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To: MEMBERS OF THE PLANNING COMMITTEE
Councillors Blackwell (Chair), C.White (Vice-Chair), B.Black,
Botten, Chotai, C.Farr, Gray, Montgomery, Moore, Prew and
Steeds

for any enquiries, please contact:
customerservices@tandridge.gov.uk
01883 722000

Substitute Councillors: Allen, Cooper and Wren

C.C. All Other Members of the Council

30 November 2022

Dear Sir/Madam

PLANNING COMMITTEE THURSDAY, 8TH DECEMBER, 2022 AT 7.30 PM

The agenda for this meeting of the Committee to be held in the Council Chamber, Council Offices, Station Road East, Oxted is set out below. If a member of the Committee is unable to attend the meeting, please notify officers accordingly.

Should members require clarification about any item of business, they are urged to contact officers before the meeting. In this respect, reports contain authors' names and contact details.

If a Member of the Council, not being a member of the Committee, proposes to attend the meeting, please let the officers know by no later than noon on the day of the meeting.

Yours faithfully,

David Ford
Chief Executive

AGENDA

- 1. Apologies for absence (if any)**
- 2. Declarations of interest**

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- (i) any Disclosable Pecuniary Interests (DPIs) and / or
- (ii) other interests arising under the Code of Conduct

in respect of any item(s) of business being considered at the meeting. Anyone with a DPI must, unless a dispensation has been granted, withdraw from the meeting during consideration of the relevant item of business. If in doubt, advice should be sought from the Monitoring Officer or his staff prior to the meeting.

- 3. Minutes from the meeting held on 6 October 2022 (Pages 3 - 4)**
- 4. To deal with questions submitted under Standing Order 30**

5. Applications for consideration by committee (Pages 5 - 14)

5.1 2022/548 - Lingfield House, East Grinstead Road, Lingfield, Surrey, RH7 6ES
(Pages 15 - 64)

5.2 2022/762 - Hillview Farm, Grants Lane, Limpsfield, RH8 0RH (Pages 65 - 92)

5.3 2021/578 - Rough Beech Barn and Bungalows 1 & 2, Dowlands Lane Smallfield,
Surrey RH6 9SD (Pages 93 - 148)

6. Recent appeal decisions received

To receive a verbal update from officers relating to appeal decisions by the Planning Inspectorate resulting from previous committee decisions.

7. Any urgent business

To deal with any other item(s) which, in the opinion of the Chair, should be considered as a matter of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972.

TANDRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 6 October 2022 at 7:30pm.

PRESENT: Councillors Blackwell (Chair), C.White (Vice-Chair), B.Black, Botten, Chotai, C.Farr, Gray, Lockwood, Moore, Prew and Cooper (Substitute in place of Councillor Steeds)

ALSO PRESENT: Councillors S.Farr and Montgomery

ALSO PRESENT (Virtually): Councillor Gillman

APOLOGIES FOR ABSENCE: Councillor Steeds

138. DECLARATIONS OF INTEREST

Councillor Farr stated that, whilst he was not declaring a pecuniary interest, in respect of agenda items 5.1 (minute number 141) and 5.2 (minute number 142), he is a Godstone Ward District councillor. Both applications were located either wholly or partly in his Ward. He confirmed that he is also a Godstone Parish councillor. However, is not a member of the Parish Council Planning Committee and had not been present at any meeting where the applications were discussed. Consequently, he had no predisposition or predetermination in the matters to be decided by the Committee.

Councillor White informed the Committee that Councillor Farr's declaration also applied to him.

Councillor Moore stated that she was a qualified diver but had no links with the applicant for agenda item 5.1 (minute number 141).

139. MINUTES FROM THE MEETING HELD ON THE 28 JULY 2022

The minutes of the meeting were confirmed and signed by the Chair.

140. INTERIM CHIEF PLANNING OFFICER UPDATE ON THE PERFORMANCE OF THE COUNCIL'S PLANNING APPLICATIONS WEB PAGE

The Interim Chief Planning Officer informed the Committee that he was hopeful that all of the issues that had been affecting the website over the past weeks had now been identified and a significant improvement in performance levels should be seen from next week.

The Planning Department would now be focussed on reviewing application timescales with applicants, clearing the backlog of validations and introducing new procedures for redacting documents before they were published on the website.

It was acknowledged that the last few weeks had been trying for anyone who had been trying to access the website and apologies were given on behalf of the Council to anyone who had been affected by this situation.

141. 2022/841 - DIVERS COVE, NORTH PARK LANE, GODSTONE, RH9 8ND

The Committee considered a variation of conditions that would extend the opening times attached to planning application 2015/1122 for the "Change of use of land to diving centre (Class D2) with associated ancillary portacabins and car parking".

The Officer recommendation was to permit, subject to conditions.

Anne Appleyard, an objector, spoke against the application.

Tom Baker, the applicant, spoke in favour of the application.

Councillor Farr proposed a motion that the item be deferred as there was a lack of clarity on a number of key aspects of the application, including the actual hours of operation applied for. Councillor Chotai seconded the motion. Upon being put to the vote, the motion was carried.

RESOLVED – that the application be deferred

142. 2021/75 - OLDENCRAIG, TANDRIDGE LANE, LINGFIELD, SURREY, RH7 6LL

The Committee considered whether to agree to a Deed of Variation to a Section 106 Agreement that was associated with a planning permission for the demolition of existing buildings and the erection of 22 dwellings with associated parking and amenity space.

The Officer recommendation was to agree to the Deed of Variation to the Section 106 Agreement.

Following a lengthy debate, the Interim Chief Planning Officer recommended that the item be deferred so further enquires could be made as to whether the Planning Committee was the correct forum for agreeing the Deed of Variation. Councillor Farr proposed a motion to defer the item. Councillor Botten seconded the motion. Upon being put to the vote, the motion was carried.

RESOLVED – that the item be deferred

Rising 9.04 pm

REPORT TO THE PLANNING COMMITTEE ON 8 DECEMBER 2022

AGENDA ITEM 5 APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

To consider the application detailed in items 5.1 to 5.3.

Notes:

- (i) All letters received commenting on applications adversely or otherwise will be available in the Council Chamber for inspection by Members prior to the meeting. Summaries of the public responses to applications are included in the reports although Members should note that non-planning comments are not included.
- (ii) Arrangements for public participation in respect of the applications will be dealt with immediately prior to the commencement of the meeting.

