



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 Proof of Evidence

Planning: Peter Rainier MRTPI

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/2019/1177

April 2021

*Prepared by Peter Rainier MRTPI Principal Director of Planning DMH Stallard LLP
Acting as planning consultant for the Local Authority for the Appeal*

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1. Authors Qualifications and Experience

- 1.1. I am Principal Director of Planning at DMH Stallard. I have more than 30 years planning experience in both the public and private sector. I have degrees in Geography and Town Planning. For over 16 years I worked for Mid Sussex District Council (latterly as a Development Control Team Leader) and subsequently for DMH Stallard for nearly 20 years. I provide advice on a wide range of site promotions, applications and appeals to both public and private sector clients. I have been a Chartered Member of the Royal Town Planning Institute for nearly 30 years. I am a Planning Advisory Service accredited consultant.
- 1.2. I was invited to provide planning evidence to this inquiry by Woking Borough Council in support of their refusal of planning permission. Prior to deciding whether to take the instruction, I visited the site and perused the planning application documentation. I have, prior to compiling this evidence visited the site and surroundings on two further occasions.
- 1.3. The evidence which I provide in this document has been prepared in accordance with the guidance of my professional institution, the Royal Town Planning Institute. Where opinions are expressed, these are my own professional and sincerely-held opinions.

2. Site Description/Character of the Area

- 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. Site History

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. Description of the Proposal

- 4.1. The proposed development comprises; a class D2 health club facility and 36 residential houses. (CD1.4)
- 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 (private tennis and leisure club) facility currently located at Westfield Avenue.
- 4.4. The residential accommodation (36 houses) provides the following mix; 5 x 2bed, 13 x 3bed, 16 x 4bed and 2 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. Reasons for Refusal

5.1. The application was refused for the following three reasons (CD3.5):

- a) 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).

- b) 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).

- c) 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. The NPPF, Development Plan and Other Emerging Policy/Material Considerations

- 6.1. The following are considered to be the most relevant Development Plan policies to this appeal.
- 6.2. A full list of all relevant policies is included in the LPA's Statement of Case (CD1.9), however, of particular relevance to this case is Chapter 13 of the NPPF (Protecting Green Belt Land) (CD4.7), and Policy CS6 of the Woking Core Strategy (2013).
- 6.3. In summary Policy CS6 seeks to ensure that the Green Belt continues to serve its fundamental aim and purpose, maintains its essential characteristics, and is protected from harmful development. Policy CS6 confirms that within Green Belt boundaries strict control will continue to apply over inappropriate development, as set out in the NPPF.
- 6.4. Policy CS6 outlines that the Green Belt's identification for potential future direction of growth to meet housing need, in particular need for family homes, between 2022 and 2027. Policy CS6 also provides guidance on Mayford Village, designated as an infill only settlement within the Green Belt. However, the proposal is not infill development within the existing village, and therefore the proposal must be considered with regard to Green Belt policy,
- 6.5. The NPPF (2019) (CD4.7) contains Government policy on the control and protection of Green Belt land, which is specifically set out in chapter 13, paragraphs 133 to 147. Paragraph 133 of the NPPF (CD4.7) 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 and keep Green Belt land open.

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- 6.6. Paragraph 145 of the NPPF (CD4.7) states that the construction of new buildings are inappropriate in the Green Belt (with some exceptions), and inappropriate development is by definition harmful to the Green Belt and will not be approved except in very special circumstances.
- 6.7. Also of relevance is the emerging Site Allocations Development Plan Document (DPD) (CD4.4).
- 6.8. The purpose of the Site Allocations DPD (CD4.4) is to allocate land for a range of uses to deliver the spatial vision, objectives and development requirements of the Woking Core Strategy.
- 6.9. Policy GB7 of the DPD (CD4.4) relates to the appeal site. The DPD seeks to exclude the site from the Green Belt and allocated it for a mixed use development to include residential, including affordable housing, and recreation/open space.
- 6.10. The draft Site Allocations Development Plan Document (DPD) (November 2019) (CD4.4) can be given material weight as it has been published for Regulation 19 consultation, has been submitted to the Secretary of State and has been subject to Public Examination. However, at the time of writing, the DPD has not yet been adopted and as such is not yet Council policy.

