

ADDENDUM TO REPORT DAVITT JONES BOULD

1. GENERAL STATEMENT

The purpose of seeking to acquire the Order Land compulsorily is to facilitate its comprehensive redevelopment and to deliver the Scheme in full. The Scheme has been identified by the Council as the best means by which to meet the Council's adopted strategic planning objectives for the regeneration of Sheerwater¹. The role of the Order Land is identified in the Council's planning policy documents and its regeneration is a necessary and vital part of this plan.

Compulsory purchase of the requisite land is considered essential to enable the Scheme to be fully implemented and for the Council to achieve its policy objectives within a reasonable timescale. It is also considered that there is a compelling case in the public interest for making the Order. Consequently it is considered appropriate for the Council to make the Order to secure the outstanding interests required to facilitate implementation of the Scheme.

2. BACKGROUND, THE NEED FOR REGENERATION AND THE SCHEME,

Background to Regeneration Plans for Sheerwater

The Sheerwater area has long been identified as being in need of major capital investment having been predominantly built during the 1950s by the former London County Council as housing for areas of London damaged in World War 2. The Sheerwater area contains a large number of smaller houses, representing the Council's largest single stock of smaller social housing. Much of the housing within the Order Land is in poor condition and is ill suited to the needs of existing residents. The existing public open spaces are poor, unattractive, lack sufficient play facilities and feel unsafe due to them having limited opportunities for passing surveillance. The Council has carried out significant public consultation with residents concerning the condition of housing and open space within the Order Land and its impact on their day to day lives. The outcome of such consultation (as previously provided to the Council) reinforces the view that there is a need for comprehensive redevelopment of the area.

The Borough of Woking is generally relatively affluent, but with pockets of extreme deprivation, one of which includes Sheerwater and the Order Land. The Sheerwater area is typically characterised by poor housing conditions and issues of deprivation when assessed against Indices of Multiple Deprivation including Income deprivation (ranking the worst in Surrey), Health deprivation and disability (ranking the worst in Surrey), Education, skills and training (ranking 4th worst in Surrey and below average within Surrey, Woking and nationally) and Employment deprivation (ranking the worst in Surrey). Large parts of the Order Land are ranked among the 20% most deprived neighbourhoods in the country. The area is characterized by low incomes, high unemployment, low educational attainment, poor health, and high incidence of crime and fear of crime. Sheerwater has been identified as a "Priority Place" by the Council and Surrey County Council and its designation means that the resources of the Council and its partners are targeted at addressing the issues faced within the area through a range of measures and initiatives. The Council has approved a Priority Places Action Plan to set out how and where those targeted resources are best deployed.

It has long been considered that physical regeneration of the Sheerwater area had the potential to deliver transformational change and the Scheme intends to create a new sustainable place to live and work, stimulating the regeneration of the Sheerwater area. The Council initially appointed New Vision Homes (its housing management partner at the time) in mid-2013 to develop a masterplan for the regeneration of Sheerwater. This initial masterplan was developed with residents, local stakeholders and the Council. The current Sheerwater Masterplan was submitted and approved in connection with the 2019 Permission and this built upon that initial work, reflecting the evolution of the Scheme.

The Scheme seeks to address the decline in the physical fabric of the Order Land and capitalise on opportunities for developing and stimulating wider social and economic benefits. The Scheme

¹ Sheerwater is located in the north east of the District (and referred to by that name throughout this Report, notwithstanding that it is now known as the Canalside Ward).

proposes a sustainable and deliverable package of physical redevelopment through the phased delivery of new housing, associated development and infrastructure. The Scheme will help to deliver a thriving, balanced and sustainable community for the future.

The regeneration proposals that are the subject of the CPO will deliver:-

- high quality new homes and first class community, leisure and retail facilities within a green and healthy environment;
- modern, energy efficient homes that are economic to maintain and flexible enough to satisfy diverse and changing needs;
- economic benefits for local people and businesses, both during the construction phases (the use of a Local Labour Agreement creating local employment opportunities and retaining expenditure within the local supply chain) and once completed (with new jobs and training opportunities);
- improved access to services, including healthcare and community facilities through a new local centre that will provide convenient access to everyday shops, services and community facilities;
- significant improvements to the quality of public open space;
- enhanced recreation facilities with a new leisure centre, sports pitches and play facilities for children and young people;
- improvements to public realm and public transport provision through the carrying out of road widening and providing space for the installation of bus stops through the central spine of the proposed Scheme (improving upon the current route for public transport);
- improvements to cycle transport routes separating them from the highways within the Scheme to allow free and safe cycle routes and access within the Scheme;
- improvements to parking provision and public realm to create an accessible environment;
- a safe environment where natural surveillance is intrinsic and where direct routes across the Order Land are provided to enable access to neighbouring communities, retail and commercial facilities.