Contacts:

Cliff Thurlow, Head of Development Management and Interim Chief Planning Officer
01883 732906
Email: cthurlow@tandridge.gov.uk

Sean Scott, Principal Planning Officer
01883 732833
Email: sscott@tandridge.gov.uk

Caroline Daniels, Legal Specialist
01883 732757
Email: cdaniels@tandridge.gov.uk

Background papers: Surrey Waste Plan 2008; Surrey Minerals Plan Core Strategy 2011; The Tandridge Core Strategy Development Plan Document 2008; The Tandridge Local Plan: Part 2 – Detailed Policies 2014; Woldingham Neighbourhood Plan 2016; The Harestone Valley and Woldingham Design Guidance Supplementary Planning Documents 2011; Village Design Statement for Lingfield – Supplementary Planning Guidance; Woldingham Village Design Statement – Supplementary Planning Guidance; Conservation Area Appraisal of the Bletchingley Conservation Area Supplementary Planning Guidance; Limpsfield Neighbourhood Plan 2019

Government Advice: National Planning Policy Framework
Planning Practice Guidance (PPG)

PLANNING COMMITTEE – 8 DECEMBER 2022 – RECOMMENDATIONS

ITEM NO.	APPLICATION NO.	SITE ADDRESS	APPLICATION DETAILS	RECOMMENDATION
5.1	2022/548	Lingfield House, East Grinstead Road, Lingfield, Surrey, RH7 6ES	The conversion of Lingfield House and development of the site to provide an integrated retirement community (Use Class C2) comprising up to 128 independent living apartments and cottages together with associated communal facilities and consulting rooms, landscaping, amenity space provision and parking including a new and reconfigured access from East Grinstead Road and footway improvement works	REFUSE
5.2	2022/762	Hillview Farm, Grants Lane, Limpsfield RH8 0RH	Demolition of buildings in storage and light industrial uses (use classes B2 and B8) and erection of two x 3 bed dwellings with study/office and one x 4 bed dwelling with separate office, together with detached double garages and new internal access road (Amended proposal).	PERMIT subject to conditions
5.3	2021/578	Rough Beech Barn and Bungalows 1 & 2, Dowlands Lane Smallfield, Surrey RH6 9SD	Conversion of 1 & 2 Dowlands Bungalows from Use Class C3 (dwellinghouses) to Use Class E (offices). Conversion of Rough Beech Barn from Use Class E (offices) into Use Class C3 (dwellinghouses) 2 x 3-bedroom dwellinghouses including the erection of a single storey side extension, alterations to rear roof pitch and removal of rainwater tank and shed. Conversion of existing outbuilding for use as a studio solely for unit 2. Formation of associated garden areas, car parking areas, and access paths and alterations to vehicular access arrangements.	PERMIT subject to conditions and Section 106 agreement

SUMMARY OF RELEVANT POLICIES & NATIONAL ADVICE FOR PLANNING APPLICATIONS IN APPENDIX A.

Core Strategy

Policy CSP1 sets several strategic aims in terms of the location of development. It seeks to promote sustainable patterns of travel, make the best use of land within the existing built-up areas.

Policy CSP2 sets out the Council's approach to housing supply.

Policy CSP3 seeks to manage the delivery of housing when the Council exceeds its rolling 5-year supply by more than 20%. When such an oversupply exists, the Council will refuse development of unidentified residential garden land sites of 5 units and above or site larger than 0.2ha where the number of dwellings is unknown. Account must be taken of smaller sites forming parts of larger sites and infrastructure provision as well as significant social or community benefits.

Policy CSP4 is an interim holding policy pending the adoption of a substitute policy in an Affordable Housing DPD. It sets a threshold within built up areas of 15 units or more or sites in excess of 0.5ha and within rural areas of 10 units or more. The policy requires that up to 34% of units would be affordable in these cases with the actual provision negotiated on a site by site basis. There is a requirement that up to 75% of the affordable housing will be provided in the form of social rented or intermediate or a mix of both.

Policy CSP5 refers to rural exception sites and states that exceptionally, land adjoining or closely related to the defined rural settlements which would otherwise be considered inappropriate for development may be developed in order to provide affordable housing subject to certain criteria.

Policy CSP7 requires sites providing 5 units or more to contain an appropriate mix of dwelling sizes in accordance with identified needs.

Policy CSP8 sets out the Council's approach to the provision of Extra Care Housing, including its targets for such provision.

Policy CSP9 sets out the criteria for assessing suitable Gypsy and Traveller sites to meet unexpected and proven need.

Policy CSP11 sets out the Council's approach to infrastructure and service provision.

Policy CSP12 seeks to manage travel demand by requiring preference to walking, cycling and public transport; infrastructure improvements where required and use of adopted highway design standards and parking standards.

Policy CSP13 seeks to retain existing cultural, community, recreational, sport and open space facilities and encourage new or improved facilities.

Policy CSP14 seeks to encourage all new build or residential conversions meet Code level 3 as set out in the Code for Sustainable Homes and that commercial development with a floor area over 500sq m will be required to meet BREEAM "Very Good" standard. On site renewables are also required.

Policy CSP15 seeks to ensure that the design and layout of development is safe and secure, that new buildings are adaptable for the disabled and elderly, that information technology can be included, that all development is accessible to all groups and that grey water recycling and/or segregated surface and foul water disposal is used.

Policy CSP16 sets out the Council's position on aviation development in the District with specific reference to its position on development at Redhill Aerodrome.

Policy CSP17 requires that biodiversity is taken into account.

Policy CSP18 seeks to ensure that developments have a high standard of design respecting local character, setting and context. Amenities of existing occupiers must be respected. Wooded hillsides will be respected and green space within built up areas protected. Development on the edge of the Green Belt must not harm the Green Belt.

Policy CSP19 sets a range of densities for new development.

Policy CSP20 sets out the Council's principles for the conservation and enhancement of the AONBs and AGLVs.

Policy CSP21 states that the character and distinctiveness of the District's landscapes and countryside will be protected, and new development will be required to conserve and enhance landscape character.

Policy CSP22 sets out how the Council will seek to develop a sustainable economy.

Policy CSP23 set out specific aims for the town centres of Caterham Valley and Oxted.

Tandridge Local Plan: Part 2 – Detailed Policies – 2014

Policy DP1 sets out the general presumption in favour of sustainable development.

Policy DP2 sets out the policies for development in the town centres, including within the primary and secondary shopping frontages

Policy DP3 sets out the policies for development in local centres, other centres and villages

Policy DP4 sets out the circumstances under which proposals for the alternative use of commercial and industrial sites will be permitted.

Policy DP5 sets out criteria for assessing whether proposals are acceptable in relation to highway safety and design.

Policy DP6 sets out criteria for assessing proposals for telecommunications infrastructure.

Policy DP7 is a general policy for all new development. It outlines that development should be appropriate to the character of the area, provide sufficient parking, safeguard amenity and safeguard assets, resources and the environment, including trees.

Policy DP8 sets out a number of criteria for assessing whether the redevelopment of residential garden land will be acceptable.

Policy DP9 sets out the circumstances in which the erection of gates, walls and other means of enclosure will be permitted.

Policy DP10 confirms the general presumption against inappropriate development in the Green Belt and states that inappropriate development will only be permitted where very special circumstances exist which clearly outweigh the potential harm to the Green Belt by reason of inappropriateness and any other harm.

Policy DP11 sets out the circumstances in which development in the Larger Rural Settlements will be permitted.

Policy DP12 sets out the circumstances in which development in the Defined Villages in the Green Belt will be permitted.

