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# Appeal Decision

Inquiry sat on 26 and 27 March 2013 and 26 April 2013

Accompanied site visit made on 27 March 2013

**by L Rodgers BEng (Hons) CEng MICE MBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 31 July 2013**

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**Appeal Ref: APP/K3605/A/11/2156394**

**The Pavilion Sports and Fitness Club, Hurst Lane, East Molesey, Surrey  
KT8 9DX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by J S Bloor (Newbury) Ltd against the decision of Elmbridge Borough Council.
  - The application Ref 2010/2618, dated 25 October 2010, was refused by notice dated 1 February 2011.
  - The development proposed is residential development comprising 76 one, two, three and four bedroom dwellings with associated amenity space, car parking, access and landscaping.
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## Decision

1. The appeal is dismissed.

## Procedural matters

2. This decision supersedes that issued on 10 January 2012. That decision was quashed by order of the High Court.
3. I made an unaccompanied visit to familiarise myself with the general area prior to the start of the inquiry as well as an accompanied visit during the course of the inquiry.
4. The Appellant has submitted a Unilateral Undertaking dated 25 March 2013 made pursuant to s106 of the Town and Country Planning Act 1990. This is a material consideration for me to take into account.

## Application for costs

5. At the inquiry an application for costs was made by J S Bloor (Newbury) Ltd against Elmbridge Borough Council. This application is the subject of a separate Decision.

## Main Issues

6. I consider the main issues to be the effect of the proposed development on the character and appearance of the area; its effect on the provision of open space, sports and recreation facilities; and, its effect on the supply of housing.

## Reasons

### Background

7. The appeal site is an 'L' shaped piece of land of some 1.93 hectares in size. Although formerly a cricket pitch it is now mostly rough grassland with trees and vegetation along some of the site boundaries. The heavily treed western boundary is about 125m in length and runs along Hurst Lane. The eastern (rear) boundary is somewhat shorter (at about 90m in length) and backs onto the playing field of the St Lawrence School. The southern boundary abuts a mix of domestic gardens and community facilities and the northern boundary is formed by the Pavilion Sports and Fitness Club, a private facility. Part of the appeal site is now occupied by three tennis courts for the use of and accessed through the Sports and Fitness Club. The appeal site is otherwise fenced off from its surroundings and currently affords no public access.
8. To the north of the Sports and Fitness Club is a 1980s development of terraced and detached family homes known as King's Chase. According to the Statement of Common Ground (SOCG) an agreement associated with the grant of planning permission for the King's Chase development (pursuant to Section 52 of the Town and Country Planning Act 1971<sup>1</sup>) sought, inter alia, to retain the site for a sports field in connection with the King's Chase development. Although I understand that there was a ten year period during which the Council had the opportunity to acquire the land, that opportunity was not exercised and the land was sold into private ownership in 1992. In conjunction with a later planning approval for an all weather sports pitch on the site the Section 52 Agreement was superseded by a Section 106 Agreement made pursuant to the Town and Country Planning Act 1990. This required the land to be retained for recreation purposes by members of the private club.
9. The SOCG records that part of the application site (1.02ha) was included within the Council's Strategic Housing Land Availability Assessment (SHLAA) of 2010 as a potential development site with deliverability within the next five years. It was also included in the 2008 SHLAA at 1.02ha and is now included in the Council's Strategic Housing & Employment Land Availability Assessment (SHELAA) 2012 at 1.82ha.<sup>2</sup> Identified potential constraints included the effect on recreational space/facilities.

### Policy framework

10. The application was refused as being contrary to saved Policies LER3 and ENV29 of the Replacement Elmbridge Borough Local Plan 2000 (LP) and national guidance in Planning Policy Guidance Note 17: *Planning for Outdoor Space, Sport and Recreation* (PPG 17).
11. However, since the refusal of the application there have been a number of changes to the policy framework including the adoption of the Elmbridge Core Strategy 2011 (CS). LP Policies LER3 and ENV29, which were not saved on adoption of the CS, no longer form part of the policy framework. PPG 17 has been replaced by the National Planning Policy Framework (the Framework) and, although the Addendum to the SOCG (ASOCG) records that the development plan includes the South East Plan 2009 (SEP), the SEP too has since been

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<sup>1</sup> Document 7

<sup>2</sup> Appendix 2 to PoE of Mr Williams (Boyer)

largely revoked. None of the retained elements of the SEP are relevant to this appeal.

12. In light of the matters above and the further submissions to the inquiry, most notably Paragraph 2.14 of the ASOCG, I consider the parts of the policy framework of most immediate relevance to the proposed development are Policies CS7, CS14, CS17 and CS21 of the CS, the Framework, with particular reference to Paragraphs 73 and 74, and the Council's Design and Character Supplementary Planning Document (SPD). Although the ASOCG also refers to the Council's Developer Contributions Supplementary Planning Document I note that the Council's Community Infrastructure Levy became operative on the 1 April 2013, a matter I shall return to later.
13. As far as the CS is concerned, Policy CS7 notes amongst other matters that the Council will continue to recognise the diversity and distinction of neighbourhoods and communities within East and West Molesey and plan in a way that takes account of natural, historic and cultural assets within and adjoining the area. All new development will be expected to enhance the local character of the area.
14. Policy CS14 states that the Council will protect, enhance and manage a diverse network of accessible multi functional green infrastructure by, amongst other matters, continuing to give a high level of protection to and improving the Borough's green infrastructure assets and, where development of open space is proposed, assessing the scheme against PPG17. The policy also seeks to ensure that new development protects and enhances local landscape character, strategic views and key landmarks, and takes account of their setting, intrinsic character and amenity value.
15. The supporting text to Policy CS14 notes at Paragraph 7.1 that the green infrastructure network is highly valued by local people and plays a key role in contributing to the Borough's landscape setting and local identity. Paragraph 7.2 identifies the Church of St Paul, East Molesey (to the east of the appeal site) as a landmark. Paragraph 7.4 notes amongst other matters that local research<sup>3</sup> suggests that ".....Elmbridge has a reasonable level of provision for most types of open space, sports and recreation facilities. However, there are some localised deficiencies in some types of open space and although these are to some extent compensated for by the presence of other types of open space, there is a need to protect the overall level of provision, to seek new provision in some areas and address quality and access issues."
16. Policy CS17 notes amongst other matters that Elmbridge's unique environment is characterised by its green infrastructure and its distinctive town and village settlements requiring new development to deliver high quality and inclusive sustainable design which should also maximise the efficient use of urban land, respond to the positive features of individual locations, integrate sensitively with the locally distinctive townscape, landscape and heritage assets and enhance the public realm and street scene.
17. Policy CS21 notes that the Council will aim to deliver at least 1150 affordable homes between 2011-2026 and where, exceptionally, development of 15

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<sup>3</sup> Elmbridge Green Space, Sport and Recreation Study 2006

dwellings or more is proposed on a greenfield site at least 50% of the gross number of dwellings should be affordable.