7. The Main Issues

- 7.1. Whether the proposal would be inappropriate development in the Green Belt and, if so, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal
- 7.2. The effect of the proposed development on the character and appearance of the surrounding area, as a result of the loss of protected trees and woodland
- 7.3. Whether the Executive Undertaking would adequately and satisfactorily address the impacts of the proposed development

First reason for refusal (Green Belt)

- 7.4. Turning to the first reason for refusal of the appeal proposal. The NPPF (CD4.7) sets out that it is the Government's clear expectation that there is a presumption in favour of development and growth except where this would compromise key sustainable development principles and be contrary to local planning policies, unless material considerations indicate otherwise. The role of the planning system is to contribute to the achievement of sustainable development. This often involves balancing the economic, social and environmental aspects of a proposal. In addition where a proposal comprises inappropriate development within the Green Belt a balancing exercise is required to establish whether very special circumstances exist that clearly outweigh the substantial harm to be given to the impact on the Green Belt by reason of inappropriateness and any other harm.
- 7.5. Paragraph 133 of the NPPF (CD4.7) 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 and keep Green Belt land open. Paragraph 134

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of the NPPF (CD4.7) advises that the Green Belt serves five purposes, these are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns;
- e) to assist in urban regeneration, be encouraging the recycling of derelict and other urban land.

7.6. For development proposals which affect Green Belt land, the NPPF (CD4.7) makes clear that inappropriate development is by definition harmful to the Green Belt and will not be approved except in very special circumstances. 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 (CD4.7)).

7.7. Paragraph 145 of the NPPF (CD4.7) states that the construction of new buildings are inappropriate in the Green Belt, however, there are some exceptions to this such as:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;

- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

7.8. The appeal scheme includes the construction of a number of new buildings. Paragraph 145 of the NPPF (CD4.7) considers that the construction of new buildings is deemed to be inappropriate development in the Green Belt, unless classed as an exception listed in paragraph 145 of the NPPF (CD4.7). The proposal is for the construction of new buildings for (i) indoor sporting/leisure use, and (ii) residential use (affordable but without policy support from the adopted development plan). These buildings do not fall within the 'excepted' buildings listed in paragraph 145 and therefore must logically be considered inappropriate development in the Green Belt.

7.9. It is noted that the appeal scheme also includes the provision of facilities for outdoor sport. Under Paragraph 145 of the NPPF (CD4.7) these facilities, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it, could be considered an appropriate form of Green Belt development. In this case those facilities are not considered 'appropriate' with the fencing, lighting, domes and the general paraphernalia associated with them. Therefore, in this case the appeal scheme as a whole is considered inappropriate development in the Green Belt, which by definition is

harmful. Within the SOCG, there is agreement that very special circumstances are required due to the Green Belt location of the site (CD1.13 – para 5.7).

7.10. In terms of other harm to the Green Belt, it should be noted that the character of the existing site is largely undeveloped, and is considered to be countryside and rural in character. Given the nature and character of the appeal proposal, it is considered that the appeal scheme will result in the encroachment into the countryside and would result in a permanent loss of openness to the Green Belt.

7.11. The NPPG (CD4.8) (reference ID: 64-001-20190722) advises that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. A number of matters which may need to be taken into account in making such an assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

7.12. The proposal in terms of its built form and location would result in a loss of open countryside would clearly have a visual impact on the openness of the Green Belt, both spatially and visually. The development would be permanent and result in significant activity.

7.13. The loss of countryside through the appeal proposal is considered to result in some urban sprawl as the proposed buildings, and car parking, constitute a

form of urban sprawl. This is one of the purposes that the Green Belt seeks to restrain.