The phased programme of delivery has been designed with 5 priorities in mind:-

- (1) Minimising disruption for residents. The phased design seeks to maximise the opportunity for residents within the Order land to buy or move into a new property within the Sheerwater area before their property is required for demolition in connection with the Scheme. The phasing also seeks to ensure that, as far as possible, existing properties and buildings are not demolished until re-provision is complete
- (2) Preserving continuity of service for community facilities. The design ensures that the new community facilities being delivered by the Scheme are open and available for use before any existing community facilities are closed for demolition.
- (3) Delivering effective sustainable drainage systems (SUDs) across the Scheme as a whole. Each phase has been modelled in detail with drainage and flooding in mind to ensure that no phase adversely affects any other, nor the wider Sheerwater area.
- (4) Maintaining open space and green space provision and accessibility. The design seeks to ensure that the new open space, green space and leisure space within the Scheme is re-provided before any existing open space, green space and leisure space is removed.
- (5) Preserving the wider property market viability. The design takes account of local market conditions and the potential for the Scheme to saturate the local housing market.

The Order Land

The Order Land makes up some 29.94 ha of land lying within the Sheerwater area, a large proportion of which is owned by the Council. A plan showing the land owned by the Council is attached to this Report.

In considering the boundary of the Order Land, Officers have balanced competing priorities, seeking to deliver the most efficient scheme with the maximum benefit to the local community, while attempting to minimise the interference with private property interests. Officers have considered site acquisition, land assembly and development costs and considered the extent of third party interests required to deliver the Scheme in defining an optimum boundary for the Order Land. As part of the process leading to the Planning Permission, the boundary of the Order Land has been re-drawn to remove the need to

demolish four properties along Devonshire Avenue.

The Order Land is located entirely within the area covered by the Sheerwater Masterplan. The primary land use within the Order Land is residential, with 573 residential units lying inside the boundary of the Order Land. The northern part of the Order Land is made up of Sheerwater Recreation Ground, Woking Athletics Club and David Bishop Brown School playing fields. The majority of buildings in the area are two storey, with the local centre defined by a four storey mixed use block and surrounding three storey residential blocks. The Order Land includes a parade of shops containing convenience stores and food outlets, a post office, hairdresser and small retailers. The Order Land encompasses a number of community and recreation buildings, including Sheerwater Health Centre, Waterside Dental Centre, a nursery, Woking Children's Centre, Parkview Centre for the Community, Birch and Pines Public House (now demolished), and facilities for Woking Athletics Club and Sheerwater Football Club.

Sheerwater Recreation Ground is registered as an Asset of Community Value under the provisions of the Localism Act 2011. Notwithstanding this designation, Officers remain of the view that the compelling public interest in the Scheme (set out in this Report), justify the use of compulsory purchase powers and the inclusion of the Sheerwater Recreation Ground within the Order Land.

The Order Land includes a number of areas of open space, as shown on the Order Map. The design and provision of sufficient areas of high quality open space and public realm has been an integral part of the Scheme from its inception and the Scheme will deliver significantly enhanced open space, both in terms of its quality and design and its accessibility and availability to the residents of Sheerwater.

31-33 Dartmouth Avenue benefits from a temporary planning permission authorising a change of use from a butcher's shop to a place of worship (specifically, a Mosque), that includes 2 prayer halls and associated facilities. Officers have consulted with the Sheerwater Muslim Education and Welfare Trust regarding the services provided from this site and the need for such a site within the local area. This has identified the need for a replacement site within close proximity to the residents of Sheerwater and the Council is re-providing facilities for a Mosque within Sheerwater with the intention being that the new facility should be available before the closure of the current one.

Further detail of the Scheme

This section of the Report provides detail as to the nature of the Scheme

The Scheme has been designed to:-

- Build upon the strengths (and address the weaknesses) of the existing natural and built environment;
- Provide sustainable mixed use development that will reinforce Sheerwater as a place to live and work;
- Provide accessible community facilities and services at the heart of Sheerwater to increase vibrancy and vitality and increase long term economic sustainability;
- Provide a wider range of property sizes, types and tenures to create a more varied housing offer and address the need for specialist accommodation;
- Create a distinctive urban environment by the use of high quality design solutions;
- Promote energy efficiency and the efficient use of resources;
- Improve connectivity within Sheerwater and with the wider areas of Woking Town Centre and West Byfleet;
- Encourage walking, cycling and the use of public transport;
- Improve the design, access and use of areas of open space and ensure that the public realm is safe, accessible and of a high quality; and
- Create enhanced education, training and employment opportunities for local people.