18. Paragraph 73 of the Framework notes, amongst other matters, that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of local communities. The most relevant parts of Paragraph 74 state that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
19. Paragraph 49 of the Framework notes that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 makes it clear that this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole; or specific Framework policies indicate development should be restricted. There is no suggestion in this case that the development plan is absent, silent or relevant policies are out of date.
20. The Council's Design and Character SPD was adopted in April 2012 and should attract significant weight. Its purpose is noted in the ASOCG as being to "....secure the delivery of distinctive, high quality development across the Borough that respects local character." The ASOCG goes on to note that the SPD identifies East and West Molesey as containing a large number of open green spaces and that the SPD companion guide for East and West Molesey acknowledges that trees form a very important part of the woodland character of Kent Town (the sub-area in which the appeal site is situated). The preparation of the SPD and the companion guide were informed by community workshops. Specific issues identified at these workshops relevant to the appeal proposal included the loss of trees to the rear of properties, particularly to Palace and Wolsey Roads, and the increased scale of replacement houses.
21. Although the ASOCG also identifies some emerging policy, and my attention was specifically drawn to the Elmbridge Local Plan/East and West Molesey/Settlement Investment & Development Plan, this documentation is at an early stage in its preparation. Whilst it may give some insight into the Council's thinking it can be afforded little weight.

### ***Character and appearance***

22. The Council raises no issues with the design of the proposed development and Paragraph 7.4.1 of the SOCG notes that it is agreed that the layout, scale, landscape, appearance and access of the proposed development is high quality and policy compliant. SOCG Paragraph 7.4.2 also notes that the density of the development at 39.4dph is acceptable.

23. The Appellant asserts that, in light of the agreed position in the SOCG, the development should be taken to comply fully with all aspects of Policy CS 17. Further, the Appellant points to Paragraph 7.14 of the CS which, in regard to Policy CS17, notes that the policy sets out key principles to guide the form and design of all new development in the Borough and that more detailed policy guidance will be contained in future Development Plan Documents (DPDs) – including the Design and Character SPD. In the Appellant’s view the fact that the Council has alleged no conflict with Policy CS17, the SPD or its Companion Guide makes it impossible for the Council to contend that the development has any harmful impact on the character or appearance of the area.
24. Notwithstanding the Appellant’s contentions, the Council made it clear in its reason for refusal that it considered the loss of open space harmful to the character of the area, a stance maintained in its submissions to the inquiry<sup>4</sup>. I also note that, whilst the Council does not contend any conflict with Policy CS17, the Council’s list of saved policies in the Replacement Elmbridge Borough Local Plan 2000 (updated to take account of the adoption of the Core Strategy – July 2011) confirms that LP Policies LER3 and ENV29 referred to in the reason for refusal were both replaced by Policy CS14 – with which the Council does allege conflict. In any event, the ASOCG notes that the parties agree that the relevant CS policies include both CS14 and CS17 and I shall have regard to both.
25. Despite the concerns raised by some local residents, as noted above the Council has raised no issues with the design of the development itself or its fit with the surrounding built form. I see no substantive reason to take a different stance. In assessing the effect of the proposed development on the character and appearance of the area I therefore see the key issue as the loss of the open space and its replacement by built form.
26. Policy CS14 states that the Council will protect, enhance and manage a diverse network of *accessible* (my emphasis) multi functional green infrastructure. However, the text box following Policy CS14 makes it clear that natural and semi-natural urban greenspaces, outdoor sports facilities (with natural or artificial surfaces, either publicly or privately owned), amenity greenspace (including domestic gardens) and green roofs and walls can all, along with a range of other typologies, form part of the networks of green infrastructure. Whilst it is accepted that there is currently no public access to the appeal site, it is clear from the list above that public access per se is not regarded as a pre-requisite in order for land to be considered a green infrastructure asset.
27. Consequently, it seems to me that whether or not the appeal site is seen as a sports facility or some other form of urban greenspace, and irrespective of its lack of public access, it should be regarded as forming part of Elmbridge’s green infrastructure. Policy CS17 begins by stating that Elmbridge’s unique environment is characterised by, amongst other matters, its green infrastructure.
28. The SPD is also clear (Figure 3.1) that green spaces should be recognised, along with such other matters as the impact of trees, views and landmarks and the sense of enclosure or openness, as forming part of an area’s character. In this respect the overview of the key features of Elmbridge at Page 10 of the SPD notes under ‘Open Spaces’ that “Strategic open urban land and other open

<sup>4</sup> Eg Cllr Selleck PoE para 3.4

urban land such as school playing fields, allotments, recreation grounds, parks and gardens provide highly valued open spaces throughout the urban area". With regard to East and West Molesey, Page 18 of the SPD identifies that the settlement contains a large number of open green spaces, a characteristic also identified in the SPD Companion Guide.