7.14. It has been identified that the appeal scheme is clearly a form of inappropriate development which would cause harm to the Green Belt. It is, therefore, necessary to consider whether any very special circumstances exist in this case which would clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. The very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

7.15. The appellant asserts that there are 4no. very special circumstances that justify the allowing of the appeal scheme. These are:

1. Enabling of the new stadium
2. Enabling the meeting of housing needs
3. Provision of new sports and community facilities
4. Proposals to alter Green Belt Boundary

7.16. Taking each of these suggested very special circumstances in turn, the first relates to the current appeal at the land south of Kingfield Road and east of Westfield Avenue for the provision of a new football stadium for Woking Football Club (appeal reference: APP/A3655/W/20/3265969). The existing David Lloyd Health and Sports Club is currently located on part of the land on the appeal site at Kingsfield Road, however, this existing facility is not retained at Kingfield Road as part of that proposal. As such, the assertion is that it is necessary for this facility to be relocated elsewhere. The fate of the two appeal cases are therefore linked together.

7.17. The appellant states that, in the absence of any suitable alternative sites within the Urban Area, the only alternative to providing Woking Football Club (WFC)

with a new stadium would be to relocate that use into the Green Belt, whilst leaving the existing David Lloyd facility in-situ and redeveloping the existing stadium site and that this alternative would result in a requirement for a much larger site in the Green Belt, which would be likely to have a greater impact on the openness and character of the Green Belt compared with the development of this site.

7.18. However, no evidence has been provided to substantiate the claim that if the development proposed under APP/A3655/W/20/3265969 were not allowed at appeal, that a new football stadium would need to be relocated in the Green Belt. The proposal to facilitate the provision of a new football stadium (and other commercial/retail/community uses) along with residential development is, in general terms a benefit, however, It is not considered that this amounts to a very special circumstance to outweigh the loss of Green Belt land. Furthermore, the football stadium could be enhanced in situ with a more limited development on the land around the stadium. Furthermore, the David Lloyd facility could also be retained and enhanced at Springfield Road, in what is a more sustainable location than the Green Belt site at Egley Road.

7.19. With regards to the second suggested very special circumstance, the appellant argues that the proposal would make a contribution towards the housing supply in the Borough. The appeal scheme would provide 36no. family homes with 100% constituting affordable homes. In addition, the appellant notes that the related proposed development at land south of Kingfield Road and east of Westfield Avenue (APP/A3655/W/20/3265969) would provide 1,048 dwellings within a sustainable location in the built-up urban area, including 468 affordable dwellings, but the development of that site would be unable to occur without the relocation of the existing David Lloyd facility, which is proposed on this site within the health club component.

- 7.20. The Borough can currently demonstrate a five year supply of housing land; the Borough currently has a 9.0 year supply of housing land (including affordable housing) as evidenced by Council's latest Housing Land Supply Position Statement (CD4.10). There is not therefore an identified shortage in housing land supply in the Borough.
- 7.21. The provision of additional residential accommodation is beneficial but this does not equate to a very special circumstance. Even if there was considered to be an identified shortage of housing , this would not outweigh the significant harm which would be caused by the proposed development, given the significant level of harm to the Green Belt, and other harm, which has been identified.
- 7.22. The third very special circumstance refers to the provision of new private sports and community facilities. The appellant contends that this does not amount to a very special circumstance, but accepts it is a factor to be weighed in the planning balance.
- 7.23. Provision of new sports and community facilities, and also the sharing of facilities with the neighbouring athletic club at Egley Road have been put forward by the appellant as being of a community benefit, however, no detail has been given about the arrangements for this.
- 7.24. It should be noted that the proposed private health club in the appeal scheme would essentially be a replacement of the existing David Lloyd centre at Kingsfield Road and Westfield Avenue, although this would only be in the event that the appeal scheme ref: APP/A3655/W/20/3265969 was to be allowed and subsequently implemented. The proposed private health club would, therefore, not represent an additional facility and is solely intended to replace and relocate the existing David Lloyd facilities. If the Kingfield Road scheme was not to

progress the existing David Lloyd facility would remain in it's current location which is a more sustainable one than at Egley Road.

