

# West End Action Group (WEAG)

January 2017 Newsletter

May I begin by wishing you all a Happy New Year. It will be an eventful one as far as planning issues in West End are concerned. There are several aspects on which to report.

## **Southern Heritage Developments: 95 dwellings on Malthouse Farm fields**

As you know, last month the Planning Inspector granted permission for 95 dwellings on the fields around Malthouse Farm, bordering Benner Lane, Fairfield Lane and Holy Trinity School. In the case of this Appeal, there are legal grounds for a challenge in the High Court. Surrey Heath Borough Council (SHBC) would not do so since they had already yielded and did not even send any employee to represent them at the Appeal Hearing.

WEAG does not have the resources to mount a challenge. WEAG therefore asked the Parish Council if they would make a challenge; after all, there are a number of cases where Parish Councils have successfully challenged Planning Inspectors' decisions in the High Court and overturned them. However West End's Parish Council declined to do so, because of the financial resources required and the belief that the chance of success was too low, in view of what has already been approved in West End. It is therefore definite that the development will go ahead.

Since our previous newsletter which urgently announced the Inspector's verdict, we have had time to examine the Inspector's report in full. WEAG's Secretary Guy Consterdine has written a detailed commentary. It is published at the end of this newsletter as an Appendix.

## **PC/WEAG joint letter to Borough about infrastructure**

The several housing developments approved for West End mean a total of more than 320 additional dwellings, yet they have been approved in a piecemeal estate-by-estate manner. The Parish Council and WEAG have therefore sent a joint letter to the Borough Council urging the Borough to deal with the village as a whole when considering the infrastructure improvements needed. For example, when considering roads and traffic, don't look only at the extra traffic generated by one particular estate but take into account all 700+ extra cars from all the estates. The same applies to the extra pressure on schools, medical facilities and all other aspects of infrastructure. A comprehensive village-wide approach is required, "to mitigate the problems for the village arising from such large scale development".

The letter has been published on the Planning section of the Borough's website, and the full text can be found on WEAG's website [here](#).

### **Taylor Wimpey/Beldam Bridge Road: public consultation on February 1st**

Taylor Wimpey/Woolf Bond Planning attended the Parish Council meeting on January 13<sup>th</sup> when they gave a presentation on their proposed application for the 'reserved matters' – the detailed plans for the estate of 85 dwellings.

A consultation exhibition is to be held by Taylor Wimpey at the Sports Pavilion in Benner Lane between 3pm and 8pm on Wednesday February 1<sup>st</sup>, to which all residents are invited. To advertise this event they plan to send circa 1000 letters to residents.

Following this meeting and having absorbed the comments from residents about their proposals, Taylor Wimpey expect to submit their plans to the Borough Council by the end of February, for approval.

### **Kings Road/Rose Meadow approval for 84 dwellings**

Some significant changes are about to be made to the plans concerning the William Lacey approved development of 84 dwellings (application 16/0554). At the time of writing (17 January) the Borough's website states "Documentation for this application is currently being amended – full and complete information will be available w/c 16/1/17 and all interested parties will be subsequently notified".

We expect part of the new information to say that Shanly Homes has acquired the land from William Lacey, and it will be Shanly who actually build the houses. It may also deal with the additional adjoining land in Kings Road which Shanly has purchased, with space for about 20 further homes.

### **Thakeham Homes application for 35 dwellings**

The Thakeham application is separate from and on land adjoining the William Lacey/Shanly site. Thakeham are preparing to develop plans for 35 homes, reference 16/0679. The Thakeham application has yet to be considered by SHBC's Planning Applications Committee (their 9 February meeting is a possibility). It is currently out for review with a closing date for comments by end January. So it is not too late for the public to make submissions to the Borough.

### **Windlemere: 3 houses and a SANG**

Following the closure of Windlemere Golf Club a planning application has been submitted to SHBC “for the erection of three detached two-storey dwellings with detached double garages, entrance gates and associated accesses and landscaping following demolition of clubhouse and storage buildings and use of remainder of land as suitable alternative natural greenspace (SANG)”. The Borough Council’s planning application reference is 16/1207. Documents on the Borough’s website which provide interesting and helpful reading particularly in relation to the Special Protection Area (SPA) and the SANG include the ‘Planning, Design, Access & Sustainability Statement’ and the ‘SANG Management Plan’.

In essence, this seems a positive development for the village, because the three new houses will be offset by the demolition of the golf course buildings, and the remainder of the land (about 15 hectares) will be open for residents to freely use for recreation. If this application is approved the SANG will include a car park and a circular walking route of 2.3km.