29. The policy framework is therefore not only clear that both Elmbridge as a whole, and East and West Molesey in particular, have a large number of open spaces but also that these form an intrinsic part of an area's character. The policy framework also imbues open space with a value - and seeks to protect it.
30. The Appellant has submitted a map that shows an appreciable number of open spaces in the vicinity of the appeal site.<sup>5</sup> This map also shows the diversity of those spaces in terms of both size and use with parks, recreation grounds, football grounds, school playing fields and allotment gardens all featuring. As well as the diversity in size and use, my site visits showed that the various open spaces can have markedly different effects on their surroundings.
31. In that respect, Hurst Park (to the north of the appeal site) not only provides for both formal and informal recreation but its size, openness and largely unconstrained visual relationship with Hurst Road give that part of the locality a very spacious feel and an almost semi-rural character. In contrast, West Molesey recreation ground (to the west of the site), whilst also large and providing space for formal and informal recreation is more or less hemmed in by housing. Whilst those residents backing onto the recreation ground experience its openness it has little impact on the suburban character experienced by users of the adjacent streets.
32. Open spaces can therefore not only fulfil various functions simultaneously but can also have markedly differing visual impacts on their locality and its character. I deal later with the impact of the proposed development on the functional aspects of the provision of open space, sports and recreation facilities. I therefore examine here whether the loss of the open space and its replacement by built form would be harmful or beneficial in respect of its visual impact - and to what degree.
33. Should the development proceed it is clear that a number of residents to the north, south and northeast of the appeal site, including some on Vine Road, King's Chase and Parsons Mead, would experience a change in the views from their properties. However, the planning system does not, in general, seek to protect such views and there would otherwise be little impact on the character and appearance of the areas to the north, east and south of the site. In this I agree with the findings of the Appellant's Townscape Character Assessment (TCA) which identifies four key character areas in the vicinity of the site namely Vine Road (to the south), Kent Town Conservation Area (to the east), King's Croft (to the north) and Hurst Lane (to the west). The TCA then goes on to conclude that the development would result in a non-significant, neutral effect on Vine Road, Kent Town Conservation Area and King's Croft. In agreeing with this conclusion I also agree that the character and appearance of the Kent Town Conservation Area would be preserved - meeting the statutory test requiring that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

<sup>5</sup> Figure 1A Appendix B to Mr Andrew Williams PoE

34. The appeal site has, however, a much more immediate relationship with Hurst Lane with its frontage to the road being in excess of 100m. Here the combination of the mature trees along the western boundary and the open space behind give this part of Hurst Lane a semi-rural, almost village-like, character. Despite the appeal site's current lack of public access it is my view that, in providing relief from the otherwise largely unbroken run of development along Hurst Lane, as well as providing a setting for the surrounding development and an expansiveness inherent in the long views it affords, the appeal site makes a positive contribution to the aesthetic qualities of the area. Appreciation of these aesthetic qualities will not be confined to those living adjacent to the site but will also encompass those who experience the site in passing. As such the appeal site helps to create a sense of place that extends beyond its immediate environs.
35. As far as the trees themselves are concerned, those along the western boundary of the appeal site make a particular contribution to the verdant and leafy character of Hurst Lane. However, some of the other trees on the site are also glimpsed in long views from a number of the surrounding areas. In particular, those along the southern boundary provide some relief to, and a setting and backdrop for, the predominantly built form of the existing development along the north side of Vine Road. The SPD Companion Guide notes at 3.41 that trees form a very important part of the woodland character of Kent Town and that street trees, trees to front gardens and significant groups to rear gardens frame and/or form an attractive green backdrop to development.
36. Construction of the proposed development would mean that, other than the sports club, there would be a more or less continuous run of built form framing the eastern side of Hurst Lane. Despite the acknowledged set back of the proposed housing this would give the area a harsher and more enclosed character. Whilst I am conscious that a number of the mature trees would be retained (and others planted) and that the proposed development along Hurst Lane would be reasonably well spaced, the appeal site would no longer provide relief from the otherwise built form of Hurst Lane. In consequence the expansive, semi-rural village-like character of the area would be lost and the aesthetic qualities of the area would be compromised. Despite the acknowledged design qualities of the proposed development the character of Hurst Lane would become more typically suburban, a factor that in my view would be materially harmful to the current sense of place.
37. With respect to trees, although the development would remove a large number from the periphery of the site a substantial number would be retained. Of those trees scheduled for removal, most would be removed due to their poor form or condition. Consequent on a very minor refinement to the layout, a matter which I am content could be properly secured by condition, two of the 'Category B' trees initially proposed for removal could be retained. The Appellant also proposes replacement planting with native trees such that overall there would be a net increase in the number of trees on the site. This again could be secured by condition.
38. I am in no doubt that in the short term the loss of trees would be harmful to the leafy and verdant character of Hurst Lane and, to a lesser extent, the setting of some of the development around the site – particularly in longer views. However, the proposed replacement planting coupled with the fact that

many of the existing trees are in poor condition should, in the longer term, secure an overall improvement in the amount and quality of tree cover on the site. In terms of the overall impact on the character and appearance of the area I consider that this should be seen as a modest benefit.

39. The Appellant's TCA suggests that the quality of the Hurst Lane character area is generally moderate to low and that, whilst the character area has a physical and visual relationship with the site, the mature native trees provide a visual barrier. It is concluded that these factors, coupled with the site's inaccessibility to members of the public, mean that the sensitivity of the character area to the appeal scheme is moderate. It is then suggested that the proposed built form and changes to the existing tree belt would result in the appeal scheme having an effect of moderate magnitude on the character area - leading to an overall effect of limited significance. As the appeal scheme retains the mature trees, replaces poor quality trees and provides a management regime for the continued health of those trees - alongside a high quality, appropriate built form set back behind the tree belt - the TCA finds that the overall effect would be beneficial to the character of the area on completion.
40. However, whilst the TCA has followed an accepted methodology, and I have no reason to doubt the experience or credentials of the Appellant's expert witness, it was accepted at the inquiry that use of the methodology nonetheless requires a number of judgements to be made.
41. In this respect it seems to me that, based on my site visits and the Appellant's submitted photomontages, the effect of the trees in providing a visual barrier to the rest of the appeal site is overstated in the TCA, particularly when leaf cover is sparse. In consequence the sensitivity of the character area to the appeal scheme is, in my view, understated.
42. The existing housing along this part of Hurst Lane is, as noted in the TCA, dominated by a semi-detached typology, wide plots and large set backs. Although the proposed development is pleasing enough to the eye, it is unremarkable in this context. Whilst the housing would not appear incongruous or out of place when seen against the existing development, nor would it have the intrinsic qualities needed to appreciably elevate the quality of the area. What it would do, in replacing the existing open space with a predominance of built form (albeit set back behind trees), is to have an enclosing effect that would compromise the currently expansive and spacious environment of this part of Hurst Lane. I have already noted that I see this as having an appreciable suburbanising effect that would be harmful to the current sense of place. Even accepting that the design itself is of high quality I therefore do not see its effect as beneficial - nor do I see the overall effect as being of limited significance.
43. With respect to the Appellant's Visual Impact Assessment (VIA) I again take no issue with the methodology nor with the choice of Hurst Lane (from the north and south) or Adcroft Way (from the west) as the appropriate directions from which to assess the kinetic effect of the appeal scheme. However, for similar reasons to those above it is again my view that the Appellant's assessment understates the significance of the effects (particularly at times of limited leaf cover) and again I do not accept that the development would have a beneficial effect on the existing visual experience.