- 7.25. Furthermore, the leisure facility could remain at Kingfield Road. The Kingfield Road David Lloyd facility could be enhanced on the existing site. Alternatively, there appears to be no evidence that there are no other sites available for the use other than Egley Road, or that the facilities could not be broken down into separate elements/uses and provided on more than one site.
- 7.26. Finally, it is understood that David Lloyd centres are private health / fitness clubs which are exclusively for use by members. No detail has been provided as part of the application regarding whether sports facilities would be available to the general public at the replacement David Lloyd centre. Therefore, the wider community benefit of the re-located health club is considered very limited and this is not considered to contribute to the case of a very special circumstance.
- 7.27. The fourth very special circumstance relates to the emerging Site Allocations DPD (CD4.4). This DPD seeks to allocate land for a range of uses to deliver the spatial vision, objectives and development requirements of the Woking Core Strategy.
- 7.28. Policy GB7 of the Site Allocations DPD (CD4.4) relates to the appeal site. The DPD seeks to release and exclude the site from the Green Belt and allocate it for a mixed use development to include residential, including affordable housing, and recreation/open space.
- 7.29. It should be noted that Policy GB7 (CD4.4) allocates the site for a mixed use development for residential of 118 units including affordable housing, recreational/open space and education. The proposal is for 36no. units. Furthermore, it is not allocated for a private sports / leisure club and it is

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considered that the use of a large part of the land for the proposed leisure club will preclude the use of the site for its intended residential use. This is considered to undermine policy GB7 of the Site Allocations DPD (CD4.4) and prejudices the future development of the site for the proposed uses.

7.30. Whilst it is acknowledged that the draft Site Allocations Development Plan Document (DPD) (November 2019) (CD4.4) can be given material weight as it has been published for Regulation 19 consultation, and has been submitted to the Secretary of State and has been subject to Public Examination, it should be noted however, that at the time of writing, the DPD has not yet been adopted and cannot be considered Council policy. The site is, therefore, still in the Green Belt. At this stage it is not considered that the draft allocation would amount to a very special circumstance to outweigh the loss of Green Belt land for the intended uses.

7.31. It is however noted that the Examination is due to conclude and the Inspectors report is due imminently. In the event that the Inspectors final report is published prior to the Inquiry an addendum will be required to this Proof.

7.32. To summarise, in the context of this significant Green Belt harm and other harm, none of the above arguments, either alone or in combination are considered to amount to very special circumstances which would clearly outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness and harm to openness.

Second reason for refusal (Loss of Trees)

7.33. The second reason for refusal relates to the loss of trees on the site causing harm to the visual and environmental amenity of the area.

- 7.34. Part of the appeal site is covered by an area Tree Preservation Order (ref: 626/0154/1973). The appeal scheme proposes the removal of a number of trees on site in order to facilitate the development. The AIA submitted with the planning application confirms that the development would result in the loss of 7 individual trees, 4 groups of trees and the northern edge of the woodland on site, which equates to approximately 25% of its total canopy area.
- 7.35. The Council's Arboricultural Officers objected to the planning application, his consultation comments (CD2.21) noted that the woodland area is classified as A2 woodland, which represents trees of high quality with a remaining life expectancy of at least 40 years, and with particular visual importance as arboricultural and / or landscape features. The Council's Arboricultural Officers noted that the loss of 25% of this woodland would be of significant detriment to the character of the area. The conclusion of the Council's Arboricultural Officers report was that the removal of the protected trees to facilitate the development is not considered acceptable.
- 7.36. The trees in question at Egley Road constitute an important feature in the locality. The trees are prominent in views from Egley Road to the east, from the school to the north and from Hook Hill Lane to the south and the railway to the west.
- 7.37. The Council's Arboricultural Officer has provided additional comments in relation to the appeal scheme and these are attached at Appendix 1 of this document.
- 7.38. The woodland on site is considered to be of high public amenity value. Policy CS21 of the Core Strategy (CD4.1) sets out criterion that proposals for new development should meet, one of which being that they should 'incorporate landscaping to enhance the setting of the development, including the retention

of any trees of amenity value, and any other significant landscape features of merit, and provide suitable boundary treatment/s.'