As both Local Planning Authority for the area in which the Order Land is situated, the majority landowner of the Order Land and the proposed acquiring authority under the Order, the Council was unable to enter into a Planning Agreement under Section 106 of the Town and Country Planning Act 1990. However, the Council has resolved to give effect to a number of "Executive Obligations" that take the place of planning obligations. These include:-

- Obligations relating to the provision of Affordable Housing as part of the Scheme, including

the number of units to be provided overall and on a phase by phase basis, the size and tenure make up of such units and the ownership of such units;

- Obligations in connection with the implementation of a local labour agreement;
- Obligations in respect of off site tree planting; and
- Obligations in respect of Sustainable Urban Drainage Systems.

Overall, the Scheme delivers residential development that is mixed in tenure with a balance between market and affordable tenures.

The following are additional key features of the Scheme

- All new affordable dwellings will meet Lifetime Homes standards and will be designed to comply with Building Regulations Approved Document Part M(4) category 2.
- The specialist residential accommodation will include self-contained units with communal facilities where residents can interact with the wider community and address the changing needs of the local population.
- The Health Centre will include a dentist, surgery and pharmacy, located in close proximity to the specialist residential accommodation.
- The Community and Youth Centre will provide a community centre located adjacent to a skate/BMX track and a multi use games area overlooking a central linear park. The Nursery and Children's Centre will be located adjacent to this building.
- The Retail Units are identified as comprising 1845 sqm of flexible retail space and have been designed to complement the nearby ASDA Superstore and nearby retail facilities. The precise details will come forward as a reserved matters application as the Scheme progresses.
- The design of landscaping and public realm has been an integral part of the Sheerwater Masterplan. To address deficiencies in the current public open space, a range of different types and areas of public open space have been incorporated within the Scheme.
- The Scheme redistributes the existing publicly accessible open space, improves the quality of the open space provision and increases their catchment areas to ensure the widest possible use can be made of them. The public open space being provided by the Scheme will be of a much higher quality and value, with natural surveillance and good accessibility built in as fundamental tenets of its design. The Council has commissioned a report into the open space proposed as part of the Scheme, to assess the existing open space within Sheerwater against the proposed provision once the Scheme is implemented. The conclusions of this report include:-
 - The combined indoor and outdoor sporting provision will be significantly improved in terms of provision and quality through the development of a new high quality leisure centre and new 3G pitches. There will also be an updating of existing playing pitches at the Bishop David Brown school through the introduction of improved drainage, landscaping and maintenance
 - The existing Borough athletics ground, which was not publicly accessible, has been re-provided elsewhere in Woking
 - The new sporting provision was supported by Sports England as part of the planning process
 - The quantum of parks and gardens are improved both in terms of quantity and quality over the existing range. The location is to be moved to a more central position in Sheerwater, which will benefit new and existing residents
 - The quantum and quality of play areas is going to be significantly enhanced
- The Order Land includes the Sheerwater Recreation Ground and Athletics Track. As part of the Scheme, both facilities are being redeveloped. To account for these areas being removed from the Order Land, they are to be re-provided by the Council as part of the Scheme. The Council has delivered "The Hoe Valley School and Recreation Centre" Project, a Council led

initiative with financial support from the Education Funding Agency. The project includes an eight lane all weather track, areas for track and field sports and two grass sports pitches as well as three all weather 5 a side football pitches, two multi use games areas and an indoor leisure centre providing a sports hall, gym and studios with changing facilities. The re-provided facilities created as part of this project will represent significantly enhanced recreation and sports facilities when compared to the existing Sheerwater Recreation Ground and Athletics Track. The sports clubs that previously made use of facilities within the Order Land (and specifically Sheerwater Recreation Ground) have all successfully relocated to this site, or have been accommodated elsewhere. In particular, Sheerwater Football Club has relocated temporarily to shared facilities with Woking Football Club under an arrangement brokered and funded by the Council. The junior football teams are now using facilities at Hoe Valley School. The Athletics Club has also successfully relocated to the Hoe Valley School site and indications are that subscribers to the club have increased since the relocation.

- The new Leisure Centre to be provided as part of the Scheme will be a two storey community leisure centre, designed in consultation with all relevant bodies (including the Bishop David Brown Secondary School, Surrey County Council Education Department, Sport England and Sheerwater Football Club). The Leisure Centre will contain:-
 - A 5 court sports hall and changing facilities
 - A 6 lane (25mx13m) swimming pool with spectator seats and a 13mx10m learner pool
 - Shared changing village for both pools
 - 2 studio rooms with partitions for flexible use of space
 - 80 station gym/fitness suite
 - A function room
 - Sports hall with dining and catering facilities
 - 4 changing rooms to service outdoor pitches
 - 1 3G all weather football pitch
 - Markings for 2 junior/5 a side football pitches
 - An U16 grass football pitch and an U13/14 grass football pitch
 - A grass rugby pitch
 - Markings for a 200m grass running track
 - A cricket square with artificial wicket and 2 practice nets
 - Access to the 6 existing tennis courts.