44. I am also conscious that the proposed development would cut out a number of views towards the Church of St Paul, East Molesey (to the east of the appeal site) particularly from Hurst Lane. Not only does the supporting text to Policy CS14 identify this church as a landmark but it also makes it clear that the Borough's landscape provides a setting for various landmarks - a key function of green infrastructure being to create opportunities for a greater appreciation of cultural heritage. Although the development would result in some new views of the church becoming available from within the site, the fact that Hurst Lane is a through route and is likely to be used by more people means that more significance should be attached to the views from Hurst Lane than from within the site.
45. In assessing possible adverse landscape and visual impacts a degree of subjectivity is inevitable. Whilst I have had regard to both the TCA and VIA put forward by the Appellant I have nevertheless come to my own judgements on matters such as sensitivity, significance and harm.
46. Having regard to my findings above it is my view that the proposed development would not enhance the local character of the area contrary to Policy CS7, would fail to protect and enhance the local landscape character or the setting of St Paul's Church contrary to Policy CS14 and would fail to enhance the public realm and street scene contrary to Policy CS17.

***The provision of open space, sports and recreation facilities in the area***

47. Elmbridge's Green Space, Sport and Recreation Study 2006 (GSR Study) was intended, through an assessment of local needs and an audit of green space and indoor sport and recreational facilities to provide the Council with a comprehensive and robust evidence base for its planning policies and strategic direction regarding the provision of green space, sport and recreation. The Pavilion Sport Club was identified in the GSR Study as an Outdoor Sports Facility (OSF) of some 2.87 hectares in size. Although not identified as having football pitches it is recorded as having a cricket pitch.
48. The GSR Study found that the then provision of outdoor sports facilities in Elmbridge, excluding golf courses, amounted to 3.27ha per 1000 of population compared to the National Playing Fields Association Six Acre Standard recommendation of 1.62ha per 1000 of population. Although overall opinion from the household survey conducted as part of the study identified a shortfall of outdoor sports facilities, which the study notes appeared to be connected to the three areas of Esher, Molesey and Cobham/Oxshott/Stoke D'Abernon, the study went on to find that the current provision in these areas was relatively high - ranging from 2.68ha to 10.25ha per 1000 of population. The general perception was that there was a lack of tennis, basketball, cricket and rugby facilities, a high demand for junior football pitches and poor quality in some outdoor sports types.
49. Following on from the recommendations of the GSR Study the Council commissioned an analysis of the provision of playing pitches in the Borough (The Playing Pitch Strategy 2007 (PPS)). This strategy carried out an assessment of the existing provision and the projected usage in order to identify any future deficiencies. The study took account of all pitches in the Borough suitable for football, cricket, rugby and hockey whether these were publicly or privately owned. At a Borough level Elmbridge was found to have

more pitches overall than the national average - being better than average for cricket and rugby, fairly average for football and below average for hockey.

50. As far as Molesey itself is concerned it was expected to have, in 2010, an undersupply of junior football and mini soccer pitches, a surplus of adult football pitches and a marginal surplus of cricket pitches. The strategy recommended that the undersupply of junior pitches be addressed by the Council seeking access to schools facilities and that the undersupply of mini soccer pitches be addressed by the re-designation of one adult pitch. No action was recommended in respect of the anticipated 2010 surplus of 0.3 cricket pitches. However, as the Pavilion Sports Club is recorded as having one cricket pitch, approval of the development would result in a theoretical deficit of cricket pitches (albeit I understand that the appeal site could not now accommodate a full sized cricket pitch).
51. With regard to Amenity Green Space (AGS) the GSR Study recommended a provision standard of 1.81ha per 1000 of population (the level current across the borough at the time of the study); however, provision in Molesey fell almost 20ha short of the standard.
52. Policy CS14 states that where development of open space is proposed, the scheme will be assessed against PPG17 – now replaced by the Framework. Paragraph 74 of the Framework states that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless, firstly, an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.
53. The GSR Study showed that provision of OSF in Elmbridge as a whole was above the National Playing Fields Association Six Acre Standard; even though there was a perceived shortfall in some areas of the borough, including Molesey, the study found that the actual provision in these areas fell within a range that exceeded the standard. However, it is unclear as to where Molesey fell within that range and by how much provision in Molesey exceeded the standard. In consequence it is also unclear what the effect on the overall level of provision of OSF would be if the development was to be approved.
54. It is in any event the case that the PPS identified an undersupply of certain types of pitches. Whilst it is said that the deficit of junior football and mini soccer pitches could in part be addressed by wider public access to schools pitches, the inquiry heard little substantive evidence as to how the practical difficulties in achieving such dual use might be overcome. As such there must be some uncertainty as to the robustness of this strategy. Whilst it was also suggested that some modest investment in the Council owned Molesey Hurst Recreation ground could potentially enable the provision of a new cricket pitch or junior football or rugby pitches there was again little substantive evidence to show that this was a robust proposition.
55. In light of these matters I am not convinced that the appeal site as an OSF has been *clearly* shown as being surplus to requirements. I shall therefore turn to examine the second criterion of Paragraph 74 which in these circumstances says that the land should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

