall buildings' in the WCS beyond the town centre. I return to this matter, shortly.
411. Further, specific guidance on tall buildings is contained within the Council's Design SPD^[47,116] – but again, it seems to me that the guidance is only envisaging tall buildings within the town centre. Indeed, in setting out the 'Woking Tall Building Strategy' it is quite explicit that this is a strategy '*for tall buildings in Woking Town Centre*'. In terms of definitions, the SPD notes that prevailing building heights in the town centre are typically around 3-5 storeys, and states that as tall buildings are defined as buildings which are significantly taller than those around them, buildings above 6 storeys in height would therefore be regarded as tall buildings in Woking Town Centre.
412. With these points in mind it has to be considered whether, as a matter of principle, there is any policy support for buildings of the height proposed here – up to 11 storeys – in this out-of-centre location. On this point I note that the appellant refers to Woking as a town characterised by a mixture of low-rise and

very high-rise buildings^[265] – but the very high-rise buildings tend to be found in the town centre – not outside it. To assist in this assessment I have had regard to the proposal for a building up to 17 storeys high at a site at Poole Road, Woking – outside the town centre – which was dismissed on appeal in March 2020. I have also had regard to a Supplemental Planning Note providing a commentary on this proposal and appeal decision, submitted prior to determination, on behalf of the appellant^[266].

413. The Inspector in that case was quite clear that in his assessment the policy framework against which that appeal had to be determined offered no support in principle for tall buildings outside the town centre, or within low-rise areas within the designated centre^[114,116,152]. My reading of that decision leads me to the view that the policy Framework referred to by that Inspector was broadly the same as applies in the current case – insofar as WCS Policies CS1 and CS21 are referenced, along with the Woking Design SPD and the NPPF. Other policies referred to (WCS Policy CS15 and emerging SADPD Policy UA14) were specific to that site and/or proposal, and are not relevant to the current proposal.
414. The appellant's Supplemental Planning Note, referred to above, attempts to highlight the differences between this Poole Road scheme and the current appeal proposal – including the fact that the Poole Road scheme was for a single tower, whereas the Appeal A proposal comprises 5 blocks^[266]. However, to my mind it does not contain any firm evidence to show that tall buildings can be considered acceptable outside Woking Town Centre. The best it can do is point out that WCS Policy CS21 is silent on tall buildings outside of the town centre. This is, indeed correct. But for reasons already referred to above I do not share the appellant's view, expressed in this Note, that the Poole Road Inspector's interpretation of the policy framework amounted to a 'narrow view' and did not reflect either the Design SPD or the WCS as a whole. As such, I share the view of my colleague Inspector, that the prevailing policy framework applicable in this case offers no support in principle for tall buildings outside the town centre.
415. The appellant's Supplemental Planning Note makes several references to the fact that the Appeal A proposal was considered by the DRP prior to submission of the planning application, in contrast to the situation with the Poole Road proposal which was only considered by the DRP post-submission^[257,258,266,288]. However, it is clear in the current case that although the DRP supported '*the ambition of this large and complex scheme*', it still felt it had been involved in the process at a late stage in design development, such that not all of its comments were responded to and incorporated into the finally submitted proposals. I note that the DRP considered the injection of a greater density appropriate for this area of Woking, and suggested that the appellant consider increasing the height of some of the residential buildings, but this suggestion was not acted upon^[258].
416. Notwithstanding the generally favourable view of the DRP, my reading of the DRP's Report^[257] is that it tends to concentrate on the design of the proposal itself, and provides very little commentary as to how the development as a whole would sit alongside the existing, surrounding development. Indeed, the main comment in this regard seems to be that the intention to retain existing trees on the boundary of the site would benefit the relationship of the development to the surrounding area by providing a level of screening.

417. I accept that the DRP also stated that the orientation and location of Blocks 1–3 would successfully respond to both the stadium and surrounding streets, but it goes on to say that this approach has not been extended to Blocks 4–5 which makes the design strategy appear unfinished. To my mind this is not a ringing endorsement of the integration of the proposed development into the surrounding area. Whilst not disputing that the DRP regarded the proposed development as being of high quality character, this, in itself this does not greatly assist in assessing the proposed development against WCS Policy CS21.
418. Going back to the requirements of this policy, new development not only needs to respect and make a positive contribution to the street scene and the character of the area in which it is situated; in doing so, it is required to pay due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land. In this case, with the possible exception of the proposed materials, I am hard pressed to see how the tall and bulky buildings which make up this proposed development could reasonably be said to accord with these latter requirements.
419. I acknowledge that the proposed Westfield Avenue frontage created by Blocks 1 and 2 would, to some extent, reflect the frontage of the Willow Reach development opposite^[262]. But this only tells part of the story, as the taller elements of these blocks, behind the street frontage, would still be clearly seen in views from many locations^[158-161]. I accept that the different elements of the various blocks would rise to different heights, and I have had regard to Mr Gilham's 'Footprint Percentages of Site' document which covers this point^[262]. But notwithstanding this, I consider that these very tall buildings in the local context, rising to heights of 10 storeys, would fail to respect the character and nature of the surrounding development, especially when seen in the same views as the older, more established, lower density and low-rise development further south on Westfield Avenue and Westfield Grove.
420. A similar situation would arise with proposed Blocks 3 and 4, which would be set some distance away from the Willow Reach development and separated from it by the existing largely single-storey residential development on this part of Westfield Avenue. These blocks would be seen rising significantly above the predominantly single-storey line of dwellings on the eastern side of Westfield Avenue at this point. This would not be a comfortable visual relationship. I accept that the 5/6 storey south stand currently forms a backdrop to these dwellings, but this stand is nowhere near as tall as the proposed Blocks 3 and 4 – which would rise to 8 and 11 storeys respectively – and nowhere near as bulky.
421. A similarly uncomfortable relationship would arise between proposed Block 4 and the 2-storey pitched-roof dwellings at the northern end of Granville Road. There would also be a particularly striking impact on views from the Loop Road Recreation Ground from where the existing, generally undeveloped nature of the view to the north would be transformed by the tall and bulky mass of proposed Blocks 4 and 5, which would rise to 11 and 9 storeys respectively and would clearly not be in keeping with this suburban setting^[126,161].
422. Importantly, as noted by the Council, the proposed development would materially change the nature and character of the appeal site, such that as a destination it would no longer be the obvious home of WFC. Instead, it would appear as a large, bulky and - for this location - somewhat incongruous high-rise

housing development, with the new stadium screened from view from many locations by the residential blocks which, as noted above, would be significantly taller than the new stadium^[57,58].

423. WCS Policy CS24 was also cited in the Council's first reason for refusal^[42,160]. Amongst other things this policy requires all development proposals to provide a positive benefit in terms of townscape character and local distinctiveness. New development should also conserve, and where possible, enhance townscape character, structure, views and landmarks and appropriate building styles and materials. For reasons just given, I am not persuaded that the proposed development would satisfy these requirements.
424. The Council's first reason for refusal also alleges that the proposal would conflict with DMPDPD Policy DM10, which deals specifically with development on garden land^[44]. This seems to me to be only applicable to the small group of existing dwellings at the site's north-western corner. In this respect the appeal proposal would amount to development on garden land insofar as this whole existing residential area – houses as well as gardens – would be subsumed into the overall development and would form most of the site for the proposed Block 1. Amongst other things, Policy DM10 requires development on garden land to presents a frontage in keeping with the existing street scene or the prevailing layout of streets in the area; not result in harm to the character and appearance of an area; and ensure that the character of the street is not harmed.
425. On the first of these points, as already discussed above, I accept that the actual Westfield Avenue frontage of the proposed development would reflect the frontage of the Willow Reach development, but the fact that the proposed apartment blocks would rise in height significantly, further way from the street frontage cannot be ignored. This additional height and bulk would be seen and be very noticeable in oblique views^[158-161], and for reasons already given I am not persuaded that such a tall and bulky development could be said to reasonably be in keeping with the character and appearance of the surrounding area. Accordingly I find the proposed development to be at odds with this policy.
426. Much of the appellant's case is centred around the argument that the appeal site is large enough to create its own character^[125,255,264] – as historically it has – as identified in the Officer's report which states that buildings on the site have been, and are, markedly different in their character and appearance from the suburban surroundings of the site. This does not seem to me to be an unreasonable claim, as the existing development on the site clearly sets it apart from the character of the surrounding area at the present time. Moreover, I consider the proposed development to be well-designed in itself. However, development on the appeal site cannot be seen in isolation from its surroundings. It still has to satisfy the policy requirements discussed above – to use the Council's words, the character of the new development should go 'hand in hand' with the area in which it is placed, not be 'hands off'^[125]. For reasons already given, it is my assessment that the appeal proposal fails in this regard.
427. Although it is the case that the Appeal A site falls into the 'other' character category, there is no suggestion in the Character Study that such areas are necessarily appropriate for redevelopment at higher densities – and certainly not the very high residential density of the current proposal. On this point I note the appellant's contention that the appeal site is well-located for higher density

development^[265], but to my mind the reasoning behind this statement has not been made clear, with no adopted development plan policy support and no convincing justification for such high residential density at this location – other than it being necessary to make the whole project viable^[107,158].

428. Section 12 of the NPPF – ‘Achieving well-designed places’ - is also referenced in the Council’s reason for refusal. Amongst other matters, paragraph 130 requires planning policies and decisions to not prevent or discourage appropriate innovation or change (such as increased densities), and also to optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space). However, these objectives should be achieved through developments that are sympathetic to local character and history, including the surrounding built environment and landscape setting. It is on these latter points that I consider the proposed development to be unacceptable.
429. Finally, emerging Policy UA44 from the SADPD is not referred to in the reason for refusal, but is clearly relevant as it seeks to allocate the vast majority of the appeal site for a mixed-use development, as noted earlier^[49,259]. As the Inspector’s report on the SADPD has now been issued, I consider that this emerging policy can be given appreciable weight. With this in mind I note that the current form of this policy only envisages a relatively modest housing yield of some 93 dwellings^[147,213,268], although having regard to the Willow Reach development opposite, I share the view expressed by Mr Rainier for the Council that some form of higher density housing could no doubt be designed for this site^[266]. I have also had regard to the appellant’s comment that this figure should be viewed as a minima^[268].
430. Emerging Policy UA44 also reiterates that any development should provide a range of housing sizes in accordance with Policy CS11, and requires development to be of a high design quality, with footprints, scales and densities that maximise the use of the site whilst respecting adjoining properties, and be of a height informed by the local context^[125]. For reasons already given, I do not consider that the proposed development would accord with these latter aspects of this emerging policy.
431. Following the July 2021 revisions to the NPPF, the appellant asserted that both the Appeal A and Appeal B schemes have beauty and design quality as a key pillar, and therefore fully accord with the NPPF’s revised wording^[341]. However, whilst that may well be the case (and I have already acknowledged, above, that the Appeal A scheme is well-designed in itself), it does not materially alter my assessment of the proposal against this first consideration, as set out in the preceding paragraphs. This echoes the appellant’s overall view, that the revisions to the NPPF do not materially or significantly change its case as put forward at the inquiry^[340,353].
432. Drawing all the above points together, I acknowledge and accept the appellant’s point that simply being able to see a development does not equate to harm, and that the real issue is whether the development would be harmful by the character it creates; and/or whether the surroundings in which it would sit would be harmed visually by its presence^[265]. It is in this latter respect that I consider the proposal is not acceptable. There is no policy support for tall buildings, or such a high residential density at an out-of-centre location such as this, and because of this, and the reasons already given, I conclude that the proposed development would have an adverse and harmful effect on the character and

appearance of the street-scene and the surrounding area. Accordingly the proposal would be in conflict with the development plan policies, design guidance and sections of the NPPF to which I have already referred.

Whether the proposed development would provide an acceptable and appropriate mix of dwelling types, and whether it would create a sustainable and balanced community

433. WCS Policy CS11 states that all residential proposals will be expected to provide a mix of dwelling types and sizes to address the nature of local needs as evidenced in the latest SHMA in order to create sustainable and balanced communities^[36,118]. It goes on to say that the appropriate percentage of different housing types and sizes for each site will depend upon the established character and density of the neighbourhood and the viability of the scheme.
434. WCS Policy CS12, which deals with affordable housing, is also relevant to this consideration^[36,123]. This policy sets an overall target for affordable housing of 35% of all new homes, with 40% affordable housing being required for all residential developments on sites over 0.5 ha, as here. In addition, residential development on sites in public ownership are required to provide 50% of the units as affordable dwellings. The appeal site comprises a mix of public and private land, so it is reasonable to expect the amount of affordable housing to be somewhere between 40% and 50%.
435. The development as a whole would provide 1,048 dwellings, split into 580 units for the market housing sector, and 468 affordable units. This would be a 45% provision of affordable housing, which the Officer's report considered to be acceptable, and compliant with Policy CS12²⁷⁷. I share that view.
436. That said, both SWAG and the Hoe Valley Councillors queried the justification for the change in the affordable housing offer from 18% at the start of the planning application process, to the 45% now proposed^[165,214]. This matter was covered in the Officer's report²⁷⁸, and also by Mr Gold in answers to Mr Caulfield for SWAG at the inquiry. The increase from 18% to 45% was explained by reference to changing design, costs, and values, more detailed work by economic advisers, a review of the likely timescale of the overall project (likely to be 7 years), and increased economic clarity arising from the General Election and an outcome on Brexit. Mr Gold said that this had led to a changed economic context in which the proposed development has been assessed.
437. No additional evidence was set before the inquiry on this matter, but as the affordable housing offer before the inquiry was the same, unchanged policy compliant figure of 45% which was also before Members when they made their decision on this proposal, I see no need to question or examine this matter further.
438. The local housing needs that developments are expected to address are set out in the latest West Surrey SHMA, which covers the Guildford, Waverley and Woking Borough Council areas and was published in 2015^[118]. In its Tables 60 and 61 it contains estimates of dwelling needs by numbers of bedrooms, for

²⁷⁷ See para 144 of CD3.1

²⁷⁸ See paras 149-151 of CD3.1

market sector and affordable housing respectively. The Officer's report states that the number of 2-bedroom dwellings to be provided would almost exactly match the SHMA mixture. It says that the SHMA identifies the affordable need at 24.4%, whereas the scheme would deliver 23% (243 dwellings); and for market dwellings the SHMA identifies the need as 28.1%, with the scheme intended to deliver 27% (ie 282 dwellings)²⁷⁹.

439. However, like Mr Rainier for the Council, I am not persuaded that these percentages have been correctly calculated. If the provision of market and affordable units is assessed separately – which I consider to be the correct approach – then the proposed provision of 243 affordable 2-bed units would amount to some 52% of the total affordable provision of 468 units – not the 23% stated in the Officer's report^[120]. Similarly, in the case of the market units, the 282 2-bedroom dwellings would be about 48.5% of the overall provision of 580 units – not the 27% stated in the Officer's report^[120].
440. There would also be some disparities in provision with regard to the studio/1-bedroom units. The SHMA estimates a need for 50.3% of units to be affordable, and the actual figure of 47% proposed in the scheme would be very comparable. However, the SHMA only estimates a need for 10.9% of market dwellings to be 1-bed units, whereas the appeal scheme is intended to make about a 51% provision^[118,120].
441. The figures detailed above show that the vast majority of the units proposed in this scheme – some 99% in total, both market and affordable – would be studio/1-bedroom units and 2-bedroom units^[120]. This means that there would be a significant under-provision of 3 and 4+ bedroom units compared to the SHMA figures, which estimate a market need of 38.3% and 22.7% respectively, with corresponding percentages for affordable units being 22.3% and 2.9%^[118].
442. It is clearly the case that not all developments throughout the Borough can be expected to neatly provide the housing mix set out in the SHMAA, particularly in the case of relatively small-scale proposals. But I consider that achieving the SHMA mix – or at least getting close to it – should be much easier on larger developments, as here. In this regard – and being mindful of the figures set out above – it seems to me that whilst the overall provision of affordable housing would represent a clear and very welcome benefit of the proposal, there would be a woeful under-provision of family-sized 3 and 4+ bedroom units, which might have reasonably been expected at a suburban location such as this.
443. I have noted that the reasoned justification for WCS Policy CS11 makes it clear that lower proportions of family accommodation (2+ bedroom units which may be houses or flats) will be acceptable in locations in the Borough such as the town and district centres that are suitable for higher density developments^[119]. This matter has been picked up in the Officer's report²⁸⁰, which comments that whilst the appeal site is in neither Woking Town Centre nor West Byfleet District Centre, the sustainable nature of its location (in terms of access and facilities) means it would be suitable for a high density development. As such, the Officer's report expresses the view that the overall housing mix would be acceptable,

²⁷⁹ See paras 107-110 of CD3.1

²⁸⁰ See para 108 of CD3.1

having regard to the provision of a new stadium and the quantum of affordable housing which would be delivered on site as part of the development²⁸¹.

444. However, whilst I consider that it may well be possible to satisfactorily develop this site with a higher density development than the 30-40 dph suggested for infilling in the urban area I have already concluded, under the first consideration, that to achieve 1,048 dwellings on this site in the manner currently proposed would not be acceptable in terms of character and appearance. Accordingly, and notwithstanding the clear benefit which would arise from this significant amount of affordable housing, I do not share the view expressed in the Officer's report, outlined above, that the currently proposed housing mix would be acceptable.
445. Whilst this was the clearly expressed view of Officers at the time the proposal was presented to the Planning Committee, in reaching this view it is plain that significant weight was being given to the provision of a new stadium for WFC, as noted above. I acknowledge that this has been said to be a long-standing aspiration of the Council^[238,245,254,312], but I see no adopted development plan policy support in either the WCS or the DMPDPD relating to an improved or replacement stadium for WFC, nor indeed any provision for residential development of this scale at this location as part of a mixed-use scheme to fund such a stadium redevelopment.
446. I acknowledge that a specific policy relating to the Football Club and associated land features in the emerging SADPD, in the form of Policy UA44. But as currently proposed, any 'replacement football stadium' is now only anticipated to be accompanied by the provision of 93 net additional dwellings, with a range of housing sizes in accordance with WCS Policy CS11, and affordable housing provision in accordance with WCS Policy CS12^[49,121,147,268].
447. Until all the relevant considerations have been assessed, it is not possible to say whether or not the provision of a replacement or upgraded stadium would carry enough weight to outweigh the conflict with WCS Policy CS11 and other relevant development plan policies. What seems to me to be certain however, is the fact that the proposal, as it stands could not reasonably be said to provide a mix of dwelling types and sizes in line with the latest SHMA, and in this respect it would not accord with the requirements of Policy CS11.
448. There is, however, a separate strand to this policy, reflected in the Council's second reason for refusal, questioning whether or not the proposed development would create a sustainable and balanced community. Some feel for this can be gleaned from the fact that in both the 2011 Census and the 2020 AMR the population of Kingfield, where the appeal site lies, is stated to be around 6,000 people^[82,110]. With some 1,048 dwellings, the appeal proposal is likely to raise the population of this area by close to 2,000 people, with this additional population being concentrated within just 5 ha^[86,110]. This would amount to a significant increase - around one third - with the new population being almost entirely accommodated within 1 and 2-bedroom dwellings^[120,276].
449. On this point I do acknowledge, as stated in the Officer's report, that the Council's Housing Services support this proposal as it considers that it would help, through its scale of development, to meet needs from the Housing Register

²⁸¹ See para 111 of CD3.1

for smaller dwellings, which is stated to be where the majority of needs lie, with 48% of current needs being for 1-bedroom dwellings and 32% for 2-bedroom dwellings^[279]. But notwithstanding this support, on the basis of the evidence available, and for reasons set out above, I consider it highly likely that this substantial increase in population, of a broadly similar household composition (based on the type of accommodation occupied), would not result in a balanced community.

450. The July 2021 revisions to the NPPF do not make any material difference to my assessment of the proposal against this consideration, as set out in the preceding paragraphs.
451. Having regard to the above points I conclude that the proposed development would not provide an acceptable and appropriate mix of dwelling types, and would therefore be unlikely to create a sustainable and balanced community. Accordingly, it would be at odds with WCS Policy CS11.

The effect of the proposed development on the living conditions of nearby residents, with particular reference to overbearing impact, loss of privacy and loss of daylight

452. The Council's third reason for refusal sets out which existing property occupiers it considers would suffer significantly harmful impacts as a result of the proposed development, and in which ways. It contends that occupiers of Penlan at Kingfield Green, and 2 Westfield Grove, would suffer from overbearing impact and loss of privacy; that occupiers of The Cedars and Nut Cottage, both at Kingfield Green would suffer a loss of privacy; and that occupiers of Beech House and Hazel House at Sycamore Avenue, and Elm View at Kingfield Road, would suffer a loss of daylight. The reason for refusal alleges that other, non-specified properties would also suffer a loss of daylight^[2]. I visited the gardens of some, but not all of the named properties at my accompanied site visit.
453. The wording of the reason for refusal has drawn on that contained within WCS Policy CS21 which indicates, amongst other things, 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^[40,127,129]. Further information on how the Council views such matters is contained in its Outlook, Amenity, Privacy and Daylight SPD dated 2008^[47,246], with national guidance on such matters set out in Section 12 of the NPPF. In assessing these matters I have found the analysis presented by Mr Gilham^[283] helpful, to be read alongside the SPD, which sets out recommended minimum layout dimensions for outlook, amenity, privacy and daylight for residential developments.

Privacy

454. The SPD recommends that a 30m separation distance will be adequate to prevent overlooking between 3-storey or taller accommodation and dwellings of a similar or lesser height. It goes on to say that separation distances may be relaxed by about one quarter where there is a significant change of angle of orientation (over 30°) between the siting of dwellings opposite. It also makes it clear that the 30m separation distance can be reduced for such buildings where there is intervening screening, with a suggested distance of 20m being shown as achieving effective screening in such circumstances.

455. The Cedars (a 2-storey house) and Nut Cottage (a bungalow) sit side by side just outside the eastern boundary of the appeal site. Their rear elevations would face the eastern elevation of the proposed new stadium, at a slight angle, at a distance of about 26.5m away from The Cedars and about 35.5m away from Nut Cottage^[282]. I visited the rear garden of Nut Cottage as part of my accompanied site visit, and saw that the boundary with the appeal site comprises a wooden fence and a conifer hedge about 4m high, with further tall trees to either side – a mix of evergreens and deciduous – many on the appeal site itself. No windows are proposed in the eastern elevation of the new stadium, meaning there would be no adverse impact on privacy in this regard.
456. In terms of any loss of privacy arising from the proximity of these dwellings to proposed apartment Block 5, which would be sited to the south-west of these dwellings, the submitted evidence shows that the primary views from units in this block would be to the north, with secondary views out to the east. Neither of these would look directly into the gardens of Nut Cottage or The Cedars, or directly into the windows of either of these existing dwellings. Furthermore, there would be a separation distance of about 31m between the closest window in the proposed block and Nut Cottage, and about 39m in the case of The Cedars, with significant screening from the tall, intervening trees in both cases. In these circumstances, and having regard to the recommended SPD distances detailed above, I do not consider that occupiers of either of these existing dwellings would experience an unacceptable loss of privacy.

Privacy and overbearing impact

457. Penlan also sits close to the site's eastern boundary, to the south of Nut Cottage and separated from this neighbouring dwelling and the appeal site by a footpath, lined on both sides by dense trees. I visited the rear garden of this property as part of my accompanied site visit. I saw that Penlan is orientated more or less at 90° to the site boundary and proposed Block 5, with its main windows facing broadly north and south. This means that none of the windows on the eastern elevation of Block 5 would look directly into any of Penlan's windows.
458. With such an orientation of neighbouring properties, the Council's SPD recommends that for buildings of the height proposed here, there should be a 15m separation on a front to boundary/flank basis. That would be achieved in this case, meaning that no significant loss of privacy would be likely to arise. In any case, there is substantial dense and tall tree screening between this dwelling and the site of proposed Block 5, which would further serve to ensure that there would not be an unacceptable impact on privacy.
459. But notwithstanding the above points, the appellant has put forward a possible alternative 'angled' window design for some of the proposed units on the eastern elevation of Block 5, which would further reduce the potential for any overlooking of Penlan^[289,368]. I return to this matter later in this Report when considering the suggested conditions.
460. Penlan is also one of the properties that the Council alleges would suffer an overbearing impact from the size and positioning of proposed Block 5. On this point, the SPD explains that if new buildings are sited close to existing dwellings or common boundaries, their proximity may result in an unacceptable overbearing impact. It also states that when a structure is placed too close to a window so that it completely dominates the outlook, it will have an overbearing

impact – and that outlook may become adversely affected when the height of the proposed building is greater than the separation distance between the buildings.

461. However, in this case Penlan already suffers an overbearing impact from the tall, dense tree belt which runs along its western flank and which actually overhangs this dwelling. The appellant has estimated that the existing trees are in the order of 15m high, and indicates that Block 5 would be sited 15m away. These figures were not disputed, and in these circumstances I share the appellant's view that the appeal proposal would result in no greater overbearing impact to this property than currently exists.
462. I note that there is an extant planning permission, granted in November 2018, for the demolition of Penlan and the erection of 2 4-bedroom detached dwellings, which would have a different orientation to the current building on the site^[172,173]. However, whilst I have not been provided with full details of these proposed new properties, the proposed site plan still shows dense tree planting along the site boundary, which to my mind would be necessary to maintain the privacy of future occupiers of these properties from users of the adjacent footpath. These points, coupled with the fact that there is no certainty that this planning permission will be implemented, means that I can only give this matter limited weight against the appeal proposal.
463. Turning to the bungalow at 2 Westfield Grove, the Council's reason for refusal alleges that, like Penlan, this property would suffer from both a loss of privacy and from overbearing impact. I visited the rear garden of this property as part of my accompanied site visit. Dealing first with privacy, the easterly-facing rear windows of this property would look onto the corner of proposed Block 4, at an angle, with a 20m separation distance to the building edge, and a 21m distance to the closest window in Block 4. Again, there is a fairly dense belt of trees along the boundary between these 2 properties, which is about 17m away from No 2's closest window. Because of the angled orientation and the intervening screening, the SPD indicates that the separation distance between properties can be reduced to about 20m, which would be achieved here.
464. Furthermore, the outlook from the principal living rooms in the end unit of proposed Block 4 would be more or less due south, and would therefore not directly overlook No 2's property or garden. Any west-facing windows in Block 4 would not directly overlook No 2 itself, although they would have direct views into its garden area. That said, these views could be prevented by a similar alternative 'angled' window design to that referred to above in relation to Penlan^[289,368]. I deal with this matter in more detail in the conditions section, later in this Report. Units in Block 3 would be sited even further away from No 2 and its garden, and in view of this and the above points, I consider that there would be no unacceptable loss of privacy to occupiers of this existing dwelling.
465. As has already been noted, above, the SPD test for overbearing impact is how the separation distance between 2 buildings compares to the height of the proposed building. In this case, Block 4 would be 20m high and, at its closest, would be 20m from 2 Westfield Grove. More importantly, the height of the existing tree belt is estimated as already being greater than this dwelling's separation from these trees, indicating that the property already experiences an overbearing impact in the terms set out in the SPD. With this in mind, I have to

conclude that the appeal proposal would not give rise to an overbearing impact on 2 Westfield Grove.

Daylight

466. On this matter the Council's reason for refusal is quite specific in that it only references loss of daylight – and only to 3 named properties – Beech House, Hazel House and Elm View. That said, as has already been noted, there is also a further non-specific reference to a loss of daylight to '*other residential properties*'. However, on this latter point, Mr Rainier, for the Council, acknowledged at the inquiry that any loss of daylight to properties other than those specifically named would not be significant^[285-287]. I see no good reason to dispute this view, and therefore in these conclusions I do not consider any properties beyond the 3 named above.
467. The likely impact of the proposed development on neighbouring properties was assessed in the Daylight, Sunlight, Overshadowing, Light Pollution and Solar Glare Chapter of the ES^[128,129], making use of a specially constructed 3D computer model of the existing site, the proposed development and the relevant surrounding properties. The assessment had regard to the BRE Guide 'Site Layout Planning for Daylight and Sunlight – a guide to good practice'^[128,129]. The advice offered in this BRE Guide is not mandatory, with its introductory section explaining that the numerical guidelines it contains should be interpreted flexibly, since natural lighting is only one of many factors in site layout design. The BRE guidance is also referred to in the Council's Outlook, Amenity, Privacy and Daylight SPD, already referred to above, which reinforces the fact that recommendations in the BRE Guide are not mandatory, but says they are clear indicators of achieving design quality in residential development schemes.
468. These BRE guidelines provide 2 principal measures of daylight for assessing the impact on properties neighbouring a site - Vertical Sky Component (VSC) and No-Sky Line (NSL). The first of these quantifies the amount of skylight falling on a vertical wall or window, measured on the outer pane of the window. According to the BRE Guide if the VSC, with the new development in place, is both less than 27% and less than 0.8 times (ie a greater than 20% reduction) of its former value (pre-development), occupants of the existing building will notice the reduction in the amount of skylight.
469. The second measure – NSL – enables the impact of a new development on the daylighting distribution in existing buildings to be calculated by plotting the NSL contour in each of the main rooms. The BRE Guide states that if, following construction of a new development, the NSL contour moves so that the area of the existing room which does receive direct skylight is reduced to less than 0.8 times its former value this will be noticeable to the occupants, and more of the room will appear poorly lit.
470. For housing, main rooms are considered to include living rooms, dining rooms and kitchens, with bedrooms being seen as less important due to their use. On this latter point the Council argues that the importance of good lighting in bedrooms has become more important during the Covid-19 pandemic, with more people having to work from home^[128,164]. But whilst this may well be the case, I do not consider that it fundamentally alters the results and conclusions of the assessment carried out in the ES.

