



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 Summary

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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Authors Qualifications and Experience

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.
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.
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.

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4. 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)).
5. 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).
6. 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. 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.
8. The appellant asserts that there are 4no. very special circumstances that justify the allowing of the appeal scheme. These are:
 - o Enabling of the new stadium

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- Enabling the meeting of housing needs
 - Provision of new sports and community facilities
 - Proposals to alter Green Belt Boundary
9. Taking each of these 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.
10. 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.
11. With regards to the second very special circumstance, the appellant argues that the proposal would make a contribution towards the housing supply in the Borough.

12. 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. There is not therefore an identified shortage in housing land supply in the Borough.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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 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.
19. Whilst it is acknowledged that the draft Site Allocations Development Plan Document (DPD) (November 2019) (CD4.4) can be given material weight, 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.
20. 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.

21. 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;’
22. 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);
 - 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.
23. 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.'

24. 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.
25. For the reasons stated above, the Inspector is therefore respectfully requested to dismiss the appeal.