56. As far as the loss of the tennis courts is concerned, I note that the proposal to replace them by others located within the area of Pavilion Sports Club itself has been agreed as appropriate by the Council and Sport England. I see no reason to take issue with this agreed position. With regard to the rest of the appeal site, the Appellant suggests that there is no prospect of the site being used for sporting purposes in the future as it has no public access (nor has there been any historical unfettered public access or use (SOCG 1.1)) nor would it be a viable proposition for the owners, particularly as there are no identified potential users.
57. In this regard I acknowledge that the Appellant's expert witness considers that grant funding is unlikely to be made available for sporting facilities on the site and that the situation in respect of public access is unlikely to change in the short term. However, whilst matters of access and viability are clearly material considerations, they should not themselves be regarded as determinative of the site's long term future. Planning horizons tend to be lengthy and approaches to matters such as viability and access can change over time. The Appellant in any event accepted that there had been no consultation with any potential users of the facility nor had there been any specific inquiries with respect to grant funding.
58. The Appellant also maintains that the site in its current form could not accommodate a cricket pitch or a full sized football or rugby pitch. However, it was suggested by a third party that a UEFA sized pitch could be accommodated within the site and whether or not that is the case, the Appellant's expert witness did accept that smaller than full size pitches or other types of facility could be accommodated. Bearing in mind the identified deficit in junior football and mini soccer pitches it therefore seems as though it would be possible to provide some form of OSF that would help to address an identified localised deficiency.
59. In consequence of these matters it seems to me that notwithstanding the Appellant's views regarding the physical difficulties of accommodating full size pitches on the site and the current position regarding both access and viability, the proposed development should, in terms of Paragraph 74 of the Framework, be regarded as giving rise to a loss. The site should not therefore be built on unless appropriate mitigation is provided.
60. Despite the Appellant's submissions as to access and viability, the submission that there is a surplus of open space and the submission that the site could not in any event accommodate full sized pitches, the Appellant nonetheless acknowledged at an early stage of the application that some form of mitigation could be deemed necessary - as following consultations with the Council, Sport England and Surrey County Football Association a mitigation proposal was put forward. That mitigation was originally intended to be secured by a Unilateral Undertaking dated 30 November 2011 and included the re-provision of the tennis courts within the adjacent Pavilion Sports Club; a financial contribution of £250k towards the provision and maintenance of sporting facilities on land adjacent to the Council's Xcel Leisure Centre on Waterside Drive (at which the Council itself was proposing additional provisions linked to its proposed redevelopment of an existing OSF at Stompond Lane) or such other formal sports provision as may have been prescribed by the Council; £40k towards the provision and maintenance of a new countryside walkway and seating adjacent to the Xcel Centre; and, £70k towards the provision and maintenance of car

parking facilities adjacent to the Walton Casuals Football Club, also at Waterside Drive. The Undertaking also included £40k towards children's play facilities in the East Molesey area together with an infrastructure contribution of some £537k.

61. According to the Officer's Committee report, the Head of Leisure Services did not, at the time, raise any objections to the mitigation strategy – nor, subject to the delivery of the proposed new pitches within a specified timescale, did Sport England. Although noting that the bulk of the mitigation proposals would be located some 3 miles from the appeal site and that Members would need to consider location, quality and quantity in reaching their own conclusions as to equivalent community benefit, the Officer's report concluded that the negative impact of the location would be outweighed by the positive benefits of both the increased quantity and quality of facilities.
62. Although a number of objections have been raised to the location of the proposed mitigation at Waterside Drive, it being considered remote from the appeal site, the Appellant notes that in terms of its distance and drive time from the appeal site, Waterside Drive falls within the Council's accessibility standard for OSF. Whilst I do not doubt that to be the case it seems to me to carry limited weight in favour of the mitigation proposals as the GSR study uses the accessibility standard to define catchment areas - not the distance between sites. Objectors also suggest that, as the mitigation strategy provides no new land, it cannot be regarded as compensating for the loss of the appeal site. However, land is a finite resource and the proposed contributions are intended to facilitate the provision of new pitches on what is currently undeveloped Green Belt land as well as making accessible, through the countryside walkway contribution, land which currently has limited access.
63. Against this background, and given the current absence of facilities on the appeal site, its current lack of public access and the quantity and quality of facilities that could be provided I agree with the conclusion expressed in the committee report that, notwithstanding its location, the proposed mitigation strategy would, if implemented, provide an equivalent community benefit. Nonetheless, this is a finely balanced judgement and I note the reservations of Sport England as to delivery timescales.
64. Notwithstanding my finding above, since the mitigation strategy was put forward the Council has not only adopted its Community Infrastructure Levy (CIL) but has also granted outline permission at Waterside Drive for a range of sporting facilities (the Sports Hub) in a slightly different form to those originally envisaged. The Council suggests that delivery of the development at Waterside Drive is not dependent on the outcome of this appeal or any associated contributions. Alongside these changes the Appellant has submitted a new Unilateral Undertaking (dated 25 March 2013) superseding that dated 30 November 2011. I consider the impact of these matters below.
65. Firstly it is undisputed that the proposed development would be liable to CIL contributions. In consequence the Appellant states that the Undertaking is now proffered on the basis that the Appellant will pay the CIL and the only parts of the Undertaking now relied on relate to the provision of affordable housing and the maintenance of on site landscaping – suggesting that the CIL contributions now cover what is legally appropriate with regard to any other infrastructure. The Appellant points out that the CIL contributions will be paid irrespective of the Appellant's basic submission that there is clearly shown to be an excess of

OSF in the Borough and that, even if that submission was to be rejected, the loss of a site to which there is no public access and which has no facilities which are not otherwise being compensated for is in any event fully reflected in the CIL contribution - which the Appellant notes has been calculated on a basis that anticipated the CS housing development proceeding, including the Opportunity Sites (the 2010 SHLAA having included the appeal site as an Opportunity Site).

66. As with the previous Undertaking, that dated 25 March 2013 includes amongst other matters a 'Play Facilities Contribution' (£40k), a 'Sports Facilities Contribution' (£250k), a 'Car Park Contribution' (£70k), a 'New Park Extension Walkway Contribution' (£40k) and a covenant to provide (also as previously) two tennis courts within land at the Pavilion Sports Club. However, the terms and obligations in the Undertaking are conditional and will not come into effect until, *inter alia*, "The Inspector appointed by the Secretary of State for Communities and Local Government to determine the Appeal Application is satisfied and confirmed that those clauses of this Deed that require contributions to be paid to the Council pass the test of the Community Infrastructure Levy Regulations (as amended).....".
67. Notwithstanding their inclusion in the Undertaking the Appellant expressed the view at the inquiry that the Play Facilities, Sports Facilities, Car Park and New Park Extension Walkway contributions all relate to elements of infrastructure and, having regard to the Council's recently adopted CIL and Regulation 123 of the Community Infrastructure Levy Regulations, should not be paid - as to do so would conflict with the Regulations. The Appellant also suggested that securing the provision of new tennis courts through the Undertaking could also fall foul of Regulation 123 and has, as an alternative, put forward a Grampian condition.
68. I see Regulation 123(2) as being of most relevance in this regard. This states that a planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure. Regulation 123 (1) states that this regulation (Regulation 123) applies where a relevant determination is made which results in planning permission being granted for development. 'Relevant determination' means in relation to paragraph (2), a determination made on or after the date when the charging authority's first charging schedule takes effect - which is the case here.
69. 'Relevant infrastructure' means—
- (a) where a charging authority has published on its website a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies), those infrastructure projects or types of infrastructure, or
  - (b) where no such list has been published, any infrastructure.
70. It is clear that the intention of Regulation 123(2), taken together with the definition of relevant infrastructure, is to avoid 'double dipping'.
71. In order to understand what the CIL is intended to fund I shall look to the Elmbridge Local Plan Infrastructure Delivery Plan (IDP) (April 2012). This provided an assessment of the impacts of new development on key

