

LOCATION:	Land East Of Shangri-la, Fairfield Lane, West End, Woking, Surrey, GU24 9QX,
PROPOSAL:	Erection of 4 detached dwellings with associated garages, parking and landscaping.
TYPE:	Full Planning Application
APPLICANT:	Mr Terry & Surinder Galvin & Gandhum
OFFICER:	Mr Duncan Carty

This application has been referred to the Planning Applications Committee because one of the applicants is an ex-Councillor who left office less than 4 years ago.

RECOMMENDATION: REFUSE

1.0 SUMMARY

- 1.1 This application relates to the erection of 4no. four bedroom houses with associated integral garages, parking and accesses onto Fairfield Lane. The application site lies on the north side of Fairfield Lane, lying close to the settlement of West End (and the housing reserve site – now developed for housing) but falls within the Green Belt.
- 1.2 This application follow the refusal of a previous application (18/0863) and subsequently dismissed appeal, for the same development. In a similar manner to the previous proposal, the proposal is considered to be inappropriate development in the Green Belt for which very special circumstances do not exist to outweigh the harm. In addition, the previous scheme was refused on character and drainage grounds, and as the current proposal is identical in these regards, it is not considered that these reasons have been addressed. The application is recommended for refusal.

2.0 SITE DESCRIPTION

- 2.1 The application site lies on the north side of Fairfield Lane, a gravelled private road, lying close to the settlement of West End (and the housing reserve site – now developed for housing, which lies to the south of Fairfield Lane) but falls within the Green Belt. The site falls within Character Area 4 of the West End Village Design Statement SPD 2016.
- 2.2 Shangri-La lies to the west flank with an access road to the east flank with The Laurels and Laurel Farm (behind) beyond. Residential properties in Tithe Lane (within the Housing Reserve site) lies opposite the site. The application site, and land to the rear of the site, is open, relatively flat and covered in rough grass. A line of conifers lies to the east boundary of the site. The application site is roughly rectangular in plan form, and measures 0.2 hectares in area.

3.0 RELEVANT HISTORY

- 3.1 The application site has previous planning history but the most relevant is as follows:
- 3.2 18/0863 – Erection of four detached dwellings with associated garages, parking and landscaping.

Refused in June 2019 and subsequent appeal dismissed in October 2019. A copy of the appeal decision is provided at Annex A.

4.0 THE PROPOSAL

- 4.1 This application relates to the erection of 4 no. four bedroom detached houses with associated integral garages, parking (3 spaces, including a garage, per dwelling) including turning bays, and landscaping. A drive for each property would directly access onto Fairfield Lane.
- 4.2 The four proposed dwellings have a number of similarities, in terms of maximum height (8.8 metres), maximum width (9.7 metres) and depth (13 metres), with have similar plots sizes. All of the dwellings would be traditional in design with hipped roofs over, except a gable projection to the front. There are minor changes between the appearance of the dwellings, principally in terms of material finishes but also in terms of a range of different bay projections to the front.
- 4.3 This application follow the refusal of a previous application (18/0863) and subsequently dismissed appeal, for the same development.

5.0 CONSULTATION RESPONSES

- 5.1 County Highway Authority No objections.
- 5.2 Drainage Engineer An objection is raised to the proposal on the basis that it has not been demonstrated that a drainage solution is possible for the development to ensure that it does not result in flood risk on the application site or elsewhere.
- 5.3 Surrey Wildlife Trust No comments received to date.
- 5.4 West End Parish Council An objection is raised on the basis of being inappropriate development in the Green Belt, outside of the village boundary, and would impact on the openness of the location. The proposal has previously been rejected for the same reasons.