Policy DP13 sets out the exceptions to the Green Belt presumption against inappropriate development in the Green Belt and the circumstances in which new buildings and facilities, extensions and alterations, replacement of buildings, infill, partial or complete redevelopment and the re-use of buildings will be permitted.

Policy DP14 sets out a number of criteria for assessing proposals for garages and other ancillary domestic buildings in the Green Belt.

Policy DP15 sets out criteria for assessing proposals for agricultural workers' dwellings in the Green Belt.

Policy DP16 states that the removal of agricultural occupancy conditions will be permitted where the Council is satisfied that there is no longer a need for such accommodation in the locality.

Policy DP17 sets out criteria for assessing proposals for equestrian facilities.

Policy DP18 sets out the circumstances in which development involving the loss of premises or land used as a community facility will be permitted.

Policy DP19 deals with biodiversity, geological conservation and green infrastructure.

Policy DP20 sets out the general presumption in favour of development proposals which protect, preserve or enhance the interest and significance of heritage assets and the historic environment.

Policy DP21 deals with sustainable water management, and sets out criteria for assessing development in relation to water quality, ecology and hydromorphology, and flood risk.

Policy DP22 sets out criteria for assessing and mitigating against contamination, hazards and pollution including noise.

Woldingham Neighbourhood Plan 2016

Policy L1 is a general design policy for new development

Policy L2 sets out criteria for assessing new development proposals in relation to the Woldingham Character Areas

Policy L3 relates to landscape character

Policy L4 relates to proposals for new community facilities

Policy L5 relates to development proposals for The Crescent and its regeneration

Policy L6 seeks to support improvements to the accessibility of Woldingham Station

Policy L7 relates to the development of broadband and mobile communications infrastructure

Policy L8 seeks to safeguard a number of Local Green Spaces as designated by the Plan

Policy C1 seeks to promote residents' safety

Policy C2 seeks to support proposals and projects which improve local transport services

Policy C3 supports the improvement of pedestrian and cycle routes

Policy C4 supports proposals which promote networking and residents' involvement on local societies and organisations

Limpsfield Neighbourhood Plan 2019

Policy LN1 sets out a spatial strategy for the Parish.

Policy LN2 requires that all new development provides an appropriate mix of housing types and size, including smaller units (3 bedrooms or fewer) for sites over a certain size.

Policy LN3 seeks a high quality of design, reflecting the distinctive character of particular areas of the Parish.

Policy LN4 relates to new development in the Limpsfield Conservation Area.

Policy LN5 relates to landscape character.

Policy LN6 identifies a number of Local Green Spaces, and seeks to protect their use.

Policy LN8 seeks to promote biodiversity.

Policy LN9 relates to business and employment, including in relation to Oxted town centre.

Policy LN10 relates to the rural economy.

Policy LN11 seeks to protect community services in Oxted town centre.

Policy LN12 seeks to protect community services in Limpsfield Village and other parts of the Parish.

Policy LN13 supports sustainable forms of transport.

Policy LN14 supports the provision of super-fast broadband.

Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021

Policy CCW1 – gives support to proposals identified for their Housing Site Availability during the period 2015-2026

Policy CCW2 – supports proposals for sub-division of larger residential properties into one, two, three-bedroom dwellings

Policy CCW3 – supports proposals for housing which optimise housing delivery in accordance with guidance contained in the Urban Capacity Study and outlines density range of 30-55 dwellings per hectare for land not covered in the Urban Capacity Report.

Policy CCW4 – sets out that development is expected to preserve and enhance the character of the area in which it is located.

Policy CCW5 – sets out that development proposals which integrate well with their surroundings, meet the needs of residents and minimise impact on the local environment will be supported where they demonstrate high quality of design and accord with the criteria of this policy.

Policy CCW6 – support proposals which incorporate measures to deliver environmentally sustainable design to reduce energy consumption and mitigate effects of climate change in line with building design measures contained in the policy.

Policy CCW7 – supports proposals which provide incubator/start-up business space and/or establishes enterprise/business park developments.

Policy CCW8 – resists the loss of local and neighbourhood convenience shops unless justification is present on viability grounds. Proposals to improve the quality and appearance of shop fronts and signage will be supported which have regards to CCW6.

Policy CCW9 – proposals for recreational and tourism development including a Visitor Centre will be supported where the criteria of this policy are met. Proposals for the improvement of signage for local facilities will be supported provided they integrate with their surroundings.

Policy CCW10 – supports development proposals which do not have a significantly detrimental impact on locally significant views as listed/mapped in the Neighbourhood Plan (Figures 7.1, 7.2-7.5, with detailed descriptions in Appendix A).

Policy CCW11 – sets out that there are 22 areas designated as Local Green Spaces on the policies map for the Neighbourhood Plan. Proposals which demonstrably accord with development appropriate in the Green Belt will be supported.

Policy CCW12 – proposals for provision of allotments and/or community growing spaces will be supported where accessible and within/adjacent to defined settlement areas. The loss of such space will not be supported unless alternative and equivalent provision is provided.

Policy CCW14 – encourages proposals for new/improved community facilities where criteria in the policy are met. The loss of such facilities will only be supported if alternative and equivalent facilities are provided.

Policy CCW15 – proposals for the expansion of existing public houses to develop appropriate community-based activities will be supported subject to compliance with other relevant policies and provide the design is in keeping with local character/distinctiveness. Proposals for the change of use of public houses will only be supported if the use is demonstrably unviable.

Policy CCW16 – supports proposals for provision of both traditional consecrated and green/woodland burial sites provided the criteria of this policy are met.

Policy CCW17 – supports proposals which facilitate or enhance the delivery of health services on a pre-set list of sites (contained within the policy), except for those within the Green Belt. Proposals for relocation/expansion of health services will be supported where they satisfy the criteria of this policy.

Policy CCW18 – except on Green Belt land, proposals which facilitate and enhance existing schools and associated playing fields will be supported subject to compliance with the criteria in this policy (sub-paragraph A). Proposals for new schools will be supported where they satisfy the criteria of this policy (sub-paragraph B).

Policy CCW19 – supports new residential, commercial and community development proposals being served by superfast broadband (fibre-optic). Where this is not possible, practical or viable, the development should incorporate ducting for potential future installation.

Supplementary Planning Documents (SPDs) and Supplementary Planning Guidance (SPGs)

SPG (Lingfield Village Design Statement), adopted in January 2002, seeks to ensure that the village retains its individuality and character through future development both large and small. It provides general guidelines for new development and requires amongst other things that the design of new buildings should be sympathetic to the style of buildings in the locality both in size and materials.

SPG (Woldingham Village Design Statement) adopted in September 2005 provides guidance for development within Woldingham. Residential extensions should respect the size and proportions of the original house and plot. Boundary treatments should maintain the rural street scene, imposing entrances are out of keeping, and front boundaries should be screened with plantings or have low open wooded fences.

SPD (Woldingham Design Guidance) adopted March 2011 and seeks to; promote good design, protect and enhance the high quality character of the area, and to apply design principles on a sub-area basis to maintain and reinforce character.