471. The BRE guidelines also detail a third measure of daylight which gives more detailed consideration to overall amenity internally, namely Average Daylight Factor (ADF). In effect, ADF is a measure of the overall amount of daylight in a space. For housing, the BRE Guide refers to minimum ADF values of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
472. The Council did not dispute any of the figures set out in the ES, which were then fully summarised in the Officer's report^[129], nor did it provide any additional evidence of its own on this subject to the inquiry. As such, the difference between the Council and the appellant on this topic simply comes down to a matter of how the results should be interpreted.
473. The Officer's report includes a table summarising the ES assessment and setting out which existing properties would be likely to experience a reduction of daylight of more than 20% of current values^[129]. The 3 properties named in the Council's reason for refusal are the only ones for which the assessed level of impact is given as 'moderate adverse', but in this regard I have noted Mr Dunford's comment that this level of impact simply reflects the appropriate calculations, and has not taken account of professional judgement. He made reference to the Rainbird judgement^[285] and pointed out that a noticeable change to daylight does not necessarily mean an unacceptable impact.
474. Mr Rainier has not applied any specific judgement to this impact finding of 'moderate adverse', but seems to have simply highlighted the fact that some of the impacts for each of these properties, as summarised in the Officer's report^[129], are listed as 'major', either in relation to VSC or NSL. That said, he makes no specific comment on how these 'major' impacts should be viewed 'in the round', in the context of all the provided information for each of these properties. In contrast, Mr Dunford has provided a further, detailed assessment and analysis of the ES results, having regard to the BRE guidelines, and applying his own professional judgement^[284-289].
475. In the case of both Beech House and Hazel House he points out that there is only very low-rise development, and/or cleared land opposite these properties on the eastern side of Westfield Avenue, and that in these circumstances any scheme of an appropriate density for the appeal site would be likely to have a noticeable impact on the daylight reaching some of the windows in these existing Willow Reach properties. In this regard, when considering Mr Dunford's conclusions I have also been mindful of the guidance in paragraph 125(c) of the NPPF, that *'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)'*.
476. For Beech House, Mr Dunford states that 13 windows would experience reductions in daylight in excess of default BRE guidance and that this would therefore likely be noticeable. However, he goes on to say that overall retained levels of daylight to the property would remain good after development; that reductions in NSL would be small and in full accordance with BRE guidance; and retained VSC values reaching the property would all be upwards of 22% if the effects arising from existing balconies and roof overhangs are taken into account.
477. This latter point relates to a technique described in the BRE Guide designed to establish how much of any daylight reduction might be attributed to existing

balconies or overhangs at the property itself, rather than as a result of nearby development^[129]. Whilst I acknowledge that reductions in daylight as a result of existing balconies still amount to real reductions, it does seem to me that all, or nearly all of the dwelling units which would be affected in this way have their own balcony or access to a terrace as well, and that this could be seen as offsetting the aforementioned reductions. As Mr Dunford further states that the ADF analysis shows that all rooms would continue to meet their respective targets after development, I see no good reason to dispute his overall conclusion that the effects on this property would be acceptable.

478. Mr Dunford reaches a similar conclusion in the case of Hazel House. For this property, 27 windows and 15 rooms within the property would experience reductions in daylight (VSC and NSL respectively) in excess of default BRE guidance, but as with Beech House, he contends that this would be expected in relation to any scheme of an appropriate density for the appeal site. Overall he states that retained levels of daylight to the property would remain more than sufficient after development, and as a result the effects on this property would be acceptable. Again, on the basis of the evidence before me, I see no good reason to dispute this conclusion.
479. Finally, for Elm View Mr Dunford states that of the main, habitable room windows that could potentially be affected by the proposed redevelopment of the site, reductions to the majority would fully accord with BRE guidance. At ground floor, each room is served by at least 1 window that would not experience a noticeable reduction in daylight and, overall, retained levels of daylight reaching the property would remain good, with all the windows retaining VSC values of more than 22% after development. He further states that the NSL analysis shows small reductions that would fully accord with guidance throughout the property.
480. On this latter point, Mr Rainier had expressed concern about the large reductions in NSL recorded in the ES for 2 of the windows at this property, but at the inquiry he accepted that one of these windows serves a non-habitable area, whilst the other serves a room that is also served by other non-affected windows. As such, he accepted that these reductions in NSL would not result in any significant harm^[236], and I share that view.
481. In terms of ADF, Mr Dunford states that the analysis shows that all the ground floor rooms would retain values in excess of 2%; that overall proportional reductions in ADF to the ground floor rooms would be less than 20%, and would therefore not be noticeable to the occupants; and that all the first-floor rooms would retain ADF values of more than 2%. As such, his overall conclusion is that this property would continue to receive more than sufficient levels of daylight after development, and that the effects on this property would be acceptable. As before, no contrary, authoritative evidence has been put forward by the Council to cause me to take a contrary view.
482. In addition to all the points set out above, I have been mindful of the fact that under cross-examination Mr Rainier accepted that it was likely that the overall impacts on the 3 properties referred to in the reason for refusal should more correctly be considered as moderately harmful, rather than significantly harmful. Taking this latter point into account, alongside the other matters already detailed, I conclude that the proposed development would not result in a significantly harmful loss of daylight to any of the 3 aforementioned properties.

Summary

483. In coming to an overall view on this consideration, I have had regard to the Council's point that regardless of the results of any numerical or technical analysis, whether or not the proposal is acceptable comes down to a subjective assessment, in the context of the wording of WCS Policy CS21^[127,129,138,139]. With this in mind, and for reasons already given, my overall conclusion on this consideration is that the proposed development would not have a significantly harmful effect on the living conditions of nearby residents, through overbearing impact, loss of privacy or loss of daylight. Accordingly, the proposal would not be at odds with the relevant part of WCS Policy CS21 in this regard. In my assessment the July 2021 revisions to the NPPF do not have any material bearing on this consideration.

Transport matters and the effect of the proposed development on parking provision and the impact of possible overspill parking

484. The Council's fourth reason for refusal alleges that the proposed development would provide insufficient on-site car parking to serve the stadium and medical centre uses, and has failed to demonstrate that the level of on-site parking proposed for these uses would not result in the displacement of vehicle parking onto nearby streets, thereby exacerbating existing pressure for on-street car parking, particularly during match days^[2]. As a result it goes on to maintain that the proposal would be contrary to WCS Policy CS18, the Council's Parking Standards SPD of 2018, and Section 9 of the NPPF.

485. It is clear on the basis of this reason for refusal that the Council takes no exception to the parking provision proposed for the residential element of this proposal – although SWAG and other interested persons do raise objections in this regard^[179-184]. On this point I also note SWAG's comment that SCC is not concerned about the amenity implications of any overspill parking or other traffic-related matters^[175], although I have had regard to such matters in reaching my conclusion. In light of these points, I deal firstly in this section with issues relating to the stadium and medical centre parking, and then turn to the matters raised by SWAG and others concerning residential parking and other transport-related issues.

Stadium and Medical Centre parking

486. At the outset I should record that it was made quite clear at the inquiry that SCC, as local highway authority, had been fully consulted on this proposal and, as stated in the Officer's report, raised no objections subject to matters that could be covered by an Executive Undertaking (the PDA already referred to), and appropriate planning conditions^[290]. This means that SCC is content with the intended on-site parking provision of 60 spaces, to include 8 disabled spaces for the Medical Centre use – along with 1 coach parking space. This is all set out plainly in the SCC Highways Consultation Response, which states that the March 2020 Stadium Travel Plan has been agreed with the SCC Travel Plan Officer^[290].

487. The Stadium Travel Plan confirms that a total of 60 car parking spaces and 1 coach parking space would be provided for the stadium, noting that these spaces would be primarily for the use of disabled fans and staff, and would be managed by on-site stewards on match days. This Travel Plan further notes that '*Currently there is no designated spectator parking at the stadium. This encourages the use*

of sustainable transport to and from the stadium on match days with the close proximity of the stadium to local bus services and Woking rail station^[296,369].

488. In addition, and notwithstanding the fact that WFC no longer supports this proposal, it is quite clear that the Club was content with the amount of on-site parking provision proposed at the time the application was submitted, both in terms of staff parking and disabled parking. But regardless of the above points, it does seem to me that the Council is correct when it points out that neither its own, nor SCC's parking standards, have been fully adhered to in this regard.
489. Both of these sets of standards contain the same maximum requirement for stadia – namely that they should provide *'1 car space per 15 seats OR individual assessment/ justification'*. Further, both contain similar notes regarding *'individual assessments'* to the effect that where they are required, they will *'require their own justification and the inclusion of parking management plans, travel plans and cycle strategies where appropriate.....and it should be demonstrated that demand for parking is either met on site or mitigated and managed as appropriate'*^[63,135].
490. With a proposed capacity of 9,026, to provide on-site parking in full accordance with these standards would require the maximum provision of around 600 spaces. This was not seriously suggested as an appropriate course of action by either the appellant or the Council – although SWAG did point out that the Football Club currently has access to about 123 on-site spaces on match days^[174,176], and Mr Shatwell, for HVNF, maintained that the existing David Lloyd Centre car park could be decked to provide around 600 spaces, although he was unable to say how such a scheme would be funded^[196].
491. More importantly, it seems to me that notwithstanding the fact that the relevant parking standard is a maximum, the appellant should have undertaken an individual assessment/justification for the level of parking provision proposed. But this does not appear to have been carried out - nor has the appellant made it clear how the demand for parking would be mitigated or managed^[63,135]. The Council picked up on this point in its questioning of Mr Southwell at the inquiry, and there was a clear difference of opinion between the Council and the appellant as to whether any additional information could or should have been submitted to address this matter, post-refusal^[61-63,293].
492. The appellant took the view that any additional information would not have been permissible – referring to the *'Wheatcroft'* case – but to my mind that stance was misplaced^[61]. What the Council was suggesting was that additional information should have been submitted to address the reason for refusal. I accept that this could have been difficult in practical terms during 2020, because of the restrictions applying as a result of the Covid-19 pandemic – but as a matter of principle any such additional information could well have been admissible. Such an approach is commonplace, with discussions often taking place between the parties, and additional information being submitted to try to narrow differences and save inquiry time. Indeed, it seems as though that is what has happened here in the context of the continuing discussions which have led to the completion and signing of the PDA^[10,303].
493. But whilst the appellant may not have fully complied with the requirements of the parking standards by failing to carry out an individual assessment, it does not necessarily follow that the proposed development is unsatisfactory in this

regard. Indeed, it seems to me that the implementation of the Stadium Travel Plan and some of the measures agreed to in the PDA, such as those which would be funded by the Bus Services Contribution and the TRO Contributions, would largely satisfy this matter – albeit in a somewhat non-specific and unplanned manner^[369].

494. In particular, because of the generally agreed sustainable nature of the appeal site's location, it is certainly not unreasonable – indeed it is necessary – for the appellant to pursue a variety of sustainable travel options to and from the stadium on match days, through the Stadium Travel Plan. These would include such measures as improved public transport (increased frequency around match times), car-pooling/sharing, and the promotion of Park and Stride (the use of public car parks and then walking to the stadium) – all to be promoted and publicised through a variety of means, including media releases, newsletters, social media and the WFC website^[296].
495. Whilst I acknowledge that these proposals were viewed with scepticism by HVNF and other interested persons who spoke at the inquiry^[136,195,197,217,220], the fact remains that such measures and proposals would not only accord with the Council's own aims to increase, encourage and improve the use of sustainable transport options through the likes of WCS Policy CS18^[38], but would also be completely in line with national guidance in Section 9 of the NPPF^[27].
496. I have noted the points made by SWAG regarding the amount of matchday parking the Club currently has, and its comments regarding the need for, and location of, disabled parking spaces. I have also noted the disquiet expressed by the Football Club on these matters in the current proposal, in the latest emails from the Club's Chair, and I do have to be mindful of this updated position^[35]. But as the Club was clearly prepared to accept this position before the application was decided, the weight I can give to these matters is limited.
497. Insofar as specific parking problems in the vicinity of the existing football ground on match days are concerned, it is clear from the evidence submitted by HVNF, SWAG and interested persons²⁸², as well as the Council itself, that some people park inconsiderately, in inappropriate and possibly dangerous locations^[184,195,216]. Whilst this cannot be condoned, it is the existing situation, which is largely uncontrolled. WFC does not have an existing travel plan akin to the proposed Stadium Travel Plan, and no information was placed before me to suggest that TROs in the area surrounding the football ground have been reviewed recently. Whilst the Council and other objectors were sceptical of what could be achieved by reviewing the TROs, and questioned the level of financial contribution requested by SCC in this regard^[136,177,242], in the absence of any firm evidence to the contrary I have no good reason to doubt SCC's authority on this matter.
498. I acknowledge that there is some promotion of alternative travel modes and promotion of the use of more distant car parks at present. But not on the scale that would accompany a successful appeal proposal. Nor is there anything to make travel to the ground more attractive or convenient by public transport at present. Again, this would change as a result of specific increases in bus frequency on match days^[369].

²⁸² See particularly the photographs in Docs SWAG/AC2, SWAG/AC/3 and HVNF/RS/4

499. A significant amount of analysis of parking numbers and the locations available for match day parking was carried out both by Mr Southwell for the appellant and Mr Lewis for the Council^[131-136,290-302]. There were a number of areas of contention between the 2 parties, not least on the subject of whether or not the chosen parking survey day – a mid-week match day in August 2019 – was appropriate, or whether a Saturday match day in a neutral month should have been surveyed instead^[131,291]. Neutral months are certainly normally recommended for traffic surveys, to ensure that 'typical' traffic flows are recorded, and in this regard I accept that August is in the school holidays when undoubtedly some people would be away from home, on holiday.
500. However, on balance I share the appellant's view that the situation is somewhat different when trying to assess which streets are likely to experience the highest level of parking demand in association with a football match. In these circumstances I accept that there could well be more people at home in the evening than on a Saturday afternoon, and as the attendance at the football game in question was the highest of the 2019/20 season (at 3,922), and some 48% higher than the next highest attendance that season, I consider that the surveys as carried out constitute a robust basis for assessment^[291].
501. Following an exchange of Technical Notes from the transport witnesses at the inquiry^[133,299], the Council maintained that on the appellant's own figures there could be about a further 1,010 vehicles that would need to be parked, for a maximum capacity event, than the appellant had accounted for. The Council maintains that this could give rise to a significant increase in on-street parking which would be neither managed nor mitigated, leading to substantial harm^[135].
502. However, on this point I again favour the appellant's explanation, that this quantum of parked vehicles is not unaccounted for – they just would not park within the survey area. Indeed the submitted evidence shows that at the present time some people who currently drive to matches park their vehicles at locations outside the study area^[299,300]. Because of this, and as the evidence indicates that there would be a good availability of parking spaces in town centre car parks^[301], I see no reason why maximum capacity events need lead to undue parking stress or unacceptable parking problems in the streets surrounding the football ground, if the Stadium Travel Plan was to be successfully implemented.
503. Finally, whilst not wishing to belittle the current extent of inconvenience and distress which is clearly caused by inconsiderate match day parking, this does need to be put in context. As the appellant has pointed out, there are only likely to be around 25-35 event days a year, comprising a mix of mid-week and weekends. At its highest this would still amount to less than 1% of the year - and it is highly unlikely that all of these events would attract a maximum attendance^[294]. As such, and with the introduction of the measures detailed earlier, I do not consider that this situation could be described as unacceptable.
504. The medical centre is shown as being located at second floor in the north stand, and is included within the stadium specification^[50]. However, no firm evidence regarding the provision and operation of this proposed facility was placed before the inquiry, and there was little to dispel the view expressed by Mr Chrystie, on behalf of the Hoe Valley Ward Councillors, that it appears to be a vision, with no solid foundation^[210]. In the absence of firm proposals for the medical centre it is difficult to give anything more than limited weight to this aspect of the proposal.

505. But notwithstanding the above points, insofar as the parking provision for the medical centre is concerned, the relevant parking standards suggest a maximum provision of 8 spaces, and this amount of parking would be secured on-site^[294]. Although as just noted, no firm details of the operation of the medical centre have been provided, the appellant has indicated that the opening hours of the medical centre would not be expected to coincide with the times of football matches at the stadium^[294]. On balance it seems likely to me that adequate parking would be available to serve the medical centre.

506. Drawing all the above points together I conclude that in view of the proposed Stadium Travel Plan and the measures proposed through the PDA, the amount of on-site parking for the stadium and medical centre would be acceptable, and would not give rise to unacceptable overspill parking in nearby streets.

Residential parking

507. The residential parking standards the Council has adopted are minimum standards, set to ensure that appropriate levels of parking are provided, and to avoid poor quality development and congested streets^[47]. Nonetheless, the standards make it clear that they still need to be balanced with the overall sustainability objectives of the WCS, including the effects on highway safety. The standards are based on the number of bedrooms in the proposed dwellings, but a distinction is made between flats, apartments and maisonettes, and houses or bungalows. Dealing with the types of units proposed here, the standards require 0.5 spaces per 1-bedroom flat; 1 space for a 1 or 2-bedroom house and a 2 or 3-bedroom flat; and 2 spaces for a 3-bedroom house.

508. Although the make-up of the proposed units has changed slightly from what is stated on the original planning application, it is clear from an examination of the DAS that the appeal proposal contains a number of units described as either townhouses or duplexes^[16], and it was on the basis of applying the standards relevant to these dwelling types that the Officer's report calculated that 846.5 spaces would be required, with 852 to be provided²⁸³. This method of calculation considered that 1 space would be required for each of the 1-bedroom townhouses/duplexes, having regard to the comment in the Council's Parking Standards SPD that houses and bungalows are less likely to share parking facilities and less likely to be located in high accessibility areas^[180]. This approach is favoured by SWAG.

509. However, the appellant maintains that notwithstanding the description of some of the units as townhouses and duplexes all would, in reality, be provided as flats/apartments, such that the standard for this type of unit should apply. On this basis the 1-bedroom townhouses/duplexes only require 0.5 spaces each, leading to a total requirement of 791 spaces. As 855 spaces would be provided, this means that there would also be 64 visitor spaces^[179].

510. In coming to a view on these 2 methods of calculation I have had regard to the points raised by SWAG, including that most of the 1-bedroom townhouses/duplexes would be at ground level and would have their own private garden space. As such SWAG contends that these units would clearly be of a different nature to the 1-bedroom flats, with parking requirement calculated on the

²⁸³ See paras 324-325 of CD3.1

aforementioned 'house' standard^[181]. In itself, however, I am not persuaded that this point would make a material difference to the car-owning habits of future occupiers. More important, to my mind, is the fact that as I understand it, the majority of the parking spaces would be unallocated, and therefore open to be shared by all future residents of the proposed development – notwithstanding the comment about sharing in the SPD, referred to above.

511. Moreover, whilst the appeal site does not have the same high level of accessibility as the town centre, the Officer's report states that it is in a sustainable location, and I note that emerging SADPD Policy UA44 refers to the site's '*accessible location*'. With these points in mind I consider that lower levels of car ownership could well be possible on a development such as this. This would be especially likely when other measures proposed through the Residential Travel Plan are taken into account – such as the provision of folding electric bicycles for each of the 1,048 apartments; the setting up of a car club and the promotion of car-pooling; the provision of improved frequency bus services and introductory free travel vouchers for bus public transport; and the availability of travel planning assistance and a variety of promotional material^[53,369].
512. Taken together I consider that such measures would serve to suppress car ownership somewhat, such that the intended provision of 855 spaces, to include 64 visitor spaces, would be reasonable and acceptable. It is also of note that this overall quantum of parking would still be acceptable if the calculation as contained in the Officer's report were to be favoured.
513. That said, I do share SWAG's view that the use of the 20 tandem parking spaces (40 spaces in total), under Block 5 could be somewhat problematic, not least because the only units which would require 2 parking spaces, according to the standards, would be the 3-bedroom townhouses, most of which would be located some distance away at Block 2^[182]. The use of these spaces would require careful management – but this does not seem to be out of the question, in view of the on-site travel-planning assistance which could be available through the proposed mobility hub^[53,369]. I also share SWAG's view that the amount of parking to be provided under Blocks 1 and 2 would not satisfy the standards for the number of units in these blocks^[183] – but this matter could be addressed by an appropriately worded condition, as discussed at the inquiry conditions session.
514. I have also noted the concerns expressed by some local residents that insufficient residential parking would be provided by this proposal, and that this would result in overspill parking in nearby areas, such as Willow Reach^[184,195,217]. However, as already made clear, the proposed parking provision would accord with the Council's own standards, and because of this I can only give these concerns little weight.

Other transport-related concerns

515. Finally, a variety of other traffic and transport criticisms were levelled at the proposal at application stage by interested persons, as recorded in the Officer's report, but these are, in the main, generally non-specific and unsupported by any firm evidence. In addition, Mr Shatwell for HVNF maintains that all the roads in the area surrounding the football ground are gridlocked at peak times, with the junction of Kingfield Road, Westfield Avenue and the exit from the park being particularly bad. He also maintains that the results of a recent traffic survey he

undertook showed a continual flow of traffic during the day with a significant increase during the rush hour, resulting in major congestion^[194].

516. It seems to me, however, that Mr Shatwell's traffic survey information can only be given very limited weight as a result of its non-standard format and limited duration. I give much greater weight to the detailed Transport Assessment prepared to support the proposal, as reported in the ES^[301]. This was summarised in the Officer's report and, put simply, was accepted by SCC as demonstrating that subject to matters which could be covered by the PDA and planning conditions, the proposed development would not give rise to any unacceptable transport or highways related problems^[290]. This conclusion was not meaningfully disputed by any party – certainly not with any verifiable evidence – and I therefore see no good reason to doubt the conclusion of SCC.
517. Mr Instone raised concerns about parking problems which could arise during construction, from contractors and construction delivery vehicles^[223], but such matters could be addressed by the proposed Construction Transport Management Plan (CTMP), which could be secured by condition if planning permission was to be granted. Mr Instone also argued that a greater quantum of residential parking should be provided, to reflect the fact that the average number of cars per household in Woking is 1.43^[224]. But whilst not disputing Mr Instone's figure, as the proposed parking provision accords with the Council's own parking standards, and for other reasons already discussed above, I consider that the amount of residential parking currently proposed would be acceptable.

Summary

518. Drawing together all the points detailed above, my overall conclusion on this consideration is that the proposed level of on-site parking, both for the stadium and medical centre and the residential dwellings, when coupled with the measures contained in both the Stadium Travel Plan and the Residential Travel Plan, would not lead to unacceptable problems of overspill parking on the surrounding roads, or other unacceptable traffic problems. Accordingly I find no conflict with WCS Policy CS18, the Council's Parking Standards SPD, or Section 9 of the NPPF.
519. That said, I have noted the disquiet expressed by the Club's Chair, in the latest emails, regarding the amount of matchday on-site parking for staff, and the amount of disabled parking in the appeal proposal^[364]. As already noted, these cannot be fatal to the proposal, as the Club was prepared to accept this situation when the scheme was placed before the Planning Committee. Nonetheless, in these circumstances I consider it reasonable for me to at least be aware of these concerns, when undertaking the final planning balance. In my assessment the July 2021 revisions to the NPPF do not have any material bearing on this consideration.

Whether the Planning Development Agreement (PDA) would adequately and satisfactorily address the impacts of the proposed development

520. The Council's fifth reason for refusal indicated that in the absence of an Executive Undertaking (a form of Unilateral Undertaking) there was no mechanism to secure the requirements set out in the Planning Committee report. However, the SoCG makes it clear that the Council and appellant are in agreement that if an appropriate Executive Undertaken was to be completed, in accordance with the

terms noted in the Committee report, then all of the matters of concern covered by reason for refusal 5 would fall away^[10].

521. The aforementioned PDA has, subsequently been agreed and signed by the Council and the appellant, ensuring that all necessary requirements would be secured. In the particular circumstances of this case, with the Council being the owner of part of the land concerned, I see no reason to doubt the view of both the Council and the appellant, that as the PDA is based on a resolution of the Council's Executive it is both adequate and sufficient to secure the various obligations. In addition, the Council prepared a CIL Compliance Statement to assess how the various obligations would perform against the 3 tests set out in CIL Regulation 122^[10]. Full details of the obligations are contained in the PDA, with a summary provided in the Council's CIL Compliance Statement. In brief, they cover the following matters:

522. Affordable housing:

- a. Block 1 to be 191, shared ownership affordable dwellings;
- b. Block 2 to be 277 rented affordable dwellings; and
- c. Blocks 1 and 2 to be constructed and capable of occupation before any other residential dwellings within Blocks 3, 4 and 5 are occupied.

523. Replacement Stadium:

- a. Restriction on occupation of no more than 606 dwellings (which must include Blocks 1 and 2) until the replacement stadium construction is complete and capable of use for its intended purpose(s), with the medical centre and retail/flexible use areas being constructed at least to 'shell and core' level; and
- b. Completion of the new stadium within 2 years of start on site. At this present time, WFC will vacate in May 2022 and return in May 2024. If the planning approval is delayed then the date of vacant possession will be delayed until the following May 2023 or later if needed, so a clear 2 year period is available to allow the new stadium to be constructed, while WFC ground share at a different location.

524. Travel Plan:

- a. Submission of a travel plan for the stadium and a travel plan for the remainder of the development for approval prior to the first occupation of the relevant building(s);
- b. Implementation of the approved plans prior to the first occupation of the relevant building(s); and
- c. Payment of a travel plan monitoring contribution.

525. Highway Works:

- a. Requirement to enter into S278 agreement(s) to secure the carrying out of highway works required by SCC, including:
 - i. Improvements to the Site Access Junction to WFC stadium (Kingfield Road);
 - ii. Works to provide access to the undercroft car parks from Westfield Avenue in 2 locations;
 - iii. The provision of a pedestrian crossing on Westfield Avenue, close to the Westfield Avenue/Kingfield Road Junction;

- iv. Improvements to the pedestrian environment at Vicarage Road/ High Street/Kingfield Road Roundabout.

526. Bus Services Contribution:

- a. A bus services contribution to provide the following:
 - i. A 20 minute frequency service between the site and Woking town centre and Guildford, with 3 buses per hour operating in each direction. The hours of operation would be 0600 to 1900 hours, Mondays to Saturdays (inclusive), with a reduced level of service after 1900 hours. The level of service on Sundays would be less, but still enhanced from the existing arrangement to better than 1 bus per hour.
 - ii. On matchdays, duplicate bus services between Woking rail station and the site to provide 'appropriate capacity'. Pre-match, a duplication of all Max 34 services (including the diverted Max 35 ie a 20 minute frequency service) operating for about 90 minutes prior to the match and 60 minutes after a match.

527. Sustainable Transport Measures:

- a. Provision of a minimum of 15 car club spaces and vehicles within the development, a car pool database, and the provision of a fold-up bike with every apartment; and
- b. Prior to the first occupation of the 469th dwelling, provision of the mobility hub, with café, workspace, micro-consolidation centre, a cycle hub, and Community Concierge Team and associated personalised travel planning service – all to be permanently maintained for the lifetime of the development.

528. Traffic Regulation Orders:

- a. The funding of consultation and implementation of TROs to manage parking on local streets.

529. Electric vehicle charging points:

- a. All residential parking spaces to have passive electric charging ability at first occupation of the relevant building(s) with the first occupiers of each dwelling to be able to elect for active electric charging ability.

530. Public art:

- a. The appellant, with the Council, to put a strategy in place which provides for the participation in the process and selection of a permanent public work of art which is integral to the Development and permanently affixed to the Site, with an agreed maximum cost.

531. Thames Basin Heaths SPA mitigation:

- a. SAMM contribution in line with the Thames Basin Heaths SPA Avoidance Strategy tariff.

532. Replacement Woking Gymnastics Club:

- a. The Woking Gymnastics Club building shall not be demolished until such time as a replacement building has been constructed and is capable of use for its intended purpose(s) on an alternative site.

533. Replacement David Lloyd facilities:

- a. The David Lloyd facilities shall not be demolished (or otherwise made incapable of use) until such time as replacement facilities have been constructed and are capable of use for their intended purpose(s) on an alternative site.

534. Having regard to the Council's detailed comments contained in its CIL Compliance Statement^[10], I agree with the parties that all of these obligations are necessary to make the development acceptable and that all meet the requirements of paragraph 57 of the NPPF and Regulation 122 of the CIL Regulations 2010. The obligations are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Put simply, I conclude that the PDA would adequately and satisfactorily address the impacts of the proposed development, such that the proposal would not be at odds with the various development plan policies referred to in the fifth reason for refusal, namely CS8, CS12, CS17, CS18 and CS19 from the WCS, and saved Policy NRM6 from the South East Plan.

Other matters

535. Position of the Football Club. This is a somewhat unusual situation, which deserves some comment. WFC was a joint applicant for this proposed development, and some important pieces of evidence in support of the proposal were submitted and prepared by the Football Club, or on its behalf^[245-249]. However, once the Council's Planning Committee had refused planning permission, the Football Club disassociated itself from the process, and although choosing not to appear at the inquiry or make any formal submission to the inquiry, its Chair did submit various pieces of information by email^[364].
536. In summary the emails confirm that rather than simply not participating in the appeal process, WFC opposes the appeal. To further clarify this matter, one of the emails explains that as tenants, with the Council as landlord, WFC made it clear that it would not support any appeal. The Chair does not specifically say that the Club opposes the appeal proposal – but it is reasonable to take that to be the case, in light of the further matters set out below.
537. In the latest email, dated 19 May 2021, the Chair sets out a number of points concerning the history and context of the proposal, and explains that once the Club had signed a surrender agreement in October 2018 it put its full support behind the proposal – up to the date that planning permission was refused in June 2020. The email states that the Club has no agreement with the appellant that ties it into the appeal process, and that there is no signed development agreement between WFC and the appellant. It also contains a variety of criticisms of the actions of Mr Gold, for the appellant, during the application and appeal processes, but I see no need to cover these in detail here. The email ends by saying how desperate the Club is that a Community Football Club formed in 1887 may cease to exist if the appeal is successful.
538. It is perhaps not surprising that the appellant takes a different view on many of the matters raised by the Club's Chair^[249]. However, it seems to me that these are primarily legal and contractual matters relating to agreements (of whatever kind) between WFC and the appellant, and are not planning matters going to the

heart of this appeal. I do not therefore need to repeat them here, or come to any firm view on them.

539. There is no clear evidence before the inquiry to explain, in any detail, the changed position of WFC. Whilst the proposed development was previously seen as essential for the Club's finances, and indeed essential for the existence of the Club, going forward, the Club's stated position now is that it has 2 new shareholders who have joined the Club Board, and that they intend to fund a full-time team next season and work with a new Commercial Director to utilise the facilities that the club has, to their maximum.
540. As noted earlier, no representative from the Football Club attended the inquiry, meaning that the Club's latest, stated position could not be interrogated. However, there is nothing before me to cause me to disregard what has been put forward as WFC's latest formal position by the Club's Chair, representing the Club's Board, namely that the Club is fearful of its future if the appeal was to be successful.
541. Education: HVNF and a number of interested persons allege that the proposed development would put an undue strain on education facilities in the area^[199]. However, the proposal would give rise to a significant CIL contribution, amounting to some £8.2 million^[308], with no specific additional education contributions deemed necessary, as explained in the Officer's report. No firm evidence has been submitted to support the objectors' claims, and I therefore do not consider that the absence of any specific contributions should count against the proposal.
542. Hospital waiting times. In its evidence to the inquiry, HVNF referred to current waiting times of at least 3-6 months for non-emergency appointments at the Ashford and St Peter's Hospital, and commented that there are no details within the appeal proposal as to how this waiting time could be reduced^[199]. This matter was not pursued at the inquiry, and it is unclear what the objector was actually seeking in this regard.
543. It is the case, however, that as detailed in the Officer's report²⁸⁴, the aim of the proposed Medical Centre would not only be to meet the general practitioner needs of the new residents of the proposed development, but would potentially offer a range of additional and complementary medical services that could also serve the requirements of the wider local community. Although no firm evidence was put before the inquiry on this matter, it does seem to me that the provision of the Medical Centre would at least go some way towards addressing HVNF's concerns on this point.
544. Restrictive covenant: HVNF also highlight the fact that there are some restrictive covenants attached to Land Registry Title No SY 680229, which covers the Football Club land and the David Lloyd Centre land under an address given as 'Kingfield Sports Ground'^[192]. Amongst other things, these covenants relate to the number, type and positioning of any buildings to be permitted on the land – restricting buildings to '*semi-detached or detached dwellinghouses ... and not more than 20 such houses shall be erected on each acre of land*'. This would represent a density of around 49 dph. However, such covenants are a land and

²⁸⁴ See para 43 of CD3.1

property matter and not a relevant, material planning consideration in this appeal. As such, I see no need to take this matter any further.

