
Egley: Proof of Evidence of Charles William Collins MSc MRTPI (Appeal B)

Appeal References: APP/A3655/W/20/3265969 and APP/A3655/W/20/3265974

Site Addresses: Land South of Kingfield Road and East of Westfield Avenue, Westfield Avenue Westfield, Woking and Land South Of Hoe Valley School, Woking

LPA: Woking Borough Council

Inquiry Start Date: 10 May 2021
Egley Site





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Appendices

Appendix 1 – Supplementary Planning Note; Development in Green Belt Additional Commentary Savills (June 2020)

Appendix 2 – Letter from David Lloyd (12 April 2021)



1. Introduction & Summary of Case for Appellant

1.1. This Proof of Evidence has been prepared by Charles Collins on behalf of the Appellant. This Proof of Evidence has been prepared in support of a Planning Appeal made by Goldev Woking Ltd (the “Appellant”) under section 78 of the Town and Country Planning Act 1990 and in accordance with the Town and Country Planning (Inquiries Procedure) (England) Rules 2000/1624 (see Appendix F of the PINS Procedural Guide – March 2021).

Reason for the Appeal

1.2. This Appeal is submitted in response to the refusal by Woking Borough Council (“WBC”) on 2nd July 2020 of two applications for planning permission (local authority references PLAN/2019/1176 (Appeal A) & PLAN/2019/1177 (Appeal B)) (**CD REF. 3.4 and 3.5**) submitted by the Appellant on 4 December 2019. The Appeals have been co-joined owing to the intrinsic links between the applications and developments proposed. This Proof relates to the Appeal on land at Egley Road (Appeal B), a separate Proof addresses the Appeal at Kingfield Road (Appeal A). The land at Egley Road is referred as ‘the Site’ and the ‘Proposal’.

1.3. This Proof of Evidence provides evidence, on behalf of the Appellant, in relation to planning matters including national and local planning policy, and other material considerations. It addresses matters concerning:

- a) The Summary of the Appellant's case.
- b) A description of the Appeal Proposal and any relevant or applicable updates.
- c) The outstanding reasons for refusal of WBC
- d) Relevant National and Local planning policy updates.
- e) The Appellant's case in response to the Inspector's key topics.
- f) The overall planning balance.

1.4. This Proof of Evidence will address the planning balance in the context of national and local planning policy and the package of mitigation measures proposed by the Appellant to be secured through planning



conditions and obligations.

1.5. A primary assumption of my Proof is in respect of mitigation measures advanced by the Appellant and WBC. At the time of writing there is an Executive Undertaking / Planning & Development Agreement (PDA) as described in the Statement of Common Ground, alongside a set of planning conditions in the Officer's Report (**CD 3.3**), which the Appellant agrees subject to any alterations required through the Inquiry process. Therefore, when I discuss matters which require either a planning obligation or condition to make the Appeal Proposals acceptable in planning terms, I refer to the PDA and draft conditions.

1.6. The case for Appellant, as set out in this Proof of Evidence can be summarised as:

Core Case of the Appellant

1.7. The Appellant agrees with the original planning case officers' that the original application subject to the Appeal should be granted, following a number of years of preparatory work to deliver on the objectives of the Borough, notably the provision of a new Community Stadium (as the largest football stadium in Surrey) and affordable housing (Appeal A which Appeal B is linked). In addition, the Proposal accords with emerging planning policy, and clear intent of the Council for a number of years to remove the Site from the Green Belt. The original Officer's Report is a significant material consideration in the determination of the Appeals.

1.8. Woking is the largest settlement in a Borough constrained by Green Belt (63%) and Thames Basin Heaths Special Protection Area. The Core Strategy is clear of the need to focus investment and development on the town itself, but recognises over the plan period some land will need to be released from the Green Belt. This is indicated by the exceptional circumstances justifying emerging allocation GB7 which the Site sits.

1.9. The Appeal Site is in a sustainable location, on the edge of Woking town, in the Mayford area.

1.10. There are four very special circumstances (VSC) justifying the Proposal, which fundamentally relate to the Proposal's inherent link to Appeal A. The VSC are:



