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# Appellant's Statement of Case

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Land South of Hoe Valley School and East of  
Railway Tracks, Woking, Surrey, GU22 0NH

Ref: PLAN/2019/1177

December 2020

Prepared by Savills (UK) Limited acting as planning consultant for the agent for the Appeal,  
GolDev Woking Ltd



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# 1. Introduction

1.1. This Statement of Case (“SoC”) has been prepared by Savills (UK) Limited, acting as planning consultant to the agent for the Appeal, GolDev Woking Ltd (“the Appellant”). A separate Statement of Common Ground (“SOCG”) will be agreed between GolDev Woking Ltd and Woking Borough Council (WBC) as the local planning authority (‘LPA’), in the lead up to the anticipated Public Inquiry.

1.2. It follows the refusal by Woking Borough Council (WBC) of a planning application under reference: PLAN/2019/1177 at Land South Of Hoe Valley School And East Of Railway Tracks, Egley Road, Woking, Surrey, GU22 0NH (‘the proposed development’). The application was submitted by GolDev Woking Ltd and Woking Football Club. GolDev Woking Ltd has contractual agreements to proceed the planning and development of the site with Woking Football Club and Woking Borough Council (as landowner).

1.3. The description of development, as described on the decision notice dated 2 July 2020, is:

*Redevelopment of site following demolition of existing building to provide health club building (Class D2) also incorporating external swimming pool, spa garden, terrace and tennis courts (including tennis court airdomes), provision of 36 dwelling houses (Class C3) up to a maximum of 3 storeys in height, vehicle parking, hard and soft landscaping, ancillary works including ancillary structures and fencing/gates and new vehicular access from existing road serving Hoe Valley School (Environmental Statement submitted)*

1.4. The application was refused for the following three reasons:

*01. The proposed development constitutes inappropriate development in the Green Belt, which is by definition harmful, would result in loss of Green Belt openness and cause harm to one of the purposes of the Green Belt, by reason of encroachment into the countryside. Very special circumstances do not exist which would clearly outweigh these Green Belt harms. The proposed development is therefore contrary to Policy CS6 of the Woking Core Strategy (2012), Policy DM13 of the Development Management Policies DPD (2016) and Section 13 of the National Planning Policy Framework (NPPF).*

*02. The proposed development would result in the loss of protected trees, including part of the woodland on the application site, causing harm to the visual and environmental amenity of the area, the effects of which would not be outweighed by other considerations. The proposed development is therefore contrary to Policy CS21 of the Woking Core Strategy (2012), Policy DM2 of the Development Management Policies DPD (2016) and Section 12 of the National Planning Policy Framework(NPPF).*

*03. In the absence of an Executive Undertaking no mechanism exists to secure the requirements set out in the Planning Committee report. The proposed development is therefore contrary to Policies CS8, CS12 and CS18 of the Woking Core Strategy (2012), SPD Affordable Housing Delivery (2014), Saved Policy NRM6 of the South East Plan 2009, the Thames Basin Heaths Special Protection Area Avoidance Strategy, the Conservation of Habitats and Species Regulations 2017 and the National Planning Policy Framework (NPPF).*

1.5. The Application was initially recommended for approval by the LPA’s planning officers, although this recommendation was changed following the previous refusal of a related planning application (discussed in Section 3 below). Refusal was then confirmed by the LPA’s planning committee on 23 June 2020 and the decision notice issued on 2 July 2020.

- 1.6. This SoC set out the Appellant's case that the proposed development complies with the adopted policies of the Development Plan, and with the policies set out within the National Planning Policy Framework (NPPF).
- 1.7. This statement has been set out under the following headings:
- **Section 2** outlines the site and its context within the surrounding area;
  - **Section 3** provides an outline of the proposals;
  - **Section 4** examines the main planning considerations; and
  - **Section 5** provides a summary of the Appellant's case.
- 1.8. A full assessment of the proposed development and the context in which it sits was set out within the Planning Statement and Design & Access Statement that formed parts of the Application. These documents should be reviewed in full with this Statement providing a supplementary assessment that responds specifically to the LPA's reasons for refusal.
- 1.9. A full list of documents and plans for approval was noted within both the LPA officer's committee report and the subsequent Decision Notice. The Appellant agrees that this list of documents forms the complete pack of plans and relevant documents that would be approved if this Appeal was allowed.