545. Air Quality: Mr Instone maintained that by adding many more cars to the area, from the proposed flats and the new stadium, this proposed development would both increase pollution and undermine the Council's efforts to reduce pollution. This was a matter which was not pursued in detail by any party at the inquiry, and Mr Instone submitted no evidence on this topic. It is the case, however, that the conclusions of the Air Quality chapter of the ES, summarised in the Officer's report²⁸⁵, are that the Appeal A proposal, both in isolation and in combination with the Appeal B scheme, would have a non-significant effect on air quality. In the absence of any authoritative evidence to the contrary, I see no reason to dispute this conclusion. This matter therefore does not carry weight against the appeal proposal.
546. North-facing, single-aspect residences: In its additional comments, following the revision of the NPPF, SWAG expressed concern about the proposed amount of north-facing, single-aspect units, especially in Blocks 1 and 2 where the affordable housing would be provided^[187]. Although the NMDC indicates that single-aspect flats should not face north, room aspect is just one of a number of matters to which consideration needs to be given when preparing design codes, as is made clear in its paragraph 188. In this case the Council already has adopted guidance on such matters, in its Design and Outlook, Amenity, Privacy and Daylight SPDs^[47,347], and with this guidance in mind the living conditions of residents of the proposed units were not considered to be so unacceptable as to warrant being a reason for refusal. I share that view, and do not consider that this matter should carry any material weight against the proposal.
547. Timescale for delivery: Also in its additional comments, the appellant argued that as the scheme would be likely to achieve a considerable amount of housing in the next plan period (post 2027), it should be looked upon favourably as being in accord with revised NPPF paragraph 22^[344]. However, this paragraph only refers to the need for policies to look at least 30 years ahead where they relate to larger-scale developments such as new settlements or significant extensions to existing villages and towns, which form part of the strategy for the area. In my assessment that is not the case here, as an increase in population of this extent at this location clearly does not form of the currently adopted WCS. As such, I do not consider that this matter adds any material weight in the proposal's favour.

Planning balance and overall conclusion

548. In assessing the likely benefits and disbenefits of this proposed development, in order to carry out the necessary planning balance, I have also considered how it would perform against the objectives of achieving sustainable development, as set out in paragraph 8 of the NPPF^[24]. The proposal would certainly assist in achieving the economic objective of helping to build a strong, responsive and competitive economy. Economic benefits would arise from the construction of the proposed 1,048 residential units, comprising some temporary benefits to the construction industry, with more permanent benefits arising from increased spending in the local economy by future residents.

²⁸⁵ See paras 483-492 of CD3.1

549. According to the Socio-Economics Chapter of the ES^[306], the demolition and construction phase is estimated to generate some 220 Full Time Equivalent (FTE) direct jobs per annum for a period of at least 5 years. The additional spend in the local area from these construction jobs is estimated to give rise to a net direct and indirect Gross Value Added (GVA) uplift of £640,000 per annum (a total of £3.2 million over the 5 year construction period). Insofar as permanent jobs are concerned, the existing 95 FTE within the David Lloyd Centre would be retained locally through its relocation to the Appeal B Egley Road site, whilst at the Appeal A Kingfield site itself, the upgraded stadium and new retail floorspace would support 50 on-site FTE jobs, amounting to a net uplift of 25 FTE jobs from the current situation.
550. In addition, upon completion it is estimated that the new residential development would accommodate around 1,890 residents who would generate some £18.1 million per annum of additional spend within the local economy. In turn, this is estimated to create an additional 285 FTE jobs. The ES also estimates that the increased capacity of the stadium and the much enhanced hospitality facilities would lead to additional spectator spend of around £1.6 million per year. Overall, the proposed development is expected to support a total of 330 additional FTE jobs^[306]. These would all amount to real and substantial benefits, to which I attach significant weight. With these points in mind it is clear that the appeal proposal would satisfy the economic objective of sustainable development.
551. The first part of the social objective, as set out in the NPPF, is 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. The proposed development would certainly score well by providing a substantial amount of very much needed affordable housing. Taken in isolation, I consider that this aspect of the proposal would warrant being given significant weight.
552. However, this has to be tempered by the very high number of units proposed overall, in this relatively small and compact residential area, coupled with the fact that an extremely high percentage of the proposed units – over 99% - would be 1 or 2-bedroom units^[120,276]. Importantly this would noticeably fail to reflect the housing mix detailed in the latest SHMA, as required by WCS Policy CS11^[36,118-120]. Because of these points, and notwithstanding the support offered for the proposal by the Council's Housing Services^[279], I consider that the very large amount of new units in this relatively small area, and the preponderance of 1 and 2-bedroom units, would not result in the type of sustainable and balanced community sought through Policy CS11.
553. I accept that the proposed development would be well-designed and safe in itself, and that an adequate amount of amenity space would be provided, in a mix of ground-level and rooftop locations. This would count in the proposal's favour. But on balance, having regard to all the matters detailed above, I do not consider that the appeal proposal would fully satisfy the social objective of sustainable development.
554. A main part of the environmental objective of sustainable development is to protect and enhance the natural, built and historic environment, including making effective use of land and using natural resources prudently. As the proposed development would take place on previously developed land^[112,244,264] and would provide green roofs to assist with reducing run-off and flooding, and

biodiversity enhancements through the proposed conditions^[352], it would accord with the thrust of this objective, and this would be a clear benefit of the proposal, attracting some appreciable weight.

555. However, under the first main consideration I have concluded that there is no policy support for buildings as tall as proposed here, or at such a high density, in this out-of-centre location. As such, the proposed development would not respect and make a positive contribution to the street scene and the character of the area, and would fail to pay due regard to the scale, height, proportions and other characteristics of adjoining buildings. Accordingly it would have an adverse and harmful effect on the character and appearance of the street-scene and the surrounding area. In view of these points I conclude, on balance, that the proposal would not satisfy the environmental objective of sustainable development.
556. I acknowledge that based on the CIL charging schedule the proposal would be required to make contributions of over £8.2 million, and that further contributions and improvement works would be secured through the PDA relating to a variety of transport improvements and other matters. However, as these contributions would be necessary to make the proposal acceptable in planning terms they cannot be seen as specific benefits of the scheme. Nevertheless, I consider it appropriate to give some modest weight to these various contributions in the overall planning balance as the benefits they would provide would not be limited to future residents and users of the proposed development, but would also be available to the wider local population.
557. In addition to the matters detailed above, the appellant maintains that the proposed development would give rise to a number of further benefits, in particular the realisation of what is described as a long-held Council and Football Club intention for a new community stadium. In its additional comments, following the revisions to the NPPF, the appellant argues that the proposed new community stadium should be seen as the provision of public service infrastructure, provided by means of a public/private partnership, and therefore supported by revised NPPF Chapter 8^[345]. However, I find it very difficult to see the provision of a new stadium as a clear benefit of the proposal in view of the current, stated position of WFC. Whilst this process clearly started off with this aim, there appears to now be no desire from the Club for this proposal to proceed. Indeed the Club apparently now views the proposal as constituting a threat to its continued existence^[364]. As such I consider that matter only attracts modest weight.
558. I acknowledge that the provision of a medical facility and additional retail services could well be seen as benefits to the local area, although in the absence of any firm details regarding these matters – and acknowledging that they would be part of a new stadium which, as just noted, is not wanted by the Football Club, I consider that these benefits would only warrant limited weight. Of the other matters put forward by the appellant as benefits of this proposal^[306], I have either already dealt with them in the above discussion, or consider them to carry no material weight in the overall planning balance, to which I now turn.
559. In the overall planning balance, the fact that the appeal proposal would satisfy the economic objective of sustainable development carries significant weight in its favour, and significant weight would also attach to the provision of some 468

much-needed affordable housing units. Appreciable weight would attach to the re-use of previously developed land, and there would be modest weight in the proposal's favour arising from the fact that the wider population would gain some benefit from the works and improved facilities which would flow from the CIL contribution and the additional contributions and further matters secured through the PDA. For reasons already given I consider that in the particular circumstances of this case the provision of a new community stadium can only attract modest weight, and finally I consider that the provision of a medical facility and some additional retail services should attract limited weight.

560. Set against these points, the appeal proposal, on balance, would not fully satisfy the social objective of sustainable development, or the environmental objective. It would not, therefore, constitute sustainable development. Indeed, on the first main consideration, which touches on matters relating to the environmental objective, I have concluded that the proposed development would have an adverse and harmful effect on the character and appearance of the street-scene and the surrounding area. And on the second main consideration, involving matters which go towards the social objective, I have concluded that the proposal would fail to provide an acceptable and appropriate mix of dwelling types, and would therefore be unlikely to create a sustainable and balanced community. As a result, the proposed development would be in conflict with a number of adopted development plan policies. This has to weigh heavily against the proposal, which would also be at odds with national guidance in the NPPF.
561. On the third main consideration I have concluded that the proposed development would not have a significantly harmful effect on the living conditions of nearby residents, through overbearing impact, loss of privacy or loss of daylight. On the fourth main consideration, my conclusion is that the proposed level of on-site parking, both for the stadium and medical centre, and the residential units, when coupled with the measures contained in the Stadium Travel Plan and the Residential Travel Plan, would not lead to unacceptable problems of overspill parking on the surrounding roads, or other unacceptable traffic problems.
562. I have been mindful of some later expressions of concern by WFC regarding the amount of on-site matchday parking which would be available for staff, and the amount of disabled parking to be provided, but do not feel able to attach any material weight to these matters as it is clear that the Club was prepared to accept this position, prior to determination of the application. With the above points in mind, the proposal would not be in conflict with development plan policies or national guidance insofar as these matters are concerned. However, this lack of conflict adds no specific weight in the proposal's favour. Finally, with regard to the fifth main consideration I have concluded that the PDA would adequately and satisfactorily address the impacts of the proposed development.
563. But notwithstanding my favourable findings on these latter matters, and the levels of weight I have attributed to the various benefits detailed above, the fact remains that the proposal would be in clear conflict with adopted up-to-date development plan policies and national guidance. This weighs heavily against the proposal, and also means that it would not represent sustainable development. In my assessment the benefits of this proposal would not outweigh the conflict with the development plan, taken as a whole, and the harm which I have concluded would arise as a result. As such, there are no material considerations which indicate that a decision should be made other than in accordance with the

development plan. My overall conclusion is, therefore, that this appeal should be dismissed. That will be my recommendation set out at the end of this Report.

Appeal B

564. Although it is clear that the Appeal B site is very likely to be removed from the Green Belt if the SADPD is adopted in accordance with the Inspector's recent report^[48,49], the fact remains that at present the site sits within the Green Belt, and I have to assess this proposal on that basis. The site currently comprises open fields, but also contains a relatively large storage building towards its north-eastern corner and a large area of trees, protected by an Area TPO in the southern part of the site. It is accessed from a traffic-signal controlled junction on the A320 Egley Road, which also serves the Hoe Valley School and the Woking Sportsbox. The site is located about 2.5km from Woking rail station and town centre, and about 1.6km from the Appeal A Kingfield site^[21,22].
565. Under the Appeal B proposal the existing building would be demolished and some of the existing trees would be removed (about 25% of the total canopy area). The north-western part of the site would then be developed as a health club which would be intended to form a replacement facility for the David Lloyd Centre currently located on the Kingfield site. The north-eastern part of the site would be developed with the provision of 36 3-storey dwellinghouses, all of which would be provided as affordable housing units. The recreational and residential elements would share a single access point from Egley Road, using the existing signalised junction^[51].

The extent of the harm to the Green Belt

566. Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. It goes on to confirm that the essential characteristics of Green Belts are their openness and their permanence, with paragraph 138 explaining that Green Belt serves 5 purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
567. With regard to development proposals affecting the Green Belt, paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 explains that substantial weight is to be given to any harm to the Green Belt, with 'very special circumstances' not existing unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
568. There is no dispute between the parties that the proposed development would be inappropriate development^[141,318]. In its own right this harm, which was referred to as definitional harm by the main parties, must be given substantial weight as noted above. WCS Policy CS6 reflects this Government guidance, stating that within the Green Belt boundaries strict control will continue to apply over inappropriate development, as defined by Government policy currently outlined

in the NPPF. In addition, amongst other things DMPDPD Policy DM13 reiterates that unless very special circumstances can be clearly demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt.

569. The submitted drawings^[51] show that appeal proposal would introduce a variety of new buildings and structures onto the appeal site, including 36 3-storey dwellings; a new health club building which would measure some 54m by 50m and rise to a height of about 12m²⁸⁶; and 2 large air-domes, each covering 3 tennis courts and measuring about 49m by 35m, with a height of some 7-8m. In addition there would be surface car parking for about 280 cars.
570. These buildings, structures and parked vehicles would have a significant adverse impact on the openness of the site, which currently only houses a single building. As keeping land permanently open is part of the fundamental aim of Green Belt policy, it is quite apparent that this impact on openness would add to the harm arising from inappropriateness. It is also clear that the proposal would be in conflict with the Green Belt purpose of safeguarding the countryside from encroachment.
571. Taken together I conclude that the harm arising from the inappropriate nature of the proposed development, the significant harm to openness and the conflict with one of the purposes of the Green Belt would, in accordance with NPPF guidance, have to carry substantial weight.

The effect of the proposed development on the character and appearance of the surrounding area, as a result of the loss of protected trees and woodland

572. The Officer's report for this Appeal B proposal explains that an AIA, including a tree survey, was submitted with the planning application^[95,334]. The survey recorded a total of 32 individual trees, 8 groups of trees and 1 woodland²⁸⁷. These trees are all covered by an Area TPO made in 1973 which also covers the adjacent Hoe Valley School/Woking Sportsbox site. I acknowledge that this Area TPO is of some age, and note that as pointed out in the PPG the Area TPO category is only intended for short-term protection in an emergency, and may not be capable of providing appropriate long-term protection as it only covers the trees in place at the time the Order was made. That said, there is no suggestion that the TPO is not still in force, or that the trees in question are not covered by this TPO^[21,95,97,334].
573. The proposed development would result in the loss of 7 individual trees, 4 groups of trees, and the northern edge of the woodland, amounting to about 25% of its total canopy area. Whilst none of the individual trees which would need to be removed are of the high quality Category A, 3 are Category B (moderate quality) with the remaining 4 being Category C (low quality)^[95,335].
574. In terms of visual amenity and impact upon local character the AIA identifies that the loss of a Category B oak tree (tree T1) would have a moderate adverse impact to visual amenity, but that the most significant arboricultural impact resulting from the development would be the loss of the northern edge of the woodland and the individual trees and groups of trees it contains^[95,141,202]. The

²⁸⁶ The Planning Statement (Doc B2.25) says equal to 3 storeys in height, but with a curvilinear roof

²⁸⁷ Note that many of the individual trees, and groups of trees, are situated within the woodland

trees and woodland in question constitute an important feature in the locality as they are prominent in views from a number of locations^[96]. Whilst the AIA comments that the loss of this section of woodland would be partially screened from public view from Egley Road by the new dwellings and the health club, in my assessment the loss of this significant amount of the woodland area would still clearly be noticeable, and would have a detrimental impact on the visual amenity and character of the area.

575. On this point I have also had regard to the comments from the Council's Arboricultural Officers, who objected to this proposal on a number of grounds, including the fact that this woodland is classified as A2, which represents trees of high quality with a remaining life expectancy of at least 40 years, and with particular visual importance^[95]. The removal of about 25% of the overall woodland canopy area would expose a significant face of the woodland to altered wind loading, and these Council Officers express concern that this could well have a significant impact on the structure of the woodland. The overall conclusion of the Council's Arboricultural Officers was that the removal of the protected trees to facilitate the development would not be acceptable^[96].
576. Turning to consider the policy implications, WCS Policy CS21 states, amongst other things, that proposals for new development should '*incorporate landscaping to enhance the setting of the development, including the retention of any trees of amenity value, and any other significant landscape features of merit, and provide suitable boundary treatment/s*'^[41]. Furthermore, WCS Policy CS24 explains that in order to protect local landscape character, development will be expected, amongst other things, to protect and encourage the planting of new trees where it is relevant to do so. In addition, this policy's reasoned justification advises that trees form an important part of the landscape fabric of the Borough and that the Council will seek the retention of existing quality trees (except where they are dead, dying or dangerous) ^[42,202].
577. DMPDPD Policy DM2 sets out detailed criteria to maintain and protect existing trees and landscaping during construction and through new development^[42]. These include the need to retain existing trees and other important landscape features where practicable, and include the planting of new trees and other planting to enhance the quality and character of the development and the general area.
578. Emerging SADPD Policy GB7^[49,92,98] also states that development of the site should address key requirements, one of which is that the development should retain, and where possible strengthen, any trees and groups of trees of amenity and/or environmental value on the site – including protected trees and the wooded area to the south of the site which is covered by an Area TPO. Furthermore, the reasoned justification says that proposals for development would greatly benefit from early engagement with a number of consultees, including the Council's Arboricultural Officer regarding the protection and conservation of trees and tree belts, including the protected wooded area to the south of the site. Such engagement is apparent in the form of the consultation response from the Council's Arboricultural Officers, already referred to and, as noted above, this response was critical of the proposed development.
579. I acknowledge that at least 50 new trees would be planted throughout the residential and health club areas on the site as part of the landscaping

scheme^[335], and it seems to me that this would go some way towards off-setting the loss of the protected trees and woodland. I have also noted the appellant's view that the loss of the woodland would only represent very limited harm in the context of the overall proposal^[335].

580. My own assessment however, drawing on all the points set out above, is that the removal of about 25% of the canopy area of this woodland would be significant, and this leads me to conclude that it would have an adverse impact on the character and appearance of the surrounding area. Accordingly, the proposed development would be in conflict with those parts of WCS Policies CS21 and CS24, and DMPDPD Policy DM2 to which I have already referred, and would also be at odds with emerging SADPD Policy GB7, which I consider should now carry appreciable weight.

Whether the PDA would adequately and satisfactorily address the impacts of the proposed development

581. The Officer's report for this proposal explained that a number of matters would need to be covered by an Executive Undertaking to make the development acceptable in planning terms. These were the need to secure the proposed dwellings as affordable housing units; requiring a travel plan to be implemented for the health club; securing necessary highway works; and securing the necessary SAMM contribution in respect of the Thames Basin Heaths SPA Avoidance Strategy.

582. This matter does not need to be considered in great detail here because, as was the case with Appeal A, the SoCG for the Appeal B proposal makes it clear that the satisfactory completion of an Executive Undertaken would satisfactorily cover these matters. I have already reported, above, that a PDA has subsequently been agreed and signed by the Council and the appellant, ensuring that all necessary requirements would be secured. Again, as was the case with Appeal A, the Council prepared a CIL Compliance Statement to assess how the various obligations would perform against the 3 tests set out in CIL Regulation 122^[10]. Full details of the obligations are contained in the PDA, with a summary provided in the Council's CIL Compliance Statement. In brief, they cover the following matters:

583. Affordable housing:

- a. All 36 dwellings to be rented affordable dwellings.

584. Travel plan

- a. Submission and approval of a travel plan for the Health Club, prior to first occupation, to promote non-car modes of travel.

585. Highway works

- a. Requirement to enter into S278 agreement(s) to secure the carrying out of highway works required by SCC, including pedestrian crossing improvements on Egley Road.

586. Thames Basin Heaths SPA mitigation

- a. SAMM contribution in line with the Thames Basin Heaths SPA Avoidance Strategy tariff.

587. As with Appeal A, I agree with the parties that all of these obligations are necessary to make the development acceptable and that all meet the

requirements of paragraph 57 of the NPPF and Regulation 122 of the CIL Regulations 2010. Put simply, I conclude that the PDA would adequately and satisfactorily address the impacts of the proposed development. There would therefore be no conflict with WCS Policies CS8, CS12 or CS18, or with saved Policy NRM6 of the South East Plan.

Whether other matters weigh in the appeal proposal's favour

588. The appellant maintains that 4 particular matters should each be seen as a very special circumstance which would be sufficient in itself to justify approval of this proposal, with greater weight arising when they are taken cumulatively. I deal with each of these claimed very special circumstances, in the following sections.
589. Enabling a new community stadium on the Appeal A site^[233-313]. The appellant's case is that the Appeal B proposal is intimately connected with the Appeal A proposal as it is only by providing an alternative site for the relocation of the existing David Lloyd Centre from the Kingfield site, that the Appeal A proposal for the new community stadium and associated housing can go ahead.
590. I accept that there is this clear link between the 2 proposals. But this matter can only weigh in favour of the Appeal B proposal if the Appeal A proposal, itself, is seen to be acceptable in planning terms. Without rehearsing all the points set out in my assessment of the Appeal A proposal, it is simply sufficient for me to repeat that for the reasons set out above in paragraphs 392 to 562 of this Report, and summarized in paragraph 563, my recommendation is that Appeal A should not be allowed. It follows that this matter cannot give weight to the Appeal B proposal.
591. Enabling the meeting of housing needs^[271-281]. The way this matter is expressed by the appellant, it relates primarily to the provision of affordable housing, and has 2 strands. Firstly, as above, the appellant prays in aid the Appeal A proposal and the fact that a total of 468 affordable units are proposed on the Kingfield site. There is no doubt that this would be a significant provision of much-needed affordable housing – especially in the context of past under-delivery of affordable housing against the 35% target required by WCS Policy CS12.
592. I recognised this point in my assessment of the Appeal A proposal and considered that the provision of this amount of affordable housing should be given significant weight in the planning balance appropriate to that proposal. However, for reasons already given, my overall conclusion on Appeal A was that notwithstanding the various matters weighing in its favour, the proposed development was not acceptable. It is self-evident, therefore, that the intended provision of affordable housing on the Kingfield site cannot carry any weight in support of the Appeal B proposal.
593. The second strand to the appellant's case on this matter relates to the intended provision of 36 affordable dwellings on the Egley Road site itself. This provision would be at 100% of all proposed units, thereby clearly exceeding the policy minima of 50% provision which would be expected on this Council-owned site. But apart from this high percentage rate of provision there is nothing out of the ordinary or special in affordable housing units being provided as part of a development providing housing. Nevertheless I consider that the provision of much-needed affordable housing would be a clear benefit of this scheme, and that it would weigh appreciably in the proposal's favour.

594. Provision of new leisure/gym and health club facilities^[323-328]. The appellant argues that the Appeal B proposal would give rise to enhanced leisure/gym and health club facilities, and that this should be seen as a very special circumstance weighing in the proposal's favour. However, whilst generally supportive of the appellant's case on very special circumstances, the Officer's report did not consider that this matter should contribute to any very special circumstances case.
595. I share that view because the new health club and associated facilities would, in effect, simply provide replacement facilities for those which would be lost on the Kingfield site. This is not to say that the new facilities would be a direct replacement. I am aware of the fact that the Kingfield facilities were not originally constructed for the David Lloyd group^[324], and although they currently boast 'second-to-none facilities', 'a cutting-edge gym' and many other facilities^[70], the new health club and associated facilities would be a new-build to the David Lloyd group's own specification. In this regard I have noted the 2 communications from David Lloyd Leisure Ltd which have been placed before the inquiry, to the effect that it sees the proposed, purpose-built, more sustainable building as providing a qualitative improvement to the facilities currently on offer at the Kingfield site, allowing the new club to be fitted out to a premium standard commensurate with a new-build David Lloyd Club^[103,233,324].
596. I have noted the Council's contention that the loss of the existing David Lloyd Centre would be in conflict with WCS Policy CS17 and paragraph 99(b) of the NPPF, both of which require any replacement sports or recreation facilities to be 'equivalent or better' than the facilities lost^[71-74,83,102,103]. I acknowledge that the existing opening hours for the David Lloyd Centre at the Kingfield site are longer than would be the case at the new Egley Road site^[80], but I am not persuaded that this automatically means that the Appeal B proposal would be in conflict with the aforementioned policy requirements. My understanding is that there would be more outdoor tennis courts available at Egley Road, indoor and outdoor swimming pools and extensive gym and spa provision, such that I see no good reason to doubt that the new purpose-built health club and associated facilities would amount to an improved offer, when compared to those available at the Kingfield site.
597. But how much of an overall benefit this would be is the real question. On this point, it is relevant to reiterate that the David Lloyd Centre is a private, members facility, and whilst undoubtedly offering a range of membership packages, at various prices^[327], these would still only likely be available to a limited number of people. Moreover, it seems to me that the proposed club would be located at a more peripheral location in Woking than is the current facility, and would be likely to have a smaller walk-in catchment than the current site^[82].
598. Overall, for the reasons detailed above, I consider that this matter only adds a modest amount of weight in the proposal's favour.
599. SADPD proposals to remove the Egley Road site from the Green Belt^[329-331]. The Appeal B site is currently located within the Green Belt, but as already noted, if the SADPD is adopted in its current form, as set out in the SADPD Inspector's report and Appendices, then the whole GB7 allocation area would be removed from the Green Belt^[48,49]. The Officer's report points out that whilst WSC Policy CS1 clearly indicates that most of the new development over the plan period to 2027 will be directed to previously developed land in the town, district and local centres, it does also state that the Green Belt is identified as a broad location for the future

direction of growth to meet housing need between 2022 and 2027. This is repeated in WCS Policy CS6 which deals specifically with the Green Belt.

600. Both of these policies indicate that a review of the Green Belt boundary will be carried out to ensure that the release of Green Belt land for development does not undermine its purpose and integrity, with Policy CS1 stating that this review will be carried out as an integral part of the SADPD. Details of the Green Belt review are contained in CD4.16, which identified this wider Egley Road/Mayford site as one which could reasonably be released from the Green Belt. As has already been noted, the Hoe Valley School has been developed on this wider site and was justified on the basis of there being very special circumstances, due to a shortfall in education provision.
601. But despite the points set out above, it does seem to me that if viewed on its own, it would be difficult to justify the development proposed through Appeal B, on this site. Emerging SADPD Policy GB7 states that this overall site is to be excluded from the Green Belt and allocated for a mixed-use development to include residential, including affordable housing, and recreational/ open space, between 2022 and 2027. The policy notes that part of the site has already been developed for a school in 2018 and, as detailed earlier, seeks to ensure that any trees and groups of trees of amenity and/or environmental value on the site – including the protected trees in the southern, wooded area – are retained and, where possible, strengthened.
602. Importantly the reasoned justification states that the site is anticipated to yield 118 dwellings, along with recreational/open space. The policy contains nothing to suggest that a new, large health club building would be appropriate on this site, with a significantly reduced number of dwellings. I accept the appellant's point on this matter – that the policy is open worded and does not specifically exclude a new, major health club facility. But it has not been demonstrated that this would be possible, whilst still providing about 118 dwellings, and maintaining a sense of visual separation between Mayford and the rest of the urban area^[84].
603. The Officer's report recognised this point²⁸⁸, but took the view that when the proposal is considered alongside the Appeal A scheme – which the Appeal B scheme would facilitate – and which would itself result in 468 affordable dwellings together with a new community stadium, then this could, indeed, contribute weight to a cumulative very special circumstances case. The Officer's report did, however, make it quite clear that this would only be the case if Members resolved to grant planning permission for the Appeal A proposal – which, of course, they did not do.
604. I, too, have concluded that the Appeal A proposal should not be approved, which means it is necessary to consider this Appeal B scheme on its own. Having done so, I do not consider that the points set out above weigh particularly in favour of the appeal proposal. There is certainly a very strong likelihood that this site, along with the wider GB7 allocation, will be removed from the Green Belt, but I consider it debateable as to whether the form of development proposed through Appeal B would be consistent with the Green Belt/SA1 policies. I therefore conclude that only limited weight should be given to the fact that this site, and the wider area, is proposed to be removed from the Green Belt through the SADPD.

²⁸⁸ See paras 42-43 of CD3.3

Planning balance and consideration of very special circumstances

605. As with the Appeal A proposal, in undertaking the necessary planning balance I consider it appropriate when assessing the benefits and disbenefits of this Appeal B proposal to also consider how it would perform against the objectives of achieving sustainable development, as set out in the NPPF^[8]. In doing so I note that the EIA for this proposal did not include a specific socio-economic chapter, but this does not prevent an overview of these matters being considered.
606. However, I begin by summarising the harm which would arise from this proposal. Whilst I acknowledge, again, that there is a very strong likelihood that at some future date the overall GB7 site will be removed from the Green Belt, all parties agree that at the present time the development proposed through this appeal should be seen as inappropriate development in the Green Belt^[141,318]. In addition, I have concluded, earlier, that the proposed development would result in a clear encroachment into the countryside, giving rise to harm to one of the purposes of the Green Belt, and that the new buildings would have a significant adverse impact on the openness of the Green Belt. Taken together with the definitional harm by reason of inappropriateness, the NPPF makes it clear that substantial weight should be attached to this harm.
607. Further harm would arise from the adverse impact that the loss of 25% of the protected tree canopy would have on the character and appearance of the surrounding area. 25% would amount to a significant loss and I consider, on balance, that this harm should carry moderate weight against the proposal.
608. Against these items of harm, a number of factors weigh in the proposal's favour. Firstly, some economic benefits would arise as a result of temporary jobs created during the construction phases, for both the health club and the dwellings, along with more permanent benefits as a result of increased spending in the local economy, by future residents. There could also be some new job creation at the health club (although many of the jobs would be relocated from the Kingfield site), and some general economic benefits arising from the expenditure by visitors to the health club and associated facilities. With these points in mind it is my view that the proposal would satisfy the economic objective of sustainable development. Because of the relatively small number of new dwellings proposed, and the fact that the David Lloyd Centre activities and jobs would, to a large extent, be transferred from the Kingfield site, I consider that overall these benefits should attract a less than significant amount of weight.
609. In terms of the social objective, the provision of 36 affordable family dwellings would represent a clear benefit. There would not be a mix of dwelling types, but in view of the relatively modest number of dwellings involved I do not consider that this would count unduly against the proposal. Further social benefits would arise from the general improvements to the health of the population from participation in the range of sporting activities which would be available at the health club. In view of these points I consider that the proposal would satisfy the social objective of sustainable development, and that these benefits should attract an appreciable amount of weight.
610. A full assessment of any environmental benefits cannot be completed until a decision has been reached on whether or not very special circumstances exist in this case – as clearly, there is substantial weight against the proposal as a result of Green Belt harm, and also the harm to the character and appearance of the

area, as a result of the loss of trees. However, the new dwellings and health club would be well designed in themselves, and the site as a whole would benefit from landscaping and the planting of 50 new trees, such that these items should attract modest weight in support of the appeal proposal. I return to this matter shortly, to give my overall view of the environmental aspect of sustainable development, once I have reached a view on very special circumstances.