6.0 REPRESENTATION

- 6.1 At the time of the preparation of the officer report, no representations have been received in support and 41 representations, including responses from West End Villager Society, West End Action Group and the Fairfield Lane Residents Association, have been received raising the following objections:

Impact on the Green Belt/character [See paragraphs 7.3, 7.4 and 7.11]

- Inappropriate development in the Green Belt
- None of the exceptions to inappropriate development (Para 145 of the NPPF) apply in this case
- Site is outside of the defined settlement of West End and does not qualify as being within the village. The proposal is not limited infilling in villages (Para 145(e) of the NPPF)
- It does not constitute infilling as it does not fill gap between bungalows to either side (access to farm in between)
- Site should not be removed from Green Belt (call for sites). Green Belt boundaries can only be altered where exceptional circumstances are fully evidenced and justified which does not apply in this case

- Could be repeated elsewhere impacting on wider rural character
- Out of keeping with character of the area
- Over development of quiet peaceful lane
- Development would not result in a visual enhancement of the site (when compared with open field)
- Form and design of the dwellings conflicts with the more rural, loose grain/more varied and irregular pattern of existing houses and variety of styles of the existing houses in Fairfield Lane
- Development too high
- Harm to character/openness of the lane
- Harmful infill of Green Belt land
- Marked reduction in open Green Belt land

Impact on residential amenity [See paragraph 7.5]

- Loss of amenity from new dwellings onto adjoining bungalows
- Loss of light
- Loss of privacy
- Proximity to adjoining properties
- Increase in pollution
- Noise nuisance
- Potentially contaminated land

Impact on highway safety [See paragraph 7.6]

- Inadequate public transport provisions
- Increase in traffic
- Traffic/highway impacts
- Impact on maintenance of lane (including construction traffic)
- Inadequate access
- Congestion on nearby roads (A319 Bagshot Road/Benner Lane during school drop off/pick up)

Impact on drainage/flood risk [See paragraph 7.8]

- Increase danger of flooding
- Rate of soakaway is too slow to meet required standards due to shallow level of water table. The site acts as a flood water soakaway diverted into verge ditches
- Many historic instances of flowing of surface water into the site resulting in flooding on this land
- The problems of drainage/flooding have not been resolved

Other matters

- Conflict with local plan [*Officer comment: This comment has not been qualified/explained*]
- Same scheme that was refused permission and dismissed on appeal [*Officer comment: See considerations below*]
- Previous appeal decisions cited as precedents were not comparable or relevant [*Officer comment: Each proposal is considered on its own merits. In addition, see considerations below*]
- House extensions have been refused elsewhere in the Green Belt [*Officer comment: Each proposal is considered on its own merits*]
- Removal of trees (small copse) before submitting application [*Officer comment: The proposal has to be assessed against the current site conditions*]
- Land is not “redundant” but agricultural land [*Officer comment: This is noted*]
- Level of opposition (120 representations) to original scheme [*Officer comment: The level of response is measures above against this proposal*]

- Strain on existing community facilities (schools, health services) [*Officer comment: This would not be a reason to refuse this application*]
- Effect on local geology [*Officer comment: This comment has not been qualified/explained*]
- Unwarranted and unnecessary [*Officer comment: This would not be a reason to refuse this application*]
- Impact/further impact on wildlife (deer, foxes, rabbits, bats, lapwings, cuckoos, tawny owls [*See paragraph 7.9*])
- Loss of ecology that has occurred from tree clearance (before the application was submitted) [*Officer comment: The proposal has to be assessed against the current site conditions*]
- Environmentally unfriendly [*Officer comment: This comment has not been qualified/explained*]
- Developer taking full advantage of the current pandemic [*Officer comment: It is not clear what advantage has been taken in this case, but this is not a material planning consideration*]
- Profiteering [*Officer comment: This is not a material planning consideration*]
- General dislike of proposal [*Officer comment: This comment has not been qualified/explained*]
- Not enough info given on application/information missing from plans [*Officer comment: This comment has not been qualified/explained*]
- Insufficient notification [*Officer comment: The level of notification exceeds statutory requirements*]
- Too much development in West End and loss of so much green space [*Officer comment: Each proposal is considered on its own merits*]
- Development would not be beneficial to local community [*Officer comment: This is not a material planning consideration*]
- Impact on infrastructure [*Officer comment: Infrastructure contributions are provided through the CIL process. Beyond this process, and noting the scale of the proposal, it is not considered that such impacts would be a reason to refuse this application*]
- West End has already contributed towards housing need and use of existing commercial buildings (including those lost to the coronavirus pandemic) to meet housing need [*Officer comment: Each proposal is considered on its own merits*]
- Pre-app advice – encouragement to submit application? [*Officer comment: The advice was to submit a planning application. No advice on the merits of the case were provided*]