SPD (Harestone Valley Design Guidance) adopted March 2011 and seeks to; promote good design, protect and enhance the high quality character of the area, and to apply design principles on a sub-area basis to maintain and reinforce character.

SPD (Tandridge Parking Standards) adopted September 2012 sets out standards for residential and non-residential vehicular parking and standards for bicycle parking.

SPD (Tandridge Trees and Soft Landscaping) adopted November 2017 sets out the Council's approach to the integration of new and existing trees and soft landscaping into new development, and seeks to ensure that trees are adequately considered throughout the development process.

National Advice

The National Planning Policy Framework (NPPF) constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications. It sets out the Government's planning policies for England and how these are expected to be applied. It states that there are three dimensions to sustainable development: economic, social and environmental, and confirms the presumption in favour of sustainable forms of development which it states should be seen as a golden thread running through both plan-making and decision-taking.

The Government has also published national Planning Practice Guidance (PPG) which is available online and covers a number of policy areas and topics.

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ITEM 5.1

Application: 2022/548

Location: Lingfield House, East Grinstead Road, Lingfield, Surrey, RH7 6ES

Proposal: The conversion of Lingfield House and development of the site to provide an integrated retirement community (Use Class C2) comprising up to 128 independent living apartments and cottages together with associated communal facilities and consulting rooms, landscaping, amenity space provision and parking including a new and reconfigured access from East Grinstead Road and footway improvement works

Ward: Lingfield and Crowhurst

Constraints: Constraints – Area of Special Advertising Consent; Ancient woodland(s) within 500m; Gatwick Bird Strike Zone; Gatwick Safeguarding (90m); Green Belt area; Gatwick Noise Exposure Contours: 57-60 (dBA); Parish: Lingfield; C-Classified Road: East Grinstead Road; Risk of Flooding from Surface Water – 1 in 1000 years; Special Protection Area.

RECOMMENDATION: REFUSE

1. This application is reported to Committee following a Member request for a 'call-in'

Summary

2. The proposal would result in inappropriate development within the Green Belt for which very special circumstances have not been demonstrated to clearly outweigh this, and other identified, harm.
3. Insufficient provision has been made in respect of infrastructure while the proposal would be sited outside of a settlement and would result in unsustainable development and a reliance on use of the private car.
4. Harm to the character of the area which is open countryside would arise due to the overall scale, massing and layout of the development.
5. As a result of the nature and quantum of these concerns it is recommended that planning permission is refused for the reasons set out at the end of this report.

Site Description

6. The application site lies to the south of the rural settlement of Lingfield (but does not adjoin it) in the south-east of the District. The site sits wholly within Green Belt land. At present there is no defined walking access from the site to the settlement of Lingfield.
7. The existing site is roughly rectangular measuring 4 hectares (ha) in area. The longest edge of the site (eastern edge) faces onto East Grinstead Road, from where access and egress is maintained.
8. The site is in residential use (Use Class C3 of the Use Classes Order) and contains a large single family dwellinghouse. The existing building dates from the late-Victorian era, it is multifaceted with a number of gables and the height

is between one and three storeys (this includes the accommodation within the roof). The building and grounds appear to be well-maintained.

9. The remainder of the site contains:
 - Ornate/landscaped gardens adjacent to the house (in the west, south and east), containing a variety of tree and plant species;
 - to the west and south-west is a field, which is undeveloped;
 - to the south is a paddock; and,
 - to the north of the house is a tennis court and single storey outbuilding.
10. Lingfield House is located in the highest point of the site. The land within the site gently slopes downwards from east to west, a level change of 4 metres (approx.). From north to south there is 9 metre level difference from Lingfield House to the lowest point being on the southern edge of the site.
11. To the south of the site is Jacksbridge Farm, which contains a cluster of buildings (approx. 150 metres from Lingfield House) mainly linked to agricultural uses with some residential. Notably there are two large barns, some smaller barns, and residential dwellings. Immediately to the north is undeveloped land, also within the Green Belt. This contains what appears to be an established but informal walking route spanning from east to west. This land has a width from north to south of approximately 35 metres. The closest built development to the north is within the Lingfield settlement boundary, along Drivers Mead. This development appears to date from the 1950's and is predominantly in the form of two storey semi-detached buildings with pitched roofs, bungalows are pepper-potted in between giving relief from the taller built form.

Relevant History

12. 2022/116/EIA – EIA screening opinion for refurbishment of Lingfield House and development in the grounds to provide an integrated retirement community (Use Class C2) comprising 135 independent living apartments, communal facilities, GP consulting rooms and associated landscaping and parking.
13. 2004/256 – Erection of side and rear extension plus garage – Approved 27.04.04
14. 2003/440 – Erection of side and rear extension plus garage – Approved 19.05.03
15. 2002/167 - Replace velux windows with dormers - Approved 01.04.02
16. 2001/1750 - Erection of new piers and gates - Approved 22/02/02

Proposal and Key Issues

17. The proposal is for an integrated retirement community (Use Class C2) comprising up to 117 independent living apartments and 11 cottages together with associated communal facilities and consulting rooms, landscaping, amenity space provision and parking including a new and reconfigured access from East Grinstead Road and footway improvement works, containing the following elements:

18. The conversion of Lingfield House (also referred to as the Main House), which would house a number of key functions to include the following:
 - multi-function room;
 - commercial kitchen;
 - sitting room;
 - living / Dining room;
 - library;
 - gym;
 - hydrotherapy pool;
 - 6 x Guest suites; and
 - staff area.
19. The construction of a two-storey building (north of Lingfield House) referred to as Mortar communal building which would house three x consulting rooms and reception area, a community fridge, store, staff room, kitchen and WC.
20. The development of up to 128 (Use Class C2) independent living apartments and cottages contained within:
 - 10 x residential blocks to contain up to 117 apartments:
 - Sky Bridge Buildings – Cessili, Dorothy and Rita buildings: six x three-storey buildings (each pair linked by bridges); and,
 - Double Gable buildings – Allan, Donald, Stanley, Parker buildings: three times x three storey buildings.
 - Cottages: James, Adam, Kate Cottages: 11 units contained within three x two storey terraced blocks with pitched roof.
21. The proposed development will serve residents over the age of 70 and all of the extra care units are available for purchase on a leasehold basis.
22. The key issues relevant to this Application are:
 - Principle of Development;
 - Impact on the Green Belt;
 - Infrastructure;
 - Housing Need;
 - Affordable Housing;
 - Character and Appearance;
 - Residential Amenity;
 - Parking Provision and Highway Safety;
 - Flood Risk Management;
 - Landscaping and Trees;
 - Energy / Sustainability
 - Biodiversity
 - Very Special Circumstances

Development Plan Policy

- Tandridge District Core Strategy 2008
- Tandridge Local Plan Part 2 – Detailed Policies 2014
- Emerging Tandridge Local Plan 2033

Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance

- Lingfield Village Design Statement (SPG)
- Surrey Design Guide (2002)