- VSC1 – Enabling a new Community Stadium on Appeal A;
 - VSC2 - Enabling the meeting of housing needs (noting the Proposal is 100% affordable, and through facilitating Appeal A indirectly links to the Proposal to the delivery of 45% affordable on this site);
 - VSC3 – Provision of new leisure / gym facilities and health club (noting the relocated David Lloyd facility is within the same catchment area and provides for an enhanced facility – see **Appendix 2**); and
 - VSC4 – Emerging Site Allocations DPD (SADPD) proposals to alter the Green Belt boundary through emerging policy GB7, removing the entirety of the Site from the Green Belt.
- 1.11. Each of these VSC individually is sufficient in themselves to justify an approval, and cumulatively these have greater weight.
- 1.12. There is significant case law, and appeals precedents which outline the numerous factors that are capable of being VSC. The four VSC are consistent with Case Law and other precedents.
- 1.13. I outline that there is no significant harm arising from the loss of Woodland on the basis of amenity. There is no harm related to either landscape or ecology. I consider that the VSC identified, alongside the mitigation provided by the landscape proposed outweigh the very limited harm.
- 1.14. There is a severe and historic low level of affordable housing delivery within Woking Borough (as I outline in my Proof on Appeal A). This is in the context of high housing demand in Surrey, and on the basis of the historic low delivery of housing in the Housing Market Area (shared with Guildford and Waverley).
- 1.15. The Appeal Scheme complies with the development plan, notably CS1, CS6 and CS21. There are very special circumstances to justify planning permission, and no other harms (other than the amenity value of woodland) or reasons for refusal are alleged by WBC or any third party.
- 1.16. On the basis of the mitigation proposed, as secured by appropriate planning obligation and condition, it is my strong belief that the Proposed Development is acceptable in planning terms and the Appeal should be allowed.

Matters Outstanding

- 1.17. The reasons for refusal are outlined in the Statement of Common Ground (SoCG) between the Appellant and WBC.



1.18. Reason for refusal 3 is addressed by the Executive Undertaking / PDA, which I discuss in **Section 8** of my Proof.

An Introduction to the Key Witnesses for the Appellant

1.19. I am the only witness appearing for the Appellant in respect of Appeal B. I would however also draw the Inspector to the evidence of Mr Wayne Gold (Goldev Woking Ltd) in respect of the context in which Appeals A and B have been advanced.

1.20. I provide evidence on Planning as outlined in this Proof.

1.21. I outlined my background experience as the Planning witness in my separate Proof on Appeal A.

Evidence Structure

1.22. Following the publication of the Main Issues by the Inspector on 16th March, my evidence follows the following order:

Section 2: Relevant background supporting the original planning application.

Section 3: How I address the core case for the Appellant in this Proof.

Section 4: The sustainable location of the development, and other relevant material planning matters in respect of policy (for context and to support my response to the key topics identified).

Section 5: The very special circumstances supporting the grant of planning permission on the Site which is presently still in the Green Belt (key topic a.)

Section 6: The matter of the amenity value of the Woodland (key topic b.)

Section 7: Other Issues

Section 8: The planning conditions and matters pertinent to the Executive Undertaking (key topic c.)

Section 9: The overall conclusions and planning balance



2. The Planning Application & Appeal Background

- 2.1. The background to the Planning Application & Appeal was outlined in my separate Proof on Kingfield (Appeal A). The Officer's Report (**CD 3.3**) also recommended approval of the Appeal Scheme and this recommendation was only altered owing to the refusal of the Kingfield Scheme.
- 2.2. The matters addressed in this Proof of Evidence include the reasons for refusal upheld by WBC. No matters have been raised by Rule Six parties, statutory consultees or any relevant third parties on Appeal B.



3. How the Core Case for the Appellant is Addressed

Main Planning Issues (Appeal B)

3.1. On 16th March 2021, the Inspector issued a draft list of main topic areas which were agreed at the Case Management Conference as follows:

- a) 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;
- b) Effect on the character and appearance of the surrounding area, as a result of the loss of protected trees and woodland; and
- c) The absence of an Executive Undertaking, to secure necessary planning obligations.

3.2. I intend to deal with the issues in this way in the order of the three topic areas the Inspector has identified.

3.3. It has been confirmed that there are no Rule Six parties for Appeal B. I am not aware, at the time of writing, of any substantive matters raised by interested parties.



4. Sustainable Development

4.1. I outline in my evidence the reasons why planning permission should be granted.

The Context of the Proposal

4.2. I consider the Site to be a sustainable location on the edge of Mayford, close to the existing urban edge of Woking town. It is located circa 400m from Worplesdon railway station; and also close to various local shops and amenities in Mayford, a garden centre, a public house and Hoe Valley Secondary School and Freemantles Primary School. As I outline, WBC agrees, through the identification of the Site for development in the emerging Site Allocations DPD (SADPD) (**CD 4.4**).

The relationship between Appeal B and Appeal A

4.3. As outlined in the SoCG (**CD 1.13**) there is a clear link in planning and delivery terms between the Appeal Proposals. The Appellant agrees that Appeal B is intrinsically linked to Appeal A.