A community use agreement will be put in place to ensure the leisure facilities can be shared between relevant users (including local Schools, Community Groups and Local Sports Clubs) and this is a Condition of the Planning Permission.

- Where relevant, all facilities will be supported by appropriate car parking in compliance with the Councils Parking Standards Supplemental Planning Document.

3. THE PLANNING POSITION

The Scheme is considered compliant with all relevant National, Regional and Local Planning Policies and has the benefit of the Planning Permission.

National Planning Policy

The NPPF promotes a presumption in favour of sustainable development and recognises three dimensions of this – economic, social and environmental. Local authorities are encouraged to maintain an up-to-date development plan and the NPPF provides that planning applications in accordance with the development plan should be determined positively without delay. The most relevant policies of the NPPF to the Scheme are: achieving sustainable development; delivering a sufficient supply of homes; building a strong, competitive economy; promoting healthy and safe communities, promoting sustainable transport; making effective use of land; and achieving well-designed places. Officers consider the Scheme compliant with the NPPF.

Regional Planning Policy

Surrey County Council's SSPP forms part of the evidence base for the Core Strategy and sets out ten priorities, including:-

- To improve learning, health and employment outcomes for children and young people, particularly the vulnerable and disadvantaged;
- To promote healthy lifestyles, particularly targeting groups and communities at most risk;
- To help people in Surrey to achieve more sustainable lifestyles;
- To achieve better standard of development to deliver more social, environmental and economically sustainable benefits.

With regard to Priority Places, the SSPP states that *“some action plans will be focused around specific regions, areas and neighbourhoods, especially those where the work of several partnerships would need to be co-ordinated.”* Sheerwater is identified as one of four areas in Surrey that are in the most deprived 25% of areas in England. Sheerwater is therefore identified as having specific concerns for all delivery partnerships around skills, employment, health, crime, housing and safeguarding children and young people. The SSPP is an overarching policy document, but where relevant, the Scheme supports the objectives and addresses the concerns and challenges identified within it.

The Order Land is also covered by a saved policy from the Regional Spatial Strategy for the South East, Policy NRM6: Thames Basin Heaths Special Protection Area. This policy requires that new residential development likely to have a significant effect on the ecological integrity of Thames Basin Heaths Special Protection Area will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. The Scheme is considered to comply with this policy.

Local Planning Policy

The Council adopted its Core Strategy on 25th October 2012. The principal purpose of this document is to *“facilitate the delivery of a Borough of high environmental quality and standards where people choose to live, work and visit, an exemplar in the achievement of sustainable growth”*. The following are the key policies from the Core Strategy that the Scheme contributes towards/is in compliance with:-

Core Strategy Policy CS1 – A Spatial Strategy for Woking Borough. The Council's Strategy is to deliver 4,964 net additional dwellings, with an overall affordable housing provision target of 35%, as well as additional office, warehousing and retail floor space. The Sheerwater area is identified as a Priority Place *“for specific actions to address pockets of deprivation”*. The Council will target specific types of development to address the underlying causes of deprivation in those areas designated as Priority Places.

Core Strategy Policy CS5 – Priority Places. The Council will work with partners to target resources to Priority Places, including the ward of Maybury and Sheerwater. The Council will

- Enable the provision of around 250 additional homes in Maybury and Sheerwater to 2027. In Sheerwater these homes will primarily be provided by bringing forward land in the Council's ownership for development.
- Seek to address the current tenure imbalance by requiring new affordable housing dwellings to be family homes (2 bedrooms or more) and giving priority to intermediate rent and shared ownership tenures.
- Safeguard land within existing employment areas and encourage proposals that create new opportunities for local employment within them.
- Promote local labour agreements with developers to enable local people to secure employment and skills development.
- Seek to increase the choice of retail offer in Sheerwater and support in principle the development of a convenience retail outlet, subject to assessing the full impacts of such proposal on the vitality and viability of the Sheerwater local centre.
- Work with partners to achieve this, making use of CPO powers if necessary. Protect the vitality of the Sheerwater local centre to ensure the community has a genuine choice of shopping and services. The loss of existing retail units will be resisted in Sheerwater (Note

– it is acknowledged that the Scheme does not comply with this part of Policy CS5 relating to the loss of existing retail units. Nevertheless, taken as a whole, the Scheme is considered compliant with Policy CS5).