National Advice

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

Statutory Consultation Responses

23. List of consultees:

- Gatwick Airport Limited
- Lead Local Flood Authority
- SCC Highways
- Surrey Wildlife Trust
- Natural England
- Environment Agency
- Surrey Police
- SCC Adult Social Care
- TDC Housing Team
- TDC Environmental Health
- TDC Tree Officer
- SES Water – no response
- Thames Water – no comments
- Southern Water – no response
- Canal and River Trust – no comments
- Historic England: no comment
- Surrey County Council - Contaminated Land: no comment
- SGN Plant Protection Team – no response
- Highways England – no response received

24. **Statutory Consultees:**

Consultee:	Surrey County Council Highways	Date received:	12 August 2022 & 22 September 2022
Summary of comments:	<p>12 August 2022:</p> <p>The response requests the following be provided by the Applicant:</p> <p>1. The proposed southbound bus stop on East Grinstead Road is opposite a road junction. It is considered that it will be difficult for drivers to turn right into and out of Drivers Mead when there is a bus at the stop. Drivers may try to make the turn when they can't see possibly leading to the potential for collision. Could the applicant please consider the location of the bus stop in respect of the above concerns.</p> <p>2. The speed survey data provided in the Transport Assessment records at site 2 mean speeds of 35 mph northbound and 34.7 m southbound. This complies with SCC's Policy for a signs alone</p>		

speed limit reduction to 30 mph and could therefore be extended as far as the survey site. This will mean that both the site entrance and the new pedestrian refuge island are in the 30 mph speed limit. This will require an amendment to the TRO, Can the applicant confirm they are happy for this to be included in the proposals. Consultation is taking place with Surrey Police for their acceptance of this reduction.

3. Could the Travel Plan submitted with the planning application please be amended to include the following:

- Will any showers be provided for Staff (para 6.6)?
- Could the contact details of a member of staff within Revere Life be included, to be
- contacted if necessary prior to the appointment of the Travel Plan Coordinator.
- If targets are to be set for residents - as referred to in para 7.4 - will a baseline survey also
- be undertaken for residents (only employees are referred to in para 7.4 with regard to the baseline survey)?
- Table 9.1 (action plan) should be Table 7.1.
- Section 8 should refer to monitoring the use of the EV charging bays, so that the passive EV

provision can be activated if necessary.

4. The proposed access drawing does not indicate the gradient the bank that adjoins the carriageway of East Grinstead Road will be regraded to and SCC will need to see the

Geotechnical Design Report work for the proposed works and that would include the slope

stability analysis. This will determine the extent of the regraded area.

The drawing is a 2D plan and it is not clear what the gradient of the new access will be. . It is

not considered that it will be the same as the regraded bank and therefore it will be a

shallower section of regrading. If this is the case the interface details (i.e. retaining walls/

graded ground etc) between the two would need to be submitted and it is not clear how

this will affect the required visibility splays and could have an affect on the extent of the

regraded areas. (In accordance with Surrey Design the access should be no more that 1:20

for the first 20 m as the access will be used by service vehicles and there should be no

obstruction to visibility splays above 1 m in height from ground level).

5. The Transport Assessment on Page 25 'Baseline Traffic Conditions' refers to traffic data

being obtained along East Grinstead Road but does not give any information about where

this was obtained or the age of the data.

Please request that the Applicant provides the above amendments/information in sufficient time

so that we may respond before your deadline for determination.

Please ensure that the

response to this letter is in writing and all appropriate documentation, as requested, is attached.

22 September 2022

Recommendation for an appropriate agreement should be secured before the grant of permission.

A contribution of £6,150 for the monitoring fee for the Travel Plan.

Conditions

1. Condition for a S278 Agreement in general accordance with drawing no. 2102036-03 Rev
 - I. A 2m wide footway to be provided on the western side of East Grinstead Road connecting the southern site access to the existing footway at Drivers Mead.
 - II. A 2 m wide footway on the eastern side of East Grinstead Road to connect to the existing footway to the north of Orchard Court Care Home,
 - III. The existing footway to the north of Drivers Mead along the western side of East Grinstead Road to be widened to 2m and tactile paving to be provided across the junction of Drivers Mead.
 - IV. The provision of a pedestrian refuge island across East Grinstead Road to measure 2m in width and provided with dropped crossings and tactile paving.
 - V. Relocation of the 40/30 mph speed limit signs to a position to be agreed with Highway Authority and subject to TRO approval.
 - VI. The provision of new bus stops on the eastern and western side of East Grinstead Road, both to be provided with the following facilities:
 - 9m straight length of accessible kerbing at 140 mm in height
 - 23m bus cage markings and bus stop clearway
 - bus shelters with lighting and seating
 - bus flag and pole
 - Real Time Passenger Information (RTPI)
 - minimum 3m width of footway at the bus stops
2. The development shall be commenced unless and until the proposed vehicular access to East Grinstead Road has been constructed and provided.
3. No occupation of the development unless and until the proposed modified southern vehicular access to East Grinstead Road has been constructed
4. Parking to be laid out in accordance with the approved plans
5. Cycle and mobility parking details

6. Electric Vehicle charging points
7. Adherence to Travel Plan
8. revised Construction Transport Management Plan

Reason: So that the development does not prejudice highway safety or cause inconvenience to other highway users.

Informatives

A list of 12 informatives has also been recommended.

Note to LPA

Accessibility

The proposed development is situated approximately 200 m south of Liingfield Village centre, a short walking distance to a number of local amenities. The proposal will provide a new footway on either side of East Grinstead Road linking the site to the existing footways network to provide a direct link to Lingfield.

There are currently bus stops located approximately 160 m from the site outside Lingfield doctors surgery serving routes 236 and route 409 which offers an hourly service on weekdays and two hourly at weekends between East Grinstead and Selsdon. These bus stops offer very little in the way of facilities and improvements are not possible due to the limited width of the footway. The proposal therefore provides two new bus stops with shelters, accessible kerbing, seating, lighting and real time passenger information close to the development with a new 2m wide pedestrian

island to connect the two stops. Additional services can be accessed along the High Street approximately 300 m north of the site.

Lingfield railway station is located approximately 1.2 km north east of the site (a 15 minute walk or a 5 minute cycle ride) with services every 30 minutes to East Grinstead and London Victoria. The proposals include on-site transportation in the form of an electric minibus which can be booked by residents for trips to the supermarket, hospital appointments when required and offers an alternative to the private car.

Access Arrangements

The existing access to Lingfield House will be retained but widened to allow simultaneous entry and exit for vehicles. A new priority junction access will be constructed approximately 100m to the south of the existing Lingfield House access and will provide simultaneous entry and exit for vehicles.

To ascertain the required visibility splays two automatic traffic counters were placed along East Grinstead Road, one to the north of the site and one to the south to record vehicle speeds and appropriate visibility splays calculated for both the new and existing access. To achieve the visibility splays for the proposed access the embankment adjacent to East Grinstead Road will need to be

regraded and a number of highway trees removed for which the County Council will require a full CAVAT value payment.