infrastructure within the borough - which it then used to identify the need for new infrastructure. The likely availability of funding was then assessed which in turn led to the identification of any funding gaps. Table 14.1 of the IDP outlines the infrastructure needed to meet the expected growth in population as a result of new development and Appendix 1 provides a more detailed schedule of infrastructure improvements by settlement area including the identification of the 'CIL funding gap' for each element of infrastructure required.

72. Paragraph 1.15 of the introduction to the IDP is clear that "...this Infrastructure Delivery Plan will form the basis of the infrastructure evidence required to support the charging schedule" and in my view the list of infrastructure projects or types of infrastructure in Table 14.1 and Appendix 1 can be regarded as defining the "Relevant infrastructure" insofar as assessing whether or not the proposed contributions in the submitted Undertaking can lawfully be taken into account. In the only other possible alternative interpretation, and bearing in mind that the parties relied on no other list, 'Relevant infrastructure' must be taken as meaning any infrastructure.
73. Under the category of 'Leisure facilities', Table 14.1 lists 'Children's and Young People's Play Areas'. I therefore see the proposed 'Play Facilities Contribution' as providing for the funding or provision of relevant infrastructure and in consequence that element of the planning obligation should clearly be regarded as 'double dipping'. In consequence the 'Play Facilities Contribution' would not comply with the Regulations and may not constitute a reason for granting planning permission. That element of the Undertaking is driven by a need that arises directly from population growth and should be fully accounted for in the CIL.
74. 'Improvements to playing pitches' is also listed in Table 14.1 with Appendix 1 specifically identifying a new athletics and football stadium, 3 additional football pitches (one synthetic), improvements to open space, a children's play park and an outdoor gym, all at Waterside Drive. The 'CIL funding gap' in this respect is identified as being £546k. As far as the Undertaking is concerned the proposed 'Sporting Facilities Contribution' is defined as "...a financial contribution in the sum of two hundred and fifty thousand pounds (£250,000) towards the provision and maintenance of sporting facilities on land adjacent to the Council's Xcel Leisure Centre, Walton on Thames or such other formal sports provision as may be prescribed by the Council".
75. According to the Appellant's expert witness, the mitigation proposal submitted with the application was to provide a 'Football Pitch Contribution' which was a financial contribution of £250,000 ".....towards the provision of several football pitches comprising either one/two adult and five/three junior size natural turf pitches.....". Nevertheless, in light of the more generic definition now given in the Undertaking it seems clear to me that the proposed 'Sporting Facilities Contribution' must also be seen as providing for the funding or provision of 'relevant infrastructure'. In consequence, having regard to Regulation 123(2), that element of the planning obligation may also not constitute a reason for granting planning permission. Similar considerations apply to the 'New Park Extension Walkway Contribution'. Although it is less clear cut in regard to the 'Car Park Contribution', as an ancillary element to the improvements at Waterside Drive I consider that, on balance, it too should be regarded as providing for relevant infrastructure.

76. To that extent I agree with the Appellant that the Play Facilities, Sports Facilities, New Park Extension Walkway and Car Park contributions would not comply with Regulation 123(2). However, I do not accept the Appellant's argument that the CIL contribution will otherwise fully compensate for the loss of the site – despite the lack of public access and the proposal for re-provision of the tennis courts.
77. Firstly, I have already noted that the site (notwithstanding the access and viability issues) should not be built on unless appropriate mitigation is provided as to do otherwise would conflict with the second bullet point of Paragraph 74. Secondly, the infrastructure in the IDP is intended to anticipate population growth; I do not see that it is also intended to compensate for the loss of existing OSF. To that end the IDP confirms at Paragraph 7.15 that the assessment of need in respect of OSF is based on the GSR study and the PPS – the IDP confirming that despite the age of these studies no additional facilities have been provided and that the standards remain relevant. However, I have already noted that the appeal site was recorded in the GSR study as having a cricket pitch (irrespective of any arguments as to whether or not one could now be accommodated) and that it could in any event accommodate smaller than full size football pitches. In consequence, the proposed development would not only alter the base on which the CIL charging regime was predicated but would also give rise to a loss of OSF. In my view the CIL regime cannot be seen as itself providing adequate mitigation for a loss of OSF that was not specifically identified.
78. These arguments can, to some extent, be further crystallised by looking at the issue of the tennis courts. To my mind, even if their replacement was deemed to be the provision of relevant infrastructure (although my actual view is that they would be unrelated to the infrastructure project at Waterside Drive and should not be regarded as 'Improvements to playing pitches'), the loss of the tennis courts would be a) a direct result of the development b) would not have formed part of the basis of the CIL regime, and c) in consequence their loss, in addition to any CIL contribution, would need to be mitigated in order for the development to be compliant with Framework Paragraph 74.
79. In this respect I note that, despite their re-provision being included in the Undertaking, the Appellant has also put forward a possible Grampian condition such that their replacement could be secured even if that part of the obligation was deemed not to comply with the CIL Regulations.
80. Against this background it is my view that, whilst the loss of the tennis courts could be adequately mitigated either through the Undertaking or the submitted Grampian condition, the CIL contribution would not itself provide adequate mitigation for the loss of OSF. As currently defined in the Undertaking the Play Facilities, Sports Facilities, Car Park and New Park Extension Walkway contributions would, irrespective of whether the list of infrastructure projects or types of infrastructure in Table 14.1 and Appendix 1 of the IDP can be regarded as defining the "Relevant infrastructure", provide for the funding or provision of relevant infrastructure. CIL Regulation 123(2) makes it clear that in these circumstances the obligation may not constitute a reason for granting planning permission. The loss resulting from the proposed development would not, therefore, be replaced by equivalent or better provision in terms of quantity or quality in a suitable location and the development would be contrary to the Framework and Policy CS14.