- Seek to improve the image of Sheerwater by promoting high quality design of public realm, the enhancement of open spaces and public amenity areas. Proposals will be expected to have built in natural surveillance that designs out crime and fear of crime, creates direct, safe routes to neighbouring communities and nearby retail and commercial facilities and provides a safe environment.
- Channel developer contributions to deliver infrastructure in line with relevant policies of the Core Strategy.
- Work with Surrey County Council and public transport providers to improve bus services, existing cycle networks and provide secure cycle parking facilities. In addition, to assess the role of parking provision to increase trade and protect businesses and promote investment in a local community transport scheme to increase access to services.
- Use its CPO powers and other means to assist with site assembly where it is necessary to do so.

The Scheme has been planned and designed to contribute towards the objectives of Policy CS5. Policy CS5 also clearly envisages that in order to deliver its policy objectives, the Council may have need of CPO powers to assemble the necessary land.

Core Strategy Policy CS10 – Housing Provision and distribution. The Council will make provision for at least 4,964 net additional dwellings in the Borough to 2027. Within Policy CS5, reference is made to the intention that, within the Sheerwater area, new homes will primarily be provided by bringing forward land in the Council's ownership for redevelopment, which includes the Order Land.

Core Strategy Policy CS11 – Housing Mix. The Scheme includes the delivery of a wide range of types of homes by tenure, unit size and for particular needs. This also includes a proportion of larger family sized homes.

Core Strategy Policy CS12 – Affordable Housing. The majority of the Order Land is within public ownership and therefore, while the Scheme provides affordable housing at 47%, it is not considered fully compliant with Policy CS12. However, Policy CS12 does recognise that the proportion of affordable housing to be provided by a particular site will take into account a number of factors, including in the case of the Scheme, Policy CS5. Taking this into account, the Scheme is considered to be compliant with Policies CS5 and CS12.

Core Strategy Policy CS13 – Older people and vulnerable groups. The Scheme includes an Assisted Living Facility and has been designed to meet the needs of local residents in accordance with this policy.

Core Strategy Policy CS16 – Infrastructure Delivery. The Scheme attracts both a Community Infrastructure Levy Liability as well as Planning Obligations (although since the Council is both the major landowner and Local Planning Authority, the Planning Obligations are expressed as Executive Obligations, accepted by the Council on 21st July 2016). The burden of discharging planning obligations will be passed onto TDL when implementing the Scheme proposals.

Core Strategy Policy CS17 – Open space, green infrastructure, sport and recreation. The Scheme will enhance and improve the public realm, open space and leisure facilities within the Order Land and the Sheerwater area and the Scheme has been designed in compliance with this policy objective.

Core Strategy Policy CS18 – Transport and accessibility. The existing highway network and access routes in and around the Order Land will be improved and enhanced as part of the Scheme. These include the provision of a network of streets that will encourage pedestrian movements and that will enhance the environment for all. In addition, cycle routes accessing Basingstoke Canal have been included to encourage car free access to the town centre and nearby railway.

Core Strategy Policy CS19 – Social and community infrastructure. The Scheme will deliver improved and enlarged community facilities, with enhanced pedestrian and cycle infrastructure as part of an overarching scheme to improve both the quality of and access to social and community infrastructure.

Core Strategy Policy CS21 – Design. The Scheme has been designed to comply with this policy, incorporating all Council requirements and representing a wholesale improvement to the current conditions of the Order Land.

Core Strategy Policy CS22 – Sustainable construction. The Council requires new residential development to meet the energy and CO2 and water components of the Code for Sustainable Homes Level 5 from 1 April 2016. New non-residential development of 1,000 square metres or more is required to comply with BREEAM “very good” standards. The residential units will be designed to maximise solar thermal opportunities.

Note: Since the publication of the Core Strategy, a written Ministerial Statement was delivered to Parliament (25th March 2015) effectively repealing the Code for Sustainable Homes. Therefore, in applying Policy CS22, the Council has modified its approach. The Council considers that the Scheme is compliant with Policy CS22 (as now being applied).

Planning Permission

Alongside the planning policy framework in support of the regeneration of the Order Land which is outlined above, the Scheme has the benefit of the Planning Permission. The Planning Permission is a hybrid planning permission (a combination of the detailed elements of the 2015 Permission and the 2019 Permission, itself a hybrid planning permission). The Planning Permission operates to provide detailed planning consent for the early phases of the Scheme and outline planning consent for the Scheme as a whole.