Benefits of the Appeal Proposal

4.4. Throughout the Application and Appeal process, the Appellant has outlined considerable social, economic and environmental reasons to support the Proposed Development, which contributes to a number of planning and public benefits. The principal benefits arise as the Appeal Scheme (B) enables the delivery of Appeal Scheme (A) at Kingfield. The benefits of Appeal A are outlined in my separate Proof.

4.5. The further benefits of Appeal B include:

- 1) Delivery of a significant proportion of the Borough housing requirements, notably for affordable housing in the context of past under-delivery in Woking;
- 2) Job creation and delivery of economic growth;
- 3) Provision of a leisure / gym facility and health club;
- 4) Prompt delivery of land allocated in the emerging Site Allocations DPD (**CD 4.4**) regarding the removal of the site from the Green Belt as part of emerging allocation GB7;

4.6. I relate each of these benefits throughout my evidence.



The Uniqueness of the Site & Absence of Viable Alternative Sites

- 4.7. An exercise was undertaken to ascertain available and achievable alternative sites to relocate a leisure / gym facility of comparable scale in the town (2-3 hectares). There were no immediately available or available vacant, previously developed alternatives in the urban areas, which meet the scale required, as confirmed by a review of the Council's Brownfield Land Register, nor sequentially preferable alternative Green Belt sites.
- 4.8. The Appeal Site was the only one proposed for removal in the Green Belt. This evidence was shared with WBC prior to the determination of the application (**Appendix I**). The Appeal Site (B) is well related to the Kingfield Site (A), only circa-1.6km away, and thus the population catchment for the leisure / gym facility would be the same. The proposition for the leisure / gym facility is an enhanced facility to meet modern specifications, which acts as a qualitative enhancement over the existing (see **Appendix 2** which outlines the supportive position of the operator - David Lloyd).
- 4.9. The Environmental Statement (**AD 2.1 – 2.3**) outlined that no reasonable alternatives to the principle of development located at the Site were considered, in line with WBC planning policy to deliver residential including affordable housing, recreational/open space and education which presented a viable development opportunity.

Job creation, delivery of economic growth. Provision of a Community Stadium.

- 4.10. The Appeal Proposal will generate direct and indirect economic benefits. It is beyond doubt in my view that the Appeal Proposal will generate jobs (indirectly and directly) and provide homes to support the wider economy. The Officer's Report (**CD REF 3.3**) clearly recognised that economics benefits (jointly with Appeal A) weigh in favour of the Appeal Proposal. This is evidenced in paragraph 25 of the Officer's Report:

"The proposals under PLAN/2019/1176 would provide a major regeneration opportunity to enhance economic activity and employment for both the construction and operational phases of that development, being expected to support a total of 330 net additional FTE jobs, a major positive impact for economic activity and employment within the Borough."

- 4.11. The economic benefits have been consistently communicated to WBC. This was also addressed in the ES Socio Economics Chapter (**AD 2.1 – 2.3**) (Appeal A) and within the original Planning Statement and Addendum (**AD 2.25**).
- 4.12. There is a clear enabling development argument which I have demonstrated within this report (Section 1), and in VSC1. Without the Site being used to relocate David Lloyd, then the economic and social benefits from the new stadium at Kingfield falls away, as a comprehensive development of the Kingfield site (Appeal A) could not occur.
- 4.13. The EIA for Egley scoped out socio-economics from their report, but it is clear that the economic benefits from Appeal A should be taken into account. These include, but are not limited to (from ES Socio Economics Chapter (**AD 2.1 – 2.3**)):
- The existing 95 FTE within the David Lloyd facility will be retained locally through its relocation to Appeal Site B;
 - The upgraded Stadium and new retail floorspace will support 50 FTE jobs, a net uplift of 25 FTE jobs;
 - The CIL charging schedule the Proposals would produce estimated planning gains of over £8.2million (assuming social housing relief is given for the affordable housing to be secured by legal agreement).
- 4.14. The economic benefits of the scheme Appeal A and Appeal B taken as a whole are clear and weigh in favour of the Appeal Proposal. This is recognised in paragraph 25 of the Officer's Report (**CD 3.3**).

Compliance with the Development Plan

- 4.15. The Appellant acknowledges that the Appeal Proposal (B) represents inappropriate development in the Green Belt. However, the Proposal is still in compliance with policy CS6, provided that very special circumstances are demonstrated.
- 4.16. In all other aspects the Proposal is full-square behind the development plan (and emerging development plan), in scale, form, massing, land uses, landscape and the mitigation. I agree with the Officer's Report (**CD 3.3**) conclusions in this regard, notably paragraphs 277-283.