The two site access junctions with East Grinstead Road have been modelled five years following submission of the planning application using the Junctions 9 (PICADY) software and the results demonstrate that both site access points would operate well within their theoretical capacity and would not lead to any queuing and therefore there would be no impact on the free-flow of traffic on East Grinstead Road.

Proposed Trip Generation

An assessment of the likely trip traffic generation has been carried out using the TRICS database, which shows that the total trips for the independent living units and doctors consulting rooms would result in 21 two-way trips in the am peak hour and 32 two-way trips in the pm peak. Due to the nature of the proposed development the peak periods for arrivals/departures are not within the typical network peak periods of 8-9 am and 5-6 pm and therefore fall outside of these times.

it is accepted that the development will result in an increase in vehicle movements on the local road network within the peak periods when considering the existing residential use but this is not considered to have a significant impact on the local road network. Servicing Arrangements.

All servicing (deliveries and refuse collection) will take place within the site and swept path analysis has been provided demonstrating that a refuse and delivery vehicle can turn within the site and exit both access points in forward gear.

Emergency access to the site will be taken from East Grinstead Road via both access points and a swept path analysis demonstrates a fire appliance can access the site in forward gear and negotiate the internal access road and exit the site in forward gear via both accesses.

Parking

It is proposed to provide a total of 145 parking spaces on-site for residents, staff and visitors with 9 of these spaces designated as disabled and accords with Tandridge parking standards and is considered sufficient to the Highway Authority.

Cycle Parking

The proposals include 60 cycle parking spaces throughout the site and 6 spaces for mobility scooters which will be secure and undercover. The applicant has stated that the use of these will be monitored and increased parking space provided if necessary. Construction Transport Management Plan A CTMP has been provided however this will need to be revised as per condition 7. This will also require the applicant to include a requirement that no construction traffic is to use/cross Jacks

	Bridge which is 200-300 m south of the site along East Grinstead Road. The bridge doesn't have a signed weight restriction however, it has not passed the 40t assessment and therefore a routing plan will need to be provided to avoid it and the applicant will need to ensure that the supply chain etc know and only use the agreed construction traffic route.
Officer Response:	Officers note that the applicant provided information to address the initial concerns, in its second responses County Highways recommended a series of heads of terms, conditions and informatives. Officers are agreeable to their conclusion provided that the recommended condition for a s278 is secured by a s106 agreement.

Consultee:	SCC Adult Social Care	Date received:	28 October 2022
Summary of comments:	<p>It is positive to see a range of facilities presented alongside suitably designed apartments, and a commitment to a 24/7 onsite care presence of a CQC-regulated provider. This reflects recognisable standards for extra care housing, assisted living or (as per What is an Integrated Retirement Community? ARCO (arcouk.org)) an integrated retirement community. The applicant should:</p> <ul style="list-style-type: none"> • Evidence how it will assess prospective residents for suitability, based on its assumption that they will need "at least" two hours of care a week alongside a clear focus on supporting older people • Set out how the management charges will be applied for residents across the entire site, with everyone paying towards the communal facilities and the on-site care and housing management team, whether in the cottages or the apartment buildings. 		
Officer Response:	Comments noted – the applicant responded to confirm each resident will be assessed by an independent GP prior to occupation to understand their care needs. Management charges will be priced on a pro rata £ per sq ft rate for each resident across the site.		

Consultee:	Surrey Police - Designing out Crime Officer	Date received:	24 August 2022
Summary of comments:	<p>Thank you for the opportunity to comment on this application for the residential development at the above location. I can only make comment on the security of the proposed development.</p> <p>To reduce crime and the opportunity of crime I apply principles of Crime Prevention through Environmental Design (CPTED). The CPTED concept relies on a premise that the way space is designed can have an effect on the behaviour of people using it and how the built environment can send out signals which people either consciously or sub-consciously recognize and respond to.</p> <p>Crime should not be a standalone issue which is why guidance on crime has been embedded throughout the guidance on design rather than being set out in isolation. Supporting recommendations contained within the Home Office publication the national Policy Framework (republished February 2019) which underpins guidance to ensure crime and disorder or the fear of crime does not undermine quality of life of community cohesion and resilience.</p>		

	<p>Specifically, section 8, Promoting healthy and safe communities and Section 12, Achieving well designed spaces.</p> <p>I have reviewed the Design and Access statement for the proposed development and associated documents. I note that the architects mention part Q but have provided no further details in relation to the security of the development. In relation to the site, I note parking has been allocated around the proposed access road for the development. I have concerns about the natural surveillance of the communal parking next to Rita Building, Parker Building and Donald Building, in view of the current issues regarding catalytic and keyless car theft in Surrey. I would welcome dialogue with the applicant to address the security considerations for this development and the permeability of the site.</p> <p>Please can the attached document be shared with the developer for this application for their consideration.</p> <p>To support Approved Document Q which was incorporated into the Building Regulations 2010, in October 2015: compliance to the 'Secured by Design' scheme would satisfy all requirements and further supports the applicant's submitted intention to achieve a sustainable development.</p> <p>Use of the home Office Secured by Design (SB) award scheme as a planning condition would provide both the developer and future residents with a police preferred minimum level of security. Reducing opportunity for crime and the fear of crime to support community sustainability clearly in line with current policy.</p> <p>The Secured by Design scheme can be viewed at www.securedbydesign.com</p> <p>I recommend the following planning condition is included.</p> <p>I offer the following wording for consideration. "The development shall achieve standards contained within the Secure by Design award scheme to be successfully granted the award."</p> <p>I ask that these comments are brought to the attention of the planning committee and copied to the applicant for their attention.</p> <p>If I can be of further assistance on this application, please do not hesitate to contact me.</p>
Officer Response:	Officers accept and include the Secure by Design condition.

Consultee:	the Lead Local Flood Authority (LLFA)	Date received:	14 June 2022 & 31 August 2022
Summary of comments:	<p>14 June: The LLFA was not satisfied with the proposed drainage scheme, due to concerns about the attenuation area and calculation, discharge of surface water, and the pipework to the proposed ditch outfall.</p> <p>31 August: The LLFA is satisfied that the proposed drainage scheme meets the requirements set out in the aforementioned documents and are content with the development proposed.</p> <p>Should planning permission be granted, the LLFA advises a suitably worded condition is applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development. Furthermore, a condition is recommended for a</p>		

	verification report to ensure the approved SuDS scheme has been implemented. An informative regarding the impact on the ordinary watercourse.
Officer Response:	In the instance that the application is approved, officers are agreeable to the proposed conditions which are included within the list of conditions.

Consultee:	Gatwick Airport	Date received:	1 June 2022
Summary of comments:	<p>With respect to aerodrome safeguarding, the proposal is not considered to conflict with safeguarding criteria and therefore no objections are raised.</p> <p>However, the following observation is made:</p> <p>Cranes: Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicants' attention the to the requirement within the British Standard Code of Practice for the Safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to the aerodrome. Gatwick Airport requires a minimum of four weeks notice. For crane queries please visit Crane Permits (gatwickairport.com) or email cranes@gatwickairport.com.</p>		
Officer Response:	Response noted – should the application be approved, the advice provided in regards to cranes will be included as an informative for the attention of the applicant.		