4. **USE OF COMPULSORY PURCHASE POWERS AND BENEFITS OF THE SCHEME**

Objectives and the use of Compulsory Purchase Powers

The objective in seeking to make the Order and acquire the Order Land is to assemble in its ownership the land and interests included in the Order, so as to continue to facilitate and enable the implementation of comprehensive regeneration within Sheerwater, identified as a Priority Place within the Council’s Core Strategy. The Order seeks to acquire all estates and interests in the Order Land, including rights, easements, the benefit of covenants, rent charges and options in the Order Land, except where otherwise expressly stated. The Order Land also includes land in unknown ownership, or land reputed to be in unknown ownership, which needs to be compulsorily acquired to facilitate the delivery of the Scheme. In considering making the Order, the Council has had regard to the Guidance.

It is proposed that the Council exercises its powers of compulsory purchase to acquire the Order Land, under Section 226(1)(a) of the 1990 Act. Section 226(1)(a) of the 1990 Act empowers an acquiring authority, on being authorised by the Secretary of State, to acquire compulsorily any land in their area:

- (1) if the acquiring authority thinks that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to that land; and
- (2) the development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of their area.

The power under Section 226(1)(a) of the 1990 Act is intended to provide a positive tool to help acquiring authorities to assemble land where this is necessary to implement proposals within its Core Strategy or where strong planning justifications exist. Officers are satisfied that the use of the powers contained in section 226(1)(a) of the 1990 Act is the most appropriate power available for its purposes and will facilitate the carrying out of development, redevelopment or improvement on or in relation to the Order Land and that it will contribute to the development, redevelopment or improvement of that area, thus meeting the statutory tests. The Scheme will amount to a comprehensive regeneration initiative for the Sheerwater Area, complementing the other initiatives being promoted by the Council

and its partner agencies.

Benefits of the Scheme within the tests of Section 226(1)(a) of the 1990 Act

The Guidance stipulates that, where a compulsory purchase order is promoted under the provisions of section 226 (1)(a) of the 1990 Act, the Secretary of State will take into account the following issues when deciding whether to confirm an order:

(1) whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the NPPF

As set out in this Report the Scheme benefits from the Planning Permission which grants full detailed planning permission for the early phases of the Scheme. The remainder of the Scheme benefits from outline planning permission. The Scheme complies with national, regional and local planning policies. There are no relevant made or emerging neighbourhood plans. Officers are satisfied that the Scheme complies with the strategic objectives of the adopted planning policy framework for the area. These proposals will deliver significant economic, social and environmental benefits to the area.

(2) the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area

It is considered that the Scheme will facilitate the comprehensive redevelopment of the Order Land in a manner which will positively contribute to the improvement of the economic, social and environmental wellbeing of the Council's administrative area.

The benefits that will arise are referred to in Section 2 of this Report and also include:

- Significant physical transformation of the Order Land and surrounding area
- The provision of an additional 569 new dwellings across the Order Land and with the Scheme delivering an affordable housing provision of 45.80%
- Increasing the number of new homes, as described above and addressing the current tenure imbalance to provide a higher percentage of family homes while aligning the housing mix of the Scheme to meet identified local housing need
- The provision of specialist housing for elderly residents, in close proximity to the new community facilities
- Improvements to community facilities by the provision of updated facilities for a nursery/children's centre, community/youth centre and health centre
- Improvements to leisure facilities by the provision of a leisure centre and associated facilities. The leisure centre will be available for use by nearby schools and will contain dining facilities for the Bishop David Brown Secondary School. As such, it will support the strategic need for expansion at that School
- Improvements to the public realm, highways and open spaces within the Order Land;
- Fostering a greater sense of community cohesion with enhanced community facilities integrated within the development and which are centrally located within the Order Land to improve accessibility
- Reduction in barriers to cycle and pedestrian movement in the area
- Improvements to retail facilities in the area
- Provision of infrastructure to enable future public transport providers to use the neighbourhood spine, improving accessibility to the wider area
- Improvements to drainage infrastructure and flood mitigation measures
- Removal of overhead electricity pylons (being re-sited below ground) (already undertaken)
- The Scheme and wider proposals for Sheerwater will help to transform the status of Sheerwater and act as a catalyst for further investment and economic growth and unlock the potential for further redevelopment and regeneration of the area

(3) whether the purpose for which the authority is proposing to acquire the land could be achieved by any other means.

The extent of the Order Land has been influenced by a number of factors, including its location, surrounding land uses and environmental impacts as well as the Council's overall objectives for the regeneration of Sheerwater.

The Order Land may be capable of piecemeal development with individual areas of land being brought forward in isolation, provided satisfactory arrangements for access to serve such development could be made. However, the combined approach of using the whole site to secure comprehensive development (including highway access) to serve the Scheme is considered to yield a significantly better redevelopment outcome for the area.

