



Town and Country Planning Act 1990

The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000, as amended

Woking Borough Council's Statement of Case

APPEAL BY: GolDev Woking Ltd

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

APPEAL PROPOSAL: 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)

Pins Ref: APP/A3655/W/20/3265974

LPA Ref: PLAN/2019/1176

March 2021

Prepared by DMH Stallard LLP acting as planning consultant for the Local Authority for the Appeal

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1. Introduction

1.1. This Statement of Case has been prepared by DMH Stallard Planning acting as planning consultant to Woking Borough Council (WBC). A separate Statement of Common Ground will be agreed between GolDev Woking Ltd and WBC as the Local Planning Authority (LPA), in the lead up to the anticipated Public Inquiry.

1.2. WBC refused planning application reference: PLAN/2019/1177 at Land South Of Hoe Valley School And East Of Railway Tracks, Egley Road, Woking, Surrey, GU22 0NH. 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)

1.3. This SoC will set out the LPA's case that the proposed development fails to comply with the adopted policies of the Development Plan, and with the policies set out within the National Planning Policy Framework (NPPF).

2. Site Description

- 2.1. The site is bounded to the north by Hoe Valley School / Woking Sportsbox, to the east by a garden centre, to the south by residential dwellings and to the west by railway tracks and open fields. The site currently comprises open field, with a single building located in the north-east of the site, and a large area of trees in the south of the site. The site is located to the west of Egley Road (A320).
- 2.2. The total site area is some 4.14 hectares.
- 2.3. The site benefits from a large area of trees in the southern portion of the site.
- 2.4. The site is located within the Green Belt.

3. Planning History of the Site

3.1. The site has a relatively extensive planning history, some instances associated with the development of the Hoe Valley School/Woking Sportsbox, which are not relevant to the present proposal. The below are the most recent:

3.1.1. PLAN/2019/0559 - EIA Scoping Opinion for approximately 5,600 sq m of internal gym and sports floor space (Class D2), up to 60 residential units including affordable housing (Class C3) in the form of detached, semi-detached and terraced townhouses and car parking for approximately 100 cars. Environmental scoping opinion issued (09.08.2019)

3.1.2. PLAN/2019/0233 - Change of use of barn to gymnastics club (Use Class D2) and addition of four heat exchangers for a temporary period of three years. Permitted subject to conditions (26.06.2019)

4. Summary of Proposed Development

- 4.1. The proposed development comprises; a class D2 health club facility and 36 residential houses.
- 4.2. The health club facility includes a swimming pool, multi-use courts, multi-use studios and a gym facility within the main building, with an external second swimming pool, outdoor tennis courts, further external courts covered by air domes with associated landscaping.
- 4.3. It is intended for this facility to be a replacement for the existing David Lloyd facility currently located 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.
- 4.4. The residential accommodation (36 houses) provides the following mix; 5 x 2bed, 13 x 3bed, 16 x 4bed and 9 x 5bed houses.
- 4.5. The residential development is provided as 100% affordable housing.
- 4.6. Both elements of the scheme will share a single access point from Egley Road utilising the existing signalised junction.