81. Irrespective of whether or not the contributions could be properly secured the Council believes there are risks to the delivery of the development at Waterside Drive. This is because the Sports Hub is intended to provide alternative sports facilities to those at the Council's own Stompond Lane Sports Ground - such that it too can be redeveloped for residential purposes. As such a key component of the funding for Waterside Drive is dependent on approval of the redevelopment at Stompond Lane; without this approval, the Council believes that delivery of the new facilities at Waterside Drive is unlikely. In contrast, the Appellant maintains that notwithstanding any risks to the Council's proposals at Waterside Drive the mitigation strategy as proposed would enable the funding of new pitches in an area of identified need.
82. Despite the various assertions above on behalf of both the Council and the Appellant I was given no convincing evidence to show either that the additional provision of pitches as proposed by the Appellant was inextricably linked to the Council's proposals or, conversely, that if the Council's proposals did not come to fruition there was a realistic prospect of securing an appropriate mitigation package in an acceptable location. However, as the mitigation strategy could not lawfully be secured by the submitted Undertaking and I do not believe that the CIL contributions alone would adequately mitigate the loss of the appeal site I see no reason to pursue this matter further.
83. The Council is also concerned that the development would result in a loss of open space in an area that has a large identified deficit of AGS and that any mitigation proposed at Waterside Drive would fail to meet the Council's accessibility standards for AGS. Paragraph 1.6 of the GSR Study is clear that Outdoor Sports Facilities have an amenity value in addition to providing for sport and recreation and Appendix A of the GSR Study looks in more detail at the wider benefits of open space. Most, although not all, of these benefits are dependent on public access and whilst this does not currently exist I have already noted that this could change over time. The appeal site must therefore have some potential benefit as AGS.
84. The recommendations of the GSR Study include at 'AGS 1' that AGS of high value should be protected and enhanced. However, given that the appeal site is identified as an OSF, any function as an AGS must be seen as secondary to that. It is therefore my view that the appeal site cannot be seen as being an AGS of 'high value'. I am also conscious that Hurst Park and West Molesey recreation ground are very close by offering far more in the way of AGS benefits. In consequence, and despite the low provision of AGS in Molesey and the fact that any potential compensation at Waterside Drive would fall outside the Council's accessibility standards for AGS, I do not see the Council's concerns in respect of the loss of AGS as adding significant weight to my findings above.

### ***The supply of housing***

85. The Inspector's report into the CS (Document 6) states that "from all the evidence there is a sound assessment that the Borough has at least a 10 year supply of identified developable sites. Allowing for uncertainties about implementation rates in current market conditions, there appears to be an identified supply of deliverable sites for the next 7-8 years.....".
86. The Authority's Monitoring Report (AMR) for 2011/12 confirms that the Borough has both a 5 and 10 year housing land supply, a point reinforced in



the 2012 SHELAA which, for the 5 year supply, identifies the potential to deliver 1541 dwellings - exceeding the 5 year requirement (based on 217 units per annum) by 42%. The 10 year supply, including an allowance for windfall sites, is said to be 2753 units against a 10 year requirement of 2170 (or around a 26% buffer).

87. The Council maintains, unchallenged, that it has exceeded its housing targets in each relevant year and the SHELAA notes that an average of 393 dwellings per annum have been delivered over the last six years. I therefore see no reason to believe that the buffer to be applied to the 5 year supply of sites in accordance with the Framework Paragraph 47 should be anything other than 5%. In light of this and the figures above it is clear that the Council is not reliant on all of the identified sites in order to meet its targets.
88. The Appellant nonetheless argues that as the site has been maintained in the SHLAA since 2008 as an opportunity site, and as the 2010 SHLAA was used to underpin the Council's case at the CS examination, it is now unreasonable for the Council to refuse permission as a matter of principle. The fact that the Council has not taken the opportunity to remove the site from the most recent SHELAA, despite removing others where permission has been refused, is said to compound the position.
89. However, whilst I can understand the Appellant's frustrations in this regard, not only does the SHLAA itself make clear that inclusion within it does not commit the Council to the grant of planning permission but Paragraph 29 of the Inspector's report into the CS is also clear that not all identified opportunity sites in the 2010 SHLAA will be developed - and that a discount factor for non-delivery has been applied. Consequently, whilst inclusion of the site in the SHLAA and SHELAA shows that the site has the potential to deliver housing, and this must be a factor favouring the proposed development, given that the Council is not currently reliant on all the allocated opportunity sites to deliver its requirements it is not a factor that in the current housing situation can attract any significant weight.
90. The Appellant also notes that the Council has not taken the opportunity to exclude the appeal site from the East and West Molesey Settlement Investment and Development Plan Options Consultation document. However, nor is the site listed as an opportunity site - with the document itself explaining that this is because of uncertainties regarding the current planning application. In any event the Investment and Development Plan is in the early stage of its development and can attract little weight.
91. With regard to affordable housing the AMR recognises that high house prices and the cost of living mean that affordability in the area is a major concern and that there is a lack of lower cost, smaller properties and affordable homes in the Borough. It also recognises that in the past, delivery of affordable housing as a proportion of total housing has been low despite housing delivery exceeding targets. Although the 126 units delivered in 2011/12 represented an uplift compared to the average of 95 per annum between 2006 and 2012, only 57 units were granted permission in 2011/12 - although that itself was an increase on the 21 units permitted in 2010/11.
92. One of the objectives of the CS was to adopt a viable approach to contribute to the supply of affordable housing as a key priority. In that respect Policy CS 21 contains a sliding scale of targets based on site size thresholds. The policy

notes that where exceptionally development is proposed on a greenfield site, at least 50% of the gross number of dwellings should be affordable on any site of 15 dwellings or more. The Council envisages that this policy will substantially increase the delivery of affordable homes in the Borough over the next 15 years, contributing to the Council's aim of delivering 1150 units up to 2026. However, the supporting text to the policy also notes that Elmbridge has a considerable shortfall of affordable housing.