7.0 PLANNING CONSIDERATIONS

7.1 The application site falls within the Green Belt. The application is to be considered against the National Planning Policy Framework (NPPF); Policies CP1, CP2, CP3, CP11, CP14, DM9, DM10 and DM11 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); Policy NRM6 of the South East Plan 2009 (as saved) (SEP) as well as advice within the Residential Design Guide SPD 2017 (RDG); West End Village Design Statement SPD 2017 (WEVDS); Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019 (SPAAS) and the Green Belt and Countryside Study 2017 (GBCS); and the Planning Practice Guidance (PPG). The proposal is CIL liable.

7.2 The main issues for consideration are as follows:

- Impact on the Green Belt
- Impact on local character
- Impact on residential amenity
- Impact on highway safety
- Impact on drainage and flood risk
- Impact on ecology
- Impact on the Thames Basin Heaths Special Protection Area

- Whether Very Special Circumstances are sufficient to outweigh any Green Belt (and other) harm

The recent appeal decision (Annex A) following the refusal of an identical development under refusal 18/0863 is also material to the assessment below.

7.3 Impact on the Green Belt

- 7.3.1 Paragraph 133 of the NPPF indicates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 134 of the NPPF indicates that Green Belt serves five purposes including the prevention of the merging of neighbouring towns and the safeguarding of the countryside from encroachment.
- 7.3.2 The application site falls within area G40 as defined by the GBCS which is a large parcel of land which plays a strong role in preventing the merging of settlements (West End, Chobham and Lightwater) and possesses the characteristics of the countryside and a significant degree of openness. Whilst the application site amounts to a very small proportion of this defined area, its development, under the current proposal, would fragment it thereby reducing its effectiveness.
- 7.3.3 Paragraph 145 of the NPPF confirms that the construction of new buildings in the Green Belt should be regarded as inappropriate with a number of exceptions. One of these exceptions relates to the limited infilling within villages.
- 7.3.4 It is considered that the provision of four detached dwellings in this location, would have a significant, harmful impact on the openness of the Green Belt. The site is currently open affording views through the site from Fairfield Lane to the north. The residential development on the north side of Fairfield Lane tapers out to the west of the application site, with only the provision of a bungalow, The Laurels, and a farmstead, Laurel Farm, located to the east. The residential development to the south relates to part of the West End reserve site, which has been released for residential development (now completed). Due to the width of the site, its open aspect and rural character, and the change in character to the west, it is not considered that this development relates to an infill plot within the settlement of West End. These are the conclusions found for the previous application (and subsequent appeal decision [see Paragraphs 2-15 of the appeal decision at Annex A]).
- 7.3.5 As such, it is considered that the current proposal, in the same manner as the previous refusal 18/0863 and subsequent appeal decision, is inappropriate development within the Green Belt.

7.4 Impact on local character

- 7.4.1 Policy DM9 of the CSDMP indicates that development should respect and enhance the local or natural character of the environment be it in an urban or rural setting, paying particular regard to scale, materials, massing, bulk and density. Policy CP2 indicates that development should ensure that all land is used efficiently in the context of its surroundings. These policies reflect the thrust of design policies within the NPPF. Paragraph 124 of the NPPF indicates that good design is a key aspect of sustainable development, creating better places in which to live and work and helps make development acceptable to communities.
- 7.4.2 Principle 6.4 of the RDG reflects policy CP2 in terms of achieving the highest density possible without compromising local character. Principle 6.6 of the RDG indicates that new development should be expected to respond to the size, shape and rhythm of surrounding plot layouts. Principles 6.7 and 6.8 of the RDG indicates that parking layouts should ensure developments are not functionally and visually dominated by cars; and on-plot parking should be provided to the side/rear and not dominate the

appearance of a plot or streets scene, respectively. Principles 7.4 and 7.8 of the RDG require new developments to reflect the spacings, heights and building footprints of existing buildings; and architectural detailing should be used to create attractive buildings which positively contribute to the character of an area, respectively.

