

EXECUTIVE – 2 FEBRUARY 2023

## QUESTIONS

### Executive Summary

The following questions regarding a shared cycle and pedestrian path from Byfleet to West Byfleet, the development at Brookwood Lye, the Town Centre Masterplan, and Council statutory accounts have been received under Section 3 of the Executive Procedure Rules. The replies by the Leader and Portfolio Holders are set out below.

1. Question from Mr Keith Creswell

“In 2006, the WBC planning document on Broadoaks development committed to a (s106) shared cycle and pedestrian path from Byfleet to West Byfleet which included a signalised crossing adjacent to Highfield Road. This was in recognition of a need to provide a safe cycling route for Byfleet pupils of BDB and Fullbrook as well as shoppers, users of the health centre, commuters and others.

As a result, Councillor Wilson had a shared path installed across the recreation ground from the entrance near Highfield Road to Camphill Road to allow cyclists to avoid Byfleet Corner.

There is a shared path from West Byfleet to Byfleet. (Although it has to be said this is very inadequate due to overgrowth and being non-compliant with LN1/20)

The proposed Broadoaks plans in 2006 were for primarily a commercial estate. When Octagon presented their, primarily residential, plans to the public, they confirmed that the shared path remained part of the plans.

In the event, the Planning Permission granted only required the signalised crossing to be installed together with a shared path to be completed from close to Highfield Road to the Dartnell Avenue bus stop and not to the motorway bridge (and further recategorising the path from the bridge to the High Road as a shared path). This resulted effectively in a cycle path to nowhere.

It should also be noted that this path is now shown as an unfunded part of the Infrastructure Delivery Plan.

In granting this planning permission, it appears the Planning Committee failed in recognising the commitment to the residents of Byfleet to provide this connecting path thus endangering those people trying to cycle along the A245, increasing traffic congestion and disincentivising healthy cycling.

To rectify this failure, we would ask for the Executive to utilise a small part of the CIL arising from BroadOaks and Botannicals Place to instruct SCC to complete this path for the benefit of the residents of Byfleet and others.”

Reply by Councillor Liam Lyons

“Thank you for bringing this matter to our attention. The cycle paths highlighted are important and it is considered a good opportunity to extend the cycle path on the south side of Parvis Road and the proposal has merit. This matter has already been considered by the Woking Joint Committee in November 2020. It was met with enthusiasm by the members in particular Cllr Boote and Cllr Barker. It was agreed at the meeting that it should be considered alongside other priorities. Cllr Boote did say at the Committee she would be willing to allocate funds from

her Highway's budget. The Council is supportive of this proposal. However, there are a few challenges such as the project has not been costed and therefore the amount needed is unknown. Also, the Committee response highlighted *“that there appear to be lengths of this route where a shared facility could not be provided that would be in line with the guidance set down in the Department for Transport's document, published during the summer, “Local Transport Note 1/20 Cycle Infrastructure Design”. Consequently, the Joint Committee may wish to consider funding a feasibility study for the completion of this route’*. Therefore, if funds could be allocated, it is not clear whether a shared cycle pathway in line with guidance could be achieved given there may not be enough space.

There is Neighbourhood CIL which could be allocated but this is dependent upon gaining support and written recommendations from the Local Councillors, Ward Councillor, the Neighbourhood Forum and general local support to fund the cycle path in West Byfleet.

The Council would support a feasibility study to be conducted in the first instance to ensure the cycle paths could be completed, provide an approximate cost for the project and liaise with Cllr Boote to ensure there are sufficient funds in the Highway's budget.”

### 2. Question from Mr John Wheeler

“The written answer to my question at the Executive on 19 January was misleading because I asked whether the Council or its officers were currently considering any informal plans.

The written answer stated that the planning authority are not considering any different plans.

I know the planning authority are not considering different plans otherwise those plans would be available on the planning portal.

Are Council officers, Thamesway officers or any other officers, excluding officers from the Local Planning Authority, considering any other proposals / plans for Brookwood Lye?”

### Reply by Councillor Ann-Marie Barker

“Yes, Thamesway and the Council are currently exploring options for the site.

In my response at the Executive in January I stated that officers are working with the applicant and land owners to resolve outstanding matters in order for the site to be developed which will meet the objectives of the requirements contained within the Site Allocations Development Plan Document. Those options do include development proposals for the site which differ from that set on planning application PLAN/2021/0248\*. I can confirm that no formal decision has been made at this stage. Should a different proposal come forward, a revised planning application would need to be submitted and determined.

I appreciate residents' concerns and growing interest in the future of the site, the options for the site are not fully formulated and haven't been given due consideration. As such it would be premature to provide detail at the current time. We are committed to updating residents as soon as we are in a position to do so. As part of this commitment, the Strategic Director – Place has agreed to meet with the chair of the residents association on this site to discuss these proposals and this is likely to be week commencing 20 February.”