611. As with Appeal A, I acknowledge that some CIL contributions would be forthcoming from this proposed development, and that further contributions and improvement works would be secured through the PDA relating to transport and other matters^[369]. These contributions would be necessary to make the proposal acceptable in planning terms, so cannot be seen as specific benefits of the scheme. It is appropriate, however, to give some modest weight to these various contributions in the overall planning balance as the benefits they would provide would not be limited to future residents and users of this proposed development, but would also be available to the wider local population.
612. With regards to the matters claimed by the appellant to be very special circumstances, the appreciable amount of weight attributable to the provision of affordable housing has already been accounted for, above; a modest amount of weight can be given to the provision of new leisure/gym and health club facilities; and limited weight can be given to the fact that this site, and the wider area, is proposed to be removed from the Green Belt through the SADPD.
613. Drawing all the above matters together, it is my firm view that the substantial weight arising from the Green Belt harm, together with the other harm identified, would not be clearly outweighed by the other considerations detailed above. As such, I conclude that very special circumstances do not exist to justify this inappropriate development. Accordingly, the proposal would conflict with WCS Policies CS6, CS21 and CS24, as well as DMPDPD Policy DM2. It would also be at odds with Green Belt policy in the NPPF, and with emerging SADPD Policy GB7. In turn, this leads me to conclude that the proposal would fail to satisfy the environmental objective of sustainable development, and could not, therefore be considered sustainable development. In my assessment the July 2021 revisions to the NPPF do not have any material bearing on the considerations relevant to the Appeal B proposal.
614. In light of all the above points, my assessment of the planning balance leads to the overall conclusion that this appeal should be dismissed. Accordingly, at the end of this Report I will recommend that the appeal be dismissed.

Overall summary and Recommendation

615. For reasons already set out in detail in this Report, my recommendation, below, is that both Appeal A and Appeal B should be dismissed. However, I recognise that the SoS could take a contrary view and could decide to grant planning permission for either or both of these proposals.
616. If the SoS is minded to grant planning permission for the Appeal A proposal, then the 83 conditions set out in the first part of Appendix C to this Report should be imposed. These conditions were discussed at the conditions session at the inquiry. The vast majority of the conditions and the reasons for their imposition were agreed between the parties. I have, however, amended a few of the conditions to

incorporate comments made by SWAG. I have also included 3 additional conditions as requested by SWAG. In brief, these amendments and additions are:

- a. Condition 11 – hours of use of ancillary spaces within the stadium limited to no later than 23:00 hours Mondays to Saturdays (inclusive), to accord with information contained in the Noise and Vibration Chapter of the ES²⁸⁹;
- b. Condition 41 – amendment to ensure new residential units within the proposed blocks also have protection from excessive noise levels;
- c. Conditions 81, 82 and 83 – new conditions suggested by SWAG:
 - i. 81 – to establish smokers’ areas at the stadium;
 - ii. 82 – to ensure on-site parking for the stadium;
 - iii. 83 – to ensure an agreed number of ‘M4(2) Accessible and adaptable dwellings’ are incorporated into the scheme.

617. All 83 conditions are appropriate to the development proposed and all meet the relevant tests set out in paragraph 56 of the NPPF.

618. If the SoS is minded to allow Appeal A, he will need to decide whether or not the design of Blocks 4 and 5 should be modified to include some ‘angled’ window designs, to further safeguard the living conditions of existing nearby residents, as detailed by the appellant^[368]. The appellant maintains that the design as submitted already provides sufficient safeguards for neighbours, and I broadly agree. But if the SoS takes a different view, then Condition 84 should also be imposed. This would require the necessary drawings affected by the ‘angled’ window design to be submitted to and approved in writing by the Council. This condition would also meet the relevant tests set out in the NPPF.

619. Furthermore, as the appeal site is located within 5 km of the Thames Basin Heaths SPA^[34], if the SoS is minded to grant planning permission for the Appeal A proposal he will need to undertake an Appropriate Assessment²⁹⁰, in consultation with Natural England, to establish whether the proposal, either alone or in combination with other plans or projects, is likely to have an adverse effect on the integrity of this National site. This matter was not discussed at the inquiry, so no information to assist with any such assessment is currently available. However, the suggested condition relating to mitigation measures (Condition 53) implies that there would be a likely significant effect on its qualifying features were the scheme to go ahead. If it proves to be necessary, further information will need to be sought from the parties.

620. Finally, if the SoS is minded to grant planning permission for the Appeal A proposal, then this will affect the planning balance in respect of the Appeal B proposal. It would mean that any benefits considered to arise from the provision of 1,048 dwellings (to include 468 affordable units), as well as a new community stadium, could be taken into account in respect of Appeal B. In such circumstances the SoS would have to take a view as to whether or not very special circumstances would exist, sufficient to justify the Appeal B proposal. In my assessment, if the

²⁸⁹ See paras 9.68 and 9.71 of Doc A2.1

²⁹⁰ In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (‘the Habitats Regulations’)

Appeal A proposal is considered acceptable as just outlined, then very special circumstances would exist in the case of Appeal B.

621. If the SoS is minded to allow Appeal B, then the 57 conditions set out in the second part of Appendix C to this Report should be imposed. These conditions were all discussed at the conditions session at the inquiry and were agreed between the Council and the appellant, with the exception of Condition 52.
622. As originally proposed, the Council wanted this condition to remove permitted development rights from all of the proposed residential dwellings, preventing the construction of extensions, alterations, detached buildings or other works, permitted by certain Classes of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended), without the Council's prior written approval. However, following discussion at the inquiry, the Council agreed that its concerns were really only limited to 1 or 2 proposed dwellings because of garden size and/or positioning of the dwellings.
623. Having considered the relevant layout drawing (reference 7884-L(00)103P), it seems to me that such a condition could only really be justified in the case of 2 dwellings which would have very small gardens and/or would be awkwardly positioned with regards to other dwellings. Unfortunately this scheme drawing does not provide plot numbers for the proposed dwellings, but the properties of concern lie on the western side of the road, and are the thirteenth (House Type 2) and fourteenth (House Type 3) dwellings away from the start of the road, counting south from the junction with the proposed health club access. This absence of plot numbers has led to an awkwardly worded condition (number 52), but I believe it to be clear to which 2 dwellings this removal of permitted development rights would apply. All 57 conditions are appropriate to the development proposed and all meet the relevant tests set out in paragraph 56 of the NPPF.
624. In addition, as with Appeal A, if the SoS is minded to grant planning permission for the Appeal B proposal he will need to undertake an Appropriate Assessment, in consultation with Natural England, to establish whether the proposal, either alone or in combination with other plans or projects, is likely to have an adverse effect on the integrity of this National site. This matter was not discussed at the inquiry, so no information to assist with any such assessment is currently available. However, the suggested condition relating to mitigation measures (Condition 40) implies that there would be a likely significant effect on its qualifying features were the scheme to go ahead. If it proves to be necessary, further information will need to be sought from the parties.

Recommendations

625. For reasons set out above, and having regard to my overall conclusions in paragraphs 563 and 614, I recommend that both Appeal A and Appeal B be dismissed.

David Wildsmith

INSPECTOR

APPENDIX A - APPEARANCES

FOR WOKING BOROUGH COUNCIL (WBC):

Mr Timothy Straker QC	Instructed by the Legal Team of Woking Borough Council
He called	
Mr David Gwyn Lewis BSc(Hons) MSc(Hons) MCIHT	Regional Director, Motion Consultants Ltd
Mr Peter Rainier MRTPI	Principal Director of Planning, DMH Stallard LLP

FOR THE APPELLANT, GOLDEV WOKING LTD:

Mr Kevin Leigh of Counsel	Instructed by GolDev Woking Ltd
He called	
Mr Wayne Gold	Controlling and Managing Director, GolDev Ltd
Mr David Bittleston	Former Woking Borough Councillor (1998–2020) & Leader of Woking Borough Council (2017– 2020)
Mr Christian Gilham BA(Hons) DipARCH MRIBA MARB	Lead Architect and Managing Director, Leach Rhodes Walker Architecture Practice
Mr Liam Dunford BSc(Hons) MScSurv FRGS	Senior Director, Point2
Mr Ian Southwell BA(Hons) MCIHT MTPS MCILT	Director, Vectos, Transport Planning Consultancy
Mr Charles Collins BSc(Hons) MSc MRTPI	Director, Savills (UK) Ltd

THE SOUTH WOKING ACTION GROUP (SWAG) (RULE 6(6) PARTY)

Mr Neil Jarman BSc(Hons) CEng MIOA MCIBSE	Local resident
Mrs Katie Bowes MA	Local resident
Mr Andrew Caulfield LLB	Local resident

THE HOE VALLEY NEIGHBOURHOOD FORUM (HVNF) (RULE 6(6) PARTY)

Mr Robert Shatwell	Local resident and Chairman of the Hoe Valley Neighbourhood Forum
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INTERESTED PERSONS OPPOSING THE PROPOSALS:

Mr Graham Chrystie	On behalf of Deborah Hughes and Will Forster, Ward Councillors for Hoe Valley
Mrs Carole Charge	Local resident
Mrs Karen Woodland	Local resident
Mr Jeremy Instone	Local resident
Mrs Elaine Evans	Chairman, Mayford Village Society

APPENDIX B - DOCUMENTS

APPLICATION DOCUMENTS – APPEAL A – KINGFIELD ROAD	
1 - Planning application drawings	
A1.1 to A1.5	Existing Drawings
A1.6 to A1.35	Masterplan Layout Drawings
A1.36 to A1.45	Stadium Drawings
A1.46 to A1.57	Individual Block Plan Drawings: Block 1
A1.58 to A1.69	Individual Block Plan Drawings: Block 2
A1.70 to A1.79	Individual Block Plan Drawings: Block 3
A1.80 to A1.93	Individual Block Plan Drawings: Block 4
A1.94 to A1.106	Individual Block Plan Drawings: Block 5
1.07	Community Concierge Drawing
A1.108 to A1.110	Individual Unit Types Drawings
A1.111 to A1.157	Elevations and Sections Drawings
A1.158 to A1.164	Landscape and Public Realm Drawings
A1.165 to A1.167	Highways Drawings
2 - Other Submission Documents and Reports	
A2.1	Environmental Impact Assessment Volume 1: Environmental Statement
A2.2	Environmental Impact Assessment Volume 2: Townscape and Visual Impact Assessment
A2.3	Environmental Impact Assessment November 2019 Volume 3: Technical Appendices
A2.4	Environmental Statement - Non-Technical Summary
A2.5	Design and Access Statement
A2.6	Internal Daylight and Sunlight Report
A2.7	Arboricultural Impact Assessment
A2.8	Energy Strategy Report
A2.9	Sustainability Strategy Report
A2.10	Interim Healthcare Estate Requirement
A2.11	Desk Study/Preliminary Risk Assessment Report
A2.12	Utilities Appraisal
A2.13	Statement of Community Involvement
A2.14	Financial Viability Report
A2.15	Why Not Woking? - Stadium benefitting Club and Community
A2.16	Planning Statement
A2.17	Responses to ES Review
A2.18	Flood Risk Assessment and Drainage Strategy
A2.19	Soil Infiltration Testing
A2.20	Air Quality Note: Analysis of Ecological Impacts at Thames Basin Heaths SPA
A2.21	Woking Football Club Transport Modelling Technical Note
A2.22	Woking Football Club SCC Highways Response Technical Note
A2.23	Residential Travel Plan
A2.24	Stadium Travel Plan by Vectos, dated March 2020
A2.25	Woking Football Club Stadium Development, Financial Report, dated 15 November 2019

3 -Addendum Documents Post Submission	
A3.1	Letter from Savills on Affordable Housing
A3.2	Supplemental Planning Note Re: Proposed Medical Centre - Layout and Potential Usage (Indicative Only)
A3.3	Very Special Circumstances Supplementary Note
A3.4	Noise Consultant Comment Response
A3.5	Savills Poole Road Appeal Supplemental Planning Note
A3.6	Savills Note on Development Plan Compliance
A3.7	Response to Lighting Assessment
APPLICATION DOCUMENTS – APPEAL B – EGLEY ROAD	
1 - Planning application drawings	
B1.1 to B1.5	Existing Drawings
B1.6 to B1.10	Masterplan Layout Drawings
B1.11 to B1.17	Health Club Drawings
B1.18 to B1.33	Residential Drawings
B1.34 to B1.37	Landscape Drawings
B1.38	Highways Drawings
2 - Other Submission Documents and Reports	
B2.1	Environmental Impact Assessment Volume 1: Environmental Statement
B2.2	Environmental Impact Assessment Volume 2: Technical Appendices
B2.3	Environmental Statement - Non-Technical Summary
B2.4	Design and Access Statement
B2.5	Landscape and Visual Impact Assessment
B2.6	Arboricultural Impact Assessment
B2.7	Sustainability Strategy Report
B2.8	Energy Strategy Report & SAP
B2.9	DLL Woking Energy Strategy
B2.10	Woking: Soil Infiltration Testing
B2.11	Desk Study/Preliminary Risk Assessment
B2.12	Geo-Environmental and Geotechnical Assessment
B2.13	Transport Assessment
B2.14	Workplace Travel Plan
B2.15	* Not used
B2.16	Egley Road SCC Highways Response Technical Note
B2.17	Egley Road - Hoe Valley School Highways Response
B2.18	Egley Road Transport Modelling Technical Note
B2.19	Egley Road Proposed Improvement to Signalised Controlled Crossing
B2.20	External Lighting Plan
B2.21	External Lighting Assessment
B2.22	Utilities Appraisal
B2.23	Statement of Community Involvement
B2.24	Financial Viability Report
B2.25	Planning Statement
B2.26	Responses to ES Review
B2.27	Flood Risk Assessment and Drainage Strategy
3 -Addendum Documents Post Submission	
B3.1	Egley Road Very Special Circumstances Note
B3.2	Residential Dwelling, Supplementary Information Form

B3.3	Information Letter from Savills
B3.4	Response to Surrey Wildlife Trust
B3.5	Response to Air Quality Comments
B3.6	Response to Lighting Comments
B3.7	Response to Noise Comments

CORE DOCUMENTS – APPEALS A & B

CD1 – Appeal Documents

CD1.1	Appeal Covering Letter - Appeal A
CD1.2	Appeal Covering Letter - Appeal B
CD1.3	Appeal Form - Appeal A
CD1.4	Appeal Form - Appeal B
CD1.5	Appeal Notice Letters - Appeal A & B
CD1.6	Appellant Statement of Case - Appeal A
CD1.7	Appellant Statement of Case - Appeal B
CD1.8	LPA Statement of Case - Appeal A
CD1.9	LPA Statement of Case - Appeal B
CD1.10	SWAG Statement of Case - Appeal A
CD1.11	Hoe Valley RA Statement of Case - Appeal A
CD1.12	Appellant and LPA SOCG - Appeal A – signed 28 April 2021
CD1.13	Appellant and LPA SOCG - Appeal B – signed 28 April 2021

CD2 – Key consultation responses and representations on planning application/appeal

CD2.1	Fairoaks Airport Consultation Response - Appeal A
CD2.2	Surrey CC SUDs Consultation Response - Appeal A
CD2.3	Historic England Consultation Response - Appeal A
CD2.4	Surrey Police Consultation Response - Appeal A
CD2.5	Thames Water Consultation Response - Appeal A
CD2.6	Sport England Consultation Response - Appeal A
CD2.7	Historic Buildings Consultation Response - Appeal A
CD2.8	Planning Casework Unit Consultation Response - Appeal A
CD2.9	Surrey Fire and Rescue Service Consultation Response - Appeal A
CD2.10	Natural England Consultation Response - Appeal A
CD2.11	National Rail Consultation Response - Appeal A
CD2.12	Environment Agency Consultation Response - Appeal A
CD2.13	Principal Tree Officer Consultation Response - Appeal A
CD2.14	Spatial Planning and Minerals and Waste Team Consultation Response - Appeal A
CD2.15	Archaeologist Consultation Response - Appeal A
CD2.16	Joint Waste Solutions Consultation Response - Appeal A
CD2.17	SCC Highways Consultation Response - Appeal A
CD2.18	Surrey Wildlife Trust Consultation Response - Appeal A
CD2.19	Drainage and Flood Risk Engineer Consultation Response - Appeal A
CD2.20	Contaminated Land Officer Consultation Response - Appeal B
CD2.21	Principal Tree Officer Consultation Response - Appeal B
CD2.22	Archaeologist Consultation Response - Appeal B
CD2.23	Drainage and Flood Risk Engineer Consultation Response - Appeal B
CD2.24	Environment Agency Consultation Response - Appeal B
CD2.25	Thames Water Consultation Response - Appeal B

CD2.26	Historic Buildings Consultation Response - Appeal B
CD2.27	Historic England Consultation Response - Appeal B
CD2.28	Joint Waste Solutions Consultation Response - Appeal B
CD2.29	Natural England Consultation Response - Appeal B
CD2.30	SCC Highways Consultation Response - Appeal B
CD2.31	Surrey Wildlife Trust Consultation Response - Appeal B
CD3 - Decision Notice and Committee Report	
CD3.1	Committee Report - Appeal A
CD3.2	Committee Report Update - Appeal A
CD3.3	Committee Report - Appeal B
CD3.4	Decision Notice - Appeal A
CD3.5	Decision Notice - Appeal B
CD4 – Local Planning Policy and Guidance	
(i) Adopted Development Plan	
CD4.1	<u>Woking Core Strategy (2012) (relevant extracts)</u> CS1 - A spatial strategy for Woking Borough CS7 - Biodiversity and nature conservation CS8 - Thames Basin Heaths Special Protection Areas CS9 - Flooding and water management CS10 - Housing provision and distribution CS11 - Housing mix CS12 - Affordable housing CS15 - Sustainable economic development CS16 - Infrastructure delivery CS17 - Open space, green infrastructure, sport and recreation CS18 - Transport and accessibility CS19 - Social and community infrastructure CS20 - Heritage and conservation CS21 - Design CS22 - Sustainable construction CS23 - Renewable and low carbon energy generation CS24 - Woking's landscape and townscape CS25 - Presumption in favour of sustainable development
CD4.2	<u>DMP Development Plan Document (2016) (Relevant Extracts)</u> DM1 - Green infrastructure opportunities DM2 - Trees and landscaping DM3 - Facilities for outdoor sport and outdoor recreation DM5 - Environmental pollution DM6 - Air and water quality DM7 - Noise and light pollution DM8 - Land contamination and hazards DM10 - Development on garden land DM11 - Sub-divisions, specialist housing, conversions and loss of housing DM15 - Shops outside designated centres DM16 - Servicing development DM17 - Public realm DM19 - Shopfronts DM20 - Heritage assets and their settings
CD4.3	<u>South East Plan (2009) (Relevant Extracts)</u> Saved Policy NRM6 – Thames Basin Heaths SPA

(ii) Emerging Planning Documents	
CD4.4	Site Allocations Development Plan Document (DPD) (2019) (Relevant Extracts) Main Modifications: Policy UA44 (renumbered UA42) - Woking Football Club, Woking Gymnastic Club, Woking Snooker Club, Westfield Avenue, Woking, GU22 9AA Main Modifications: Policy GB7 (Nursery Land adjacent to Egley Road)
(iii) Emerging Local Plan Representations	
CD4.5	Savills (on behalf of GolDev) representation to the Main Modifications Consultation of the Site Allocations DPD
CD4.6	Savills (on behalf of GolDev) representation to the Regulation 19 Consultation of the Site Allocations DPD
(iv) Other Material Considerations	
CD4.7	National Planning Policy Framework (NPPF) (2019)
CD4.8	National Planning Practice Guidance (2019)
CD4.9	Woking Annual Monitoring Report (2018-19)
CD4.10	Woking Annual Monitoring Report (2019-20)
CD4.11	Woking Parking Standards SPD (2018)
CD4.12	Outlook, Amenity, Privacy and Daylight SPD (2008)
CD4.13	Design SPD (2015)
CD4.14	Woking Proposals Map (2016)
CD4.15	West Surrey Strategic Housing Market Assessment (2015)
CD4.16	<u>Documents associated with the examination of the Site Allocations DPD, including:</u> Sustainability Appraisal Report (2018) Habitats Regulation Assessment (2018) Woking Green Belt Review (2013)
CD4.17	Design Review Panel Report
CD4.18	Inspectors Report into the 2012 Core Strategy
CD4.19	Inspector's Woking Site Allocations Development Plan Document Post-hearings Letter
CD4.20	Parking Strategy: Surrey Transport Plan
CD4.21	Vehicular and Cycle Parking Guidance – Surrey County Council
CD4.22	Site Layout Planning for Daylight and Sunlight 2011, A Guide to Good Practice
CD4.23	Woking Parking Review: 2020
CD4.24	National Model Design Code
CD4.25	National Design Guide
CD5 - Relevant Appeals and Case Law	
(i) Relevant Case Law	
CD5.1	R (Basildon District Council) v First Secretary of State [2004] JPL 942
CD5.2	Hunston Properties Limited v (1) Secretary of State for Communities and Local Government and (2) St Albans City and District Council [2013] EWHC 2678
CD5.3	R (Smech Properties Ltd) v Runnymede BC (Court of Appeal) [2016] EWCA Civ 42
CD5.4	Brentwood BC v Secretary of State for the Environment and Gray [1996] 72 P. & C.R. 61

CD5.5	Rainbird, R (on the application of) v The Council of the London Borough of Tower Hamlets [2018] EWHC 657 (Admin)
CD5.6	Lee Valley Regional Park Authority, R (on the application of) and Broxbourne BC v Britannia Nurseries [2015] EWHC 185 (Admin)
CD5.7	Wychavon District Council v Secretary of State for Communities and Local Government and others: CA [2008] EWHC Civ 692
CD5.8	Wildie, R (on the application of) v Wakefield Metropolitan District Council & Anor [2013] EWHC 2769 (Admin)
CD5.9	R (Luton Borough Council) v Central Bedfordshire Council & Ors [2015] EWCA Civ 537
(ii) Relevant Appeals	
CD5.10	Land to the West of Burley in Wharfedale at Sun Lane and Ilkley Road (APP/W4705/V/18/3208020)
CD5.11	Land at Perrybrook (APP/G1630/V/14/2229497)
CD5.12	Land at London Road, Benfleet, Castle Point (APP/M1520/W/20/3246788)
CD5.13	Land at Edgware Road, Church Street, Paddington Green and Newcastle Place (APP/X5990/E/03/1132470, APP/X5990/E/03/1132473, APP/X5990/E/03/1132475, APP/X5990/E/03/1132476)
CD6 – Documents submitted during the course of the Inquiry	
CD6.1	R v Wrexham Borough Council ex parte Wall, referred to in the Council's opening submissions
CD6.2	Pot Pourri from a Surrey Garden by John Betjeman, referred to in the Council's opening submissions
CD6.3	Welcome to David Lloyd, Woking, referred to in the Council's opening submissions
CD6.4	Woking Character Study – October 2010
CD6.5	Demographic Profile of Woking Borough based on 2011 census
CD6.6	Woking Football Club Correspondence with Planning Inspectorate – January 2021
CD6.7	Further Statement From Mr Wayne Gold – 14 May 2021
CD6.8	Agreement for Lease, submitted by the appellant
CD6.9	Implementation Agreement, submitted by the appellant
CD6.10	Loan Facility Agreement, submitted by the appellant
CD6.11	Email Correspondence from David Lloyd Leisure Ltd – 14 May 2021
CD6.12	Additional Mark-Up of Existing South Stand (1), submitted by the appellant
CD6.13	Additional Mark-Up of Existing South Stand (2), submitted by the appellant
CD6.14	Planning for Sport Guidance – Sport England 2019
CD6.15	Fitness and Exercise Spaces – Sport England 2008
CD6.16	Signed Planning Development Agreement – 18 May 2021
CD6.17	Note on Proposed Additional Conditions
CD6.18	Appeal A Proposed Conditions Schedule – UPDATED – 18 May 2021
CD6.19	Appeal B Proposed Conditions Schedule – UPDATED – 18 May 2021
CD6.20	On-Street Parking Demand Assessment submitted by Mr Southwell for the appellant – 19 May 2021
CD6.21	Architectural and Landscape Information in response to DSE Comments 2.4 and 2.5 of the Design Review Panel, submitted by the appellant – 19 May 2021
CD6.22	North Wiltshire District Council v Secretary of State for the Environment and Clover (1993), submitted by the Council

CD6.23	Appellant correspondence with Woking Football Club – October 2020- January 2021, submitted by the appellant
CD6.24	Response from Mr Lewis for the Council to Mr Southwell's On-Street Parking Demand Assessment (CD6.20) – 19 May 2021
CD6.25	Appeal A CIL Compliance Statement
CD6.26	Appeal B CIL Compliance Statement
CD6.27	David Lloyd Centre Planning Permission (PLAN-1992-0162) - 1992
CD6.28	David Lloyd Centre Planning Permission (PLAN-1992-0427) - 1997
CD6.29	Planning Inspectorate Good Practice Advice Note 09 – February 2011
CD6.30	Holmes Miller Capacity Plan (427-SK-020 A), referred to by SWAG

ADDITIONAL DOCUMENTS – APPEALS A & B

ADD1	Design & Access Statement – Appeal A
ADD2	Planning Application Architectural Drawings at A3 scale - Appeal A
ADD3	Design & Access Statement – Appeal B
ADD4	Planning Application Architectural Drawings at A3 scale - Appeal B

PROOFS OF EVIDENCE

Appellant

APP/WG/1	Proof of Evidence and Appendices 1-6 – Wayne Gold (<i>Scheme background</i>)
APP/DB/1	Statutory Declaration – David Bittleston (<i>Scheme background</i>)
APP/CG/1	Proof of Evidence – Christian Gilham (<i>Architecture and Design</i>)
APP/CG/2	Appendix 1 - Christian Gilham
APP/CG/3	Appendix 2 - Christian Gilham
APP/CG/4	Appendix 3 - Christian Gilham
APP/CG/5	Rebuttal Proof of Evidence – Christian Gilham
APP/LD/1	Proof of Evidence and Appendices A-H – Liam Dunford (<i>Daylight/Sunlight</i>)
APP/IS/1	Proof of Evidence and Appendices IS1-IS6 – Ian Southwell (<i>Transport & Parking</i>)
APP/IS/2	Rebuttal Proof of Evidence – Ian Southwell
APP/CC/1	Proof of Evidence and Appendices – Appeal A – Charles Collins (<i>Planning</i>)
APP/CC/2	Proof of Evidence and Appendices – Appeal B – Charles Collins

Council

WBC/DL/1	Proof of Evidence – David Lewis
WBC/DL/1S	Summary of Proof – David Lewis
WBC/DL/2	Appendices A-E – David Lewis
WBC/PR/1	Proof of Evidence – Appeal A - Peter Rainier
WBC/PR/1S	Summary of Proof – Appeal A - Peter Rainier
WBC/PR/2	Appendices 1-2 – Appeal A - Peter Rainier
WBC/PR/3	Proof of Evidence – Appeal B - Peter Rainier
WBC/PR/3S	Summary of Proof – Appeal B - Peter Rainier

South Woking Action Group (SWAG)

SWAG/NJ/1	Proof of Evidence and Appendices A-E – Neil Jarman
SWAG/NJ/1S	Summary Proof of Evidence – Neil Jarman

SWAG/NJ/2-7	Bundle of 6 further supporting documents – Neil Jarman
SWAG/AC/1	Proof of Evidence – Andrew Caulfield
SWAG/AC/1S	Summary Proof of Evidence – Andrew Caulfield
SWAG/AC/2	Appendices 1-2 – Andrew Caulfield
SWAG/AC/3-5	Bundle of 3 further supporting documents - Andrew Caulfield
SWAG/KB/1	Proof of Evidence – Katie Bowes
SWAG/KB/1S	Summary Proof of Evidence – Katie Bowes
SWAG/KB/2	Powerpoint slides – Katie Bowes
SWAG/KB/3	Crest Nicholson Brochure for Willow Reach – Katie Bowes
Hoe Valley Neighbourhood Forum (HVNF)	
HVNF/RS/1	Statement of Evidence – Robert Shatwell
HVNF/RS/2	Supplemental Evidence – HVNF Survey Results, March 2021
HVNF/RS/3	Traffic Survey, May 2021
HVNF/RS/4	Final Statement of Case, together with 12 photographs

OTHER DOCUMENTS SUBMITTED BEFORE THE INQUIRY OPENED

OD/HVNF/1	Email from HVNF, dated 19 April 2021, relating to results of surveys carried out by HVNF
OD/HVNF/2	Email from HVNF, dated 29 April 2021, relating to key points arising from local public consultation
OD/HVNF/3	Email from HVNF, dated 5 May 2021, relating to the photographs of parked vehicles, previously submitted
OD/SWAG/1	Email from SWAG, dated 9 May 2021, relating to disabled parking arrangements at the football ground
OD/SV/1	Suggested itinerary for pre-inquiry unaccompanied site visit

DOCUMENTS SUBMITTED DURING AND AFTER THE CLOSE OF THE INQUIRY

Doc 1	Opening statement of behalf of the applicant – Appeal A
Doc 2	Opening statement of behalf of the applicant – Appeal B
Doc 3	Opening statement on behalf of the Council
Doc 4	Opening Statement on behalf of SWAG
Doc 5	Statement of Hoe Valley Ward Councillors Will Forster and Deborah Hughes, delivered by Mr Chrystie
Doc 6	Statement of Mrs Charge
Doc 7	Statement of Mrs Woodland
Doc 8	Statement of Mr Instone
Doc 9	Statement of Mr Egginton, delivered by Mrs Evans
Doc 10	Statement from Dr Michele Turitto – submitted to the inquiry, but not presented orally
Doc 11	Questions submitted by Mr Alan Chan and circulated to the main parties, but not presented orally
Doc 12	Email from HVNF dated 11 May 2021, providing details relating to the figure of 93 properties, in the context of emerging SADPD Policy UA44
Doc 13	Email from Mr Instone, dated 11 May 2021, providing car ownership details for Woking
Doc 14	Email from SWAG, dated 13 May 2021, together with an extract from the document 'Accessible Stadia'
Doc 15	Email from SWAG, dated 13 May 2021, relating to basement parking plans and other layout drawings

Doc 16	Bundle of emails from Rosemary Johnson MBE, Chair of Woking Football Club, dated 13 May 2021, 18 May 2021 and 19 May 2021, setting out various aspects of the Football Club's position.
Doc 17	Email from Mr Rainier, dated 19 May, with suggested itinerary for accompanied site visit on 24 May 2021
Doc 18	Email from Mrs Evans, dated 21 May, regarding daily traffic flows on Egley Road
Doc 19	Email from SWAG attaching front page of the Woking News and Mail of 6 May 2021
Doc 20	Closing statement on behalf of Hoe Valley Ward Councillors, delivered by Mr Chrystie
Doc 21	Closing statement on behalf of HVNF
Doc 22	Closing statement on behalf of SWAG
Doc 23	Closing submissions on behalf of the Council
Doc 24	Closing Submissions on behalf of the appellant – Appeal A
Doc 25	Closing Submissions on behalf of the appellant – Appeal B
<i>Additional documents submitted after the close of the inquiry, relating to the revised July 2021 version of the NPPF</i>	
Doc 26	Further Statement from the appellant
Doc 27	Comments from SWAG
Doc 28	Comments from the Council
Doc 29	Rebuttal to SWAG's comments, from the appellant
<i>Further additional documents submitted after the close of the inquiry</i>	
Doc 30	Inspector's Report on the Examination of the SADPD – 6 August 2021
Doc 31	Appendices to the Inspector's Report on the Examination of the SADPD
Doc 32	Email dated 7 September 2021, providing comments from the Council, SWAG and HVNF on the above Inspector's Report and Appendices
Doc 33	Appellant's comments on the above Inspector's Report and Appendices