7.4.3 The current proposal would provide a form of development which provides a development which, with minor changes to detailing and materials, a uniform approach to built form and provides similar gaps between these dwellings. This has to be seen in the context of the residential development on the north side of Fairfield Lane, which is varied in style, form and siting, as outlined for Character 4 in the WEVDS. The more regular built form proposed with this application proposal, and the drive parking arrangements for each plot (located predominantly to the front of each dwelling) would be at odds with the local character. These are the conclusions found for the previous application (and subsequent appeal decision [see Paragraphs 16-18 of the appeal decision at Annex A]).

7.4.4 As such, it is considered that the current proposal, in the same manner as the previous refusal 18/0863 and subsequent appeal decision, would have an adverse visual impact on local character failing to comply with Policies CP2 and DM9 of the CSDMP and the NPPF, and principles 6.4, 6.6, 6.7, 6.8, 7.4 and 7.8 of the RDG.

7.5 Impact on residential amenity

7.5.1 Policy DM9 of the CSDMP indicates that development will be acceptable where it respects the amenities of the occupiers of neighbouring properties and uses. Paragraph 127 of the NPPF states that planning decisions should create places with a high standard of amenity of existing and future users. Principles 8.1, 8.2 and 8.3 of the RDG require development to seek a reasonable degree of privacy, outlook and light, respectively.

7.5.2 The dwelling proposed for Plot 1 would be set-in about 5 metres from the flank boundary with Shangri-La. No windows are proposed at first floor level in the flank elevation of this dwelling facing Shangri-La. This proposed dwelling would be positioned about 6.5 metres forward of the main front wall of this neighbouring dwelling. However, noting the level of separation, proposed height and mass of this dwelling and that the nearest window in the front elevation of Shangri-La is set about 1.4 metres from the mutual flank boundary, it is not envisaged that the proposal would have any material adverse impact on privacy, light, overbearing or overshadowing effects that would be prejudicial to residential amenity to the occupiers of this dwelling.

7.5.3 The dwelling proposed for Plot 4 would be set-in about 3.7 metres from the flank boundary with The Willows, with this dwelling set 18.5 metres from this mutual boundary. With first floor windows proposed in the flank elevations to serve bathrooms/en-suite (and could therefore, by condition, be fitted and retained with obscure glazing), no adverse impact on privacy, light, overbearing or overshadowing effects would be envisaged to this property.

7.5.4 The proposal is set sufficient distance from all other nearby residential properties to have any material effect. No adverse impact on the residential amenity of local residents are therefore envisaged.

7.5.5 The proposal would provide each dwelling with a sizeable (minimum 13 metre depth) rear garden and adequate room sizes to provide a level of accommodation which would be acceptable. As such, and in the same manner as the refused scheme 18/0863, no adverse impact on residential amenity is envisaged with, in this regard, compliance with Policies CP2 and DM9 of the CSDMP and the NPPF.

7.6 Impact on highway safety

- 7.6.1 Policy DM11 of the CSDMP indicates that development which would adversely impact the safe and efficient flow of traffic movement on the highway network will not be permitted unless it can be demonstrated that measures to reduce and mitigate such impacts to acceptable levels can be implemented. All development should ensure safe and well-designed vehicular access and egress and layouts which consider the needs and accessibility to all highway users including cyclists and pedestrians. Policy CP11 of the CSDMP indicates that development should meet the parking standards.
- 7.6.2 Fairfield Lane is a narrow, unmade private road but also forms part of Public Footpath 19, which connects to Bagshot Road (west of Brook Place) to the north east. The current proposal would provide at least three parking spaces (including a garage space) with a turning facility for each property within their plot so that users can enter and leave each plot in forward gear. The County Highway Authority has raised no objections to the proposal on highway safety grounds.
- 7.6.3 As such, and in the same manner as the refused scheme 18/0863, no adverse impact on highway safety is envisaged with, in this regard, compliance with Policies CP11 and DM11 of the CSDMP and the NPPF.