93. Against this background it is my view that although the delivery of 38 market dwellings must carry some weight in favour of the proposal, in that it would contribute to both the delivery of the Council's targets and the acknowledged overall shortage of housing in the south east, such weight is limited given the robustness of the Council's housing land supply figures. In contrast, the delivery of 38 affordable dwellings, albeit that the Council argues that this is no more than Policy CS21 requires, must carry significant weight in favour of the proposal.

### **Other matters**

94. A number of local residents have raised a range of other matters including concerns regarding the covenants in the extant s106 Agreement. However, it seems to me that this is a matter for the parties to the Agreement and I accept the Appellant's submission that the Council's Officers were correct, from a legal point of view, in determining that this was not something that was relevant to the planning merits of the current proposal but is a matter for separate resolution. It can nonetheless be seen as indicative of the Council's desire to protect the facility for recreational purposes.
95. Although concerns were also raised as to the impact of the proposal on schools and medical facilities there was little cogent evidence to support these concerns that would, in any event, fall to be dealt with by the CIL. I give these matters little weight.
96. The Appellant points out that Council both had the opportunity to purchase the site and to identify it as Local Green Space. However, I have already noted that the Council sought to protect the site through the extant s106. Whether in that respect the Council was poorly advised or not, I do not see these matters as undermining the planning considerations above and they too attract little weight.

### **Conclusion**

97. The proposed development would not enhance the local character of the area contrary to Policy CS7; would fail to protect and enhance the local landscape character or the setting of St Paul's Church contrary to Policy CS14; and, would fail to enhance the public realm and street scene contrary to Policy CS17. The development would also fail to adequately mitigate the loss of existing OSF contrary to the Framework and Policy CS14. The development would thus be contrary to both the development plan and national policy.
98. Given the robustness of the Council's housing land supply figures the delivery of 38 market dwellings carries only limited weight in favour of the proposal. In contrast the delivery of 38 affordable dwellings must carry significant weight. Nonetheless, I do not consider that even the totality of these housing benefits would be sufficient to outweigh the development plan conflict identified above.

99. Having had regard to all other matters before me, including the submitted conditions and the Appellant's concerns with the Council's approach to the proposal and the inquiry I find nothing to materially alter that planning balance. I therefore conclude that the appeal must fail.

*Lloyd Rodgers*

Inspector

Richborough Estates

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr W Beglan of Counsel	Instructed by the Solicitor to the Council
He called	
Cllr A Popham MBICS	Elmbridge Borough Council
Cllr S Selleck	Elmbridge Borough Council
Mr I Burrows IMSPA	Head of Leisure and Cultural Services, Elmbridge Borough Council

### **FOR THE APPELLANT:**

Mr M Kingston QC	Instructed by Mr A Williams, Boyer Planning
He called	
Mr A Williams Dip UD, CMLI	Director, Define
Mrs A Kocerhan	Director, Sports Solutions GB Ltd.
Mr A Williams BA(Hons), BPI, MRTPI	Director, Boyer Planning

### **INTERESTED PERSONS:**

Mrs M Baines	Local resident
Mrs S Bolton	Local resident
Mr I Kenny	Local resident
Mr T Hoad	Local resident
Mrs S Sledge	Local resident

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

- 1     Appearances for the Appellant. Submitted by Mr Kingston.
- 2     Appearances for the Council. Submitted by Mr Beglan.
- 3     Extract from Elmbridge Local Plan Infrastructure Delivery Plan. (April 2012) Submitted by Mr Kingston.
- 4     Extract from Elmbridge Core Strategy. (July 2011) Submitted by Mr Kingston.
- 5     Extract from Local Plan (2000). Policy ENV28. Submitted by Mr Kingston.
- 6     Report on the Examination into the Elmbridge Core Strategy (June 2011). Submitted by Mr Kingston.
- 7     S52 Agreement in respect of land known as REA Sports Field, Hurst Lane, East Molesey, Surrey. Submitted by Mr Beglan.
- 8     S106 Agreement in respect of The Pavilion Sports and Fitness Club, Hurst Lane, East Molesey, Surrey. Submitted by Mr Beglan.
- 9     Opening Statement on behalf of the Appellant.
- 10    Opening Statement on behalf of the Council.
- 11    e-mail from C Herbert to K Healy dated 12/10/11. Submitted by Mr Kingston.
- 12    e-mail from W Everson to J Lieberman dated 26/2/13. Submitted by Mr Kingston.
- 13    Letter from East Molesey Cricket Club dated 1/11/11. Submitted by Mr Beglan.
- 14    Notification letter and distribution list. Submitted by Mr Beglan.
- 15    e-mail from Mr Hoad dated 17/1/11.
- 16    Letter from Ms C Kinnair and Mr A Bent.
- 17    Elmbridge Local Plan. East & West Molesey Settlement Investment and Development Plan (January 2013). Submitted by Mr Kingston.
- 18    Written statement of Mrs Bolton plus attachments.
- 19    Written statement of Mrs Baines.
- 20    Written statement of Mr Kenny.
- 21    Extract from Design and Character SPD Companion Guide: East & West Molesey. (April 2012). Submitted by Mr Kingston.
- 22    Elmbridge Local Plan Infrastructure Delivery Plan. (April 2012) Submitted by Mr Kingston.
- 23    Drawing 8282-03. Tree survey showing trees to be felled. Submitted by Mr Kingston.
- 24    Letter from East Molesey Cricket Club dated 27/2/13. Submitted by Mr Beglan.
- 25    Elmbridge Borough Council Playing Pitch Strategy. (February 2007). Submitted by Mr Beglan.
- 26    Unilateral Undertaking dated 25 March 2013. Submitted by Mr Kingston.
- 27    CIL forms. Submitted by Mr Kingston.
- 28    Elmbridge Local Plan/East and West Molesey/Settlement Investment & Development Plan/ Options Consultation. Submitted by Mr Beglan
- 29    Bundle re High Court Challenge. Submitted by Mr Beglan.
- 30    Extract from Replacement Elmbridge Borough Local Plan 2000. Submitted by Mr Beglan.
- 31    Amended list of conditions. Submitted by Mr Kingston.
- 32    Council's closing.
- 33    Appellant's closing.