4.17. This is best stated in paragraphs 277 and 280 of the Officer's Report, as referenced below:

"The manner in which this proposal would, through relocating the David Lloyd centre from land south of Kingfield Road and east of Westfield Avenue, Westfield, Woking (Ref: PLAN/2019/1176), facilitate the provision of a new, modern, high quality, football stadium (and other ancillary and commercial/retail/community uses), a significant quantum of housing (1,048 dwellings), including a significant quantum of affordable housing (468 dwellings), together with the social, economic and employment benefits flowing from such, in a sustainable location in the urban area. And;"

"Compliance or general conformity with, national, regional and local planning policies are not in themselves considered to be unique circumstances which justify a departure from Green Belt policy. However in this particular case the proposed development would result in significant planning benefits which would contribute to the provision of sustainable development as set out in this report".

Emerging SADPD

4.18. The emerging Site Allocations DPD (SADPD (**CD 4.4**) is at an advanced stage and allocates the Site within a broader allocation GB7. The Examination process is well underway, the Main Modifications consultation having completed in December 2020. The Inspector, following the representations made and first Hearings outlined on 7th February 2020 (**CD 4.19**) recommended amendments to policy, all of which do not directly impact on the Site.

4.19. WBC has now advanced a position that VSC is not demonstrated. Their case is disingenuous on this point, as for a number of years it has been emerging Council policy for the Site to be developed as part of emerging allocation GB7.



- 4.20. I consider that considerable weight can be provided to the emerging SADPD which allocates the Appeal Site (B) as part of the wider allocation GB7. Furthermore, the Site should be viewed in the context of a part implementation of emerging GB7 which already been delivered, through the consent and delivery of the adjacent Hoe Valley Secondary School to the north (ref. PLAN/2015/0703). The Site is therefore enclosed by existing development on its eastern and northern boundaries, with clear defensible boundaries to the west (railway) and south (the retained areas of woodland). It is presently Green Belt by definition alone, its other contributions to the purposes of the Green Belt all but removed, though I accept development would represent encroachment onto the countryside. The Green Belt Review, undertaken by consultants Peter Brett Associates (**CD 4.16**) indicates the Site as part of deliverable site WGB020a, as part of a wider area of land (parcel 20) recommended from removal from the Green Belt, to the south of Woking.
- 4.21. Parcel 20 was noted as including areas unsuitable for built development (Green Belt Review paragraph 4.3.4 **CD 4.16**). Relevant for GB7 is the area north of the Site (and the secondary school) between Mayford and Woking lies on the ridgeline of an escarpment which crosses all of Parcel 20. This is an area suited to the provision of Green Infrastructure as GB7 requires. This sits in contrast to the Site which is on lower and level land close to Saunders Lane, and the area west of the A320, noted as more suitable for development.
- 4.22. However, the initial view from the Inspector in his letter dated 7th February 2020 (**CD 4.19**) is that there is no requirement to maintain the northern part of GB7 as undeveloped as a part of the intended Green Belt release. This led to WBC updating the proposed Allocation via Main Modifications in September 2020 (**CD 4.4**) and then subject to further public consultation.
- 4.23. As such, with regard to the emerging GB7:
- The entirety of the Proposed Site is to be removed from the Green Belt;
 - The Main Modifications (CD 4.4) refer to 'mixed uses' including residential;
 - The Proposal delivers 36 dwellings, some of the intended allocation of 118 dwellings;
 - Emerging allocation GB7 is large, and thus there is potential to deliver the balance of housing, if required, north of the now implemented secondary school – though I note that WBC has not advanced either a prematurity nor piecemeal development reason for refusal;
 - The majority of the woodland is retained; and



- The delivery of the full 118 dwellings is not yet required, given the prevailing 5 year housing land supply position in Woking.

4.24. There are some unresolved objections to the Plan, the consultation on the Main Modifications has progressed, though all parties await the Inspector's determination of next steps, and whether any further Hearings are required. I do not consider there to be any unresolved objections of merit which would prevent any reduced weight being applied to GB7. Thus, in the context that the emerging policy is already part implemented, and the Proposal seeks to comply with it, considerable weight can be afforded to it.

Compliance with National policy

4.25. Paragraph 144 of the NPPF states that "*very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*". I outline in my Proof that there is only very limited other harm, and the VSC clearly outweigh the harm. Paragraphs 48 - 50 outline that weight may be provided to emerging plans, and furthermore, that prematurity is seldom a reason for refusal. As I have outlined, I note that WBC has not advanced any case of prematurity. I advocate that the reason is the Proposal's compliance with the emerging development plan.