- 7.39. The reasoned justification text for policy CS24 (CD4.1) advises that trees form an important part of the landscape fabric of the Borough and that The Council will seek the retention of existing quality trees (except where they are dead, dying or dangerous) and encourage the planting of new ones where it is relevant to do so.
- 7.40. The loss of 25% of this protected woodland and the loss of other protected trees on site would cause harm to the visual and environmental amenity of the area. The NPPF (CD4.7) requires substantial weight to be given to this harm. The NPPF at paragraph 170 (CD4.7) requires decisions to recognise the 'intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;'
- 7.41. It is noted that the site is part of a draft allocation under Policy GB7 of the Site Allocations DPD (CD4.4). The NPPG (Ref ID: 64-002-20190722) (CD4.8) states that where it has been demonstrated that it is necessary to release Green Belt land for development, the LPA should set out policies for compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land. These may be informed by supporting evidence of landscape, biodiversity or recreational needs and opportunities including those set out in local strategies, and could for instance include:
- new or enhanced green infrastructure;
 - woodland planting;
 - landscape and visual enhancements (beyond those needed to mitigate the immediate impacts of the proposal);

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- improvements to biodiversity, habitat connectivity and natural capital;
- new or enhanced walking and cycle routes; and
- improved access to new, enhanced or existing recreational and playing field provision.

7.42. Although it is not yet adopted policy It should be noted that GB7 states that development of the site should address key requirements, one of which is that the development should retain protected trees and trees belts and strengthen with planting to create a wide landscape frontage along Egley Road. Another requirement states that 'The wooded area to the south of the site which is covered by an area TPO should not be developed. The Council's Arboricultural Officer should be consulted regarding the protection and conservation of the area of the site.'

7.43. It is clear therefore, that the release of the site from the Green Belt is contingent on the fact that the protected trees are retained on site and that the wooded area of the site is not developed.

7.44. With regards to the third reason for refusal, in the absence of an Executive Undertaking no mechanism exists to secure the requirements set out in the Planning Committee report (CD3.3), namely;

- Egley Road dwellings to be rented affordable dwellings.
- Travel plan – prior to first occupation a travel plan for the Health Club will be submitted to and approved in writing by the Council to promote non-car modes of travel. The approved travel plan will be implemented prior to first occupation of the Health Club centre and thereafter maintained and developed to the satisfaction of the Council.
- Highway works – requirement to enter into S278 agreement(s) to secure the carrying out of highway works required by the Highway Authority, including pedestrian crossing improvements on Egley Road.

- Strategic Access Management and Monitoring (SAMM) contribution in line with the Thames Basin Heaths Special Protection Area (TBH SPA) Avoidance Strategy tariff (including index linking based on RPI annual inflation).

7.45. It is considered that mitigation measures set out in the Planning Committee Report need to be secured via an Executive Undertaking and that this has previously been agreed as acceptable by the Appellant, the LPA and the Executive of WBC. It is noted that negotiations are ongoing with the LPA and the Appellant on this agreement. Therefore, subject to the completion of this document, the third reason for refusal will not be pursued by WBC at the Inquiry.

7.46. However this conclusion is contingent on a resolution to allow the appeal for the related scheme (APP/A3655/W/20/3265969) at land south of Kingfield Road and east of Westfield Avenue, Westfield, Woking.

8. Planning Balance and Conclusion

- 8.1. The NPPF (CD4.7) sets out that it is the Government's clear expectation that there is a presumption in favour of development and growth except where this would compromise key sustainable development principles and be contrary to local planning policies, unless material considerations indicate otherwise. The role of the planning system is to contribute to the achievement of sustainable development. This often involves balancing the economic, social and environmental aspects of a proposal. In addition where a proposal comprises inappropriate development within the Green Belt a balancing exercise is required to establish whether very special circumstances exist that clearly outweigh the substantial harm to be given to the impact on the Green Belt by reason of inappropriateness and any other harm.
- 8.2. The LPA considers that the appeal scheme represents inappropriate development in the Green Belt which would be harmful by definition and would have a significantly harmful impact on the openness of the Green Belt. No Very Special Circumstances are considered to exist which would clearly outweigh the harm caused to the Green Belt by reason of the proposal's inappropriateness. The appeal scheme is therefore contrary to Woking Core Strategy (2012) (CD4.1) policy CS6 'Green Belt', Woking DMP DPD (2016) (CD4.2) policy DM13 'Buildings Within and Adjoining the Green Belt' and Section 13 of the National Planning Policy Framework (2019) (CD4.7).
- 8.3. With regards to the second reason for refusal, the appeal scheme would conflict with Policies CS21 and CS24 (CD4.1), and Policy DM2 (CD4.2), in terms of the loss of protected trees, including loss of part of the woodland, and does not accord with the general principles set out in the NPPF (CD4.7).