## 2. Site Description

- 2.1. The total site area is 41,404sqm or 4.14 hectares ('the site').
- 2.2. The site currently comprises open fields of no great ecological quality, use or beauty. The site is accessed via a small road of Egley Road (A320) and benefits from a large area of trees in the southern portion of the site.
- 2.3. At the time of writing the site is located within the Green Belt. It is not within the Area of Outstanding National Beauty (AONB) or Area of Great Landscape Value (AGLV).
- 2.4. Whilst there are no listed buildings on the site area, it is noted that there are two Grade II listed buildings within 200m of the site – Sunhill House and Hunts Farm House. Furthermore, the site is not listed within any heritage designation including a conservation area.
- 2.5. The site sits within Flood Zone 1 (low risk of flooding), with Hoe Stream (Flood Zone 3) located approximately 250m to the east of the site. An area of Flood Zone 2 land is approximately 160m to the east of the site, but it is noted that none of the site is within Flood Zone or 3.
- 2.6. To the north of the site is Hoe Valley School and Woking Sportsbox. This recent development includes a running track, football pitches and tennis courts and first opened in September 2015.
- 2.7. The site is located 1km (0.6 miles) away from Woking Town Centre, which is in easy walking, cycling or driving distance.
- 2.8. It is intended that this description of the development site will be agreed as Common Ground between the Appellant and the LPA.

### 3. Development Proposals

- 3.1. The proposed development is split into two main parts, namely a class D2 health club facility and 36 family-sized residential houses.
- 3.2. With regard to the class D2 health club facility, this includes a swimming pool, multi-use courts, multi-use studios and a gym facility within the main building. Externally, the development features a second swimming pool facility with terrace and gardens, outdoor tennis courts, further external courts covered by air domes and associated landscaping.
- 3.3. The main building for the health club facility will be equal to three storeys in height but articulated through a curvilinear roof form. The external air domes to some of the tennis courts will be dome shaped when inflated.
- 3.4. It is intended for this facility to be a replacement for the existing David Lloyd facility currently located nearby at Westfield Avenue. The need to relocate the existing facility provides part of a wider proposal for the redevelopment of the land around that site for a replacement football stadium facility and associated residential development.
- 3.5. The re-provisioning of the existing David Lloyd facility will be secured via appropriate legal agreement, specifically an Executive Undertaking that has already been agreed in draft between the Appellant, the LPA and the Executive of WBC.
- 3.6. With regard to the residential accommodation, a total of 36 houses are proposed. The proposed mix is 5 x 2bed, 13 x 3bed, 16 x 4bed and 9 x 5bed houses.
- 3.7. All residential properties will be houses of up to three storeys in height and arranged into a number of small terraces ranging in size between two and four units. Smaller and larger units will be mixed within each terrace.
- 3.8. It is also proposed that the residential development is provided as 100% affordable housing. This will be secured via appropriate legal agreement, specifically an Executive Undertaking that has already been agreed in draft between the Appellant, the LPA and the Executive of WBC.
- 3.9. Development will be focused on the north and east of the site which is predominantly unused, low quality open land. This location limits the need to impact upon the existing tree planting on the site which sits predominantly to the south of the site.
- 3.10. More specifically, the health club facility will be located to the north of the site and sit immediately adjacent to the Hoe Valley School. The building and the outdoor facilities will extend the full width of the site from Egley Road to the railway lines to the west.
- 3.11. The proposed housing will be located in the south and east (adjacent to the retained tree planting) of the site with planting to separate it from the health club facility.
- 3.12. Both elements will share a single access point from Egley Road utilising the existing signalled junction that provides access to the Hoe Valley School. This access will then split to provide a route into the car park for the David Lloyd facility and a separate cul-de-sac road with the new housing around it.

- 3.13. Significant planting and trees will be maintained on all boundaries of the site that are adjacent to existing residential properties, predominantly to the south of the site to maintain a clear separation to the proposed development.