APPENDIX C – APPEAL A - CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED (83 in total, plus 1 'optional' condition)

1. The development for which permission is hereby granted must be commenced not later than the expiration of 3 years beginning with the date of this permission.
Reason: *To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).*
2. No development must commence (including demolition and site preparation works) until full details, including plans, of the phasing of the development have been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in strict accordance with the approved details of phasing, unless any variation or amendments have first been agreed in writing with the Local Planning Authority.
Reason: *To ensure the development progresses in an orderly manner without undue loss of amenity to the surrounding area and that satisfactory facilities are provided to service all stages of the development in accordance with Policy CS21 of the Woking Core Strategy (2012) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*
3. The development hereby permitted must be carried out only in accordance with the approved plans and documents listed below, unless where required or allowed by other conditions attached to this planning permission:

Project No/ Drawing No/ Rev	Drawing Title	Date
Existing Drawings		
7884 L(00) 01 F	Existing Site Plan	26.11.19
7884 L(00) 333 --	Location Plan	16.10.19
7884 L(00) 221 A	Site Edged Red Plan	22.10.19
7884 L(00) 334 --	Demolition Plan	22.10.19
7884 L(00) 457 --	Existing Building Survey Elevations	28.11.19
Masterplan Layout Drawings		
7884 L(00) 282 F	Masterplan Basement Floor Plan	22.10.19
7884 L(00) 66 R	Masterplan Lower Ground Floor Plan	05.11.19
7884 L(00) 67 AA	Masterplan Ground Floor Plan	22.10.19
7884 L(00) 68 S	Masterplan First Floor Plan	22.10.19
7884 L(00) 69 U	Masterplan Second Floor Plan	22.10.19
7884 L(00) 70 T	Masterplan Third Floor Plan	22.10.19
7884 L(00) 71 S	Masterplan Fourth Floor Plan	22.10.19
7884 L(00) 72 U	Masterplan Fifth Floor Plan	22.10.19
7884 L(00) 73 V	Masterplan Sixth Floor Plan	14.10.19
7884 L(00) 74 W	Masterplan Seventh Floor Plan	22.10.19
7884 L(00) 75 W	Masterplan Eighth Floor Plan	22.10.19
7884 L(00) 76 W	Masterplan Ninth Floor Plan	22.10.19
7884 L(00) 77 V	Masterplan Tenth Floor Plan	22.10.19
7884 L(00) 251 M	Masterplan Roof Plan	22.10.19
7884 L(00) 283 D	Proposed Basement Level (Colour)	06.11.19
7884 L(00) 78 L	Proposed Lower Ground Floor (Colour)	06.11.19
7884 L(00) 79 P	Proposed Ground Floor (Colour)	28.10.19
7884 L(00) 80 J	Proposed First Floor (Colour)	04.11.19
7884 L(00) 81 J	Proposed Second Floor (Colour)	28.10.19
7884 L(00) 82 K	Proposed Third Floor (Colour)	28.10.19
7884 L(00) 83 J	Proposed Fourth Floor (Colour)	28.10.19
7884 L(00) 84 K	Proposed Fifth Floor (Colour)	28.10.19
7884 L(00) 85 J	Proposed Sixth Floor (Colour)	23.10.19
7884 L(00) 86 K	Proposed Seventh Floor (Colour)	23.10.19
7884 L(00) 87 L	Proposed Eighth Floor (Colour)	28.10.19
7884 L(00) 88 J	Proposed Ninth Floor (Colour)	23.10.19
7884 L(00) 332 C	Proposed Tenth Floor (Colour)	23.10.19
7884 L(00) 89 K	Proposed Roof Floor (Colour)	23.10.19
7884 L(00) 335 B	Roof Plan Identifying Heights (Colour)	04.11.19
7884 L(00) 436	Boundary Treatment Plan	24.10.19
Stadium		
4279-AL-001 B	Ground Floor Plan	15.10.19
4279-AL-002 B	First Floor Plan	15.10.19
4279-AL-003 B	Second Floor Plan	15.10.19
4279-AL-004 A	Roof Plan	02.10.19

4279-AL-005 A	Stadium Cross Sections	02.10.19
4279-AL(0) 006 A	Stadium West Stand Sections	02.10.19
4279-AL-010 B	Stadium Elevations 1 of 2	09.12.19
4279-AL-011 B	Stadium Elevations 2 of 2	09.12.19
4279-AL-012 B	Elevations In Context 1 of 2	09.12.19
4279-AL-013 B	Elevations In Context 2 of 2	09.12.19
4279-AL-001 B	Ground Floor Plan	15.10.19
Individual Block Plan Drawings		
Block 1		
7884 L(00) 111 G	Block 1 Lower Ground Floor Plan	22.10.19
7884 L(00) 112 F	Block 1 Ground Floor Plan	22.10.19
7884 L(00) 113 F	Block 1 First Floor Plan	22.10.19
7884 L(00) 114 F	Block 1 Second Floor Plan	22.10.19
7884 L(00) 115 F	Block 1 Third Floor Plan	22.10.19
7884 L(00) 116 F	Block 1 Fourth Floor Plan	22.10.19
7884 L(00) 117 G	Block 1 Fifth Floor Plan	22.10.19
7884 L(00) 118 G	Block 1 Sixth Floor Plan	22.10.19
7884 L(00) 119 G	Block 1 Seventh Floor Plan	22.10.19
7884 L(00) 120 G	Block 1 Eighth Floor Plan	22.10.19
7884 L(00) 121 G	Block 1 Ninth Floor Plan	22.10.19
7884 L(00) 122 G	Block 1 Roof Plan	22.10.19
Block 2		
7884 L(00) 123 F	Block 2 Lower Ground Floor Plan	22.10.19
7884 L(00) 124 G	Block 2 Ground Floor Plan	22.10.19
7884 L(00) 125 G	Block 2 First Floor Plan	22.10.19
7884 L(00) 126 G	Block 2 Second Floor Plan	22.10.19
7884 L(00) 127 G	Block 2 Third Floor Plan	22.10.19
7884 L(00) 128 G	Block 2 Fourth Floor Plan	22.10.19
7884 L(00) 129 G	Block 2 Fifth Floor Plan	22.10.19
7884 L(00) 130 G	Block 2 Sixth Floor Plan	22.10.19
7884 L(00) 131 G	Block 2 Seventh Floor Plan	22.10.19
7884 L(00) 132 G	Block 2 Eighth Floor Plan	22.10.19
7884 L(00) 133 F	Block 2 Ninth Floor Plan	22.10.19
7884 L(00) 336 --	Block 2 Roof Plan	22.10.19
Block 3		
7884 L(00) 134 H	Block 3 Lower Ground Floor Plan	22.10.19
7884 L(00) 135 J	Block 3 Ground Floor Plan	22.10.19
7884 L(00) 136 J	Block 3 First Floor Plan	22.10.19
7884 L(00) 137 J	Block 3 Second Floor Plan	22.10.19
7884 L(00) 138 J	Block 3 Third Floor Plan	22.10.19
7884 L(00) 139 J	Block 3 Fourth Floor Plan	22.10.19
7884 L(00) 140 J	Block 3 Fifth Floor Plan	22.10.19
7884 L(00) 141 J	Block 3 Sixth Floor Plan	22.10.19
7884 L(00) 142 J	Block 3 Seventh Floor Plan	22.10.19

7884 L(00) 143 F	Block 3 Roof Plan	22.10.19
7884 L(00) 134 H	Block 3 Lower Ground Floor Plan	22.10.19
Block 4		
7884 L(00) 337 --	Block 4 Basement Plan	16.10.19
7884 L(00) 144 K	Block 4 Lower Ground Floor Plan	22.10.19
7884 L(00) 145 N	Block 4 Ground Floor Plan	22.10.19
7884 L(00) 146 N	Block 4 First Floor Plan	22.10.19
7884 L(00) 147 N	Block 4 Second Floor Plan	22.10.19
7884 L(00) 148 N	Block 4 Third Floor Plan	22.10.19
7884 L(00) 149 N	Block 4 Fourth Floor Plan	22.10.19
7884 L(00) 150 N	Block 4 Fifth Floor Plan	22.10.19
7884 L(00) 151 N	Block 4 Sixth Floor Plan	22.10.19
7884 L(00) 152 N	Block 4 Seventh Floor Plan	22.10.19
7884 L(00) 153 N	Block 4 Eighth Floor Plan	22.10.19
7884 L(00) 154 H	Block 4 Ninth Floor Plan	22.10.19
7884 L(00) 338 --	Block 4 Tenth Floor Plan	22.10.19
7884 L(00) 339 --	Block 4 Roof Plan	22.10.19
7884 L(00) 337 --	Block 4 Basement Plan	16.10.19
Block 5		
7884 L(00) 340 --	Block 5 Basement Plan	16.10.19
7884 L(00) 155 H	Block 5 Lower Ground Floor Plan	22.10.19
7884 L(00) 156 Q	Block 5 Ground Floor Plan	22.10.19
7884 L(00) 157 R	Block 5 First Floor Plan	22.10.19
7884 L(00) 158 Q	Block 5 Second Floor Plan	22.10.19
7884 L(00) 159 Q	Block 5 Third Floor Plan	22.10.19
7884 L(00) 160 Q	Block 5 Fourth Floor Plan	22.10.19
7884 L(00) 161 Q	Block 5 Fifth Floor Plan	22.10.19
7884 L(00) 162 Q	Block 5 Sixth Floor Plan	22.10.19
7884 L(00) 163 Q	Block 5 Seventh Floor Plan	22.10.19
7884 L(00) 164 Q	Block 5 Eighth Floor Plan	22.10.19
7884 L(00) 165 H	Block 5 Ninth Floor Plan	22.10.19
7884 L(00) 341 --	Block 5 Roof Plan	22.10.19
7884 L(00) 340 --	Block 5 Basement Plan	16.10.19
Community Concierge		
7884 L(00) 298 F	Community Concierge Building Ground Floor Plan and Roof Plan	24.10.19
Individual Unit Types		
7884 L(00) 166 D	Unit Types One Bed Duplex	07.10.19
7884 L(00) 167 E	Unit Types Two Bed Townhouse	07.10.19
7884 L(00) 171 E	Unit Types 2 Bedroom Duplex	09.10.19
Elevations/Sections		
7884 L(00) 239 E	Block 1 Elevations	04.12.19
7884 L(00) 405 A	Block 1 Courtyard Elevations	21.10.19
7884 L(00) 240 E	Block 2 Elevations	04.12.19

7884 L(00) 406 A	Block 2 Courtyard Elevations	04.12.19
7884 L(00) 241 E	Block 3 Elevations	04.12.19
7884 L(00) 407 A	Block 3 Courtyard Elevations	04.12.19
7884 L(00) 242 E	Block 4 Elevations	04.12.19
7884 L(00) 408 A	Block 4 Courtyard Elevations	04.12.19
7884 L(00) 243 E	Block 5 Elevations	04.12.19
7884 L(00) 409 A	Block 5 Courtyard Elevations	04.12.19
7884 L(00) 314 B	Community Concierge	10.12.19
7884 L(00) 236 C	Proposed Street Scene Elevation Sheet 1	22.10.19
7884 L(00) 237 C	Proposed Street Scene Elevation Sheet 2	22.10.19
7884 L(00) 238 C	Proposed Street Scene Elevation Sheet 3	22.10.19
7884 L(00) 291 A	Block 1 Sections	21.10.19
7884 L(00) 292 A	Block 2 Sections	21.10.19
7884 L(00) 293 A	Block 3 Sections	21.10.19
7884 L(00) 294 A	Block 4 Sections	21.10.19
7884 L(00) 295 A	Block 5 Sections	21.10.19
7884 L(00) 478 A	Block 1 - Large Scale Design Details Section	16.01.20
7884 L(00) 479 A	Block 1 - Large Scale Design Details - Sheet 1	16.01.20
7884 L(00) 480 A	Block 1 - Large Scale Design Details - Sheet 2	16.01.20
7884 L(00) 481 A	Block 1 - Large Scale Design Details - Sheet 3	16.01.20
7884 L(00) 483 A	Block 3 Design Intent Section	16.01.20
7884 L(00) 484 A	Block 3 Design Intent Details - Sheet 1	16.01.20
7884 L(00) 485 A	Block 3 Design Intent Details - Sheet 2	16.01.20
7884 L(00) 486 A	Block 3 Design Intent Details - Sheet 3	16.01.20
7884 L(00) 497	Large Scale Design Details - Block 1 - Elevation C	17.01.20
7884 L(00) 498	Large Scale Design Details - Block 1 - Elevation C - Key	17.01.20
7884 L(00) 499	Large Scale Design Details - Block 1 - Elevation D	17.01.20
7884 L(00) 500	Large Scale Design Details - Block 1 - Elevation D - Key	17.01.20
7884 L(00) 501	Large Scale Design Details - Block 2 - Elevation B	17.01.20
7884 L(00) 502	Large Scale Design Details - Block 2 - Elevation B - Key	17.01.20
7884 L(00) 503	Large Scale Design Details - Block 2 - Elevation C	17.01.20
7884 L(00) 504	Large Scale Design Details - Block 2 - Elevation C - Key	17.01.20
7884 L(00) 505	Large Scale Design Details - Block 3 - Elevation B	17.01.20
7884 L(00) 506	Large Scale Design Details - Block 3 - Elevation B - Key	17.01.20
7884 L(00) 507	Large Scale Design Details - Block 3 - Elevation C	17.01.20
7884 L(00) 508	Large Scale Design Details - Block 3 - Elevation C - Key	17.01.20
7884 L(00) 509	Large Scale Design Details - Block 4 - Elevation A	17.01.20
7884 L(00) 510	Large Scale Design Details - Block 4 - Elevation A - Key	17.01.20
7884 L(00) 511	Large Scale Design Details - Block 4 - Elevation B	17.01.20
7884 L(00) 512	Large Scale Design Details - Block 4 - Elevation B - Key	17.01.20
7884 L(00) 513	Large Scale Design Details - Block 5 - Elevation A	17.01.20
7884 L(00) 514	Large Scale Design Details - Block 5 - Elevation A - Key	17.01.20
7884 L(00) 515	Large Scale Design Details - Block 5 - Elevation B	17.01.20
7884 L(00) 516	Large Scale Design Details - Block 5 - Elevation B - Key	17.01.20

Landscape and Public Realm		
A241-KR-LA01 A	Landscape Masterplan	21.11.2019
A241-KR-GA01 D	Landscape and Public Realm General Arrangement - Drawing 1 of 4	21.11.2019
A241-KR-GA02 D	Landscape and Public Realm General Arrangement - Drawing 2 of 4	21.11.2019
A241-KR-GA03 D	Landscape and Public Realm General Arrangement - Drawing 3 of 4	21.11.2019
A241-KR-GA04 D	Landscape and Public Realm General Arrangement - Drawing 4 of 4	21.11.2019
A241-KR-GA05 A	Landscape Roofs General Arrangement - Drawing 1 of 2	21.11.2019
A241-KR-GA06 A	Landscape Roofs General Arrangement - Drawing 2 of 2	21.11.2019
Highways		
183923-A02-AT01 A	Proposed Site Access Block 1 and 2 - General Arrangement, Visibility Splays and Swept Path Analysis (Large Car)	09.09.19
183923-A03-AT01 A	Proposed Site Access Block 3, 4 and 5 - General Arrangement, Visibility Splays and Swept Path Analysis (Large Car)	09.09.19
183923-A01-AT01 A	Proposed Improvements to Existing Site Access General Arrangement, Visibility Splays and Swept Path Analysis (Max Legal Length HGV)	09.09.19
Environmental Impact Assessment		
Document Title		Date
Environmental Impact Assessment - Volume 1: Environmental Statement		November 2019
Environmental Impact Assessment - Volume 2: Townscape and Visual Impact Assessment		November 2019
Environmental Impact Assessment - Volume 3: Technical Appendices		November 2019

Reason: To accord with Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The development hereby permitted must be carried out only in accordance with the proposed finished floor levels and ground levels as shown on the approved plans.

Reason: In the interests of visual amenity of the site and surrounding area in accordance with Policies CS21 and CS24 of the Woking Core Strategy (2012) and the NPPF.

5. Prior to the first internal fit-out of the medical centre plans at 1:100 scale showing the detailing and internal layout of the centre for the provision of any medical or health services (Class D1) (the coloured areas annotated 'Doctor's surgery' and 'Dentist' on the plan numbered 4279-AL-003 B) and details of its operation, must be submitted to and approved in writing by the Local Planning Authority. The centre for the provision of any medical or health services (Class D1) must be available for occupation in accordance with the approved details prior to the first use of the stadium for football purposes and must thereafter be permanently maintained in accordance with the approved details.

Reason: To ensure a high quality development in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the NPPF.

6. No temporary or permanent mobile food/drink/alcohol sales facilities shall be established or carried out within the site other than in the designated food/drink areas (including kiosks) within the permitted stadium.

Reason: *In the interests of maintaining a high standard of appearance of the development and the amenities of the occupiers of the adjoining and surrounding residential properties in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the Development Management Policies Development Plan Document (DMPDPD) (2016) and the NPPF.*

7. The following units hereby permitted within the stadium must not be used other than for the following purposes as defined within The Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) with any change between the uses permitted for up to 10 years following first occupation of any relevant unit:
- Coloured areas annotated 'Retail 01', 'Pharmacy 02' and 'Retail 03' on the plan numbered 4279-AL-001 B: use(s) only falling within:
 - (i) Class A1: all uses;
 - (ii) Class A2: all uses; and
 - (iii) Class A3: all uses.
 - Coloured areas annotated 'Commercial' on the plans numbered 4279-AL-002 B and 4279-AL-003 B: use(s) only falling within:
 - (i) Class B1: all uses; and
 - (ii) Class D1: all uses except for, or in connection with, public worship or religious instruction.

In respect of the above Class D1 use hereby permitted use as a crèche, day nursery or day centre and/or for the provision of education (within Class D1) shall not exceed 100 sqm in gross internal area without express planning permission from the Local Planning Authority first being obtained.

In respect of the above Class D1 use hereby permitted, notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the use shall not be changed to for, or in connection with, public worship or religious instruction without express planning permission from the Local Planning Authority first being obtained.

- Coloured areas annotated 'Doctor's surgery' and 'Dentist' on the plan numbered 4279-AL-003 B: use only falling within:
 - (i) Class D1: for the provision of any medical or health services

In respect of the above Class D1 use hereby permitted, notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the use shall not be changed to use as a crèche, day nursery or day centre, for the provision of education, for the display of works of art (otherwise than for sale or hire), as a museum, as a public library or public reading room, as a public hall or exhibition hall, for, or in connection with, public worship or religious instruction or as a law court without express planning permission from the Local Planning Authority first being obtained.

Reason: *To protect the amenity of the surrounding area in respect of noise and disturbance, vehicle movements and parking provision in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016), SPD Parking Standards (2018) and the NPPF.*

8. No unit(s) within Use Class A3 shall be first occupied until full details (including external appearance and technical specification) of any necessary extraction and ventilation systems (including acoustic properties) for that unit have been submitted to and approved in writing by the Local Planning Authority. The extraction and ventilation systems shall be installed in accordance with the approved details before the use commences and permanently

maintained in accordance with the manufacturer's recommendations for the duration of the use within class A3.

Reason: To ensure a high quality development in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the NPPF.

9. In respect of the Class D2 use of the stadium hereby permitted, and notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and/or re-enacting that Order with or without modification(s)) and of Schedule 2, Part 4, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (including any Order(s) revoking and/or re-enacting that Order, with or without modification(s)) other than the football events use permitted by Condition 10 of this planning permission the stadium bowl (the pitch and spectator terraced seats and standing terraces) must not be used for spectator or audience events without express planning permission from the Local Planning Authority first being obtained.

Reason: To protect the amenity of the surrounding area in respect of noise and disturbance, vehicle movements and parking provision in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016), SPD Parking Standards (2018) and the NPPF. Such uses have not been assessed within the submitted Environmental Statement and would require further assessment.

10. The capacity of the stadium hereby permitted must not exceed 9,026 spectators.

Football events using the football pitch hereby permitted which are open to the general public must be limited to the following unless otherwise first agreed in writing by the Local Planning Authority:

- (a) Woking Football Club first team competitive league games in accordance with fixture lists as agreed by the relevant football authorities (eg National League /Football League);
- (b) Woking Football Club first team cup games in accordance with fixtures agreed by the relevant football authorities (eg The Football Association);
- (c) Woking Football Club pre-season friendlies;
- (d) Woking Football Club reserve, senior, youth, and ladies team matches;
- (e) Six charity match days per annum; and
- (f) Local community matches including local leagues and schools, and Cardinals in the Community and Woking Football Club Academy related sporting activities and corporate matches.

Reason: To protect the amenity of the surrounding area in respect of noise and disturbance, vehicle movements and parking provision in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016), SPD Parking Standards (2018) and the NPPF.

11. Apart from the stadium (Class D2 use) and its ancillary spaces/uses (including the bar and hospitality areas), the other floor space and uses hereby permitted within the stadium must only open to customers/members of the public between the following hours:

- 08:00 - 23:00 hrs Mondays to Saturdays (inclusive); and
- 09:00 - 23:00 hrs Sundays and Bank/Public Holidays.

The stadium must only hold major events (football matches) between the hours of 09:00 and 23:00 on any day.

Ancillary spaces/uses within the stadium (including the bar and hospitality areas) must only open to customers/members of the public between the following hours:

- 08:00 - 23:00 hrs Mondays to Saturdays (inclusive); and
- 09:00 - 23:00 hrs Sundays and Bank / Public Holidays

Reason: To protect the amenity of the surrounding area in respect of noise and disturbance in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016), SPD Parking Standards (2018) and the NPPF.

12. Notwithstanding the details submitted with the application prior to the commencement of superstructure works for a building hereby permitted, full details (including samples) of all external facing materials of that building must be submitted to and approved in writing by the Local Planning Authority. The submitted details must include:

Residential buildings (including community concierge building):

- (a) Mock-up panels of the external masonry (including mortar colour and pointing), cladding, metalwork and glazing;
- (b) All external facing materials for the relevant building including glazing, balustrades, balcony screening, spandrel panels, cladding, masonry (including mortar colour and pointing), and metalwork (including permeable screens);
- (c) 1:20 scale drawings of ground floor curtain wall glazing, fins and canopies and upper floor glazing, reveals, balconies, balustrades, metalwork, vents and louvres/brise soleil; and
- (d) 1:75 scale drawings of rooftop layout, showing plant, machinery and building services equipment required for the functioning of the buildings.

Stadium:

- (a) Mock-up panels of the rain screen cladding, translucent polycarbonate, PPC aluminium cladding and glazing;
- (b) All external facing materials for the stadium;
- (c) 1:20 scale drawings of ground floor curtain wall glazing, frontages of ground floor level retail/commercial units, fins and canopies and upper floor glazing, vents and louvres/brise soleil; and
- (d) 1:75 scale drawings showing plant, machinery and building services equipment required for the functioning of the building.

The details must generally accord with the type and quality of materials indicated within the application. The building shall thereafter be carried out and permanently maintained in accordance with the approved details.

Reason: To ensure a high quality development in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the NPPF.

13. Notwithstanding The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any equivalent Order(s) revoking and/or re-enacting and/or modifying that Order), no cables, wires, aerials, pipework (except any rainwater goods as may be shown on the approved plans) meter boxes or flues shall be fixed to any elevation of a building hereby permitted without the prior written consent of the Local Planning Authority. Any such works must be undertaken only in accordance with the approved details and thereafter permanently maintained for the lifetime of the building.

Reason: To ensure a high quality development in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the NPPF.

14. The overall concept, layout, extent and type of hard and soft landscaping for the development hereby permitted must generally accord with the approved plans and documents and must have regard to the approved surface water drainage scheme. Prior to the commencement of any superstructure works within a phase details of the hard and soft landscaping scheme for that phase must first be submitted to and approved in writing by the Local Planning Authority. The submitted details must include:

- (a) full details of all proposed tree planting, including planting and maintenance specifications, including cross-section drawings, details of tree pit design/ underground modular systems, use of guards or other protective measures

- and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
- (b) soft planting, grassed/turfed areas, shrubs and herbaceous areas detailing species, sizes and numbers/densities;
- (c) specifications for operations associated with plant establishment and maintenance that are compliant with best practice;
- (d) enclosures including type, dimensions and treatments of any walls, fences, screen walls, barriers, railings and hedges;
- (e) hard landscaping, including samples and specifications of all ground surface materials, kerbs, edges, steps and any synthetic surfaces;
- (f) street furniture, including details of litter bins (including recycling option);
- (g) detailed design of the children's play space(s), including equipment and structures, key dimensions, materials and manufacturer's specifications, appropriate play space screen planting and boundary treatments, play space signage, play space litter bins (including recycling option) and any other play space street furniture;
- (h) any other landscaping features forming part of the scheme, including private amenity spaces (and any associated outdoor structures) and green roofs;
- (i) a wayfinding and signage strategy; and
- (j) a landscape management plan for the public and private areas to include a maintenance schedule for all landscaped areas and children's play space(s).

Tree and other planting must accord with BS: 3936-1:1992, BS: 4043:1989, BS: 4428:1989 and BS: 8545:2014 (or subsequent superseding equivalent(s)). All landscaping within a phase must be completed/planted in accordance with the approved details during the first planting season following practical completion of that phase or in accordance with a programme otherwise first agreed in writing with the Local Planning Authority. All soft landscaping must have a written 5 year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased must be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within 5 years of planting must be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting must be in accordance with the approved details.

Reason: *To ensure a high quality development in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the DMPDPD (2016), SPD Design (2015) and the NPPF.*

15. Prior to any works being undertaken pursuant to a phase of this planning permission (other than site hoarding) a Construction Environmental Management Plan (CEMP) for that phase (or a CEMP encompassing all phases) must first be submitted to and approved in writing by the Local Planning Authority. The details must be in accordance with Environmental Statement (ES) Volume 1, Chapter 15: Mitigation and Monitoring and include (but not be limited to) the following:

- (a) Measures to minimise visual impact during construction;
- (b) Measures to minimise noise and vibration levels during construction (in accordance with ES Volume 1, Chapter 5: Demolition and Construction and ES Volume 1, Chapter 9: Noise and Vibration);
- (c) Measures to minimise dust levels during construction (in the form of a Dust Management Plan prepared in accordance with ES Volume 3, Appendix: Air Quality (Annex 6));
- (d) Measures to control pollution during construction (including a Pollution Response Plan);
- (e) Measures to prevent potential contamination of controlled waters arising from general demolition and construction-related activities (in accordance with ES Volume 1, Chapter 15: Mitigation and Monitoring);
- (f) Construction lighting strategy, including measures to minimise light spill;
- (g) Measures to reduce water usage during construction;
- (h) Measures to reduce energy usage during construction;

- (i) Neighbour and public relations strategy; and
- (j) Site Waste Management Plan.

Reason: *To protect the environmental interests and the amenity of the area and to comply with Policies CS6, CS7, CS9 and CS21 of the Woking Core Strategy (2012) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*

16. The development hereby permitted must not be first occupied unless and until existing accesses from the site to Westfield Avenue have been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: *In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF.*

17. No part of the development hereby permitted must be first occupied unless and until the dropped kerb at the north-east side of the Claremont Avenue/Wych Hill Lane junction has been permanently closed and any kerbs, verge, footway, fully reinstated, in accordance with a scheme to first be submitted to and approved in writing by the Local Planning Authority.

Reason: *In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF.*

18. Each residential block of the development hereby permitted must not be first occupied unless and until space has been laid out within the site in accordance with the approved plans to provide sufficient parking for that block to meet the residential parking standards outlined in the Woking Parking Standards SPD (2018), for vehicles for that block to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas must be permanently retained and maintained for their designated purposes.

Reason: *In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the NPPF.*

19. The Medical Centre of the development hereby permitted must not be first occupied unless and until space has been laid out within the site in accordance with a scheme to first be submitted to and approved in writing by the Local Planning Authority for a minimum of 8 vehicles to be parked for the Medical Centre, and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas must be permanently retained and maintained for their designated purposes.

Reason: *In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the NPPF.*

20. Each residential block of the development hereby permitted must not be first occupied unless and until 100% of the available parking spaces for that block are provided with the passive infrastructure for electric vehicle charging as required at the time of installation. The installed passive infrastructure must thereafter be upgraded to provide active/fast charge electric vehicle charging provision to individual parking spaces when requested by any initial occupier of any dwelling within that block (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230v AC32 amp single phase dedicated supply), in accordance with a scheme to first be submitted to and approved in writing by the Local Planning Authority prior to first occupation of that block. The submitted scheme must include technical details of the active/fast charge electric vehicle charging point(s) and a timescale for the provision of the points (when requested by any initial occupier of any dwelling within that block). Active/fast charge electric vehicle charging points must be provided in accordance with the approved

scheme and thereafter permanently maintained as such (unless replaced with more advanced technology serving the same objective).

Reason: *In order that suitable provision for electric vehicle charging points is made in accordance with SPDs Parking Standards (2018) and Climate Change (2014) and the NPPF.*

21. The Stadium part of the development hereby permitted must not be first occupied unless and until at least 20% of the available parking spaces for the stadium are provided with fast charge sockets (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230v AC32 amp single phase dedicated supply) and cycle parking in accordance with a scheme to first be submitted to and approved in writing by the Local Planning Authority.

Reason: *In order that suitable provision for cycle parking and electric vehicle charging points is made in accordance with Policy CS18 of the Woking Core Strategy (2012), SPDs Parking Standards (2018) and Climate Change (2014) and the NPPF*

22. Prior to the commencement of development, a scheme (to include a timetable for its implementation), shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the local highways authority, to secure:

- (a) improvements to the site access from Kingfield Road, to include visibility zones to be kept permanently clear of any obstruction over 0.6m high;
- (b) access to the undercroft car parks proposed in 2 locations from Westfield Avenue, to include visibility zones to be kept permanently clear of any obstruction over 0.6m high;
- (c) provision of a pedestrian crossing on Westfield Avenue (close to the Westfield Avenue/Kingfield Road junction, in a location to be confirmed), with a Stage 1 and 2 Road Safety Audit having been undertaken; and
- (d) improvements to the pedestrian environment at Vicarage Road/High Street/Kingfield Road roundabout, with a Stage 1 and 2 Road Safety Audit having been undertaken.

Thereafter the scheme shall be implemented as approved.

Reason: *In the interests of good planning, to ensure suitable site accesses, and to ensure that that the development would not prejudice pedestrian or highway safety or cause inconvenience to other highway users, in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF.*

23. The development hereby permitted must not be first occupied unless and until the existing double yellow lines are re-painted, in accordance with Figure 1A, in the 'Woking Football Club SCC Highways Response Technical Note', dated 03/03/20.