Consultee:	Environment Agency	Date received:	6 July 2022
Summary of comments:	<p>No comments to make.</p> <p>However, if the application at a later stage proposes the use of non-mains drainage, the EA must be consulted.</p>		
Officer Response:	Officers will include the comments regarding drainage as an informative.		

Consultee:	Surrey Wildlife Trust	Date received:	14 October 2022, 9 November 2022 and 23 November 2022
Summary of comments:	<p>23 November:</p> <p>This is the third consultation provided for this planning application. Since the consultation provided on the 9th November 2022 – the LPA has provided us with an additional technical note on Ecology (Greenspace Ecological Solutions, 2022).</p> <p>Bat Roost in B1 In the additional technical note, it states that the Applicant has confirmed no works will affect the bat roost within B1 and that no further survey is required. No further comment on this point, however, if this changes, then we would advise that further bat surveys would be required.</p>		

Bat Activity Surveys

No bat activity surveys of the proposed development site have been carried out despite the recommendation provided in 2017 report by Greenspace Ecological Solutions. However, Greenspace Ecological Solutions have assessed that the completion of bat activity surveys would result in no change to the mitigation currently proposed... and that further activity surveys bats would not be reasonable or proportionate in this instance.

We would advise the LPA that bat activity survey data would have benefits for the project because it would mean the mitigation strategy and impact assessment is evidence-based.

However, we note that good practice principles and design have been embedded into the project as part of the proposal, as outlined in the response note. In conclusion of this point, we would advise that the Applicant is required to carry out the development in line with these measures recommended and provided by Greenspace Ecological Solutions Ltd.

Tree Removals and Bats

We have no further comment on this point, based on the detail provided in the response note by Greenspace Ecological Solutions. As a precautionary approach, we would advise that the felling of trees is carried out under the supervision of an ecological clerk of works. The ecological clerk of works would carry out a pre-felling inspection to ensure that the activity is in line with the legislation afforded to species such as bats (and birds).

9 November:

This is the second consultation provided for this planning application. Since the consultation provided on the 14th October 2022 – the LPA has provided us with an additional technical note on Ecology (Greenspace Ecological Solutions, 2022). The scope of this document is to provide a validity statement for the LPA, due to the age of the 2017 Extended Phase 1 Habitat Survey.

This validity statement appears to be suitable to support the planning application. It concludes that with no significant change to the status of the Site...the conclusions and recommendations set out within the 2017 report remain current and valid.

We would advise the LPA that this submission is sufficient to respond our comments provided under the sub-heading 'Extended Phase 1 Habitat and Habitat Suitability Index (HSI) Survey (Greenspace Ecology, 2017)', however, it does not provide further information on the comments provided under the sub-heading 'Bats'. For ease of reference, we have provided key elements of this sub-heading and information below.

Bats

The Extended Phase 1 Habitat and Habitat Suitability Index (HSI) Survey (Greenspace Ecology, 2017) states that 1000+ bat droppings were recorded in Building B1 – indicating the presence of a long-eared roost. A single bat was also recorded in the building. Building B2 was assessed to have negligible suitability to support a

bat roost in 2017. The numbering of the Phase 1 habitat map for buildings does not appear to be accurate as B2 is the larger building and B1 the smaller building.

Section 5.4 of the Extended Phase 1 Habitat and Habitat Suitability Index (HSI) Survey (Greenspace Ecology, 2017) states that further activity surveys of the wider site will be required and further surveys of the B1 will be required if the roof void is impacted.

On this point we would advise that:

- The Applicant should provide further information on the bat activity surveys of the wider site that were recommended in the 2017 report. We have found no evidence that these bat activity surveys have been carried out.

- The LPA must be confident that the building which supports the long-eared roost will not be impacted by the project at any stage. This would include direct impacts and indirect impacts – which would include the intentional or reckless obstruction of access for bats to a roost. Even the 2021 technical note by Greenspace Ecological Solutions does not provide certainty on this point. It states “*Therefore, building B1 remains a confirmed bat roost and will require three further dusk emergence/pre-dawn re-entry surveys to determine how bats are using the structure and a licence sought from Natural England prior to any works on the building that could impact roosting bats (if required)*”. The LPA must have certainty on the proposals and possible impacts to this building (and bats), prior to determination.

- Linked to this point, we would advise that further justification for the lighting masterplan, especially in proximity to B1 (the building which supports the long-eared roost is provided. Section 3.3 of the Lighting Masterplan does not appear to show any proposed ‘bespoke’ lighting around B1 which has been shown to be a brown long-eared bat roost. The submitted lighting design therefore does not appear to reflect the guidance note on the importance of lighting considerations in the vicinity of a bat roost.

Arboricultural Impact Assessment

Section 5.2 of the report details significant tree removal for arboricultural reasons and to enable the proposed development. We have not found the results of a bat preliminary ground level tree roost assessment. We would advise that the results are provided prior to determination. This information has not been provided in the 2021 technical note and we have not found this information in any other ecology report submitted.

9 November 2022

SWT raised the following key concerns:

- the need to see Section a Preliminary Ecological Appraisal, undertaken in 2021.
- The need to review all information relation to bats.
- The provision of an impact assessment for the roost within B1, even if the building is not being directly impacted. In the absence of bat activity surveys data, it is not clear how the lighting strategy has been designed.

	<ul style="list-style-type: none"> • The submitted lighting design does not appear to reflect the guidance note on the importance of lighting considerations in the vicinity of a bat roost. Further justification of lighting masterplan required. • Tree removal: SWT have not found the results of a bat preliminary ground level tree roost assessment. We would advise that the results are provided prior to determination.
Officer Response:	Noted and information supplied to satisfy concerns raised by SWT accordingly.

Consultee:	NHS Property Services Ltd	Date received:	28 November 2022
Summary of comments:	<p>The development will put pressure on local NHS healthcare services, and the Integrated Care Board are concerned that the health proposals put forward by the applicant would not mitigate its impact on healthcare and would therefore not be sustainable development. It also is unclear how the arrangements for a private GP can be effectively secured in perpetuity in the S106, and it is very unlikely that residents would want to pay to attend a private GP when they are already registered, or could register with, a local NHS GP.</p> <p>The NHS has established approaches to effectively mitigate the health impacts from development and this should be explored.</p>		
Officer Response:	Noted and considered in the Infrastructure section of this report.		

Third Party Comments

Lingfield Parish Council – no comment.