\*Planning application PLAN/2021/0248 - “demolition of 4 residential units and ancillary structures associated with the existing caravan park at Five Acres to construct 128 residential units two-storey and three-storeys in height, including the creation of an improved access road from Brookwood Lye Road, footpath to Brookwood Lye Road, car parking, 2 local areas of play, hard and soft landscaping”.

### 3. Question from Dr Anthony Fraser

“The recent Crown Place decision notice mentioned that “...an FVA [Financial Viability Analysis] is not undertaken with a particular developer in mind because any planning permission runs with the land.” In other words, the FVA is a somewhat hypothetical calculation based on a theoretical developer not the *actual* developer.

Consequently, the actual cost to the actual developer of a large development could be millions or even tens of millions less than those shown in the FVA. This is many times the cost of the affordable housing or rents, which these developments generally refuse to provide. Moreover, the decision notice indicated that, because of deficiencies in our adopted plan policies, we are unlikely to be able to clawback any excess profits from the developer at the end of the development. This is obviously frustrating for local residents.

The FVA’s for large developments in Woking have almost exclusively been generated by the developers so there is a natural tendency to err on the conservative side and the onus is on the Council to review and challenge the numbers. Despite the guidance from the Government (NPPF/PPG 2019), Woking has not generated its own FVA’s for key sites or typologies in the town centre. If they existed, these would be the starting point for any discussion of affordable housing and would reverse the burden of proof onto developers to demonstrate why the Council’s numbers were wrong. Furthermore, it would not be easy for developers to suggest alternate (e.g., taller) designs for sites if they were less viable and could not provide the same or better levels of affordable housing compared to the typologies suggested by the Council.

Given the indication that the Town Centre Masterplan will have to undergo further review before it can be adopted (potentially as a more formal Development Plan Document), would it not make sense to look at generating FVA’s for the keys sites and formalising the policies around viability and affordable housing in the development plan?”

### Reply by Councillor Liam Lyons

“Thank you for your question. In relation to the Development Plan, for Woking, the Core Strategy is underpinned by the Local Development Framework: Economic Viability Assessment (July 2010); and further viability evidence was produced to support the introduction of the Community Infrastructure Levy (CIL). The Inspector’s report following the examination on the Site Allocations DPD (adopted in 2021) considered that a further plan-wide viability assessment was not required at that stage, but this would be a matter for any update to the Core Strategy. We are currently commencing a review of our Core Strategy, and as part of that work we will be undertaking a viability assessment to assess whether the policies within the plan remain deliverable. This work will form part of the evidence base for any update to the Core Strategy, or new Local Plan.

In relation to individual sites and applications coming forward, the NPPF makes clear that it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage and that the weight to be given to that evidence includes an assessment of whether the viability evidence underpinning the development plan is up to date. Moreover, it is up to an applicant undertaking such viability studies to provide evidence of what has changed since the date of the assessments which underpinned the plan.”

4. Question from Dr Anthony Fraser

“There is an obvious frustration that the people who currently seem to have the least influence on how our town centre develops are the local residents. A number of other high-rise developments in the town centre have been discussed in the past and some have even brought forward for approval. Therefore, pending the formal adoption of the Town Centre Masterplan, how is the Council planning to actively manage further applications for high-rise developments with little or no affordable housing?”

Reply by Councillor Liam Lyons

“Policy CS12 of the Core Strategy sets out the Council’s requirements for affordable housing. This policy sets out what factors need to be taken into account when determining the level of affordable housing which includes the viability of the development. Where affordable housing is being proposed which is less than the policy requirement, a viability assessment needs to be submitted. This approach is consistent with Government advice as set out in the Planning Practice Notes. Where a viability report is submitted, the local planning authority will ensure this is independently reviewed and verified by a viability consultant. The viability consultant is chosen by the local planning authority but the cost of this service is borne by the applicant.”

5. Question from Dr Anthony Fraser

“I note that the Council has yet to publish its draft statutory accounts for 2021-22, which are some six months overdue. Is the Council able to provide a definitive date when these will be published?”

The statutory accounts for Victoria Square Woking Limited are also overdue. As a major creditor, can the Council confirm that it has made a formal request to Moyallen Holdings Ltd (the parent of VSWL) to publish the accounts, and if so, do they have an indicative date?”

Reply by Councillor Dale Roberts

“The accounts for 2021/22 have been substantially prepared to provide the key financial statements, however there remain some supporting notes and the group accounts consolidation outstanding. Given the financial pressures in year the focus since the summer has been on the future challenges and it has not been possible to return to complete the statements. It is envisaged that this work will form part of the preparation for closing the current year accounts so that a draft can be published by 31 March 2023.

The Council is in discussion with Victoria Square Woking Ltd (VSWL) to understand the delay to the accounts and when they will be completed, however an indicative date is not currently available.”

**Background Papers:** None.

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