- 8.4. With regards to the third reason for refusal, it is noted that negotiations are ongoing with the LPA and the Appellant on this agreement. Therefore, subject to the completion of this document, the third reason for refusal will not be pursued by WBC at the Inquiry.
- 8.5. For the reasons stated above, the Inspector is therefore respectfully requested to dismiss the appeal.

Appendix 1

Woking Tree Officer – additional comments

James Veats Senior Arboricultural Officer Woking Borough Council

AA Tech cert, Lantra Professional Tree inspection.

30 years' experience in tree management and trees relating to development.

Please see the below detail relating to the proposed designs for Land at Egley Road (PLAN/2019/1177)

The proposed implications are not considered to be acceptable at this stage for the following reasons:

Arboricultural Report
(Ref:7758.1)

Tree Removal

W1 (The woodland) is currently protected by a 1973 area TPO and has been classified in the Arboricultural Report as an A2 woodland. A2 represents the highest grade afforded to trees during a BS5837 survey. These are "Trees of High Quality with an estimated remaining life expectancy of at least 40 years" and are "Tree groups or woodlands of particular visual importance as arboricultural and/or landscape features". Therefore the removal of 25% of this woodland would be of significant detriment to the both the character of the area and to the long term retention of the woodland.

It has been noted in section 3.26 of the report that the removal of 25% of the woodland will expose the northern edge to potential future windthrow. There is no doubt that this will have a significant impact on the structure of the woodland as the outer trees which are currently shown to be removed provide a buffer to the trees located internally which have not had the need to develop a root structure to cope with the type of wind loading they will now be exposed to.

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Section 3.26 also states that the visual effects from the removal of the woodland will be essentially mitigated once the development has been concluded. "The removal of W1 will be partially screened from the view of the public". Since this has been stated it should be considered that a TPO is placed upon trees due to the visual amenity of those trees, therefore to remove and reduce the public amenity value afforded by these trees would be considered unacceptable as the long term impacts will result in significant further losses.

T1 is a mature open grown Oak tree forming part of a group of three mature Oak trees (T1, T2 and T3). This group in themselves are of high public amenity value and should be regarded as an A2 group. The removal of T1 is considered to be unacceptable as this will be of detriment to the sylvan character of the area and will likely be of detriment to the group as a whole.

T21 is a mature specimen fastigiata Beech. Its removal has been identified in section 3.17 on the grounds of health and safety. However this will only be as a result of the severance of its rooting environment due to the proximity of the proposed development. The removal of this tree can be avoided through adjustments to the proposed plans.

As identified within the report there are groups of trees (G1, G2, G3, G4) which play an important part in the structure of the woodland (W1). The removal of these groups would therefore be unacceptable.

The removal of 25% of the woodland will certainly have a detrimental impact upon the wildlife and ecology of the site and its removal is not acceptable.

The arboricultural report identifies that a further 5m of felling into the woodland edge would be required in order to apply the mitigation proposed. This removal is not indicated on the tree removal plan and should be shown so that a clear picture can be presented. It is possible that the 5m felling may also include T20 as it is situated close

to the woodland edge. T20 is a B grade Oak which should be retained and protected as a mature specimen.

Root protection areas (RPAS)

Table 4 outlines the area of incursion within the RPAs of retained trees. It should be noted that incursions of over 20% are unacceptable regardless of any specialist construction techniques used as stated in section 7.4.2.3 of BS 5837 (“New permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA”). By placing hard surfacing over the rooting environment of a tree there will be a restriction on the amount of water and nutrients being made available which will therefore in the long term reduce the viability of the tree. This would apply to T2, T3, T10 and the woodland (W1)

Given that T9, T10 and T11 are situated within undisturbed soil which is highly sensitive to compaction, any incursion below 20% will require specialist construction techniques.