The logistical challenges of piecemeal development are considered likely to make the overall development impractical and non-viable, adding both cost and delay to the process. The extent of community infrastructure being provided by the Scheme is, in the Council's opinion, non-viable were the development to come forward in a piecemeal manner. The critical mass of development proposed by the Scheme is a key factor in the Scheme's viability. It is the Council's view that a comprehensive approach is required to deliver the Scheme and the benefits it will bring.

The Council has, as a result of a number of concerns expressed about the 2015 Permission, significantly re-designed the Scheme, resulting in the 2019 Permission. The detailed elements of the 2015 Permission sit alongside the 2019 permission, specifically:-

- (a) The provision of ancillary additional space at Bishop David Brown School
- (b) The provision of 139 residential units (115 open market and 24 affordable)
- (c) The provision of the leisure centre including artificial grass pitch, spectator seating, sports amenity lighting and improvements to the playing fields at Bishop David Brown School
- (d) The creation of improved car parking facilities
- (e) Hard and soft landscaping

And in addition, improves the Scheme by:-

- (a) Increasing the amount of open space being delivered
- (b) Increasing the amount of car parking available for the new homes being delivered
- (c) Introducing three new surface car parks for the community facilities and existing schools
- (d) Improving the layout of car parking to remove the need to demolish four properties along Devonshire Avenue
- (e) Altering the location of community facilities to ensure they occupy a central position, reflecting their importance to the community
- (f) Increasing the number of dwellings being delivered, but aligning the housing mix of those dwellings to meet local housing need, while delivering a significant proportion of family size dwellings
- (g) improving the overall design approach to the Scheme to deliver a high quality walkable neighbourhood comprised of different character areas connecting to the wider area

The Council has, at all times, listened to comments from its officers, communities and stakeholders and demonstrated that it is committed to delivering the best possible outcomes, even if that means re-evaluating the nature of the proposed development.

Overall therefore, it is concluded that there is no credible alternative which could deliver a comprehensive scheme on the Order Land to meet the planning policy objectives within a

reasonable timeframe. The scope for alternative locations is limited by the purposes of the Order, which is to facilitate the Scheme in line with the Planning Permission granted for it.

(4) the potential financial viability of the Scheme (including the timing of any funding, which may be important).

The funding position for the Scheme is considered elsewhere within this Report.

5. DELIVERY OF THE SCHEME AND PROGRESS OF VOLUNTARY ACQUISITIONS

Thameswey Companies

Delivery of the Scheme will be undertaken by the Thameswey Group of Companies, a group of companies wholly owned by the Council as delivery and investment vehicles. The Council has a controlling influence over these Companies with representation on the Board of Directors (with both Councillors and officers sitting in Board positions) and as majority shareholder. The two Thameswey companies involved in the Scheme are TDL and THL). Given the nature of the two companies and the purposes for which they have been incorporated, it is proposed that, in order to effectively deliver the Scheme, it is appropriate for the Order Land to be transferred to THL, while the physical delivery of the Scheme is carried out by TDL. The affordable housing delivered as part of the Scheme will be owned by THL and managed by them from completion.

The benefit of using TDL and THL to deliver the Scheme are that:-

- The Council will retain any development profit within the Borough of Woking;
- The Council will control profit levels to ensure rents for affordable homes remain affordable; and
- TDL can enter into commercial arrangements if it is advantageous to the progress of the Scheme, retaining some advantages of private sector involvement while ensuring a degree of control is retained by the Council.

Voluntary Acquisitions, Treatment of Residents and Community Charter

The Order is being proposed to ensure that all the land required for the Scheme can be secured within a reasonable timescale, thereby maintaining the affordability and deliverability of the Scheme and of the wider regeneration of the Sheerwater area. The Guidance provides that an acquiring authority must be able to demonstrate that it has taken reasonable steps to acquire all of the land and rights included in an order by agreement. In accordance with that Guidance, the Council has been carrying out negotiations with owners of the Order land and entering into negotiations with a view to acquiring all of the Order Land by agreement. The Sheerwater Community Charter (referred to below) has been one element of those attempts to secure land by negotiation and the Council has been actively promoting the use of the Charter by residents within the Order Land.

The Council (whether itself or in the name of THL), owned the majority of the Order Land at the outset of this process. However, in respect of those parts of the Order Land not in Council ownership, the drive to acquire land by negotiation and the implementation of the Charter has resulted in the Council acquiring some 100 properties within the Order Land by negotiation (approximately 80% of the properties not already in Council ownership). Contracts for the purchase of 4 further properties have been exchanged. A plan showing those interests within the Order Land owned by the Council/THL is attached to this report.