7.7 Impact on the Thames Basin Heaths Special Protection Area

- 7.7.1 Policy CP14 of the CSDMP requires all net residential development to contribute towards Sites of Accessible Natural Greenspaces (SANGs) and Strategic Access management and Monitoring (SAMM) measures to ensure that the development does not adversely affect the integrity of the SPA. The proposal would provide SANG mitigation through the CIL process, as an infrastructure charge, but SAMM has to be secured during the processing of this application.
- 7.7.2 The SAMM contribution required for this application is £3,228. This contribution has not been secured to date and, as such, an objection is raised on this ground. The proposal would therefore fail to comply with Policy CP14 of the CSDMP, Policy NRM6 of the SEP, the NPPF and advice in the SPAAS.

7.8 Impact on drainage and flood risk

- 7.8.1 Policy DM10 of the CSDMP indicates that development at medium or high risk from flood risk from fluvial and other sources of flood risk. Policy CP2 of the CSMP indicates that development should reduce the risk from all types of flooding. The site has been identified as having local drainage issues and, anecdotally, suffers from water logging after periods of heavy rainfall.
- 7.8.2 The applicant has provided a drainage strategy for this proposal. However, the Council's Drainage Engineer has raised an objection on these grounds indicating that the proposal has not provided a viable method of surface water disposal and site draining, which would be dependent upon third party consent/agreement, which has not been provided. It has not been demonstrated that the proposal could proceed without risk of flooding to the application site or elsewhere. At this stage, it is not considered that a condition could be applied to overcome these concerns. These are the same conclusions found for the previous application (and subsequent appeal decision [see Paragraphs 19-22 of the appeal decision at Annex A]).
- 7.8.3 As such, it is considered that the current proposal, in the same manner as the previous refusal 18/0863 and subsequent appeal decision, would have an adverse impact on the SPA failing to comply with Policy DM10 of the CSDMP and the NPPF.

7.9 Impact on ecology

7.9.1 Policy CP14 of the CSDMP indicates that development that results in harm to or loss of features of interest for biodiversity will not be permitted. The applicant has provided an ecology report, and a follow-up survey which has concluded that there was no evidence of badgers, bats, or other protected species. However, ecological benefits, such as bat tubes, sparrow terraces and wildlife permeable fencing are proposed. The comments of the Surrey Wildlife Trust are awaited, whilst they did not raise an objection to the refused proposal 18/0863.

7.9.2 As such, and unless adverse comments are received from the Surrey Wildlife Trust, no objections are raised on ecology grounds and in the same manner as the refused scheme 18/0863, no adverse impact on ecology is envisaged with, in this regard, compliance with Policies CP14 of the CSDMP and the NPPF

7.10 Whether Very Special Circumstances are sufficient to outweigh any Green Belt (and other) harm

7.10.1 Paragraphs 143 and 144 of the NPPF indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, resulting from the proposal, is clearly outweighed by other considerations.

7.10.2 The applicant has provided, if the proposal was considered to be inappropriate, the following issues which could amount to very special circumstances to justify this proposal:

- Economic benefits from construction and future maintenance; and
- Benefits to housing supply.

7.10.3 It is not considered that the economic benefits from the construction of the development would amount to significant benefits to outweigh the harm outlined above. It is not considered that any such benefits would be greater here than in other locations, and such benefits would predominantly be short lived.

7.10.4 The Housing Land Supply Paper 2020/21 indicates that there is a 4.85 years supply for Surrey Heath Borough and the current proposal would provide towards this deficit in housing supply. However, the proposal would only make a relatively limited contribution to local housing supply. These are the same conclusions found for the previous application (and subsequent appeal decision).