5. Relevant Planning Policies/Guidance

5.1. National Planning Policy Framework (NPPF) (2019)

5.1.1. Section 2 - Achieving sustainable development

5.1.2. Section 4 - Decision-making

5.1.3. Section 5 - Delivering a sufficient supply of homes

5.1.4. Section 6 - Building a strong, competitive economy

5.1.5. Section 7 - Ensuring the vitality of town centres

5.1.6. Section 8 - Promoting healthy and safe communities

5.1.7. Section 9 - Promoting sustainable transport

5.1.8. Section 11 - Making effective use of land

5.1.9. Section 12 - Achieving well-designed places

5.1.10. Section 13 – Protecting Green Belt land

5.1.11. Section 14 - Meeting the challenge of climate change, flooding and coastal change

5.1.12. Section 15 - Conserving and enhancing the natural environment

5.1.13. Section 16 - Conserving and enhancing the historic environment

5.2 South East Plan 2009

5.2.1 Saved Policy NRM6 - Thames Basin Heaths SPA

5.3 Woking Core Strategy (2012)

5.3.1 CS1 - A spatial strategy for Woking Borough

5.3.2 CS2 – Woking Town centre

5.3.3 CS7 - Biodiversity and nature conservation

5.3.4 CS8 - Thames Basin Heaths Special Protection Areas

5.3.5 CS9 - Flooding and water management

5.3.6 CS10 - Housing provision and distribution

5.3.7 CS11 - Housing mix

5.3.8 CS12 - Affordable housing

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- 5.3.9 CS15 - Sustainable economic development
 - 5.3.10 CS16 - CS17 - Open space, green infrastructure, sport and recreation
 - 5.3.11 CS18 - CS19 - Social and community infrastructure
 - 5.3.12 CS20 - Heritage and conservation
 - 5.3.13 CS22 - Sustainable construction
 - 5.3.14 CS23 - Renewable and low carbon energy generation
 - 5.3.15 CS24 - Woking's landscape and townscape
 - 5.3.16 CS25 - Presumption in favour of sustainable development
- 5.4 Development Management Policies Development Plan Document (DM Policies DPD) (2016)
- 5.4.1 DM1 - Green infrastructure opportunities
 - 5.4.2 DM2 - Trees and landscaping
 - 5.4.3 DM3 - Facilities for outdoor sport and outdoor recreation
 - 5.4.4 DM5 - Environmental pollution
 - 5.4.5 DM6 - Air and water quality
 - 5.4.6 DM7 - Noise and light pollution
 - 5.4.7 DM8 - Land contamination and hazards
 - 5.4.8 DM10 - Development on garden land
 - 5.4.9 DM16 - Servicing development
 - 5.4.10 DM17 - Public realm
 - 5.4.11 DM19 - DM20 - Heritage assets and their settings
- 5.5 Site Allocations Development Plan Document (DPD)
- 5.6 Supplementary Planning Documents (SPD's)
- Design (2015)
 - Parking Standards (2018)
 - Outlook, Amenity, Privacy and Daylight (2008)
 - Climate Change (2013)

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- Affordable Housing Delivery (2014)
- Supplementary Planning Guidance (SPG)
- Heritage of Woking (2000)

5.7 Other Material Considerations

5.7.1 Planning Practice Guidance (PPG) (online resource)

5.7.2 Thames Basin Heaths Special Protection Area Avoidance Strategy

5.7.3 Historic England - The Setting of Heritage Assets (2015)

5.7.4 Woking Character Study (2010)

5.7.5 Woking Borough Council Strategic Flood Risk Assessment (SFRA)
(November 2015)

5.7.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

5.7.7 Waste and recycling provisions for new residential developments

5.7.8 Technical Housing Standards - Nationally Described Space Standard
(March 2015)

6. Reasons for Refusal

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).

6.1 The Council will present evidence at the Inquiry to support the reasons for refusal. The Council's case and principal issues to be considered at the Inquiry are summarised below.

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7. Principal Issues to be Considered at Inquiry

- 7.1. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (NPPF paragraph 143). When considering any planning proposal it is necessary to ensure that substantial weight is given to any harm to the Green Belt. '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 (NPPF paragraph 144). This approach is replicated in Policy CS6 of the Core Strategy and Policy DM13 of the DM Policies DPD.
- 7.2. The planning appeal scheme includes the construction of a number of new buildings. The construction of new buildings is inappropriate development in the Green Belt, unless classed as an exception listed in paragraph 145 of the NPPF. Relevant in this case, the construction of new buildings for (i) indoor sporting/leisure use, and (ii) residential use do not appear within the 'excepted' buildings listed in paragraph 145 and therefore are inappropriate development in the Green Belt.
- 7.3. The provision of car parking, particularly that area to serve the health club use proposed, would constitute an engineering operation. Under Paragraph 146 of the NPPF engineering operations are not inappropriate Green Belt development providing they preserve its openness and do not conflict with the purpose of included land within it. Whilst the surface of the health club car park would have no significant volume in itself the use of the new surface would be for the parking of in excess of 200 vehicles which, because of their number, solidity and height, would fail to preserve openness. Therefore this element of the proposal would also represent inappropriate development in the Green Belt.