## 4. Planning Considerations

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any planning application must be determined in accordance with the Development Plan for the area, unless any material considerations (which includes the NPPF) indicate otherwise.
- 4.2. In this case, Woking Borough Council's Development Plan comprises:
- The Woking Core Strategy (adopted October 2012);
  - The Woking Development Management Policies (adopted October 2016); and
  - Saved Policy NRM6 of the South East Plan (adopted May 2009 and saved March 2013).
- 4.3. The formal reasons for refusal cited alleged conflict with Development Plan policies CS6, CS8, CS12, CS18, CS21, DM2, DM13 and NRM6.
- 4.4. WBC submitted its Draft Site Allocations DPD to the Planning Inspectorate in 2019, and Hearings were undertaken in December 2019 – February 2020, with the Inspector providing initial written feedback in February 2020. The Main Modifications consultation was undertaken in the period October – December 2020. This Examination process will determine soundness and is a key stage in the DPD moving towards adoption. Adoption is presently anticipated to be later in 2021.
- 4.5. The site subject to the Appeal is identified for Green Belt release for development under policy GB7/SA1 of the emerging DPD, for 'Residential including affordable housing, recreational/open space and education.' This includes the land currently occupied by Hoe Valley School and the Nursery land to the north. As part of this policy, certain requirements for development are stipulated once the plan has been adopted. On adoption, the DPD will remove the site from the Green Belt.
- 4.6. Due to the advanced stage of which the Site Allocations Document has progressed to, it should therefore be given material weight in the decision making process. The Appellant fully supports emerging policies GB7/SA1.
- 4.7. Further to the Development Plan, the Appeal proposal has been considered in light of the NPPF which provides a direction for planning on a national scale and the expectation that all local planning documents will be in general conformity with the NPPF and decisions made on that basis.

### **Reasons for Refusal**

- 4.8. Based upon the LPA's decision notice, the subjective content of the formal reasons for refusal can be summarised as follows:
- *Whether or not Very Special Circumstances exist to justify the proposed development in the Green Belt; and*
  - *Whether or not the loss of some existing trees from the site would be harmful.*
- 4.9. These matters are discussed in more detail below, in addition to the case that has already been set out in the Planning Statement and Design & Access Statement that both formed parts of the Application submission.

- 4.10. All other matters cited in the reasons for refusal (specifically, reason for refusal 03) would be satisfactorily addressed through provision of an appropriate legal mechanism to secure measures to address those matters. In this case, an Executive Undertaking was agreed in draft between the Appellant and the LPA as the appropriate legal mechanism in this case. This position was also endorsed by the Executive of WBC.
- 4.11. The draft Executive Undertaking could be finalised as part of this Appeal.
- 4.12. The full range of relevant matters is noted within the Statement of Common Ground. Given the clear path to resolve these matters, they are not discussed further here.

*Very Special Circumstances for Development in the Green Belt*

- 4.13. The Appellant does not dispute that, at the time of writing, the proposed development will constitute 'inappropriate development' in the Green Belt as set out at paragraph 143 of the NPPF.
- 4.14. But, in accordance with paragraph 144 of the NPPF the Appellant will demonstrate that 'Very Special Circumstances' exist such that the planning benefits arising will outweigh any harm to the Green Belt as a result of any 'inappropriate' development.
- 4.15. Of most relevance and as set out within the separate SoCG, this Appeal is closely related to another separate application that was submitted to WBC for determination:

*Reference: PLAN/2019/1176*

*Location: Land South of Kingfield Road and East of Westfield Avenue, Westfield Avenue, Westfield, Woking, Surrey, GU22 9PF.*

*Proposal: Redevelopment of site following demolition of all existing buildings and structures to provide replacement stadium with ancillary facilities including flexible retail, hospitality and community spaces, independent retail floorspace (Classes A1/A2/A3) and medical centre (Class D1) and vehicle parking plus residential accommodation comprising of 1,048 dwellings (Class C3) within 5 buildings of varying heights of between 3 and 11 storeys (plus lower ground floor and partial basement levels) on the south and west sides of the site together with hard and soft landscaping, highway works, vehicle parking, bin storage, cycle storage, plant and other ancillary works including ancillary structures and fencing/gates and provision of detached residential concierge building (Environmental Statement submitted).*

- 4.16. This application was also determined and refused by Woking Borough Council following a planning committee dated 23 June 2020 and decision notice dated 2 July 2020. This decision is also being appealed.
- 4.17. This proposed development, at the separate local site noted above, results in a requirement to relocate an existing David Lloyd health club facility to an alternative location. The proposal that is the subject of this Appeal therefore constitutes the re-provisioning of the David Lloyd facility to another nearby location which is necessary to allow the redevelopment under ref: PLAN/2019/1176 to be brought forward. The Appellant will outline the economic and enabling arguments that support the linking of applications PLAN/2019/1176 and the proposed development (PLAN/2019/1177).
- 4.18. Given the clear linkage between these two development sites, the Appellant will summarise the following Very Special Circumstances to allow inappropriate development within the designated Green Belt:

- *Enabling a new Community Stadium for Woking FC at the existing Kingfield Road / Westfield Avenue site through funding and delivery, and the relocation of the David Lloyd Health and Sports Club to the Appeal site;*
- *Should the stadium not be redeveloped in-situ, then an alternative site would be required in the Borough. Given the land availability, it is very likely that this would need to be in the Green Belt and would require a larger area than is needed for the replacement David Lloyd facility. The delivery of a stadium at Woking FC's existing site in Kingfield Road / Westfield Avenue would therefore act to protect the wider Green Belt;*
- *The location at the Appeal site is sequentially preferable, as it is within the same market catchment for David Lloyd. This is a relevant economic and delivery consideration;*
- *Woking Borough is entirely Green Belt outside of the urban areas. There are, by definition, no sequentially preferable alternative Green Belt sites. In addition, there are no vacant, previously developed alternatives in the urban areas, which meet the scale required (2-3 hectares of land) as confirmed by a review of the Council's Brownfield Land Register;*
- *The Appeal site is identified within the proposed Site Allocations DPD for removal from the Green Belt as part of Allocation GB7 (which also incorporates the adjacent Hoe Valley School – granted planning permission on the basis of very special circumstances). This has passed the initial Examination of the Inspector assessing the Site Allocations DPD and should be provided some weight;*
- *The proposal enables both the delivery of market and affordable housing across both the Appeal Site and the Kingfield Road / Westfield Avenue sites with wider benefits arising; and*
- *A range of other benefits arising from the proposals, not least the provision of a medical centre facility at the Kingfield Road / Westfield Avenue site, which in combination contribute further to the VSC case.*

4.19. Notwithstanding all of the above, the Appellant will also note again that the site is proposed by the LPA to be removed from the Green Belt within the Site Allocations DPD that is due for adoption in 2021. As such, the principle of development would then be established and supported in accordance with the updated Development Plan.

#### Trees

4.20. The Appellant will demonstrate, support by the Ecological Assessment and the Landscape and Visual Impact Appraisal, that the removal of a small percentage of the existing low quality trees from the site will not be harmful to the visual and environmental amenity of the local area. The removal of existing trees will be addressed through the proposals for additional planting and landscaping as part of the proposed development.

4.21. The Appellant will also demonstrate that through retention of existing trees on boundaries to adjacent residential properties there will be no visual impact to the residents of those properties in terms of what is visible at or through the site boundary.

4.22. Any harm that is perceived to arise from the loss of some existing low quality trees will be outweighed by the wider benefits arising from the proposed development in the context of an assessment of Very Special Circumstances.

## 5. Summary

5.1. This SoC sets out the Appellant's main planning case in support of the proposed development. Specifically:

- *The proposed development can demonstrate Very Special Circumstances to support what could otherwise be considered as 'inappropriate development' within a Green Belt location, not least that the relocation of the David Lloyd facility to this location allows for the delivery of a replacement football stadium and associated residential provision within the Woking urban area at the connected Kingfield Road / Westfield Avenue site;*
- *No harm to the local environmental or visual amenity arises from the loss of some existing low quality trees given the level of other tree retention, the proposed replacement tree planting and the wider landscaping proposed for the site; and*
- *All items that need to be secured via legal agreement can be addressed through completion of the Executive Undertaking that has previously been agreed as acceptable by the Appellant, the LPA and the Executive of WBC. The Appellant will re-confirm their commitment to the completion of this document.*

5.2. Therefore, the proposed development is in accordance with the Development Plan with regard to these matters.

5.3. The delivery of the replaced health club facility on this site allows for the wider redevelopment of the nearby Kingfield Road / Westfield Avenue site (ref: PLAN/2019/1176). As a result of the connection between these two proposed developments, allowing this Appeal will also lead to the delivery of a wider range of planning benefits on the second site including:

- *Provision of an upgraded football stadium on its existing site;*
- *Significant numbers of additional residential dwellings on a brownfield site within the established Woking urban area;*
- *45% of the residential units as affordable housing as a proportion of development across both sites;*
- *A purpose-built medical centre to provide an upgraded and extended facility to serve the wider local area;*
- *Modern facilities that could be used for a range of different uses by the wider local community; and*
- *Additional retail facilities to serve the local area.*

5.4. The appeal should therefore be allowed.