7.10.5 It is considered that substantial weight from this proposal should be given to the harm to the Green Belt and the other identified harm above, is not clearly outweighed by other consideration sufficient to demonstrate very special circumstances. The proposal, in the same manner as the previous refusal 18/0863 and subsequent appeal decision, is considered to be unacceptable on Green Belt grounds with the proposal failing to comply with the NPPF.

8.0 POSITIVE/PROACTIVE WORKING

8.1 In assessing this application, officers have worked with the applicant in a positive, creative and proactive manner consistent with the requirements of paragraphs 38-41 of the NPPF. This included the following:-

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the

website, to correct identified problems to ensure that the application was correct and could be registered.

c) Have proactively communicated with the applicant through the process to advise progress, timescale or recommendation.

9.0 CONCLUSION

- 9.1 The current application follows a refusal of planning permission 18/0863 and subsequent dismissed appeal for which the impact on the Green Belt, local character and drainage/flood risk. There has been no material change in circumstance or evidence to overcome these objections. In addition, a contribution towards SAMM measures has not been provided so an objection is raised on SPA grounds. The application proposal is recommend for refusal.

10.0 RECOMMENDATION

REFUSE for the following reasons:

1. The site lies outside of the defined village settlement and the proposed development does not comprise limited infilling in a village as set out para.145 (e) of the National Planning Policy Framework and is therefore inappropriate development in the Green Belt. The scale and form of the proposed development would result in harm to the openness of the Green Belt with further harm arising from the development encroaching into the countryside and it undermining the objective of preventing neighbouring towns merging into one another thereby also conflicting with purposes b) and c) of para 134 of the NPPF. The proposed development is therefore contrary to the Chapter 13 of the National Planning Policy Framework and fails to comply with the spatial strategy set out in policies CP1 and CP3 of the Surrey Heath Core Strategy and Development Management Policies 2012.
2. The proposed development would result in a solid built up frontage and would significantly reduce the existing open spacious character currently afforded to this sensitive part of Fairfield Lane. Further harm to the existing rural character would arise as a result of the tight suburban form of development proposed which, in combination with the access and parking arrangement and repetitive standard housing proposed, would give rise to an unsympathetic and incongruous form of development which would fail to respond to its setting. The proposed development is therefore contrary to the aims and objectives of Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies 2012, Guidelines 6 and 8 of the West End Village Design Statement 2016 and principles 6.6, 6.74, 6.8, 7.4 and 7.8 of the Residential Design Guide Supplementary Planning Document 2017.
3. It has not been demonstrated, by submission of a satisfactory drainage strategy, that the proposed development would not exacerbate existing drainage and flooding problems in the immediate area. The proposed development has not therefore satisfied the requirements of the NPPF or the aims and objectives of Policy DM10 of the Surrey Heath Core Strategy and Development Management Policies 2012.
4. The Local Planning Authority, following an Appropriate Assessment and in the light of available information, is unable to satisfy itself that the proposal (in combination with other projects) would not have an adverse effect on the integrity of the Thames basin Heaths Special Protection Area (SPA) and the relevant Site of Specific Scientific Interest (SSSI). In this respect significant concerns remain with regard to the adverse effect on the integrity of the SPA in that there is likely to be an increase in dog walking, general recreational use and damage to the habitat and the protected species within the protected areas. Accordingly, since the Local Planning Authority is not satisfied that Regulation 62 (of the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) applies in this case then it must refuse the application in

accordance with Regulation 61(5) of the Habitats Regulations and Article 6(3) of Directive 92/43/EE. For the same reason the proposal conflicts with the guidance contained within the National Planning Policy Framework and Policy CP14 of the Surrey Heath Core Strategy and Development Management Policies 2012 and Policy NRM6 of the South East Plan 2009 (as saved) and the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2019.

5. It is not considered very special circumstances are present which, either alone or in combination, clearly outweigh the potential harm to the Green Belt by reason of the development being inappropriate, and the other harm outlined in reasons for refusal 1 to 4 above, to justify the grant of planning permission. The proposal therefore fails to comply with para 144 of the NPPF.mework.