- 7.4. It is accepted that the development of this site is intrinsically linked to that of land south of Kingfield Road and east of Westfield Avenue, Westfield, Woking, GU22 9PF (Ref: PLAN/2019/1176) to provide, inter alia, a new football stadium and 1,048 dwellings within the built-up Urban Area.
- 7.5. The LPA will assert that the site being located in the Green Belt and notwithstanding the emerging Site Allocations DPD (SA DPD) which seeks to remove the site from the Green Belt under Policy GB7, and whilst this draft allocation is an important material consideration, and one which by reason of the DPD's progress should be afforded substantive weight, the site remains within the Green Belt. Paragraph 133 of the NPPF makes clear that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. At the current time and without an acceptable redevelopment scheme of the Kingfield site the proposals for Egley Road are clearly contrary to established policy.
- 7.6. Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the benefits of trees and woodland. Policy CS21 of the Core Strategy states that proposals for new development should, inter alia, incorporate landscaping to enhance the setting of the development, including the retention of any trees of amenity value, and other significant landscape features of merit, and provide for suitable boundary treatment/s. Policy CS24 of the Core Strategy states that development will be expected to, inter alia, protect and encourage the planting of new trees where it is relevant to do so. Policy DM2 of the DM Policies DPD provides a number of more detailed criteria necessary to maintain existing trees and landscaping and related features and secure new provision in development schemes.

- 7.7. The site is covered by an Area Tree Preservation Order (Ref: 626/0154/1973) made in 1973 which would cover all trees present on the site at that time, and which also covers the adjacent Hoe Valley School / Woking Sportsbox site. The tree survey recorded a total of 32 individual trees, 8 groups of trees and 1 woodland. The AIA advises that the development will result in the loss of 7 individual trees (T1, T4, T5, T6, T17, T19, T21), 4 groups of trees (G1, G2, G3, G4), and the northern edge of the woodland (W1), equalling approximately 25% of its total canopy area.
- 7.8. Construction activity has the potential to indirectly impact the stem, canopy or root protection areas (RPAs) of 13 individual trees proposed to be retained, and there will be encroachment into the RPAs of 7 individual trees proposed to be retained.
- 7.9. In terms of visual amenity and impact upon local character the loss of the northern edge of the woodland (W1) is most significant. With 25% of the overall woodland canopy area to be removed this will expose a significant face of the woodland to altered wind loading, and that, presents potential for wind throw to new woodland edge planting.
- 7.10. The loss of trees, including that of part of the woodland will have a harmful visual amenity impact.
- 7.11. The development would conflict with Policies CS21 and CS24, and Policy DM2, in terms of the loss of protected trees, including loss of part of the woodland.
- 7.12. The evidence submitted will also acknowledge and consider whether the benefits of the wider scheme are considered sufficient in the 'Planning Balance' to outweigh the significant negative impacts of the proposal.

8. Planning Contributions and Legal Tests

- 8.1. As the Council is the owner of part of the land the subject of this application, it cannot enter into a Section 106 legal agreement to secure any planning obligations which may be required to mitigate the effects of the proposed development and which cannot be secured by planning condition. However the Council's Executive is able to resolve to give effect to those measures required. Any such resolution by the Council's Executive would provide certainty that such measures will be given effect to if planning permission is granted and implemented for the proposed development and that the Council will ensure obligations are passed to any successor in title or leaseholder as appropriate to give effect to the mitigation required).
- 8.2. The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 require such agreements/obligations to be:
- a) necessary to make the development acceptable in planning terms
 - b) directly related to the development and
 - c) fairly and reasonably related in scale and kind to the development
- 8.3. Having regard to the above, the LPA considers that the a number of matters are best secured in this manner and they are set out in detail within the SoCG.
- 8.4. The contributions and controls are necessary, directly related to the development and reasonable and therefore meets the requirements of Regulation 122.
- 8.5. The LPA will agree a draft Schedule of Planning Conditions to be imposed on any permission granted by the Inspectorate and this will also be submitted as part of the SoCG.

9. Conclusions

9.1. This SoC sets out the WBC's planning case in support of the proposed development. Specifically:

- 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 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.
- 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).
- It is agreed that 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. Therefore, subject to the completion of this document, the third reason will not be pursued by WBC..



9.2. The proposed development is clearly contrary to the policies of the Development Plan with regard to these matters.

9.3. The appeal should therefore be dismissed.