Reason: *In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF.*

24. Prior to any works being undertaken pursuant to a phase of this planning permission (other than site hoarding) a Construction Transport Management Plan (CTMP) for that phase (or a CTMP encompassing all phases), in accordance with the Environmental Statement (ES) and including (but not be limited to) the following:

- (a) Parking for vehicles of site personnel, operatives and visitors;
- (b) Loading and unloading of plant and materials;
- (c) Storage of plant and materials;
- (d) Programme of works (including measures for traffic management);
- (e) Provision of boundary hoarding behind any visibility zones;
- (f) HGV deliveries and hours of operation;
- (g) Vehicle routing (avoiding local Air Quality Management Areas as per the ES);
- (h) Measures to prevent the deposit of materials on the highway;
- (i) Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused,

- (j) No HGV movements to or from the site must take place between the hours of 08:30 - 09:15 hrs and 15:15 - 16:00 hrs nor must the contractor(s) permit any HGVs associated with the development at the site to be laid up, waiting, in local roads during these times,
- (k) On-site turning for construction vehicles.

must be submitted to and approved in writing by the Local Planning Authority.

Only the approved details must be implemented during the demolition and construction works associated with that phase of the development hereby permitted.

Reason: *In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF.*

25. Notwithstanding the information submitted with the application the stadium hereby permitted must not be first opened unless and until a finalised Event Management Plan (EMP), specifying arrangements for the stadium on match days, to include (but not limited to) details of:

- (a) Park and stride promotion and taxi (a car pool operator)/car share promotion;
- (b) Provision of pedestrian wayfinding signs;
- (c) Provision of advanced journey information (including rail and bus timetables);
- (d) In the event of a high attendance match measures for managing the impacts at Woking railway station and control of walking routes between Woking railway station and the stadium (to be developed in consultation with Network Rail/South Western Railway);
- (e) Pre-event liaison with emergency services;
- (f) Site contact details, for the person responsible for managing special events;
- (g) Management of the signalised pedestrian crossing on Kingfield Road;
- (h) Management of the Kingfield Road site access and stadium car park; and
- (i) General management of the surrounding area during match days.

has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved details must be permanently implemented for the lifetime of the stadium element of the development unless otherwise first agreed in writing by the Local Planning Authority.

Reason: *In order that the development should not prejudice pedestrian nor highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF.*

26. No residential block of the development hereby permitted is to be occupied unless and until the following facilities for that block have been provided in accordance with an overall scheme to first be submitted to and approved in writing by the Local Planning Authority to include:

- (a) The secure parking of a minimum of 1,048 bicycles within the development site;
- (b) A minimum of 1,048 fold up bicycles located within the residential units;
- (c) Providing safe routes for pedestrians/cyclists to travel between Kingfield Road/Westfield Avenue and the development site; and
- (d) Information pack to be provided to all initial residents regarding the availability of and whereabouts of local public transport/walking/cycling/car sharing clubs/car clubs.

and thereafter the said approved facilities must be provided upon first occupation of each block, and permanently retained and maintained in accordance with the approved scheme.

Reason: To ensure that satisfactory facilities for the parking of bicycles are provided and to encourage travel by means other than the private car in accordance with Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the NPPF.

27. No part of the development hereby permitted is to be occupied unless and until the following package of measures are implemented at the applicant's expense in accordance with a scheme to first be submitted to and approved in writing by the Local Planning Authority for:

'Leisure centre' bus stops on Kingfield Road

- (a) The provision of raised kerbing (to a height of 140mm over a 9.0m length) to ensure level access onto/off buses for those with mobility issues;
- (b) Clearways with a 23m bus cage to protect the bus stop;
- (c) A review of the bus stop laybys for accessibility, and improvements to this as necessary;
- (d) New large bus shelters;
- (e) Real Time Passenger Information (RTPI) displays to be installed within both bus shelters, and one RTPI display to be installed within the transport hub of the development;
- (f) Improvements and lengthening/widening to the pedestrian refuge island that connects the 2 bus stops; and
- (g) Resurfacing of the footway, and widening of the blacktop that leads from the stadium to the bus stops.

Reason: To encourage travel by means other than the private car in accordance with Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the NPPF.

28. Notwithstanding the information submitted with the application a building hereby permitted shall not be occupied unless and until a finalised Delivery and Servicing Management Plan (DSMP), to include (but not limited to) details of:

- (a) Delivery pre-booking;
- (b) Goods in authorisation procedure;
- (c) Key staff to manage deliveries; and
- (d) Monitoring of delivery and servicing activity

has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved details must be permanently implemented for the lifetime of the building.

Reason: In order that the development should not prejudice pedestrian nor highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF.

29. Prior to the commencement of development, a scheme (to include a timetable for its implementation), shall be submitted to and agreed in writing by the Local Planning Authority to secure a bus service operating between the Kingfield Road Site and Woking town centre and Guildford as follows:

- (a) Mondays to Saturdays (inclusive) at a frequency of no less than one bus every 20 minutes, with no fewer than 3 buses per hour operating in each direction, between the hours of 06:00 – 19:00 hrs, with a reduced level of service after 19:00hrs; and
- (b) on Sundays at a frequency of no less than 2 buses per hour operating in each direction between the hours of 07:00 – 19:00 hrs; and
- (c) On matchdays at the Woking Football Club stadium, a service operating between the stadium and Woking railway station, with no fewer than 3 buses per hour operating in each direction, from no less than 90 minutes prior to a match and no less than 60 minutes following a match.

Thereafter, the scheme shall be implemented as approved.

Reason: *To support and secure the provision of sustainable transport and encourage the use of alternative modes of transport to the private car in accordance with Policy CS18 of the Woking Core Strategy (2012).*

30. Prior to the commencement of development, a scheme (to include a timetable for its implementation), shall be submitted to and agreed in writing by the Local Planning Authority to secure the review and, if necessary, the making and implementation of traffic regulation order(s) to allow for:
- (a) additional double and/or single yellow lines in the vicinity of the stadium as are reasonably required as a result of the stadium development; and
 - (b) the provision of a delivery bay on Westfield Road as is reasonably required as a result of the residential development.

Thereafter, the scheme shall be implemented as approved.

Reason: *To secure a full investigation of the general parking conditions on the surrounding streets and to secure any required Traffic Regulation Orders as required to mitigate the impact of the development, to accord with Policy CS18 of the Woking Core Strategy (2012).*

31. No more than 468 residential units shall be occupied unless and until;
- (a) A layout and operation plan for a community hub including a café, workspace, micro-consolidation centre, a cycle hub, community concierge service and personalised travel planning service has been submitted to and approved in writing by the local authority and
 - (b) The community hub in an operational form has been completed and is ready for beneficial occupation.

Reason: *To secure the delivery of land uses to support the provision of sustainable transport and encourage the use of alternative modes of transport to the private car in accordance with Policy CS18 of the Woking Core Strategy (2012).*

32. Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the Local Planning Authority to secure:
- (a) The establishment and operation of a car club by a car club operator approved by the Local Planning Authority under which occupiers of the approved residential units shall be entitled (upon becoming members of the car club) to hire (on a self-drive basis) motor vehicles;
 - (b) 15 car parking spaces in a location(s) to be agreed with the Local Planning Authority which may be varied from time to time with the prior written approval of the Local Planning Authority and made available for the sole use of a car club;
 - (c) a car pool database to which residents of the residential units can sign up in order to facilitate and coordinate the sharing of car journeys to and from the development.

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

Reason: *In order to provide an alternative to the use of the privately owned car and in the interests of the provision of sustainable modes of transport in accordance with Policy CS18 of the Woking Core Strategy (2012).*

33. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any equivalent Order(s), replacing, amending and/or re-enacting that Order(s) with or without modification(s)) no additional floors, including mezzanine floors, other than as shown on the approved plans shall be erected within any building hereby permitted.

Reason: To avoid potential over-intensification of use and subsequent adverse implications for car parking, noise and neighbouring amenity in accordance with Policies CS18 and CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.

34. The main source of energy for the residential element of the development must be air source heat pumps (ASHP). If ASHP are not to provide the main source of energy for the residential element of the development for any reason, additional future air quality modelling in respect of an alternative energy source must first be submitted to and approved in writing by the Local Planning Authority in order to ensure that there are no significant adverse air quality impacts. The development shall thereafter be permanently maintained in accordance with any such approved details

Reason: To ensure no adverse impact upon air quality in accordance with Policy DM6 of the DMPDPD (2016) and the NPPF.

35. Energy plant specifications and release conditions must adhere to the restrictions set out in Tables A3.3 and A5.1 in ES Volume 3, Appendix 4: Air Quality (Annexes 3 and 5). To further emphasise these, the final design must adhere to the following minimum specifications:

- a boiler system with a maximum total of 1.198 MkW fuel input (distributed evenly between 5 boilers) must be installed; each boiler with its own individual flue outlet with a maximum internal diameter of 0.4m at the exit point, terminating at least 1.5m above the roof level;
- all stacks must discharge vertically upwards and be unimpeded by any fixture on top of the stack (e.g. rain cowls).

If the energy plant specifications and release conditions deviate significantly from the modelled specification(s), additional future modelling must first be submitted to and approved in writing by the Local Planning Authority prior to installation in order to ensure that there are no significant adverse air quality impacts.

Reason: To ensure no adverse impact upon air quality in accordance with Policy DM6 of the DMPDPD (2016) and the NPPF.

36. Prior to first occupation of the relevant residential building(s) details must be submitted to and approved in writing by the Local Planning Authority confirming that the installed gas boiler(s) conform to a maximum NO_x emission of 34.3 mg/kWh. Compliance with this standard must be confirmed prior to occupation of the relevant residential building(s), based on:

- monitoring undertaken on the actual installed plant; or
- manufacturer guaranteed performance levels supported by type approval; or
- monitoring undertaken by the equipment supplier.

In order to attain these values, relevant catalyst or alternative abatement may be required. If the energy plant specifications and release conditions deviate significantly from the modelled specification (within the ES), additional future modelling must be submitted to and approved in writing by the Local Planning Authority prior to first installation in order to ensure that there are no significant adverse air quality impacts

Reason: To ensure no adverse impact upon air quality in accordance with Policy DM6 of the DMPDPD (2016) and the NPPF.

37. All installed (a maximum of 5) emergency diesel generators must be tested simultaneously (or in the same hour) and restricted to operating 12 hours per year unless an alternative testing/operating regime (including additional air quality modelling in order to ensure that there are no significant adverse air quality impacts) has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure no adverse impact upon air quality in accordance with Policy DM6 of the DMPDPD (2016) and the NPPF.

38. Prior to any works being undertaken pursuant to a phase of this planning permission (including demolition and site preparation works) a Noise and Vibration Management Plan (NVMP) (which may be a standalone document or form part of the wider Construction Environmental Management Plan (CEMP) for that phase (or a NVMP encompassing all phases)) must first be submitted to and approved in writing by the Local Planning Authority. The NVMP must address phasing, provide predicted noise (and where necessary) vibration levels and details of mitigation and monitoring. Only CFA (Continuous Flight Auger) piling must occur pursuant to this planning permission unless a comprehensive assessment of noise and vibration arising from other piling techniques has first been submitted to and approved in writing by the Local Planning Authority. The NVMP must also provide a protocol for receiving, investigating and resolving noise and/or vibration complaints during the demolition and construction phase(s). Development within a phase must only be undertaken in accordance with the approved Noise and Vibration Management Plan (NVMP) for that phase.

Reason: *To protect the environmental interests and the amenity of the area and to comply with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*

39. a) Prior to first occupation of the bar and hospitality spaces within the stadium building noise limiters must be installed within the bar and hospitality spaces to ensure that amplified music within these areas does not exceed:

- 90 dB LAeq,15 min
- 90 dB LZeq,15 min in 63 Hz octave band
- 85 dB LZeq,15 min in 125 Hz octave band

b) A post completion verification report including acoustic test results and confirming that the above maximum noise standards have been complied with must be submitted to the Local Planning Authority for written approval prior to first use of amplified music within the bar and hospitality spaces. Noise limiters must thereafter be permanently maintained as such for the lifetime of the stadium.

Reason: *To safeguard the amenity of the surrounding area and the residential amenities of existing and future occupiers in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.*

40. Prior to first fit-out of the bar and hospitality spaces details of façade elements for the bar and hospitality spaces within the stadium building must be submitted to and approved in writing by the Local Planning Authority. The submitted details must confirm that the façade elements for these spaces will meet the minimum 42 dB Rw+Ctr criterion. Development must thereafter be undertaken and permanently maintained in accordance with the approved details for the lifetime of the stadium building.

Reason: *To safeguard the amenity of the surrounding area and the residential amenities of existing and future occupiers in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.*

41. a) Mechanical plant and building services equipment (including air source heat pumps) within the development must be designed and maintained for the lifetime of the development such that the rating noise level as assessed in accordance with British Standard 4142:2014 +A1:2019 (or any superseding standard) does not exceed:

- 38 dB LAeq,1hr between the hours of 07:00 and 23:00; and
- 23 dB LAeq,15mins between the hours of 23:00 and 07:00

as assessed 1 metre from the façade of residential dwellings on Westfield Avenue.

- 33 dB LAeq,1hr between the hours of 07:00 and 23:00; and
- 19 dB LAeq,15mins between the hours of 23:00 and 07:00

as assessed 1 metre from the façade of residential dwellings at all other locations.

Mechanical plant and building services equipment must not create an audible tonal noise nor cause perceptible vibration to be transmitted through the structure of the buildings.

b) A post completion verification report including acoustic test results and confirming that the above maximum noise standards have been complied with must be submitted to the Local Planning Authority for written approval prior to the expiry of the period of 3 months from first occupation of the relevant building within the development.

Mechanical plant and building services equipment must thereafter be permanently maintained in accordance with the approved details for the lifetime of the development.

Reason: *To safeguard the amenity of the surrounding area and the residential amenities of existing and future occupiers in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.*

42. a) Public address/voice alarm (PA/VA) systems within the development must be designed and maintained for the lifetime of the development so as not to exceed the following noise levels (except during emergency):

- 55 dB LAeq,1 hour in the garden of existing residences; and
- 40 dB LAeq,1 hour inside a habitable room of any new dwelling constructed pursuant to this planning permission

b) A post completion verification report including acoustic test results and a detailed PA/VA assessment (with compliance monitoring during commissioning phase recommended) confirming that the above maximum noise standards have been complied with must be submitted to the Local Planning Authority for written approval prior to the first use of Public address/voice alarm systems.

Public address/voice alarm systems must thereafter be permanently maintained in accordance with the approved details for the lifetime of the development.

Reason: *To safeguard the amenity of the surrounding area and the residential amenities of existing and future occupiers in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.*

43. a) Prior to the commencement of superstructure works for a residential building a methodology and scheme of pre-completion testing for that building to demonstrate compliance with BS 8233:2014 internal ambient noise levels for habitable rooms as follows:

Normal conditions

- 35 dB LAeq,T in all habitable rooms between the hours of 07:00 and 23:00;
- 30 dB LAeq,T and LAm_{ax} less than 45 dB in bedrooms between the hours of 23:00 and 07:00

Match day conditions

- 40 dB LAeq,T in all habitable rooms between the hours of 07:00 and 23:00;
- 35 dB LAeq,T and LAm_{ax} less than 50 dB in bedrooms between the hours of 23:00 and 07:00

must be submitted to and approved in writing by the Local Planning Authority.

b) A post completion verification report including acoustic test results, acoustic data for the glazing system and ventilation system to the residential units, and confirming that the above maximum noise standards have been complied with must be submitted to the Local Planning Authority for written approval prior to the expiry of the period of 3 months from first occupation of the relevant residential building within the development.

Residential buildings must thereafter be permanently maintained in accordance with the approved details for the lifetime of the development..

Reason: To safeguard the residential amenities of future occupiers in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.

44. Prior to the commencement of superstructure works for a residential building details of:

- the design condition for overheating;
- how overheating shall be addressed through glazing and ventilation design; and
- that predicted levels do not lead to unacceptably high levels of noise when glazing and ventilation are operating to prevent overheating during normal and match day conditions,

for that building must be submitted to and approved in writing by the Local Planning Authority.

Residential buildings must thereafter be permanently maintained in accordance with the approved details for the lifetime of the development.

Reason: To safeguard the residential amenities of future occupiers in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.

45. Prior to the commencement of superstructure works for a residential building details demonstrating:

- that all external amenity spaces for that building meet 50 dB LAeq,T during normal conditions;
- that all external amenity spaces for that building (excluding private balconies) meet 55 dB LAeq,T during match day conditions;
- Where external amenity space(s) are predicted to be higher than the above criteria a scheme of mitigation to reduce external amenity space noise to a minimum, or access to/provision of suitable, alternative, external amenity space for affected residents,

must be submitted to and approved in writing by the Local Planning Authority. Any approved noise mitigation must be implemented concurrently with the development of the external amenity space(s), fully implemented prior to first occupation of that building and thereafter be permanently maintained in accordance with the approved details for the lifetime of the development.

Reason: To safeguard the residential amenities of future occupiers in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.

46. Notwithstanding the details submitted with the application prior to the occupation of any building hereby permitted details of:

- (a) CCTV;
- (b) general external lighting (including external walkway, carriageway, car parks, amenity lighting, security lighting and building facade lighting);
- (c) floodlighting (stadium only); and
- (d) access control measures for residential core entrances,

on or around the building and within the adjoining public realm must be submitted to and approved in writing by the Local Planning Authority. The details must include the location and specification of all lamps, light levels/spill, illumination, CCTV cameras (including view paths) and support structures including height, type, materials, colour (RAL) and manufacturer's specifications.

Evidence must be submitted to demonstrate that the final detailed external lighting design (including stadium floodlighting, external walkway, carriageway, car parks, amenity lighting and building facade lighting) is in line with recommendations within the Guidance Notes for the reduction of Obtrusive Light GN01:2011 (or any future equivalent) for Environmental Zone E3, with regards to sky glow, light intrusion into residential windows and luminaire intensity.

A Sensitive Lighting Management Plan – identifying how the final detailed external lighting design has had regard to the recommendations of the Bat Conservation Trusts' document entitled 'Bats and Lighting in the UK – Bats and The Built Environment Series' must also be submitted to and approved in writing by the Local Planning Authority.

Development must be carried out only in accordance with the approved details and be permanently maintained as such thereafter for the lifetime of the development.

Reason: *To protect the general environment, the amenities of the area, the residential amenities of neighbouring and nearby existing and introduced properties and the habitat for bats and other nocturnal animals in accordance with Policies CS7 and CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.*

47. a) The refuse and recycling bin storage and other associated facilities (including chutes, bin lifts etc) for a building shown on the approved plans must be provided prior to the occupation of that building and thereafter made permanently available for the lifetime of that building.

b) Notwithstanding the information submitted with the application details of the refuse and recycling collection arrangements (including points of collection and frequency of collection) for a building shown on the approved plans must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of that building and thereafter permanently maintained for the lifetime of that building:

Reason: *To ensure the provision of satisfactory facilities for the storage and recycling of refuse and to protect the general amenity of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the NPPF.*

48. Vegetation clearance must take place outside the bird breeding season (ie during the months of October to February). Any clearance of vegetation with the potential to support nesting birds must only occur following a check by a qualified ecologist. If any active nests are found an appropriate buffer zone must be established and works must cease within this buffer zone until such time as a qualified ecologist confirms the nest is no longer in active use.

Reason: *To prevent birds being injured or killed during site works and to comply with Policy CS7 of the Woking Core Strategy (2012), Circular 06/05 Biodiversity and the NPPF.*

49. Works on the application site must proceed strictly in line with the following methods of working/measures:

- Paragraphs 4.17 - 4.18 (inclusive) (Widespread reptiles) of the Preliminary Ecological Appraisal by The Ecology Consultancy, Version 6.0 dated 20/11/2019 (within the Environmental Statement (ES));
- Paragraphs 4.22 - 4.24 (inclusive) (Hedgehog) of the Preliminary Ecological Appraisal by The Ecology Consultancy, Version 6.0 dated 20/11/2019 (within the ES);
- Paragraphs 4.25 - 4.26 (inclusive) (Fox and rabbit) of the Preliminary Ecological Appraisal by The Ecology Consultancy, Version 6.0 dated 20/11/2019 (within the ES);
- Paragraph 4.27 (other protected species) of the Preliminary Ecological Appraisal by The Ecology Consultancy, Version 6.0 dated 20/11/2019 (within the ES);
- Paragraphs 4.28 - 4.30 (inclusive) (Environmental best practice) of the Preliminary Ecological Appraisal by The Ecology Consultancy, Version 6.0 dated 20/11/2019 (within the ES); and
- The Precautionary working methods for reptiles contained within the consultation response from Surrey Wildlife Trust dated 19 February 2020.

Reason: *To prevent animals being injured or killed during site works and to comply with Policy CS7 of the Woking Core Strategy (2012), Circular 06/05 Biodiversity and the NPPF.*

50. No development must commence pursuant to this planning permission until full details of biodiversity enhancements have been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements across the development must be in

accordance with the relevant recommendations of the Environmental Statement (ES) and must include the following:

- (a) incorporation of areas of biodiverse roof;
- (b) predominantly native tree, shrub and wildflower planting, details of which must include locations, species and planting plans;
- (c) landscaping to include a good diversity of nectar-rich plants to provide food for bumblebees and other pollinators for as much of the year as possible, details of which must include species lists and planting plans;
- (d) provision of artificial bat roosting opportunities (located on any retained mature trees on the boundaries of the site, or incorporated into the design of the new buildings and positioned between 3-5m above ground level facing south-east to south-west), details of which must include number, locations and type of boxes;
- (e) provision of bird boxes for appropriate bird species (including provision integral to the design of the new buildings), details of which must include number, locations and type of boxes;
- (f) features for stag beetle and other invertebrates and fungi, details of which must include number, locations and type of feature; and
- (g) creation of log piles and hibernacula, details of which must include number, locations and type of feature; and
- (h) a scheme to ensure that any newly installed or replaced means of enclosure within, and/or surrounding, the application site contain holes/gaps approximately 10x10cm to allow for movement of hedgehogs, common toad, frogs and other wildlife.

The approved biodiversity enhancements must be implemented in full prior to the first occupation of the relevant phase of the development hereby permitted and must thereafter be permanently retained as such for the lifetime of the relevant phase of the development.

Reason: *To contribute towards and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible in accordance with Policies CS21 and CS7 of the Woking Core Strategy (2012) and the NPPF.*

51. The development hereby permitted must not be commenced (other than site hoarding) until a Landscape and Ecological Management Plan (LEMP) based on the proposed impact avoidance, mitigation and enhancement measures specified in paragraphs 4.32 to 4.42 of the Preliminary Ecological Appraisal by The Ecology Consultancy, Version 6.0 dated 20/11/2019 (within the ES) has been submitted to and approved in writing by the Local Planning Authority. The LEMP must include (but not be limited to) adequate details of:

- Description and evaluation of features to be managed and created including measures to compensate for loss of proposed tree and hedge removal;
- Aims and objectives of management;
- Appropriate management options to achieve aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule for permanently securing biodiversity enhancements;
- Details of the body or organisation responsible for implementation of the LEMP;
- Ongoing monitoring and remedial measures; and
- Details of legal/funding mechanisms.

The LEMP as approved must be carried out concurrently with the development hereby permitted and thereafter be permanently maintained unless otherwise first agreed in writing by the Local Planning Authority.

Reason: *In the interests of biodiversity and to protect the general amenity and character and appearance of the locality in accordance with Policies CS7, CS17, CS21 and CS24 of the Woking Core Strategy (2012) and the NPPF. This condition is required to be addressed prior*

to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

52. No residential development within a phase of the development hereby permitted must commence pursuant to this planning permission until written confirmation has been obtained from the Local Planning Authority that Suitable Alternative Natural Green Space (SANGS) has been secured for that phase and no dwelling within a phase of the development hereby permitted must be first occupied before written confirmation has been obtained from the Local Planning Authority that the works required to bring the land up to acceptable SANGS standard for that phase have been completed.

Reason: *To accord with the Habitat Regulations, Policy CS8 of the Woking Core Strategy (2012) and The Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy.*

53. Prior to the commencement of development, a scheme (to include a timetable for its implementation), shall be submitted to and agreed in writing by the Local Planning Authority to secure Strategic Access Management and Monitoring (SAMM) measures (as determined by the Local Planning Authority) to mitigate the effects of the development on the Thames Basin Heaths Special Protection Area. Thereafter, the scheme shall be implemented as approved.

Reason: *To ensure satisfactory avoidance of impacts on the Thames Basins Heath SPA.*

54. Prior to the commencement of the development hereby permitted (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012 (or any future equivalent(s)), including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) must be submitted to and approved in writing by the Local Planning Authority. The TPP and AMS must be in accordance with ES Volume 1, Chapter 15: Mitigation and Monitoring and include (but not be limited to) the following specific issues:

- (a) Location, extent, depth, installation and full details of the method of construction of services/utilities/drainage within Root Protection Areas or that may impact on the retained trees;
- (b) Details of special engineering of foundations and specialist methods of construction within Root Protection Areas or that may impact on the retained trees;
- (c) A full specification for the construction of any roads, parking areas and driveways within Root Protection Areas or that may impact on the retained trees, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details must include relevant sections through them;
- (d) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses;
- (e) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;
- (f) A specification for scaffolding and ground protection within tree protection zones;
- (g) Tree protection during demolition and construction indicated on a Tree Protection Plan and demolition and construction activities clearly identified as prohibited in these area(s);
- (h) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing;
- (i) Details of any new/replacement boundary treatments within Root Protection Areas and methods of installation;
- (j) Methodology and detailed assessment of any root pruning;
- (k) Provision for the convening of a pre-commencement site meeting attended by the developer's appointed arboricultural consultant, the site manager/

foreman and a representative from the Local Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan;

- (l) Provision for arboricultural supervision and inspection(s) by suitably qualified and experienced arboricultural consultant(s) where required, including for works within Root Protection Areas;
- (m) Reporting of arboricultural inspection and supervision; and
- (n) Methods to improve the rooting environment for retained and proposed trees and landscaping.

No demolition, site clearance or building operations must commence until tree and ground protection has been installed in accordance with BS 5837: 2012 (or any future equivalent(s)) and as detailed within the approved TPP and AMS. The development must thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

Reason: *To ensure the retention and protection of trees on and adjacent to the site in the interests of the visual amenities of the locality and the appearance of the development in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the DMPDPD (2016) and the NPPF. This condition is required to be addressed prior to commencement in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works.*

55. The development hereby permitted must only be carried out in strict accordance with the submitted Flood Risk Assessment (Ref: RMA-RC19947 Issue 6 Dated 29th April 2020).

Reason: *To reduce the risk of flooding to the proposed development and future occupants and to prevent an increase in flood risk by ensuring that the compensatory storage of flood water is provided in accordance with Paragraph 167 of the NPPF and Policy CS9 of the Woking Core Strategy (2012).*

56. No development must commence on the application site (with the exception of tree works and site hoarding) until construction drawings of the surface water drainage network, associated sustainable drainage (SuDS) components, flow control mechanisms and a detailed construction method statement have been submitted to and approved in writing by the Local Planning Authority. The scheme must then be constructed only in accordance with the approved drawings, method statement and Micro drainage calculations prior to the first use of the development hereby permitted. No alteration to the approved drainage scheme must occur without prior written approval of the Local Planning Authority.

Reason: *To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy (2012) and the policies in the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*

57. Prior to first occupation of the development hereby permitted details of the maintenance and management of the sustainable drainage scheme must be submitted to and approved in writing by the Local Planning Authority. The drainage scheme must be implemented and thereafter permanently managed and maintained in accordance with the approved details. The Local Planning Authority must be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval must include:

- (a) a timetable for its implementation;
- (b) details of SuDS features and connecting drainage structures and maintenance requirement for each aspect;

- (c) a table to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues; and
- (d) a management and maintenance plan for the lifetime of the development which must include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: *To ensure that the development achieves a high standard of sustainability continues to be maintained as agreed for the lifetime of the development and to comply with Policies CS9 and CS16 of the Woking Core Strategy (2012) and the NPPF.*

58. Prior to first occupation of the development hereby permitted a verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved in writing by the Local Planning Authority. The verification report must include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism.

Reason: *To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy (2012) and the NPPF.*

59. No development hereby permitted must be occupied until confirmation has first been provided in writing by the Local Planning Authority (following consultation with Thames Water/the Environment Agency) that:

- (a) All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
- (b) A housing and infrastructure phasing plan has been agreed with Thames Water to allow properties to be occupied. Where a housing and infrastructure phasing plan is agreed, no occupation(s) must take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: *The Thames river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class in the Hoe Stream (GB106039017900) water body because it would result in the release of priority hazardous substances, such as raw foul sewage into the water body from an overwhelming of the sewage network in accordance with Policy CS16 of the Woking Core Strategy (2012) and the NPPF.*

60. Prior to the commencement of the development hereby permitted and any contaminated land site investigations on site and in follow-up to the environmental desktop study report a contaminated land site investigation proposal must be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). This proposal must provide details of the extent and methodologies of sampling, analyses and proposed assessment criteria required to enable the characterisation of the plausible pollutant linkages identified in the preliminary conceptual model. Following approval, the Local Planning Authority must be given a minimum of 2 weeks written prior notice of the commencement of site investigation works on site. The site investigation works must then be undertaken in accordance with the approved details.

Reason: *To address any potential land contamination and make the land suitable for the development hereby permitted without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policy DM8 of the DMPDPD (2016) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*

61. Prior to the commencement of the development hereby permitted a contaminated land site investigation and risk assessment, undertaken in accordance with the approved site investigation proposal, that determines the extent and nature of contamination on site and

reported in accordance with the standards of DEFRA's and the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR 11) and British Standard BS 10175, must be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). If applicable, ground gas risk assessments should be completed in line with CIRIA C665 guidance.

Reason: *To address any potential land contamination and make the land suitable for the development hereby permitted without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policy DM8 of the DMPDPD (2016) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*

62. Prior to the commencement of a phase of the development hereby permitted a detailed remediation method statement for that phase must first be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). The remediation method statement must detail the extent and method(s) by which that phase of the site is to be remediated, to ensure that unacceptable risks are not posed to identified receptors at the site and must detail the information to be included in a validation report. The remediation method statement must also provide information on a suitable discovery strategy to be utilised for that phase should contamination manifest itself during site works that was not anticipated. The Local Planning Authority must be given a minimum of 2 weeks written prior notice of the commencement of the remediation works on site. The development must then be undertaken in accordance with the approved details.

Reason: *To address any potential land contamination and make the land suitable for the development hereby permitted without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policy DM8 of the DMPDPD (2016) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*

63. Prior to the first occupation of a phase of the development hereby permitted, a remediation validation report for that phase must first be submitted to and approved in writing by the Local Planning Authority. The report must detail evidence of the remediation, the effectiveness of the remediation carried out and the results of post remediation works, in accordance with the approved remediation method statement and any addenda thereto, so as to enable future interested parties, including regulators, to have a single record of the remediation undertaken at the site. Should specific ground gas mitigation measures be required to be incorporated into a development the testing and verification of such systems must have regard to CIRIA C735 guidance document entitled 'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases' and British Standard BS 8285 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: *To address any potential land contamination and make the land suitable for the development hereby permitted without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policy DM8 of the DMPDPD (2016) and the NPPF.*

64. Contamination not previously identified by the site investigation, but subsequently found to be present at the site must be reported to the Local Planning Authority as soon as is practicable. If deemed necessary development must cease on site until an addendum to the remediation method statement, detailing how the unsuspected contamination is to be dealt with, has been submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). The development must then be undertaken in accordance with the approved details. Should no further contamination be identified then a brief comment to this effect must be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of that phase of the development.