### **Fairoaks: ‘Garden Village’?**

You may be aware that the license for Fairoaks to operate as an airport will not be renewed. There is now a proposal for a ‘Garden Village’ to be developed on the site with some 1200 dwellings. For further information click on the link <http://www.fairoaksgardenvillage.co.uk/>

The Chobham Society is holding a meeting at the Cricket Club at 8pm on Monday 23<sup>rd</sup> January to coordinate a response to this proposal. If you wish to attend please let Juliet Dunsmuir know beforehand ([chobhamsociety@aol.co.uk](mailto:chobhamsociety@aol.co.uk)).

### **Longcross ‘Garden Village’**

More definite is the ‘Garden Village’ proposed for Longcross, since it is part of the Government’s plan for 14 such ‘villages’ around the country. This is a development that has been actively promoted by Runnymede and Surrey Heath councils. Although a little distance from West End, being on the boundary with Runnymede Borough on the far side of Chobham Common towards Virginia Water, some of the traffic generated by the 1200 or houses will be coming our way (as would the traffic from the proposed Fairoaks). Strangely, this will be a ‘village’ with one of the busiest stretches of motorway running right through the middle of it.

### **SHBC website**

As a reminder, the URL for searching for applications on the Borough’s website is:

<http://www.surreyheath.gov.uk/residents/planning/planning-applications-search>

Regards (and see the Appendix below on the Malthouse development)

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## Comments on Planning Inspector's report:

### Appeal by Southern Heritage Developments Ltd

Appeal no. APP/D3640/W/15/3139682

Application no. 15/0445

This note examines the Planning Inspector's reasoning in granting approval for the development of 95 dwellings on three fields north and east of Malthouse Farm, Benner Lane, West End.

Guy Consterdine  
Secretary, West End Action Group (WEAG)

#### Planning principles

The chief flaw in the Planning Inspector's argument, in WEAG's view, concerns the safeguarded status of the site. The site is not part of the Green Belt but is 'reserve land' which is safeguarded from development within the period of the Local Plan (i.e. to 2025). According to the National Planning Policy Framework (NPPF), there is an exception if it is proven that there is not enough land available to meet housing targets, but even then the reserve site cannot be built upon (according to NPPF paragraph 85.4) without there being a new revised Local Plan which specifically proposes building on this site. That has not happened. Consequently approval should not be given at this time.

This was put firmly to the Inspector by WEAG at the Appeal Hearing, and in writing by WEAG and many other residents. The Inspector chose to ignore this NPPF requirement in his report. How can he claim (as he does) that he has taken the policies of the NPPF as a whole into account when he did not even mention the policy that tells him specifically not to grant permission in this case?

Apart from ignoring this key planning consideration, the Inspector made some highly controversial interpretations and statements on other issues.

#### Character and appearance of the area

Objections had been made to the density of housing in comparison with the surrounding area. The Inspector acknowledged that the density was high but argued that the housing on the edges of the estate alongside Benner Lane and Fairfield Lane "would broadly reflect the spacing of those existing nearest to them". He concluded "The proposed dwellings would therefore not be dominating features of the streetscapes of those adjacent roads". How could he claim that replacing fields with dense housing does not become a dominant feature of the streetscape?! Or that it does not harm the character of the area?!

The report also claims that, because the housing density supposedly matches that of Benner Lane, the new estate “would ensure that a degree of openness would be retained at this edge of settlement location”. Again, replacing fields with dense housing hardly retains openness.

“The higher density part of the site at its eastern end [closest to the school], where there would also be more car parking directly adjacent to the street, would not be clearly visible from the existing public vantage points.” In other words, the dense housing and car parking at the eastern part of the Malthouse site would not be seen from Benner Lane, in spite of the new road entrance beside the school which would open up that area! Really?

The report went on to consider several planning policies’ requirement for development that “enhances the character of the environment”. First, the Inspector acknowledged that “there would be some conflict with those policies” (!). He asserted that the Malthouse Farm fields are not immediately adjoining the open countryside but are separated by four houses and their long gardens to the north-east, and the school and its playing field to the south-east (though ignoring that there is open countryside along half the northern boundary). Thus in summing up his conclusions, the Inspector felt able to say “there would be some harm caused by the inevitable loss of intrinsic countryside characteristics of the site by introducing built form to the site, but this would be lessened to a degree by its separation from the wider open countryside.” Yet the fact that the site is separated from the countryside on its east does nothing to stop the immense harm to the characteristics of the area on the site’s west and north around Benner Lane and Fairfield Lane, when open fields are replaced by dense housing.