5. Very Special Circumstances

- 5.1. There is no measure or guidance as to what defines VSC, rather it is a matter of planning judgement based on all of the circumstances taken 'in the round'. It is therefore a matter of fact and degree. The essential feature about any VSC is that it is a positive planning benefit which outweighs definitional harm. The NPPF (CD 4.7) explains that VSC will exist where the potential harm to the Green Belt by reason of inappropriateness (and any other harm) is clearly outweighed by other considerations. This is the case with this Appeal B as significant weight should be applied to the VSC.
- 5.2. It is necessary to weigh up, in order to see whether the benefits clearly outweigh the harms in which case there will be VSC:
- on the one part - the harms including:
 - the 'definitional harm' that arises from inappropriate development in the Green Belt;
 - any other harm – both to the Green Belt (purposes and openness) and generally.
 - on the other part - the benefits

Case Law

- 5.3. In considering Very Special Circumstances (VSC), the judgement in the case of *R (Lee Valley Regional Park Authority) v Broxbourne Borough Council* [2015] EWHC 185 (Admin) (CD 5.6) provides assistance in that:

“Once the issue is whether or not inappropriate development should be permitted in the Green Belt, all factors which tell in favour of the grant go to making up very special circumstances, which may or may not suffice. It is not necessary to go through the process of considering whether a factor is not a very special circumstance but nonetheless falls to be taken into account in favour of the development as another relevant material consideration. See Secretary of State for Communities and Local Government v Redhill Aerodrome Ltd [2014] EWCA Civ 1386.”



- 5.4. Case law has established that a number of factors ordinary in themselves can combine to create something 'very special' and it is necessary to consider all the benefits as against the definitional harm and any other harm: see *R (Basildon District Council) v First Secretary of State* [2005] JPL 942 (**CD 5.1**). Any material consideration telling in favour of the development is to go to the VSC calculation. Moreover, case law provides that a shortfall in housing can be a very special circumstance when considered as part of a wider set of factors that together make up very special circumstances: see *R (Smech Properties Ltd) v Runnymede DC* [2016] JPL 677 (**CD 5.3**).
- 5.5. The *Wychavon District Council v Secretary of State for Communities and Local Government and others* (**CD 5.7**) sets out that the "proper approach" is to "start from the premise that inappropriate development was by definition harmful to the purposes of the Green Belt, then to ask whether the harm by inappropriateness and further harm caused to the openness and purpose of the Green Belt was clearly outweighed by the benefit" (Para. 2). This was supported in *R (Wildie) v Wakefield Metropolitan BC* [2013] EWHC 2769 (Admin) (**CD 5.8**).
- 5.6. Therefore for the Site, that contribution is limited, as indicated by the evidence base supporting the emerging SADPD (which I refer in **Section 4**). This means that any harm to the Green Belt beyond 'definitional harm' is limited to impact on one of the 5 purposes of the Green Belt (encroachment on the countryside), noting that, in my opinion, the Site no longer contributes to checking the unrestricted sprawl of larger built up areas and does not prevent neighbouring towns from merging. As I have outlined, in context, the Site is bordered on two sides by existing development, and on the remaining sides by clear defensible boundaries including the retained woodland/ Hook Hill Lane and the railway.
- 5.7. Case law is clear that there is no presumption or requirement in law or national policy for the Green Belt boundaries to be altered, to remove a site from the Green Belt, *before* development may be permitted on that land provided that VSC exist, as they do for the Appeal Proposal (*R (Luton Borough Council) v Central Bedfordshire Council* [2015] JPL 1132) (**CD 5.9**) This is an important consideration, noting that in itself, the clear emerging local policy direction to allocate the Site is capable of being VSC.
- 5.8. *Brentwood Borough Council v Secretary of State for the Environment and Gray* (1996) 72 P. & C.R. 61 (**CD 5.4**) is also relevant, as it confirmed that in balancing exercise there is no need to limit the VSC. The VSC

can be many factors and the list is endless. The common feature, is that in making a decision, the balancing act is to weigh those features, as VSC, against harm, including the definitional harm to the Green Belt. As the VSC can be an endless list, there is the potential within it, to include factors such as the design, character, landscape and relevant Green Belt characteristics, such as the impact on openness arising, or the purposes the Green Belt serves in the particular location.

The Case for Very Special Circumstances (VSC)