Any incursion into the RPA of T2, T3 and the Woodland edge would not be considered unacceptable for the following reasons: The trees exist within an open grown field which is not compacted and any compaction or hard surfacing within the area would be of detriment to the trees. Given that the proposed plans have sited car parking spaces below the canopies of T2 and T3, it is likely that there will future pressures to prune and maintain the trees which would reduce their amenity value considerably. It has also been proposed that a road be installed in between T2 and T3 and along the woodland edge which is likely to be salted during the winter. Salt will contaminate the rooting environment of the trees and therefore reduce the likelihood of survivability in the long term. Section 4.6 of the report has identified that “building and road footprints are carefully planned to generally avoid the need for excessive tree surgery”. Given the proximity of the proposed roads it is likely that continual pruning will be necessary to prevent damage to vehicles.

The incursion within the RPA of the woodland and the “selective reductions” as outlined in section 4.12 of the Arboricultural report is not considered to be acceptable. When trees are pruned they often react by putting on prolific re-growth and therefore a denser canopy structure. This dense structure creates a larger sail area and increases the amount of wind-loading on the trees structure. There will not be enough time for the tree to have adapted to its new exposure therefore cyclical pruning will be required. This is not only a pressure placed upon the tree but it is also a financial burden placed upon the landowner.

The RPA of T2 has not been offset to account for the presence of roots from T1 and T3. It is likely that the RPA of T2 is more oval shaped as opposed to a circle. Tree roots are unlikely to occupy the same space (similar to canopies) therefore the incursion in to the RPA of T2 is likely to be high and therefore the proposed will be of greater detriment to the long term viability of the tree.

The RPAs for T9, T10 and T11 have not been offset to account for the railway line to the rear. Therefore these should be offset to the East which would place a greater pressure on the trees rooting from the proposed plans.

Landscaping

The landscaping plans do not represent the intentions of the mitigation suggested in the arboricultural report. There appears to be no extra planting on the woodland edge which would be necessary to mitigate for the removal of the woodland.

We would require tree pit designs for the proposed tree planting which should include the use of underground structured cells in areas where there is limited rooting for trees. This will include the planting of trees to the front of the residential properties and within the car parks to the David Lloyd gym. Underground cells secure the long term retention of trees within areas of hard surfacing and therefore increase the canopy cover of the site and is in line with the Councils Tree Strategy - The landscaping details will need to show species selection and sizes.

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

Proof of Evidence

The planting of two trees within the retained grassed area of T3 would not be appropriate. The tree is already having a significant area of its RPA covered in hard surfacing and the inclusion of two trees within this site will only add to future pressures from competition in a restricted site.

Planting should be implemented along the boundary between the proposed site and the existing school to act as a buffer between the two sites.

It should be noted that the Swimming Pool and Spa area sits to the north of the retained woodland. This will be significantly shaded throughout the year by the existing woodland and as this is a deciduous woodland there will be a significant amount of leaf fall around the area. This may result in extra pressure to prune and fell trees adjacent to the site. The residential properties located adjacent to the woodland will also face shading throughout the year which may result in extra pressure to prune and fell trees adjacent to the site.

Drainage and services

The drainage information shows water/drainage retention tanks within the RPA's of T2 and T3 this is unacceptable and will have to be moved to outside the RPA's of these trees.

There should be no service and drainage runs within the RPA,s of any retained trees.

Conclusion

The removal of protected trees in order to facilitate the proposed is not considered to be acceptable. The trees on site are currently covered by an area TPO dated 1973 which affords them statutory protection. The woodland is of high public amenity value and its partial loss would be of detriment to the character of the area and to the remaining trees which will be exposed to new forces.



The landscaping details do not fully align with the details of the arboricultural report in respect of mitigation of the woodland and do not make provision for tree pit details, species of trees and size of trees to be planted. We would require underground structures in areas where rooting is limited.

The current incursions within the RPAs of retained trees is not considered acceptable due to the nature of the virgin ground that the trees reside in. It is likely that these incursions will damage the trees therefore reducing their long term viability and ultimately leading to their loss.