Reason: To address any potential land contamination and make the land suitable for the development hereby permitted without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policy DM8 of the DMPDPD (2016) and the NPPF.

65. No development-related works must commence until the applicant (or their agents or successors in title) has secured the implementation of a programme of archaeological work to be conducted in accordance with an Archaeological Written Scheme of Investigation (AWSI) which must first be submitted to and approved in writing by the Local Planning Authority. For land that is included within the AWSI, no development must take place other than in accordance with the agreed AWSI, the programme and methodology of site investigation and the nomination of a competent person(s) or organisation to undertake the agreed works. The AWSI must accord with the appropriate Historic England guidelines and include:
- (a) a statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
 - (b) a programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

The AWSI must be prepared and implemented by a suitably qualified professionally accredited archaeological person(s) or organisation.

Reason: To ensure that the potential for archaeological remains is properly addressed in accordance with Policy CS20 of the Woking Core Strategy (2012), Policy DM20 of the DMPDPD (2016) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

66. Prior to the commencement of superstructure works on a building hereby permitted (including the stadium) full details of the Air Source Heat Pumps (ASHP), or any such alternative energy source as previously agreed in writing by the Local Planning Authority, (including manufacturers specifications, acoustic properties and location) to serve the building must be submitted to and approved in writing by the Local Planning Authority. Such approved details must be installed prior to the first occupation of the building and thereafter be permanently maintained and operated for the lifetime of the relevant building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance with Policy CS22 of the Woking Core Strategy (2012), SPD Climate Change (2014) and the NPPF.

67. Notwithstanding the information submitted with the application prior to the commencement of superstructure works on a residential building hereby permitted written evidence must be submitted to, and approved in writing by, the Local Planning Authority demonstrating that dwellings within the building will:
- (a) Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence must be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and,
 - (b) Achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence must be in the form of a Design Stage water efficiency calculator.

Development must be carried out wholly in accordance with such details as may be approved and the approved details must be permanently maintained and operated for the lifetime of the relevant dwelling(s).

Reason: *To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance with Policy CS22 of the Woking Core Strategy (2012), SPD Climate Change (2014) and the NPPF.*

68. (a) Prior to the commencement of superstructure works for the stadium evidence that the stadium development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) demonstrating that the stadium development can achieve not less than BREEAM 'Very Good' in accordance with the relevant BRE standards (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme) must be submitted to and approved in writing by the Local Planning Authority.

(b) Unless otherwise first agreed in writing by the Local Planning Authority within 3 months of first occupation of the stadium a final Certificate must be submitted to and approved in writing by the Local Planning Authority certifying that not less than BREEAM 'Very Good' in accordance with the relevant BRE standards (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme) has been achieved for the stadium.

Reason: *To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance with Policy CS22 of the Woking Core Strategy (2012) and SPD Climate Change (2014).*

69. Prior to first occupation of a building hereby permitted (including the stadium), wind mitigation measures for that building, including the balconies, entry points and adjoining open spaces, must be provided to that building and adjoining open spaces in accordance with Environmental Statement (ES) Volume 1, Chapter 10: Wind Microclimate and ES Volume 3, Appendix 6: Wind Microclimate (Configuration 4). The wind mitigation measures shall thereafter be permanently retained for the lifetime of that building and adjoining open spaces.

Reason: *To ensure no adverse wind microclimate conditions in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the NPPF.*

70. No development which restricts the operation and use of the Gymnastic Club must commence until the replacement facilities permitted under planning permission reference PLAN/2017/1063 (or as amended) are operational and available for use, unless alternative facilities are provided as agreed in writing with the Local Planning Authority, following consultation with Sport England.

Reason: *To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Policy CS17 of the Woking Core Strategy (2012) and the NPPF.*

71. No residential unit must be first occupied until the private and/or communal amenity space provision (excluding public space) associated with the building within which the residential unit is located is available for use in accordance with the approved plans. Thereafter the private and/or communal amenity space provision for that building must be permanently maintained for the lifetime of that building.

Reason: *To ensure a good standard of residential amenity in accordance with Policy CS21 of the Woking Core Strategy (2012) and the NPPF.*

72. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any orders amending or re-enacting that Order, or superseding equivalent Order, with or without modification(s)), other than where identified as such on the approved plans the flat roof areas of the residential

blocks hereby permitted shall not be used as a roof terrace, sitting-out area or similar amenity area.

Reason: *In order to protect adjoining properties from overlooking and noise in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.*

73. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any equivalent Order(s) revoking and/or re-enacting that Order), the following development shall not be undertaken without prior specific express planning permission in writing from the Local Planning Authority:

The installation of any structures or apparatus for purposes relating to telecommunications on any part the development hereby permitted, including any structures or development otherwise permitted under Part 16 'Communications'.

Reason: *To ensure that any structures or apparatus for purposes relating to telecommunications on the buildings do not adversely affect the appearance of the area in accordance with Policy CS21 of the Woking Core Strategy (2012) and the NPPF.*

74. Notwithstanding the provisions of Article 4 (1) and Part 25 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any equivalent Order(s) revoking and/or re-enacting and/or modifying that Order), no satellite antennae shall be erected or installed on the buildings hereby permitted. The buildings hereby permitted shall have a central dish or aerial system (for each relevant block) for receiving all broadcasts for the residential units created; details of such a scheme must be submitted to and approved in writing by the Local Planning Authority prior to first occupation of any relevant block, and the approved scheme shall be implemented and permanently retained thereafter.

Reason: *To ensure that any satellite antennae on the buildings do not adversely affect the appearance of the area in accordance with Policy CS21 of the Woking Core Strategy (2012) and the NPPF.*

75. No development of the superstructure for the stadium building hereby permitted must commence until details of anti-terrorism measures for the stadium building and access thereto, including public realm areas, (to be developed/refined in liaison with the Surrey Police Designing Out Crime Officer and Counter Terrorism Security Advisor) have been submitted to and approved in writing by the Local Planning Authority. Approved measures must be implemented prior to first use of the stadium hereby permitted and thereafter be permanently maintained for the lifetime of the stadium.

Reason: *To ensure a safe development in accordance with Policy CS21 of the Woking Core Strategy (2012) and the NPPF.*

76. The installation of external materials above ground floor level to the north elevation of the stadium building hereby permitted must not commence until full details of glazing arrangements at first and second floor levels of the stadium building (including the position, extent and height of translucent glazing/material) have been submitted to and approved in writing by the Local Planning Authority. Such glazing arrangements as approved shall be installed prior to the first occupation of the first and second floor levels of the stadium building and shall thereafter be permanently maintained in that condition for the lifetime of the stadium building.

Reason: *To protect the privacy of residential properties located to the north of the stadium building in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD Outlook, Amenity, Privacy and Daylight (2008) and the NPPF.*

77. Prior to the commencement of development, a scheme (to include a timetable for its implementation), shall be submitted to and agreed in writing by the Local Planning Authority to secure the delivery of permanent public artwork that is integrated into the development.

Thereafter the public art scheme shall be implemented as approved.

Reason: *In the interests of good design and a high quality public realm to accord with policy CS21 of the Woking Core Strategy (2012).*

78. Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the Local Planning Authority to secure:
- (a) the delivery of 191 units (54 x 1-bedroom apartments and 137 x 2-bedroom apartments) as shared ownership housing and 277 units (57 x studio apartments, 88 x 1-bedroom apartments, 58 x 2-bedroom apartments, 20 x 1-bedroom townhouses/duplexes, 24 x 2-bedroom townhouses, 24 x 2-bedroom duplexes and 5 x 3-bedroom townhouses) as affordable rental housing (468 units in total); and
 - (b) completion of all affordable housing units such that they are ready for occupation prior to occupation of any other residential units on-site.

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

Thereafter the affordable housing scheme shall be implemented as approved.

Reason: *To secure an adequate provision of affordable housing to accord with the objectives of policy CS12 of the Woking Core Strategy (2012).*

79. Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to secure the completion of the Stadium Development prior to the occupation of no more than 606 residential units. The scheme shall then be implemented as approved.

Reason: *To secure the completion of the Stadium Development at an appropriate stage in the overall development.*

80. Notwithstanding Condition 3, the on-site parking in the North Stand car park shall be laid out and implemented in accordance with Drawing No 183923-A07-01 Revision A 'General Arrangement North Stand Car Park' contained in Appendix D to the Rebuttal Proof of Evidence of Mr Ian Southwell, Vectos, dated April 2021, to provide 60 spaces, to include 8 accessible parking spaces.

Reason: *In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the NPPF.*

81. Prior to the first use of the bar and hospitality areas hereby approved, details of the proposed smokers' area(s) shall be submitted and approved in writing by the Local Planning Authority. The area(s) for smokers shall be implemented as approved, and thereafter retained.

Reason: *To safeguard the amenity of the surrounding area in respect of noise and disturbance in accordance with Policy CS21 of the Woking Core Strategy (2012).*

82. The Stadium hereby approved shall not be first occupied unless and until a minimum of 60 parking spaces for Stadium use have been provided in accordance with the submitted plans. The spaces and turning areas shall be laid out so as to allow vehicles to enter and leave the site in forward gear. Thereafter the parking and turning areas must be permanently retained and maintained for their designated purposes.

Reason: *In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the NPPF.*

83. Notwithstanding Condition 3, prior to the commencement of development a scheme (including a timetable for its implementation) shall be submitted to and approved in writing

by the Local Planning Authority to ensure that an agreed proportion of the residential element of the scheme should incorporate 'M4(2) Accessible and adaptable dwellings'. The scheme shall thereafter be implemented as approved.

Reason: To ensure that the development will be accessible to all members of the community, regardless of any disability, in accordance with Policy CS21 of the Woking Core Strategy (2012).

Additional 'optional' condition to be imposed if the SoS considers it necessary:

84. Notwithstanding Condition 3, an 'angled' window design should be incorporated into the layout of some of the west-facing units in Block 4, and some of the east-facing units in Block 5, as detailed on pages 69, 70, 76 and 77 in the Proof of Evidence of Mr Christian Gilham, Reference 7884-L(00)732E Version 6, dated April 2021. This will require amended versions of the following drawings to be submitted to and approved in writing by the Local Planning Authority:

Drwg No	Drawing Title
Block 4	
LRW_7884_L(00)79P	Proposed Ground Level (Colour)
LRW_7884_L(00)81J	Proposed Second Floor (Colour)
LRW_7884_L(00)82K	Proposed Third Floor (Colour)
LRW_7884_L(00)83J	Proposed Fourth Floor (Colour)
LRW_7884_L(00)84K	Proposed Fifth Floor (Colour)
LRW_7884_L(00)145N	Block 4 - Ground Floor Plan-cad
LRW_7884_L(00)146N	Block 4 - First Floor Plan-cad
LRW_7884_L(00)147N	Block 4 - Second Floor Plan-cad
LRW_7884_L(00)148N	Block 4 - Third Floor Plan-cad
LRW_7884_L(00)149N	Block 4 - Fourth Floor Plan-cad
LRW_7884_L(00)150N	Block 4 - Fifth Floor Plan-cad
LRW_7884_L(00)242E	Block 4 Elevations
LRW_7884_L(00)408A	Block 4 Courtyard Elevations
LRW_7884_L(00)236C	Proposed Street Scene Elevations Sheet 01
LRW_7884_L(00)237C	Proposed Street Scene Elevations Sheet 02
LRW_7884_L(00)238C	Proposed Street Scene Elevations Sheet 03
LRW_7884_L(00)416	View looking South from new street towards Block 3 and 4
LRW_7884_L(00)67AA	Proposed Ground Floor Plan-cad
LRW_7884_L(00)68S	Proposed First Floor Plan-cad
LRW_7884_L(00)69U	Proposed Second Floor Plan-cad
LRW_7884_L(00)70T	Proposed Third Floor Plan-cad
LRW_7884_L(00)71S	Proposed Fourth Floor Plan-cad
LRW_7884_L(00)72U	Proposed Fifth Floor Plan-cad
LRW_7884_L(00)294A	Block 4 Sections
LRW_7884_L(00)509	Block 4 - Large Scale Design Details - Elevation A
LRW_7884_L(00)510	Block 4 - Large Scale Design Details - Elevation A - Key
LRW_7884_L(00)511	Block 4 - Large Scale Design Details - Elevation B
LRW_7884_L(00)512	Block 4 - Large Scale Design Details - Elevation B - Key
Block 5	

LRW_7884_L(00)79P	Proposed Ground Level (Colour)
LRW_7884_L(00)80J	Proposed First Floor (Colour)
LRW_7884_L(00)81J	Proposed Second Floor (Colour)
LRW_7884_L(00)82K	Proposed Third Floor (Colour)
LRW_7884_L(00)83J	Proposed Fourth Floor (Colour)
LRW_7884_L(00)84K	Proposed Fifth Floor (Colour)
LRW_7884_L(00)156Q	Block 5 - Ground Floor Plan-cad
LRW_7884_L(00)157R	Block 5 - First Floor Plan-cad
LRW_7884_L(00)158Q	Block 5 - Second Floor Plan-cad
LRW_7884_L(00)159Q	Block 5 - Third Floor Plan-cad
LRW_7884_L(00)160Q	Block 5 - Fourth Floor Plan-cad
LRW_7884_L(00)161Q	Block 5 - Fifth Floor Plan-cad
LRW_7884_L(00)236C	Proposed Street Scene Elevations Sheet 01
LRW_7884_L(00)237C	Proposed Street Scene Elevations Sheet 02
LRW_7884_L(00)238C	Proposed Street Scene Elevations Sheet 03
LRW_7884_L(00)243E	Block 5 Elevations
LRW_7884_L(00)409A	Block 5 Courtyard Elevations
LRW_7884_L(00)67AA	Proposed Ground Floor Plan-cad
LRW_7884_L(00)68S	Proposed First Floor Plan-cad
LRW_7884_L(00)69U	Proposed Second Floor Plan-cad
LRW_7884_L(00)70T	Proposed Third Floor Plan-cad
LRW_7884_L(00)71S	Proposed Fourth Floor Plan-cad
LRW_7884_L(00)72U	Proposed Fifth Floor Plan-cad
LRW_7884_L(00)295A	Block 5 Sections
LRW_7884_L(00)513	Block 5 - Large Scale Design Details - Elevation A
LRW_7884_L(00)514	Block 5 - Large Scale Design Details - Elevation A - Key
LRW_7884_L(00)515	Block 5 - Large Scale Design Details - Elevation B
LRW_7884_L(00)516	Block 5 - Large Scale Design Details - Elevation B - Key

The development shall then be carried out only in accordance with the approved plans.

Reason: *In order to protect adjoining properties from overlooking in accordance with Policy CS21 of the Woking Core Strategy (2012) and the NPPF.*

END OF SCHEDULE OF CONDITIONS FOR APPEAL A

APPEAL B - CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED (57 in total)

1. The development for which permission is hereby granted must be commenced not later than the expiration of 3 years beginning with the date of this permission.

Reason: *To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).*

2. No development must commence (including demolition and site preparation works) until full details, including plans, of the phasing of the development have been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in strict accordance with the approved details of phasing, unless any variation or amendments have first been agreed in writing with the Local Planning Authority.

Reason: To ensure the development progresses in an orderly manner without undue loss of amenity to the surrounding area and that satisfactory facilities are provided to service all stages of the development in accordance with Policy CS21 of the Woking Core Strategy (2012) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

3. The development hereby permitted must be carried out only in accordance with the approved plans and documents listed below, unless where required or allowed by other conditions attached to this planning permission:

Project No/Drwg No/ Rev	Drawing Title	Date
Existing Drawings		
7884 L(00)385 B	Location Plan	05.11.19
7884 L(00)52 C	Existing Site Plan / Demolition Plan	05.11.19
7884 L(00)222 C	Site Edged Red Plan	05.11.19
7884 L(00)650 A	Proposed Site Ground Floor Plan	27.05.20
Z0351-NOV-Z1-ZZ-PL-A-0004	Barn building - Plan and Elevations as existing	January 2019
Masterplan Layout Drawings		
7884 L(00)103 P	Proposed Site - Ground Floor Plan	05.12.19
7884 L(00)104 F	Proposed Site - First Floor Plan	05.12.19
7884 L(00)105 E	Proposed Site - Second Floor Plan	05.11.19
7884 L(00)106 F	Proposed Site - Roof Plan	05.11.19
7884 L(00)404 A	Proposed Site - Boundary Treatment	05.11.19
Health Club		
7884 L(00)326 D	David Lloyd Ground Floor Plan	05.11.19
7884 L(00)327 D	David Lloyd First Floor Plan	31.10.19
7884 L(00)328 D	David Lloyd Roof Plan	05.11.19
7884 L(00)312 C	David Lloyd Elevations 1	05.11.19
7884 L(00)313 C	David Lloyd Elevations 2	05.11.19
7884 L(00)330 B	David Lloyd Section A	31.10.19
A-PL-05-011 P0	Proposed Air Dome	19.05.20
Residential		
7884 L(00)322 E	Residential Ground Floor Plan	05.12.19
7884 L(00)323 E	Residential First Floor Plan	05.12.19
7884 L(00)324 D	Residential Second Floor Plan	05.11.19
7884 L(00)325 D	Residential Roof Plan	05.11.19
7884 L(00)315 C	Residential - House Type 1 Plans - Two/Three Bedroom	05.11.19
7884 L(00)316 C	Residential - House Type 2 Plans - Three Bedroom	05.11.19
7884 L(00)317 C	Residential - House Type 3 Plans - Four Bedroom	05.11.19
7884 L(00)318 C	Residential - House Type 4 Plans - Five Bedroom	05.11.19
7884 L(00)304 C	Residential Street Elevations	05.11.19

7884 L(00)305 D	Residential - House Block Type 1 - Elevations	05.12.19
7884 L(00)306 D	Residential - House Block Type 2 - Elevations	05.12.19
7884 L(00)307 D	Residential - House Block Type 3 - Elevations	05.12.19
7884 L(00)308 D	Residential - House Block Type 4 - Elevations	05.12.19
7884 L(00)309 D	Residential - House Block Type 5 - Elevations	05.12.19
7884 L(00)310 D	Residential - House Block Type 6 - Elevations	05.12.19
7884 L(00)311 D	Residential - House Block Type 7 - Elevations	05.12.19
Landscape		
A241-ER-GA01 D	Landscape General Arrangement - Sheet 1 of 3	06.11.19
A241-ER-GA02 D	Landscape General Arrangement - Sheet 2 of 3	06.11.19
A241-ER-GA03 D	Landscape General Arrangement - Sheet 3 of 3	06.11.19
A241-ER-GA01 D	Landscape General Arrangement - Sheet 1 of 3	06.11.19
Highways		
183923a_A01 C	Site Access General Arrangement and Visibility Splays	04.10.19
Environmental Impact Assessment		
Document Title		Date
Environmental Impact Assessment - Volume 1: Environmental Statement		November 2019
Environmental Impact Assessment - Volume 2: Technical Appendices		November 2019

Reason: To accord with Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The development hereby permitted must be carried out only in accordance with the proposed finished floor levels and ground levels as shown on the approved plans.

Reason: In the interests of visual amenity of the site and surrounding area in accordance with Policies CS21 and CS24 of the Woking Core Strategy (2012) and the NPPF.

5. Notwithstanding the details submitted with the application prior to the commencement of superstructure works for a building hereby permitted, full details (including samples) of all external facing materials of that building must be submitted to and approved in writing by the Local Planning Authority. The submitted details must include:
- Sample panel(s) (of a size to be first agreed in writing by the Local Planning Authority) of all brickwork/masonry (including mortar colour and pointing), all cladding materials (including timber effect and metal effect), standing seam roofing material, glazing (including curtain wall glazing and window frames) and aluminium capping for the health club building;
 - Sample panel(s) (of a size to be first agreed in writing by the Local Planning Authority) of all brickwork (including mortar colour and pointing), cladding materials (including timber effect), roof covering materials, downpipes/gutters/soffits/fascias and glazing (including window frames) for the residential building(s);
 - Samples of all other external facing materials.

The details must generally accord with the type and quality of materials indicated within the application. The building shall thereafter be carried out and permanently maintained in accordance with the approved details.

Reason: To ensure a high quality development in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the NPPF.

6. The overall concept, layout, extent and type of hard and soft landscaping for the development hereby permitted must generally accord with the approved plans and documents and must have regard to the approved surface water drainage scheme. Prior to the commencement of any superstructure works on the relevant part of the development (as identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan') details of the hard and soft landscaping scheme for the relevant part of the development must be submitted to and approved in writing by the Local Planning Authority. The submitted details must include:
- (a) full details of all proposed tree planting, including planting and maintenance specifications, including cross-section drawings, details of tree pit design/ underground modular systems, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period;
 - (b) soft planting, grassed/turfed areas, shrubs and herbaceous areas detailing species, sizes and numbers/densities;
 - (c) specifications for operations associated with plant establishment and maintenance that are compliant with best practice;
 - (d) enclosures including type, dimensions and treatments of any walls, fences, screen walls, barriers, railings and hedges (including surrounding the outdoor tennis courts);
 - (e) hard landscaping, including samples and specifications of all ground surface materials, kerbs, edges, steps and any synthetic surfaces (including surrounding the outdoor tennis courts);
 - (f) street furniture, including details of litter bins (including recycling option);
 - (g) details of the design and access controls for the health club car park gate(s);
 - (h) details (including plans and elevations at 1:100 scale and external finishes) of any outdoor structures and ground coverings located within the spa garden, swim area and terrace of the health club;
 - (i) details (including plans and elevations at 1:100 scale and external finishes) of the 'battle box' within the health club;
 - (j) any other hard and soft landscaping features forming part of the scheme;
 - (k) a wayfinding and signage strategy; and
 - (l) a landscape management plan for the public and private areas to include a maintenance schedule for all landscaped areas).

Tree and other planting must accord with BS: 3936-1:1992, BS: 4043:1989, BS: 4428:1989 and BS: 8545:2014 (or subsequent superseding equivalent(s)). All landscaping within a phase must be completed/planted in accordance with the approved details during the first planting season following practical completion of that phase or in accordance with a programme otherwise first agreed in writing with the Local Planning Authority. All soft landscaping must have a written 5 year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased must be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within 5 years of planting must be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting must be in accordance with the approved details.

Reason: To ensure a high quality development in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies Development Plan Development (DMPDPD) (2016), SPD Design (2015) and the NPPF.

7. Prior to any works being undertaken pursuant to either the health club or residential elements of this planning permission (as are identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan') (other than site hoarding) a Construction Environmental Management Plan (CEMP) for the relevant element (or a CEMP encompassing both elements) must first be submitted to and approved in writing by the Local Planning Authority. The details must be in accordance with Environmental Statement (ES) Volume 1, Chapter 15: Mitigation and Monitoring and include (but not be limited to) the following:

- (a) Measures to minimise visual impact during demolition, ground works and construction;
- (b) Measures to minimise noise and vibration levels during demolition, ground works and construction;
- (c) Measures to minimise dust levels during demolition, ground works and construction (in the form of a Dust Management Plan prepared in accordance with Section A6 (Construction Mitigation) of Appendix: Air Quality of the ES);
- (d) Measures to control pollution during demolition, ground works and construction (including a Pollution Response Plan);
- (e) Site works lighting strategy, including measures to minimise light spill;
- (f) Measures to reduce water usage during demolition, ground works and construction;
- (g) Measures to reduce energy usage during demolition, ground works and construction;
- (h) Neighbour and public relations strategy; and
- (i) Site Waste Management Plan.

Reason: *To protect the environmental interests and the amenity of the area and to comply with Policies CS6, CS7, CS9 and CS21 of the Woking Core Strategy (2012) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site*

8. The health club development hereby permitted must not be first occupied unless and until space has been laid out within the relevant part of the application site in accordance with the approved plans for vehicles to be parked, and for vehicles to load and unload, and for vehicles to turn so that they may enter and leave the relevant part of the application site in forward gear. Thereafter the parking, loading and unloading and turning areas must be permanently retained and maintained for their designated purposes.

Reason: *In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF.*

9. The residential development hereby permitted must not be first occupied unless and until space has been laid out within the relevant part of the application site in accordance with the approved plans for vehicles to be parked, and for vehicles to load and unload, and for vehicles to turn so that they may enter and leave the relevant part of the application site in forward gear. Thereafter the parking, loading and unloading and turning areas must be permanently retained and maintained for their designated purposes.

Reason: *In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF.*

10. The health club development hereby permitted must not be first occupied unless and until at least 10% of the available car parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230v AC32 amp Single Phase dedicated supply) and a further 10% of the available car parking spaces are provided with ducting to provide additional fast charge sockets (feeder pillar or equivalent permitting future connection) in accordance with a scheme to first be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved facilities must be permanently maintained unless replaced by a more advanced technology with the same objective.

Reason: *In order that suitable provision for electric vehicle charging points is made in accordance with SPDs Parking Standards (2018) and Climate Change (2014) and the NPPF.*

11. No dwelling within the residential development hereby permitted must be first occupied unless and until that dwelling has been provided with at least 1 passive electric vehicle charging point per dwelling, in accordance with a scheme to first be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved facilities must

be permanently maintained unless replaced by a more advanced technology with the same objective.

Reason: *In order that suitable provision for electric vehicle charging points is made in accordance with SPDs Parking Standards (2018) and Climate Change (2014) and the NPPF.*

12. The health club development must not be first occupied unless and until facilities for the secure parking of bicycles have been provided in accordance with a scheme to first be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved facilities shall be permanently maintained.

Reason: *To ensure that satisfactory facilities for the parking of bicycles are provided and to encourage travel by means other than the private car in accordance with Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the NPPF.*

13. No dwelling forming part of the residential development hereby permitted must be first occupied unless and until secure and covered bicycle storage (to accommodate a minimum of x2 bicycles per dwelling) has been provided for that dwelling in accordance with details to first be submitted to and approved in writing by the Local Planning Authority. The details to be submitted must include store plans and elevations (at 1:50 scale), location of store within the curtilage(s), and details of facing materials. Bicycle storage facilities shall thereafter be permanently retained for use by the occupants of and visitors to the residential development.

Reason: *To ensure that satisfactory facilities for the storage of bicycles are provided and to encourage travel by means other than the private car in accordance with Policy CS18 of the Woking Core Strategy (2012), SPD Parking Standards (2018) and the NPPF.*

14. Other than site preparation works (site hoarding, demolition, decontamination) no development shall commence pursuant to either the health club or residential elements of this planning permission (as are identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan') until a Construction Transport Management Plan (CTMP) for the relevant element (or a CTMP encompassing both elements) has first been submitted to and approved in writing by the Local Planning Authority. The details must be in accordance with the Environmental Statement (ES) and include (but not be limited to) the following:

- (a) Parking for vehicles of site personnel, operatives and visitors;
- (b) Loading and unloading of plant and materials;
- (c) Storage of plant and materials;
- (d) Programme of works (including measures for traffic management);
- (e) Provision of boundary hoarding behind any visibility zones;
- (f) HGV deliveries and hours of operation;
- (g) Vehicle routing;
- (h) Measures to prevent the deposit of materials on the highway;
- (i) Before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused;
- (j) No HGV movements to or from the site shall take place between 08:15 - 08:45 hrs and 16:00 - 16:30 hrs nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in local roads during these times; and
- (k) On-site turning for construction vehicles,

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: *In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*

15. The development hereby permitted shall not be first occupied unless and until the proposed pedestrian crossing improvements on Egley Road have been provided in accordance with a

scheme to be first submitted to and approved in writing by the Local Planning Authority, with a Stage 1 and 2 Road Safety Audit having been first undertaken.

Reason: *In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF.*

16. The development hereby permitted shall not be first occupied unless and until the kerb upstand at the dropped kerb for cyclists to get to and from the cycle path on Egley Road to Lilac Road has been dropped and made flush with the road, in accordance with a scheme to first be submitted to and approved in writing by the Local Planning Authority.

Reason: *In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF.*

17. The health club service/delivery area shown on the approved plans shall be reserved exclusively for the loading and unloading of delivery and service vehicles and shall at no time be used as a general car parking area for other visitors or for employees.

Reason: *To ensure that the health club servicing area is used for its intended purpose and not as a casual car park in accordance with Policy CS18 of the Woking Core Strategy (2012) and the NPPF.*

18. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any equivalent Order(s) revoking and/or re-enacting these Order(s) with or without amendment(s)) the use of the health club development hereby permitted (as identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan') shall only be for purposes falling within (e) of Class D2 (including ancillary uses ordinarily associated with the operation of a health & racquet club) as defined within The Town and Country Planning (Use Classes) Order 1987 (as amended), and for no other purpose(s) whatsoever without express planning permission from the Local Planning Authority first being obtained.

Reason: *To protect the general amenities of the area and the residential amenities of neighbouring and nearby properties from undue noise and disturbance in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2018) and the NPPF.*

19. The indoor health club facilities (including the permanent air dome tennis courts) (as identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan') hereby permitted must only be open to customers between the following times:

- 06:00 - 23:00 hrs Mondays to Saturdays (inclusive); and
- 07:00 - 22:00 hrs Sundays and Bank/Public Holidays.

Reason: *In the interests of the character and appearance of the site, to safeguard the amenities of nearby existing and introduced residential occupiers and to comply with Policies CS6 and CS21 of the Woking Core Strategy (2012) and the NPPF.*

20. The following outdoor health club facilities (excluding the permanent air dome tennis courts) (as identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan') hereby permitted must only be open to customers between the following times:

Outdoor swimming pool, spa and terrace areas:

- 06:00 - 22:00 hrs Mondays to Saturdays (inclusive) (including Bank and Public Holidays).

Southern-most tennis courts (not within permanent air domes):

- 07:30 - 22:00 hrs Mondays to Saturdays (inclusive) (including Bank and Public Holidays).

Reason: *In the interests of the character and appearance of the site, to safeguard the amenities of nearby existing and introduced residential occupiers and to comply with Policies CS6 and CS21 of the Woking Core Strategy (2012) and the NPPF.*

21. Notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any equivalent Order(s), replacing, amending and/or re-enacting that Order(s) with or without modification(s)) no additional floors, including mezzanine floors, other than as shown on the approved plans shall be erected within the health club building hereby permitted.