- 5.9. I agree with the Officer's Report (**CD 3.3**) paragraph 16 that VSC to justify the granting of planning permission will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Thus VSC can constitute one consideration or the combination of a number of considerations. As can the rationale behind the emerging allocation GB7, and the material considerations of the Site's context, which I described in **Section 4**.
- 5.10. Against all the many benefits the Appellant contends that the main harm arising here is the 'definitional harm' provided for in para. 133 of the NPPF. There is little "other harm" to weigh in the balance. The benefits thus clearly outweigh the harm such that there are VSC. WBC advances a case for harm to amenity arising owing to the loss of some woodland, which I address in **Section 6**, and I outline that I consider the harm to be minimal in context.
- 5.11. Taking into account relevant planning appeals and case law, it is clear that factors which provide genuine planning and public benefits can be VSC. This includes housing provision (notably affordable) and leisure / gym provision for the benefit of the community, and should also take account the benefits arising from Appeal A, notably enabling the provision of a Community Stadium.
- 5.12. The NPPF permits alterations to Green Belt boundaries in 'exceptional circumstances'. This was envisaged at the time of the Core Strategy production which anticipated a review of the Green Belt as part of the Site Allocations DPD process. WBC's Proposal in the emerging SADPD to remove the Site from the Green Belt is based on an extensive evidence base, including a Green Belt Review (discussed in **Section 4**).
- 5.13. As I have outlined, the Site was identified within Parcel 20 in this review, which was recommended for removal from the Green Belt. Relating to this specific area of land, paragraph 3.5.18 states:



“From a landscape perspective it was considered that relatively flat land to the north of Saunders Lane in the west of the parcel could accommodate some development on land that lies at the base of the escarpment feature, whilst an area between Egley Road and the railway north of Mayford might also be capable of accommodating some development”

- 5.14. This is consistent with the spatial strategy (policy CS10) and policy CS6, and informed the allocations within the emerging SADPD.
- 5.15. In my opinion, where development is 'plan-led', on the basis that it is consistent with an emerging SADPD (which the Appeal Proposal is), it has also been established that it should not be regarded as “premature” within the terms of NPPF paragraphs 48-50 (as per Perrybrook Called-In Application APP/G1630/V/14/2229497) (**CD 5.11**). As I have outlined, it must be noted that WBC has not advanced a reason for refusal on prematurity nor does this issue arise in their Statement of Case.
- 5.16. Accordingly, I agree with the majority of the Officer’s Report (**CD 3.3**) from paragraph 18, who considered that there are at least three (and in my opinion, potentially four) VSC factors: -
- VSC1 – Enabling a new stadium.
 - VSC2 - Enabling the meeting of housing needs.
 - VSC3 – Provision of new leisure / gym and health club facilities for the benefit of the community.
 - VSC4 – SADPD proposals to alter the Green Belt boundary, removing the entirety of the Site from the Green Belt.
- 5.17. Each of these VSC individually is sufficient in themselves to justify an approval, and cumulatively these have greater weight.
- 5.18. The benefits arising from VSC1 are outlined in my separate Proof on Appeal A.
- 5.19. The case for VSC2 in particular is a clear overall public benefit, the 36 affordable homes exceeding the policy minima on the site of 50% (as publicly owned land). This should also be judged in the context of the affordable provision offered at Kingfield (Appeal A) (468 dwellings), and the historically poor delivery of affordable housing in Woking Borough (see my Proof for Appeal A).



- 5.20. The case for VSC3 is the public benefits arising from the enhanced leisure / gym facility and health club (noting the position of David Lloyd – **Appendix 2**). I consider the enhanced provision to be VSC, and disagree with the officer’s original conclusions on this point. The leisure / gym facility, presently located at Kingfield, must relocate to enable Appeal A. On its present site, its future vitality could be improved which would meet David Lloyd’s modern specifications. In addition, the enhanced club can provide additional scope for private membership (with no restrictions for anyone to access other than membership, which includes guest passes), which provides a free market offer to the community, which in-turn takes pressure away from public leisure facilities. It is a qualitative enhancement as confirmed by the supportive stance of David Lloyd (**Appendix 2**) and provides a planning benefit. Health and wellbeing are important objectives of good planning. In summary, David Lloyd is a facility which adds to the local community’s offer of leisure options. Moreover, its success at its current location demonstrates that the facility is popular; would be improved by relocating; and is something which local people are willing to support by purchasing memberships.
- 5.21. In respect of VSC4, the Perrybrook Appeal decision (**CD 5.11**) suggests that the bar for VSC is higher than the local plan test for exceptional circumstances. Nonetheless, as I have outlined, considerable weight can be provided to the emerging SADPD allocation GB7, and thus I agree with the officer’s conclusions on this point, notably consistency with policies CS1 and CS6 and that the Proposal would not prejudice the wider outcomes intended by emerging policy GB7. This should also be viewed in the context that the majority of GB7 is now built out, noting the implemented planning permission (PLAN/2015/0703) for Hoe Valley school immediately to the north. In summary, therefore, VSC4 is consistent with emerging policy and importantly furthers emerging policy and thereby helps to deliver it.
- 5.22. It is noted that as part of the Hoe Valley school permission, a group of 32 TPO trees were to be lost as part of the proposal, whilst 25 new trees, hedging and shrubs were to be planted. This was also considered to be acceptable by the planning officers. Overall, the approach to existing trees on the site and the proposed landscaping is considered to be acceptable in arboricultural terms.