The protection of the setting of the Grade 2 listed buildings of Malthouse Farm and its granary turns out to mean nothing. It is clear that “the setting” includes the view of the buildings from a distance, i.e. from Fairfield Lane, Benner Lane and Malthouse Lane. Nevertheless in the Inspector’s mind replacing the view with houses merely means that “harm to the significance of the Listed Building would be less than substantial”! Having settled on the phrase “less than substantial”, he could argue that the need for more houses “would outweigh that less than substantial harm”.

### Roads and highway safety

Apart from the Fellow Green roundabout being “close to capacity”, the Inspector stated that “no other significant capacity issues have been forecast as a result of the proposal”! It is true that Surrey County Council (responsible for roads) has not raised any objections – thereby ignoring the impact of so many additional vehicles on Benner Lane and the immediate roads including Streets Heath, with the further implications for school traffic and children making their way on foot or by bicycle to school. SCC had also let down West End residents in another way: by not considering the combined effect of not only the Malthouse Farm site but also the Beldam Bridge Road site and the two Kings Road sites. Between them these sites will generate more than 600 extra cars on the eastern side of the village. But it is quite incorrect for the Inspector to say that no capacity problems have been forecast, because West End Action Group raised the issue in writing and in front of the Inspector himself at the Appeal Hearing, and provided considerable information about traffic problems. In practice, this has simply been ignored. In spite of the 2012 Localism Act, residents’ views do not carry anything like the weight of the statutory bodies.

The Inspector also indulges in the comfortable fiction that public transport can materially cut down the amount of car journeys emanating from the new development: “A Travel Plan to promote sustainable patterns of movement... would have the potential for reducing the amount of private car use.” This particular fairy tale about converting residents onto buses is useful for developers and Planning Inspectors everywhere for arguing their way out of the traffic problems their developments present.

The Inspector added that “the provision of two separate access points onto Benner Lane would be likely to avoid an over-concentration of activity at either end of those new junctions”. That might be true if Benner Lane was not already over-congested at many times of day.

The Inspector accepted SHBC’s dubious assertion that the increase in traffic (from about 200 more cars from this one site) “would be unlikely to amount to any significant impact on the living conditions of local residents”!

### **SANG land**

Brentmoor Heath is a special protection area (SPA) to avoid undue damage to rare species. To prevent large new housing developments increasing the numbers of walkers, and dogs in particular, visiting the Heath, it is a requirement that Suitable Alternative Natural Greenspace (SANG) is provided to give the new residents and their dogs somewhere else to walk. In this instance, the SANG land at Chobham known as Chobham Meadows has been allocated as the walking area for residents of the new development. This is a farce, since no-one is likely to regularly get in a car with their dogs and drive to Chobham when they can simply walk across the recreation field, cross the A322, and be on Brentmoor Heath.

The Inspector has recognised this (WEAG among others pointed it out to him). Accordingly he wrote “I acknowledge that the SPA is close to the site [Malthouse Farm fields] and so would be likely to be used by residents of the proposed development. However it is equally likely that existing residents closer to the SANG who might currently use the SPA would make greater use of the SANG.” This extraordinary argument ignores the SANG requirement in respect of the development site. Instead it says that other people not on the development site who currently use Brentmoor Heath – and who are therefore likely to live between West End and Chobham but nearer to Chobham – will switch to Chobham because of the SANG. But that has nothing to do with the Malthouse development; if they switch to Chobham, it is not on account of the Malthouse development, and it should not have been used to obscure the lack of realistically-available SANG. In any case the number of such people must be far less than the population in 95 dwellings at Malthouse Farm.

The NPPF is clear, in paragraph 119, that the presumption in favour of sustainable development does not apply if the Special Protection Area is likely to be harmed by a development. The Inspector has used his arguments above to reach the remarkable conclusion that it is “unlikely that the proposed development would have a significant effect on the SPA”. In other words, the 200+ residents of the development (not to mention the 450+ residents of the other large estates coming to West End) will not walk over to Brentmoor Heath.

### The bias towards approval of building

It is evident that the Planning Inspectorate believes that housing need over-rides all the protections provided by the NPPF, the Local Plan, the Localism Act, the SANG requirement, and other regulations intended for this 'safeguarded' site and others like it. Thus every point is interpreted in the way most favourable to development, or else ignored.

No wonder a National Trust survey, published on 11 January 2017 and conducted among 1200 ward councillors, found that 72% felt the planning system was "too weighted in favour of developers at the expense of local communities". Half of councillors said that sites which are not in line with locally agreed plans were being approved for new homes. The Malthouse Farm site is an example.