Reason: *To avoid potential over-intensification of use and subsequent adverse implications for car parking, noise and neighbouring amenity in accordance with Policies CS18 and CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.*

22. The main source of energy for the residential element of the development must be air source heat pumps (ASHP). If ASHP are not to provide the main source of energy for the residential element of the development for any reason, additional future air quality modelling in respect of an alternative energy source must first be submitted to and approved in writing by the Local Planning Authority in order to ensure that there are no significant adverse air quality impacts. The development shall thereafter be permanently maintained in accordance with any such approved details

Reason: *To ensure no adverse impact upon air quality in accordance with Policy DM6 of the DMPDPD (2018) and the NPPF.*

23. Energy plant specifications and release conditions must adhere to the restrictions set out in Tables A3.3 and A5.1 in the Environmental Statement (ES) Volume 2, Appendix 2: Air Quality (Annexes 3 and 5). To further emphasise these, the final design must adhere to the following minimum specifications:

- a boiler system with a maximum total of 1.486 MkW fuel input (distributed evenly between 2 boilers) will be installed; each boiler with its own individual flue outlet with a maximum internal diameter of 0.2m at the exit point, terminating at least 3m above the roof level;
- a combined heat and power (CHP) system with a maximum of 432 kW fuel input, with a maximum internal diameter of 0.2 m at the exit point, terminating at least 3m above the roof level; and
- all stacks must discharge vertically upwards and be unimpeded by any fixture on top of the stack (e.g. rain cowls or conical cowls);

If the energy plant specifications and release conditions deviate significantly from the modelled specification, additional future modelling must first be submitted to and approved in writing by the Local Planning Authority prior to installation in order to ensure that there are no significant adverse air quality impacts.

Reason *To ensure no adverse impact upon air quality in accordance with Policy DM6 of the DMPDPD (2016) and the NPPF.*

24. Prior to first occupation of the health club element of the development details must be submitted to and approved in writing by the Local Planning Authority confirming that the gas boilers conform to a maximum NO_x emission of 38.8 mg/kWh, and the CHP conform to an emission rate of 250 mg/Nm³ based on:

- monitoring undertaken on the actual installed plant; or
- manufacturer guaranteed performance levels supported by type approval monitoring undertaken by the equipment supplier.

In order to attain these values, relevant catalyst or alternative abatement may be required. If the design of the health club energy plant deviates significantly from the modelled specification (within the ES), additional future modelling must be undertaken prior to first occupation in order to ensure that there are no significant adverse air quality impacts.

Reason: *To ensure no adverse impact upon air quality in accordance with Policy DM6 of the DMPDPD (2016) and the NPPF.*

25. Prior to the commencement of superstructure works for the health club building hereby permitted a scheme for the installation of external equipment to control emissions from the building shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented fully in accordance with the approved scheme prior to the first occupation of the building. Any external flue ductwork must be supported using mountings fixed to the external structure of the building in such a way that any vibration or noise associated with mechanical ventilation/extraction is reduced to a level which does not cause a nuisance. All external equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details and permanently retained as such thereafter.

Reason: *To protect the environment and amenities of the occupants of neighbouring properties and prevent nuisance arising from noise, fumes, smell, smoke, ash, grit or other emissions in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.*

26. Prior to any works being undertaken pursuant to either the health club or residential elements of this planning permission (as are identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan') (including demolition and site preparation works) a Noise and Vibration Management Plan (NVMP) (which may be a standalone document or form part of a wider Construction Environmental Management Plan (CEMP)) for the relevant element (or a NVMP encompassing both elements) must first be submitted to and approved in writing by the Local Planning Authority. The NVMP must address phasing, provide predicted noise (and where necessary) vibration levels and details of mitigation and monitoring. Only CFA (Continuous Flight Auger) piling must occur pursuant to this planning permission unless a comprehensive assessment of noise and vibration arising from other piling techniques has first submitted to and approved in writing by the Local Planning Authority. The NVMP must also provide a protocol for receiving, investigating and resolving noise and/or vibration complaints during the demolition and construction phase(s). Development must only be undertaken in accordance with the approved NVMP.

Reason: *To protect the environmental interests and the amenity of the area and to comply with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*

27. a) Mechanical plant and building services equipment (including any air source heat pump(s)) within the development must be designed and maintained for the lifetime of the development such that the rating noise level as assessed in accordance with British Standard 4142:2014 +A1:2019 (or any superseding standard) does not exceed:

- 43 dB LAeq,1hr between the hours of 07:00 and 23:00; and
- 34 dB LAeq,15mins between the hours of 23:00 and 07:00,

as assessed 1 metre from the façade of residential dwellings.

Mechanical plant and building services equipment must not create an audible tonal noise nor cause perceptible vibration to be transmitted through the structure of the buildings.

b) A post completion verification report including acoustic test results and confirming that the above maximum noise standards have been complied with must be submitted to the Local Planning Authority for written approval prior to the expiry of the period of 3 months from first occupation of the relevant building within the development.

Mechanical plant and building services equipment must thereafter be permanently maintained in accordance with the approved details for the lifetime of the development.

Reason: To safeguard the amenity of the surrounding area and the residential amenities of existing and future occupiers in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.

28. Prior to first occupation of the health club a health club Delivery Management Plan must be submitted to and approved in writing by the Local Planning Authority. If health club deliveries are required between the hours of 23:00 and 07:00 the health club Delivery Management Plan must detail measures for protecting residential receptors (including those within the development pursuant to this planning permission) from noise (including, but not limited to, noise from vehicle movements) such as use of white noise reversing beepers, rubber mats to minimise noise from cages etc. The approved health club Delivery Management Plan must be implemented upon first occupation of the health club and permanently maintained and operated for the lifetime of the health club.

Reason: To safeguard the amenity of the surrounding area and the residential amenities of existing and future occupiers in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.

29. a) Prior to the commencement of superstructure works for a residential building a scheme of sound insulation, including details of glazing, ventilation (including how overheating shall be addressed through glazing and ventilation design) and roof/ceiling construction design demonstrating compliance with BS 8233:2014 internal ambient noise levels (providing source calculations and any corrections or error bands used) for habitable rooms within the new residential units to achieve the following:

- 35 dB LAeq,T in all habitable rooms between the hours of 07:00 and 23:00;
- 30 dB LAeq,T and LAm_{ax} less than 45 dB in bedrooms between the hours of 23:00 and 07:00,

must be submitted to and approved in writing by the Local Planning Authority.

b) A post completion verification report including acoustic test results, acoustic data for the glazing system and ventilation system to the residential units, and confirming that the above maximum noise standards have been complied with must be submitted to the Local Planning Authority for written approval prior to the expiry of the period of 3 months from first occupation of the relevant residential building within the development.

The approved scheme of sound insulation must be implemented concurrently as part of the residential development and the residential buildings must thereafter be permanently maintained in accordance with the approved details for the lifetime of the development.

Reason: To safeguard the residential amenities of future occupiers in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.

30. a) Prior to first occupation of the health club development (as identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan') details of the reflective acoustic barrier to be installed in the general position and extent as shown on the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan' as 'Acoustic Fence Line') must first be submitted to and approved in writing by the Local Planning Authority. The submitted details must include:

- a plan (at 1:50 scale) showing the position and extent of the reflective acoustic barrier; and
- manufacturers' specification of the reflective acoustic barrier.

The selected acoustic barrier must be 2.5 metres in height and possess a minimum surface density of 15 kg/m².

b) Prior to first occupation of the health club development the approved acoustic barrier must be installed in the approved location and to the manufacturers' specification. The acoustic barrier must be permanently maintained for the lifetime of the development to ensure no

gaps. Where gaps develop in the barrier, the affected panels must be replaced within 14 days unless a longer timeframe is otherwise first agreed in writing by the Local Planning Authority.

Reason: *To safeguard the residential amenities of neighbouring occupiers in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.*

31. Notwithstanding the details submitted with the application prior to the installation of any external lighting on the relevant part of the development (as identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan') (other than temporary construction/site works related lighting) the final detailed external lighting design/CCTV design (if applicable), including:

- (a) CCTV (if applicable); and
- (b) general external lighting (ie external walkway, carriageway, car parks, amenity lighting, security lighting and building facade lighting),

on or around the building(s) and elsewhere within the relevant part of the development must be submitted to and approved in writing by the Local Planning Authority. The submitted details must include the location and specification of all lamps, light levels/spill, illumination, CCTV cameras (including view paths) and support structures including height, type, materials, colour (RAL) and manufacturer's specifications.

Evidence must be submitted to demonstrate that the final detailed external lighting design (including external walkway, car parks, amenity lighting and building facade lighting) is in line with recommendations within the Guidance Notes for the reduction of Obtrusive Light GN01:2011 (or any future equivalent) for Environmental Zone E3, with regards to sky glow, light intrusion into residential windows and luminaire intensity.

A Sensitive Lighting Management Plan – identifying how the final detailed external lighting design has had regard to the recommendations of the Bat Conservation Trusts' document entitled 'Bats and Lighting in the UK – Bats and The Built Environment Series' must also be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external lighting on the relevant part of the development (other than temporary construction/site works related lighting).

Development shall be carried out in accordance with the approved details and be permanently maintained as such thereafter.

Reason: *To protect the general environment, the amenities of the area, the residential amenities of neighbouring and nearby existing and introduced properties and the habitat for bats and other nocturnal animals in accordance with Policies CS7 and CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.*

32. External lighting (other than security lighting) within the health club development hereby permitted shall be switched off at the latest 1 hour after the closure of the health club to customers and switched on at the earliest 1 hour before the opening of the health club to customers.

Reason: *To protect the general environment, the amenities of the area, the residential amenities of neighbouring and nearby existing and introduced properties and the habitat for bats and other nocturnal animals in accordance with Policies CS7 and CS21 of the Woking Core Strategy (2012), Policy DM7 of the DMPDPD (2016) and the NPPF.*

33. Notwithstanding the information submitted with the application prior to the commencement of superstructure works for the residential development hereby permitted details (to include plans and elevations at 1:50 scale, locations within curtilage(s) and material finishes) of enclosures/screened facilities to be used for the storage of refuse and recycling containers, wheeled bins and any other containers where applicable must be submitted to and approved in writing by the Local Planning Authority. Refuse and recycling enclosures/screened facilities must be provided in accordance with the approved details before any relevant dwelling is first occupied and thereafter be permanently maintained for the lifetime of any relevant dwelling.

Reason: To ensure the provision of satisfactory facilities for the storage and recycling of refuse and to protect the general amenity of the area in accordance with Policy CS21 of the Woking Core Strategy (2012), SPD Design (2015) and the NPPF.

34. Vegetation clearance must take place outside the bird breeding season (ie during the months of October to February). Any clearance of vegetation with the potential to support nesting birds must only occur following a check by a qualified ecologist. If any active nests are found an appropriate buffer zone must be established and works must cease within this buffer zone until such time as a qualified ecologist confirms the nest is no longer in active use.

Reason: To prevent birds being injured or killed during site works and to comply with Policy CS7 of the Woking Core Strategy (2012), Circular 06/05 Biodiversity and the NPPF.

35. Works to trees (T3, T4 and T5) assessed as providing low potential to support roosting bats (within the Ground Level Tree Assessment by The Ecology Consultancy (within the ES)) must be timed for during either mid-March-April or September-October and completed under a 'soft fell' precautionary approach, whereby suitably qualified tree surgeons will cut and lower any substantial limbs to the ground to be left overnight to allow bats (if present) to make their way out.

Reason: To prevent bats being injured or killed during site works and to comply with Policy CS7 of the Woking Core Strategy (2012), Circular 06/05 Biodiversity and the NPPF.

36. Works on the application site must proceed strictly in line with the following methods of working/measures:

- Paragraphs 4.22 - 4.23 (inclusive) (Hedgehog) of the Preliminary Ecological Appraisal by The Ecology Consultancy, Version 5.0 dated 20/11/2019 (within the ES);
- Paragraphs 4.24 - 4.25 (inclusive) (Fox and rabbit) of the Preliminary Ecological Appraisal by The Ecology Consultancy, Version 5.0 dated 20/11/2019 (within the ES);
- Paragraph 4.26 (Invasive Species) of the Preliminary Ecological Appraisal by The Ecology Consultancy, Version 5.0 dated 20/11/2019 (within the ES);
- Paragraph 4.27 (other protected species) of the Preliminary Ecological Appraisal by The Ecology Consultancy, Version 5.0 dated 20/11/2019 (within the ES);
- Paragraphs 4.28 - 4.29 (inclusive) (Environmental best practice) of the Preliminary Ecological Appraisal by The Ecology Consultancy, Version 5.0 dated 20/11/2019 (within the ES); and
- Paragraphs 5.3 - 5.13 (inclusive) of the Reptile Survey by The Ecology Consultancy, Version 3.0 dated 20/11/2019 (within the ES).

Reason: To prevent animals being injured or killed during site works and to comply with Policy CS7 of the Woking Core Strategy (2012), Circular 06/05 Biodiversity and the NPPF.

37. No development must commence until full details of biodiversity enhancements have been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements across the development must be in accordance with the relevant recommendations of the Environmental Statement (ES) and must include (but not be limited to) the following:

- (a) predominantly native tree, shrub and wildflower planting, details of which must include locations, species and planting plans, as well as the total area of this planting which will be native woodland and length of mixed native hedgerow (including barriers to public access into the woodland in the form of scrub planting on the boundaries of the woodland);
- (b) landscaping to include a good diversity of nectar-rich plants to provide food for bumblebees and other pollinators for as much of the year as possible, details of which must include species lists and planting plans;
- (c) at least 5 bat boxes (suitable for a variety of species and roost types to be installed on retained trees within the woodland at least 15m from the edge of

- the woodland), details of which must include number, locations and type of boxes;
- (d) at least 5 bird boxes for appropriate bird species to be installed within the woodland, details of which must include number, locations and type of boxes;
 - (e) at least 10 bird boxes for house sparrow on (or integral to) new buildings, details of which must include number, locations and type of boxes;
 - (f) features for stag beetle and other invertebrates and fungi, details of which must include number, locations and type of feature;
 - (g) creation of log piles and hibernacula, details of which must include number, locations and type of feature; and
 - (h) a scheme to ensure that any newly installed or replaced means of enclosure within, and/or surrounding, the application site contain holes/gaps approximately 10x10cm to allow for movement of hedgehogs, common toad, frogs and other wildlife.

At least 5 bat boxes shall be provided on the site prior to works to any trees assessed as having low bat roosting potential (T3, T4 and T5) (within the Ground Level Tree Assessment by The Ecology Consultancy (within the ES)). The other approved biodiversity enhancements shall be implemented in full prior to the first occupation of the relevant part of the development (ie the health club or residential elements as identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan') hereby permitted and shall thereafter be retained as such for the lifetime of the relevant part of the development.

Reason: *To contribute towards and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible in accordance with Policies CS21 and CS7 of the Woking Core Strategy (2012) and the NPPF.*

38. No development must commence on the application site until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP must include (but not be limited to) adequate details of:

- Description and evaluation of features to be managed and created including measures to compensate for tree removal;
- Aims and objectives of management;
- Appropriate management options to achieve aims and objectives;
- Prescriptions for management actions;
- Preparation of a work schedule for securing biodiversity enhancements in perpetuity;
- Details of the body or organisation responsible for implementation of the LEMP;
- Ongoing monitoring and remedial measures; and
- Details of legal/funding mechanisms.

The LEMP as approved must be carried out concurrently with the relevant part of the development (ie the health club or residential elements as identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan') hereby permitted and shall thereafter be retained as such for the lifetime of the relevant part of the development unless otherwise first agreed in writing by the Local Planning Authority.

Reason: *In the interests of biodiversity and to protect the general amenity and character and appearance of the locality in accordance with Policies CS7, CS17, CS21 and CS24 of the Woking Core Strategy (2012) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*

39. No residential development must commence on the application site until written confirmation has been obtained from the Local Planning Authority that Suitable Alternative Natural Green Space (SANGS) has been secured and no dwelling must be first occupied before written confirmation has been obtained from the Local Planning Authority that the works required to bring the land up to acceptable SANGS standard have been completed.

Reason: To accord with the Habitat Regulations, Policy CS8 of the Woking Core Strategy (2012) and The Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy.

40. Prior to the commencement of development, a scheme (to include a timetable for its implementation), shall be submitted to and agreed in writing by the Local Planning Authority to secure Strategic Access Management and Monitoring (SAMM) measures (as determined by the Local Planning Authority) to mitigate the effects of the development on the Thames Basin Heaths SPA. Thereafter, the scheme shall be implemented as approved.

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

41. Prior to the commencement of the development hereby permitted (including demolition and all preparatory work) a scheme for the protection of the retained trees, in accordance with BS 5837:2012 (or any future equivalent(s)), including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) must be submitted to and approved in writing by the Local Planning Authority. The following specific issues must be addressed within the TPP and AMS:

- (a) Location, extent, depth, installation and full details of the method of construction of services/utilities/drainage within Root Protection Areas or that may impact on the retained trees;
- (b) Details of special engineering of foundations and specialist methods of construction within Root Protection Areas or that may impact on the retained trees;
- (c) A full specification for the construction of any roads, parking areas and driveways within Root Protection Areas or that may impact on the retained trees, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them;
- (d) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses;
- (e) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing;
- (f) A specification for scaffolding and ground protection within tree protection zones;
- (g) Tree protection during demolition and construction indicated on a Tree Protection Plan and demolition and construction activities clearly identified as prohibited in these area(s);
- (h) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing;
- (i) Details of any new/replacement boundary treatments within Root Protection Areas and methods of installation;
- (j) Methodology and detailed assessment of any root pruning;
- (k) Provision for the convening of a pre-commencement site meeting attended by the developer's appointed arboricultural consultant, the site manager/foreman and a representative from the Local Planning Authority to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan;
- (l) Provision for arboricultural supervision and inspection(s) by suitably qualified and experienced arboricultural consultant(s) where required, including for works within Root Protection Areas;
- (m) Reporting of arboricultural inspection and supervision; and

- (n) Methods to improve the rooting environment for retained and proposed trees and landscaping.

Demolition, site clearance or building operations must not commence until tree and ground protection has been installed in accordance with BS 5837: 2012 (or any future equivalent(s)) and as detailed within the approved TPP and AMS. The development must thereafter be carried out in accordance with the approved details or any variation as may subsequently be first agreed in writing by the Local Planning Authority.

Reason: *To ensure the retention and protection of trees on and adjacent to the site in the interests of the visual amenities of the locality and the appearance of the development in accordance with Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the DMPDPD (2016) and the NPPF. This condition is required to be addressed prior to commencement in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works.*

42. The development hereby permitted must be carried out in strict accordance with the submitted Flood Risk Assessment and Drainage Strategy (Ref: RMA-C1947 Issue Number 7 Dated 28th April 2020).

Reason: *To reduce the risk of flooding to the proposed development and future occupants and to prevent an increase in flood risk by ensuring that the compensatory storage of flood water is provided in accordance with Paragraph 167 of the NPPF and Policy CS9 of the Woking Core Strategy (2012).*

43. No development shall commence (other than site hoarding, tree works, demolition, decontamination) until construction drawings of the surface water drainage network, associated sustainable drainage components, flow control mechanisms and a detailed construction method statement have been submitted to and approved in writing by the Local Planning Authority. The scheme must then be constructed in accordance with the approved drawings, method statement and Micro drainage calculations prior to the first use of the development hereby approved. No alteration to the approved drainage scheme must occur without prior written approval of the Local Planning Authority.

Reason: *To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy (2012) and the policies in the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*

44. Prior to first occupation of the development hereby permitted details of the maintenance and management of the sustainable drainage scheme (SuDS) must be submitted to and approved in writing by the Local Planning Authority. The drainage scheme must be implemented and thereafter permanently managed and maintained in accordance with the approved details. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- (a) a timetable for its implementation;
- (b) details of SuDS features and connecting drainage structures and maintenance requirement for each aspect;
- (c) a table to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues; and
- (d) a management and maintenance plan for the lifetime of the development which must include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: *To ensure that the development achieves a high standard of sustainability continues to be maintained as agreed for the lifetime of the development and to comply with Policies CS9 and CS16 of the Woking Core Strategy (2012) and the NPPF.*

45. Prior to the first occupation of the development hereby permitted a surface water drainage scheme verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), must be submitted to and approved in writing by the Local Planning Authority. The verification report must include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and control mechanism.

Reason: *To ensure that the development achieves a high standard of sustainability and to comply with Policies CS9 and CS16 of the Woking Core Strategy (2012) and the NPPF.*

46. No development hereby permitted must be first occupied until confirmation has been provided in writing by the Local Planning Authority (following consultation with Thames Water) that:
- (a) All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or
 - (b) A housing and infrastructure phasing plan has been agreed with Thames Water to allow properties to be occupied. Where a housing and infrastructure phasing plan is agreed, no occupation(s) must take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: *Foul water network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents in accordance with Policy CS16 of the Woking Core Strategy (2012) and the NPPF.*

47. Prior to the commencement of development (other than site hoarding) a further contaminated land site investigation and risk assessment, undertaken in accordance with the conclusions and recommendations of the JOMAS Site investigation & risk assessment P1381J1459/AMM v1.2, must take place. This investigation must investigate/assess the risk from ground gas around WS2/the Barn area and the extent and nature of contamination on site in this area. The findings must be reported in accordance with the standards of DEFRA's and the Environment Agency's Model Procedures for the Management of Contaminated Land (CLR 11) and replacement guidance and British Standard BS 10175, and be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify). Ground gas risk assessments must be completed in line with CIRIA C665 guidance. The development must then be undertaken only in accordance with the approved details.

Reason: *To address any potential land contamination and make the land suitable for the development hereby permitted without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policy DM8 of the DMPDPD (2016) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*

48. Prior to any works being undertaken pursuant to either the health club or residential elements of this planning permission (as are identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan') a detailed remediation method statement must be submitted to and approved in writing by the Local Planning Authority (including any additional requirements that it may specify) for that element. The remediation method statement must detail the extent and method(s) by which the site is to be remediated, to ensure that unacceptable risks are not posed to identified receptors at the site and must detail the information to be included in a validation report. The remediation method statement must also provide information on a suitable discovery strategy to be utilised on site should contamination manifest itself during site works that was not anticipated. The Local Planning Authority must be given a minimum of 2 weeks written prior notice of the commencement of the remediation works on site. The development must then be undertaken in accordance with the approved details.

Reason: To address any potential land contamination and make the land suitable for the development hereby permitted without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policy DM8 of the DMPDPD (2016) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.

49. Prior to the first occupation of either the health club or residential elements of this planning permission (as are identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan'), a remediation validation report for that element must be submitted to and approved in writing by the Local Planning Authority. The report must detail evidence of the remediation, the effectiveness of the remediation carried out and the results of post remediation works, in accordance with the approved remediation method statement and any addenda thereto, so as to enable future interested parties, including regulators, to have a single record of the remediation undertaken. Should specific ground gas mitigation measures be required to be incorporated into the development the testing and verification of such systems must have regard to CIRIA C735 guidance document entitled 'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases' and British Standard BS 8285 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To address any potential land contamination and make the land suitable for the development hereby permitted without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policy DM8 of the DMPDPD (2016) and the NPPF.

50. Contamination not previously identified by the site investigation, but subsequently found to be present at the site must be reported to the Local Planning Authority as soon as is practicable. If deemed necessary development must cease on the relevant part of the site (as identified by the plan numbered/titled '7884 L(00)650 A - Proposed Site Ground Floor Plan') until an addendum to the remediation method statement, detailing how the unsuspected contamination is to be dealt with, has been submitted to and approved in writing to the Local Planning Authority (including any additional requirements that it may specify). The development must then be undertaken in accordance with the approved details. Should no further contamination be identified then a brief comment to this effect shall be required to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the relevant part of the development.

Reason: To address any potential land contamination and make the land suitable for the development hereby permitted without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment generally in accordance with Policy DM8 of the DMPDPD (2016) and the NPPF.

51. No development-related works must commence (other than site hoarding) until the applicant (or their agents or successors in title) has secured the implementation of a programme of archaeological work to be conducted in accordance with an Archaeological Written Scheme of Investigation (AWSI) which must first be submitted to and approved in writing by the Local Planning Authority. For land that is included within the AWSI, no development must take place other than in accordance with the agreed AWSI, the programme and methodology of site investigation and the nomination of a competent person(s) or organisation to undertake the agreed works. The AWSI must accord with the appropriate Historic England guidelines and include:

- (a) a statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and
- (b) a programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

The AWSI must be prepared and implemented by a suitably qualified professionally accredited archaeological person(s) or organisation.

Reason: *To ensure that the potential for archaeological remains is properly addressed in accordance with Policy CS20 of the Woking Core Strategy (2012), Policy DM20 of the DMPDPD (2016) and the NPPF. This condition is required to be addressed prior to commencement in order that the ability to discharge its requirement is not prejudiced by the carrying out of building works or other operations on the site.*

52. For the thirteenth and fourteenth dwellings (House Types 2 and 3 respectively) on the western side of the residential access road (counting southwards from the junction with the health club access), as shown on Drawing Number 7884-L(00)103P, and notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, B, D, E and F of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order(s) revoking and/or re-enacting that Order with or without modification(s)) no extension(s), alteration(s), detached building(s) or other work(s) permitted by Classes A, B, D, E and F of Part 1 of Schedule 2 of that Order shall be erected on the curtilage of the dwellings hereby permitted (other than as may be approved or required by details pursuant to the conditions of this planning permission) without the prior written approval of the Local Planning Authority of an application made for that purpose.

Reason: *To protect the residential amenity of the occupants of the 2 identified dwellings forming part of the development, and the occupiers of nearby neighbouring dwellings, and to ensure adequate provision of private amenity space to serve those dwellings in accordance with Policy CS21 of the Woking Core Strategy (2012), SPDs Design (2015) and Outlook, Amenity, Privacy and Daylight (2008) and the NPPF.*

53. Prior to the commencement of superstructure works for a building hereby permitted full details of the Air Source Heat Pumps (ASHP), or any such alternative energy source as previously agreed in writing by the Local Planning Authority, (including manufacturers specifications, acoustic properties and location within the relevant curtilage(s)) to serve the building must be submitted to and approved in writing by the Local Planning Authority. Such approved details must be installed prior to the first occupation of the building and thereafter be permanently maintained and operated for the lifetime of the building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: *To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance with Policy CS22 of the Woking Core Strategy (2012), SPD Climate Change (2014) and the NPPF.*

54. Notwithstanding the information submitted with the application prior to the commencement of superstructure works on a residential building hereby permitted written evidence must be submitted to, and approved in writing by, the Local Planning Authority demonstrating that dwellings within the building will:

- (a) Achieve a minimum of a 19% improvement in the dwelling emission rate over the target emission rate, as defined in the Building Regulations for England Approved Document L1A: Conservation of Fuel and Power in New Dwellings (2013 edition). Such evidence must be in the form of a Design Stage Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and,
- (b) Achieve a maximum water use of no more than 110 litres per person per day as defined in paragraph 36(2b) of the Building Regulations 2010 (as amended), measured in accordance with the methodology set out in Approved Document G (2015 edition). Such evidence must be in the form of a Design Stage water efficiency calculator.

Development must be carried out wholly in accordance with such details as may be approved and the approved details must be permanently maintained and operated for the lifetime of the relevant dwelling(s).

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance with Policy CS22 of the Woking Core Strategy (2012), SPD Climate Change (2014) and the NPPF.

55. (a) Prior to the commencement of superstructure works for the health club building evidence that the health club development is registered with a BREEAM certification body and a pre-assessment report (or design stage certificate with interim rating if available) demonstrating that the health club development can achieve not less than BREEAM 'Very Good' in accordance with the relevant BRE standards (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme) must be submitted to and approved in writing by the Local Planning Authority.

(b) Unless otherwise first agreed in writing by the Local Planning Authority within 3 months of first occupation of the health club building a final Certificate must be submitted to and approved in writing by the Local Planning Authority certifying that not less than BREEAM 'Very Good' in accordance with the relevant BRE standards (or the equivalent standard in such measure of sustainability for non-residential building design which may replace that scheme) has been achieved for the health club development.

Reason: To ensure that the development achieves a high standard of sustainability and makes efficient use of resources in accordance with Policy CS22 of the Woking Core Strategy (2012) and SPD Climate Change (2014).

56. Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the Local Planning Authority to secure all 36 residential units as affordable rented housing; (5 x 2/3-bedroom houses, 13 x 3-bedroom houses, 16 x 4-bedroom houses and 2 x 5-bedroom houses).

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

Reason: To secure an adequate provision of affordable housing to accord with the objectives of policy CS12 of the Woking Core Strategy (2012).

57. The development hereby approved shall only be begun once written confirmation is issued to and approved in writing by the Local Planning Authority that the development permitted by planning permission reference PLAN/2091/1176 has been begun.

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

END OF SCHEDULE OF CONDITIONS FOR APPEAL B

APPENDIX D - LIST OF ABBREVIATIONS

ADF	Average Daylight Factor
AIA	Arboricultural Impact Assessment
AMR	Annual Monitoring Report
AMS	Arboricultural Method Statement
ASHP	Air Source Heat Pump
AWSI	Archaeological Written Scheme of Investigation
BRE	Building Research Establishment
BREEAM	Building Research Establishment Environmental Assessment Method
CCTV	Closed-Circuit Television

CD	Core Document
CEMP	Construction Environmental Management Plan
CFA	Continuous Flight Auger
CHP	Combined Heat and Power
CIL	Community Infrastructure Levy
CTMP	Construction Transport Management Plan
DAS	Design and Access Statement
DEFRA	Department for Environment, Food and Rural Affairs
DSMP	Delivery and Servicing Management Plan
DMPDPD	Development Management Policies Development Plan Document
Doc	Document
dpa	Dwellings per annum
DPD	Development Plan Document
dph	Dwellings per hectare
DRP	Design Review Panel
EA	Environment Agency
EIA	Environmental Impact Assessment
EMP	Event Management Plan
ES	Environmental Statement
FA	Football Association
Fig	Figure
FRA	Flood Risk Assessment
FTE	Full Time Equivalent
GVA	Gross Value Added
ha	hectare
HGV	heavy goods vehicle
HVNF	Hoe Valley Neighbourhood Forum
km	kilometre
LEMP	Landscape and Ecological Management Plan
m	metre
NMDC	National Model Design Code
NPPF	National Planning Policy Framework
NSL	No-Sky Line
NVMP	Noise and Vibration Management Plan
Para	Paragraph
PA/VA	Public address/voice alarm
PCPA 2004	Planning and Compulsory Purchase Act 2004
PDA	Planning and Development Agreement
PPG	Planning Practice Guidance
PS	Planning Statement
RAL	A European colour matching system
RTPI	Real Time Passenger Information
S106	Section 106
SADPD	Site Allocations Development Plan Document
SAMM	Strategic Access Management and Monitoring
SANGS	Suitable Alternative Natural Green Space
SAP	Standard Assessment Procedure
SCC	Surrey County Council
SHLAA	Strategic Housing Land Availability Assessment

SHMA	Strategic Housing Market Assessment
SoCG	Statement of Common Ground
SoS	Secretary of State for Housing, Communities and Local Government
SPA	Special Protection Area
SPD	Supplementary Planning Document
SuDS	Sustainable drainage systems
SWAG	South Woking Action Group
TA	Transport Assessment
TBH	Thames Basin Heaths
TCPA 1990	Town and Country Planning Act 1990
the appellant	GolDev Woking Ltd
the Club	Woking Football Club
the Council	Woking Borough Council
the Football Club	Woking Football Club
TPO	Tree Preservation Order
TPP	Tree Protection Plan
TRO	Traffic Regulation Order
VSC	Vertical Sky Component
WBC	Woking Borough Council
WCS	Woking Core Strategy
WFC	Woking Football Club



Department for Levelling Up, Housing & Communities

www.gov.uk/dluhc

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.