6. Character & Appearance of the Surrounding Area

Character & Design

- 6.1. Character and Design is not a reason for refusal and no case has been advanced to my knowledge to question the approach taken. The design is of a respectful density for the location, and incorporates a mix of 2-5 bedroom properties (5 2/3-bed, 13 3-bed, 16 4-bed, 2 5-bed). The Officer's Report (**CD3.3 – Paragraph 62**) acknowledged that the layout is acceptable, and responds to the Site's irregular shape.

Amenity including Landscape

- 6.2. General amenity considerations were not a reason for refusal. The Proposal is of a respectful design for its location. The Officer's Report provides detailed analysis of the LVIA, which confirms that the Proposal would be in context and not appear discordant (paragraphs 74, 75 and 79). The Site is not in, or near a sensitive landscape, and as I outlined in **Sections 4 and 5**, is bordered by existing development, woodland and a railway. The evidence in the Green Belt Review noted the landscape capacity for built development in this location (as flat land away from the escarpment).
- 6.3. The Proposal incorporates safeguards in respect of lighting (subject to a future condition requiring a scheme be provided) and noise (owing to the proposed boundary treatments). This may be controlled via suitable planning condition, which was recommended in proposed Condition 31.
- 6.4. Overall there is no harm to visual amenity.

Loss of Woodland

- 6.5. Distinct from the Officer's conclusions on general amenity and landscape, is the matter of the woodland. The only justification advanced aside from Green Belt to refuse the Appeal Scheme is loss of woodland, in respect of visual amenity only (key topic area b. the impact on the character and appearance of the area). This is a weak case. I am of the opinion that this is an in-balance factor, which must be weighed in the consideration not only of Appeal B, but also Appeal A (as per the enabling justification, see the SoCG and **Section 5**). Overall any harm arising is limited in context.

- 6.6. The first matter to understand, is the Proposal only results in the loss of some woodland, a substantial area is to be retained. This is evidenced in 7.43 of the Ecology Chapter in the ES (**AD 2.1 – 2.3**), whereby 75% of the existing woodland is to be retained in-situ. Only 0.4ha will be removed to facilitate the development.
- 6.7. The Woodland is protected by TPOs (ref. 626/0154/1973) made in 1973. The Arboricultural Impact Assessment (AIA) supporting the original application (**AD 2.6**) noted the loss of 7 individual trees, 4 groups of trees and the northern edge of the woodland, equally approximately 25% of the total canopy area. No Category A trees of high quality will be lost through the Proposal.
- 6.8. The tree specimens are of a modest quality.
- 6.9. The Woodland is of limited ecological value, as noted in the Officer's Report (**CD 3.3**) (paragraph 94) and the Preliminary Ecological Appraisal (PEA) (within the Environmental Statement at **AD 2.1 – 2.3**) identifies a relatively low ecological baseline for the Site, noting it is 31% woodland. The woodland is all less than 50 years old, and was likely to have been planted. There is also an 'abundance' of woodland in the wider area which the Ecology Chapter of the ES makes clear.
- 6.10. Thus, the Appellant questions whether the woodland forms a Habitat of Principle Importance (HPI) and disagrees with Surrey Wildlife Trust's original representation on this matter. At the time of their recommendation, officers considered this an in-balance matter. Nonetheless, even were this to be demonstrated and agreed to be a harm, it should be weighed in the overall planning balance noting the benefits/ VSC of Appeal B in the knowledge that the majority of the woodland will be retained.
- 6.11. The Ecology Chapter of the ES (**AD 2.1 – 2.3**) also recognised the woodland is 'low-quality', with untypical woodland ground flora (Paragraph 7.56).
- 6.12. Additional mitigation is provided by the Appeal Scheme, in the form of at least 50 new trees alongside a Landscape and Environmental Management Plan (LEMP) secured by condition (37), which amongst other things can ensure an effective and precautionary approach to the removal of any bats, and measures to encourage the re-roosting of bats on site. All entirely reasonable mitigation, and normal, as exemplified next door in respect of the Hoe Valley School planning permission.
- 6.13. Thus, overall, I consider the harm of the loss of some woodland to be minimal. The loss of trees does result



in a consideration in respect of policies CS21/ DM2, though this should be weighed against CS1, CS6 and CS21, notably the landscape and design proposed. Overall a very limited harm, extinguished by the proposal and incorporating the mitigation. This very limited harm, is outweighed by the VSC as I advanced in **Section 5**.



7. Other Issues

- 7.1. At the time of writing my Proof, there are no other issues to respond, on the basis of no Rule Six parties or revised written representations from interested parties.
- 7.2. I may add to any other issues raised by other parties in a supplemental Proof / rebuttal should this prove to be required.