As referenced above, a central part of seeking to acquire land by negotiation is the Charter. As a central principle, the Charter states that wherever possible, all residents, owners, occupiers and tenants who wish to remain within Sheerwater will have the opportunity to do so. The Charter sets out the Council's commitments to occupiers within the Order Land, which the Council believes to be an enhanced package of measures beyond that required by statute. The Council has made it clear that the Charter applies to negotiated acquisitions agreed before making the Order. Upon making the Order, negotiations for further voluntary acquisitions will be based on the statutory regime for determining compensation. There are a wide range of commitments contained within the Charter and those relevant to the proposed Order and the delivery of the Scheme are as follows:-

General

- All occupiers of the Order Land will be given no less than 12 months notice of any requirement to vacate their properties.
- Particular assistance will be given to elderly and vulnerable residents to manage any concerns they might have and assist them with the process.
- Discussion will be held over timescales and moving and re-housing arrangements, with each household's needs being assessed.
- Advice and assistance will be provided/facilitated as required. A dedicated Housing Support Team has been put in place to assist with this.

Freehold/Leasehold Occupiers

- Resident homeowners whose property needs to be acquired will receive market value plus 17.5% and a right of first refusal to buy a new property built as part of the Scheme. Non-resident homeowners whose property needs to be acquired will receive market value plus 17.5%. This applies where the ownership pre-dated 3 December 2015.
- The Council will arrange for a valuation of the property being acquired by an accredited chartered surveyor.
- Losses caused by virtue of having to transfer a mortgage as part of the move will be subject to compensation.
- An assisted purchase scheme will apply where a resident homeowner is required to move and cannot afford a new property within those built as part of the Scheme. The Council would take a share of the equity in a new property, subject to a cap of 33% of its market value, or £100,000, whichever is less. The Council's share could be bought out, or recovered on subsequent disposal of the property.

Shared Ownership Residents

- The Council will offer the opportunity to purchase an equity share of 20% or more in one of the new properties built as part of the Scheme.
- The Council will pay the market value of the equity share owned in current properties, plus a home loss payment of 10% of that share (from a minimum of £6,400 to a maximum of £64,000).
- Reasonable removal costs and expenses will be paid.
- Reasonable legal and surveying fees will be paid.
- An alternative of compensation is offered, with the residents sourcing alternate accommodation in the open market.

New Initiatives

In addition to the commitments set out in the Charter, the Council has sought to implement a system of continual improvement, learning from the experiences of residents to deliver an improved package of measures and assist residents in relocating from the Order Land. Measures have included:-

- The Council has built up a reserve of properties that could be used to offer residents a "ready made" home where they could not find somewhere on the open market. This is entirely voluntary, but sought to increase the options available to residents.
- The Council is implementing a "help to move" service that provides physical assistance to those residents who needed it. This has proven sufficiently successful that the Council is considering rolling out throughout its administrative area.
- The Council is seeking feedback from those residents who have relocated or engaged with the Council to assess where the Council's involvement can be improved.
- The Council has directly employed a mental health worker to provide support to residents, funded through a local charity, Cornerhouse.
- The Council was made aware of concerns among residents that the Council's appointed valuer may not be fully independent. To address these concerns the Council has made the District Valuer service available to residents (both as an option for the valuation of their property and as a second opinion to demonstrate transparency on the question of valuation).

Construction work in respect of the Scheme began on 22nd July 2019, with preliminary works to create the Leisure Centre, swimming pool and associated sports facilities. The first phase of residential development forming part of the Scheme has also commenced and will deliver 92 residential properties once complete. The programme for delivery of the phases within the Scheme provides for a total demolition and re-building programme over 76 months from commencement of development and has been designed to minimise interference for residents.

Notwithstanding the implementation of the Charter and the drive to acquire interests within the Order Land by negotiations, the scale and nature of the Scheme means that there remain interests within the Order Land still to be acquired and which are unlikely to be acquired within a reasonable time period such that the Order remains necessary to enable the assembly of the Order Land and for the Scheme to be delivered with certainty and in a timely fashion.

6. CONCLUSION

For the reasons set out in this Report and the accompanying documents, Officers consider there is a compelling case in the public interest for the making and confirmation of the Order and that the Order comprises a proportionate response to secure those objectives. The need for the comprehensive development of the Order Land is acknowledged and supported in the adopted national and local planning policy framework. Delivery of the Scheme would fulfil the Council's key planning policy objectives for the area and transform the Order Land. It would contribute significantly to the improvement of the economic, social and environmental well-being of Sheerwater.

The Council is confident that there is more than a reasonable prospect of the Scheme proceeding, given the commitment to the delivery of the Scheme demonstrated to date, in securing planning consent for it, the acquisition of interests by agreement in the Order Land and the steps it is taking to deliver the Scheme. The Council also believes that there are no credible alternatives to compulsory purchase to achieve the purposes of the Order. It is highly unlikely that all the outstanding interests required could be assembled by agreement within a reasonable timescale, if at all.