8. Conditions and Obligations

Conditions

- 8.1. The planning conditions required to make the Proposal acceptable in planning terms are common ground (see SoCG). These are entirely those proposed in the original Officer's Report (**CD 3.3**).

Obligations

- 8.2. The Appellant has engaged in negotiations with WBC regarding an Executive Undertaking to secure the necessary planning obligations to ensure the Appeal Proposal is acceptable in planning terms. An Executive Undertaking is possible as WBC is the freehold landowner, it is explained in the SoCG.
- 8.3. Should the Inspector (and Secretary of State) consider that a traditional Section 106 Agreement for the Appeal Proposals be required, the Appellant will submit a Unilateral Undertaking to the Inquiry, with the Executive Undertaking appended.
- 8.4. It is worth noting that the Appeal Proposals will ensure that there is not a negative impact on the Thames Basins Heath SPA caused through an increase recreational pressure on the SPA. There was no objection from Natural England in the original application, and the matter is subject to appropriate condition.



9. Planning Balance & Conclusion

9.1. I provide in this section my conclusion.

Conclusion – Case for the Appellant

9.2. In making a judgement on the Appeal, a balancing exercise is required for the weight to be attached to the other material considerations against the requirements of the statutory development plan as provided for in Section 38(6) of the Planning and Compulsory Purchase Act 2004.

9.3. I have summarised in my Proof the Appeal Proposal, relevant background, history, policy and emerging policy (**Section 4**). The relevant planning policy is common ground (see SoCG). I have addressed each of the Inspector's key topics (**Sections 4-6**).

9.4. I have clearly outlined the proposal of the Appellant to provide fair and reasonable planning obligations secured by the Executive Undertaking. The use of this Undertaking, as a Planning & Development Agreement (PDA) is common ground between the Appellant and WBC.

9.5. It is demonstrated that the Appeal Proposal will result in no likely significant effects on sites designated for nature conservation including the Thames Basins Heath SPA.

Conclusion on Planning Balance

9.6. As set out in my Proof, I am in agreement to the original Officer's Report and recommendations therein, save my opinion that the provision of a leisure / gym facility should also be part of the very special circumstances (VSC), owing to the community, health and well-being benefits and absence of alternatives.

9.7. There are substantial benefits arising from the Proposal, which also amount to four VSC (outlined in **Section 1** and also **Section 5**) which weigh in favour against the only very limited harm. I do not consider any substantial harms exist which cannot be subject to mitigation. There is the loss of some woodland (only 0.4ha) of relatively low existing value, which should be considered a very limited harm. 75% of the woodland is retained. Therefore, there is no discernible effect on the character and amenity of the area, when viewed in the context of the additional landscaping proposed. As always in planning, context is everything. At this particular location, the Council itself has set the tone for the character of the area and provided a visible

demonstration of how it sees the quality and character of this area. In particular, by removing the land on which the Hoe Valley School has been built (including all of its associated infrastructure) from the Green Belt and consented development on the site (including the loss of TPO trees), the Council has clearly illustrated how this area can be treated.

- 9.8. On the basis of the benefits / VSC, and mitigation proposed, notably the proposed landscaping, and overall design of the Proposal, I do not consider there to be a harmful loss of amenity arising from the loss of woodland. This reason for refusal is difficult to substantiate in my opinion, not least owing to the intention of WBC to allocate the Site for development in the emerging Site Allocations DPD, which the Proposal seeks to deliver promptly.
- 9.9. To meet the housing needs of Woking Borough, and to address the substantial and pressing shortfall in affordable housing, and smaller dwelling types, requires the delivery of the Appeal Proposal. Appeal B facilitates the delivery of Appeal A, notably the provision of a new Community Stadium and an enhanced relocated leisure / gym facility, which enables significant regeneration and economic benefits. The Proposal represents good, positive and coordinated planning.
- 9.10. In reaching a conclusion on balance, when the very limited harm is compared to the wide range of benefits that the Proposed Development will deliver, I consider that the Appeal Proposals clearly outweigh this very limited harm, which is mitigated in any event via proposed landscaping. Further as noted in paragraph 9.7, the Council has shown us qualitatively how it wishes the area to be developed. The combination of the Hoe Valley School permission and the emerging allocation GB7 underscore the positive planning opportunity that Appeal B provides. This leads me to conclude that the Development Proposal is sustainable and that very special circumstances exist now to grant planning permission.
- 9.11. On the basis of the mitigation proposed, as secured by appropriate planning obligation and condition, it is my strong belief and professional opinion that the Proposed Development is acceptable in planning terms, it represents positive planning, and is in compliance with the development plan. The Appeal should be allowed.

END