Objections:

A significant number of objections have been received which raise the following points, those which are material planning considerations are addressed in the 'Assessment' section of this report:

- Greenbelt impact
 - Harm to openness of GB
 - Inappropriate development
 - No very special circumstances
 - Development would constitute sprawl
- Highways/transportation impacts
 - Traffic Safety – accidents and deaths in past
 - Insufficient parking provision
- Need for elderly accommodation not justified
 - Already a retirement village at Charters Village – 2 miles
- Affordable housing
 - There is a need for social and affordable housing
 - Affordable housing should be prioritised
- Infrastructure: GP provision
 - Concern that elderly residents would increase pressure on healthcare
- Not beneficial to residents – harm to infrastructure

- Employment - minimal employment opportunities
- Harm to character of landscape
- Out of scale
- Overdevelopment
- Flooding is an issue on East Grinstead Road
- The developer did not engage effectively with the community – leaflets not sent to all residents
- Valuable land with deer, foxes, owls and other valuable mammals.

General comments:

General comments were made and raise the following points:

- No S106 with the application (Officer comment – legal agreements are normally negotiated, through the application process, particularly if minded for approval
- Build more retirement homes to free up the market

Support:

A significant number of representations in support of the application have been received – the comments made are summarised below:

- The scheme is well integrated discreetly located and supports sustainable growth.
- The homes help to address a need for this type of retirement care home facility.
- Provision for new GP consulting rooms welcomed, alleviating adverse impacts on local healthcare infrastructure.
- 21% net biodiversity gain, employment opportunities for construction and operational jobs, the community fridge, are evidence that this scheme meets the intergenerational needs of the community.

TDC advice

25. The following TDC consultation responses were received.

Consultee:	TDC Environmental Health	Date received:	16 June 2022
Summary of comments:	Should planning permission be granted the following conditions are recommended: <ul style="list-style-type: none"> - Implementation of the measures in the lighting strategy report and adherence to the requirements of the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light; - Dust control measures during construction. - Hours of construction to be limited. 		
Officer Response:	Officers note the comments made and agree that the conditions should be applied if the application is minded for approval. Due to the scale of development and extent of the site, officers consider that an Construction and Environmental Management Plan would be necessary in this instance and this would cover matters regarding dust.		

Consultee:	TDC Housing Team	Date received:	24 June 2022
Summary of comments:	<p>The applicant is proposing a development of up to 128 independent living apartments and cottages with communal facilities and consulting rooms as part of a proposed integrated retirement community. The applicant submits that the scheme falls within Use Class C2 and as such is not expected to contribute towards an affordable housing provision. Use Class C2 (Residential Institutions) relates to the provision of residential accommodation and care to people in need of care. It includes hospitals, nursing homes, residential schools or training colleges. In contrast, the dwellings proposed can be used as independent dwellings where occupants will have their own front door and private facilities. The occupants are free to engage or not with the other facilities available, much like they would in any settlement, provided they meet the age restriction and purchase a mandatory 2 hours per week care. They will be liable for council tax in the same way as a C3 dwelling house and the dwellings count towards housing supply in the district, as a C3 dwelling house would too. It is therefore our expectation that this proposal should include up to 34% onsite affordable housing and in its current form does not meet the requirements of policy CSP4.</p> <p>Furthermore and notwithstanding the above, should the decision maker be satisfied that the description of the proposals meets the definition of Use Class C2, this does not automatically preclude the requirement to provide affordable housing. Where residential units are capable of being independent dwellings, then they can be regarded as 'dwellings' even where there is an element of care provided. CSP4 does not differentiate between Use Classes and as such this proposal should trigger an affordable housing requirement either way.</p> <p>The application site is of sufficient size to accommodate onsite provision and Officers can provide the applicant with a suitable mix for onsite affordable housing, in line with the requirements of policy HS4A of the Housing Strategy.</p>		
Officer Response:	Officers note the comments and a Financial Viability Assessment was undertaken to establish if the scheme could generate affordable housing. This is addressed in the officer report.		

Consultee:	TDC Principal Tree Officer	Date received:	28 July 2022
Summary of comments:	<p>This site has two main character areas – the main house and its mature landscaped grounds, and the field set to pasture beyond. As you might expect, the trees of highest landscape value can be found within the formal grounds of Lingfield House itself with a strong mix of mature landscape trees and early mature specimens that have significant future potential, and formal hedges. There are also many less formal groups of small trees and mature shrubbery. There are a total of 74 individual trees surveyed, 28 group of trees and 27 hedge elements.</p> <p>According to the submitted arboricultural impact assessment, construction of the proposal will require the removal of 23 individual</p>		

	<p>trees, 12 full groups of trees, 4 partial groups, and 12 hedge sections.</p> <p>The large majority of the trees of landscape significance are to be retained. In this instance I am less concerned about the relative BS5837 categorisation of trees to be removed, as the focus should be on landscape impact. In that sense the impact will be moderately negative in the short term, particularly with the removal of trees T57-T62 on the frontage, required for the formation of a visibility splay for the proposed new access.</p> <p>The vegetation losses will be mitigated and compensated for in the medium and long term, however, with the extensive tree, hedge and shrub planting proposed throughout. A total of 122 semi mature trees are proposed for planting, and a diverse mix of native and non-native trees are indicated giving a high level of biodiversity value, climate change and pest and disease resilience. Significant ecology and biodiversity enhancements are also proposed throughout the site, and in particular in the areas currently set to pasture.</p> <p>There are several areas where the root protection areas of retained trees are encroached, and whilst only the principle of mitigation is shown on the submitted tree protection plan and within the submitted report, I am satisfied that the works can be achieved without significant harm to retained trees, albeit much more technical detailed information would be required under condition should you be minded to grant consent.</p> <p>In conclusion I have no arboricultural objections, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Hard and soft landscaping 2. Trees – Arboricultural method statement
Officer Response:	Officers note the comments and include them within the

Assessment

Procedural note

26. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2021. However, paragraph 219 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.

Principle of development

Sustainability

27. The NPPF 2021 states that local planning authorities should support a pattern of development which, where reasonable to do so, facilitates the use of

sustainable modes of transport, and that developments should be located where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. The NPPF does, however, recognise that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Policy CSP1 of the Tandridge District Core Strategy (2008) states that in order to promote sustainable patterns of travel, and in order to make the best use of previously developed land, development will take place within the existing built up areas of the District and be located where there is a choice of mode of transport available and where the distance to travel to services is minimised.

28. Policy CSP1 seeks to promote sustainable patterns of travel and make best use of previously developed land, by directing development towards the existing built-up areas of the District, our Category 1 settlements. Development appropriate to the needs of rural communities may be permitted in our Category 2 settlements. The latter comprises those settlements defined as Larger Rural Settlements and those washed over by the Green Belt but that have a defined boundary.
29. The application site is located south of Lingfield. It does not adjoin the settlement, and there is undeveloped land spanning of 30 metres (north to south) between the application and the settlement boundary.
30. Lingfield is categorised as a Larger Rural Settlement and a Category 2 Settlement. Within Tandridge District Council's (TDC) emerging Tandridge Local Plan (hereafter referred to as "Local Plan 2033") it is identified as a Semi-Rural Service Settlement, falling within Tier 2. The evidence underpinning the Local Plan 2033 includes a Settlement Hierarchy (2015 and 2018 update), which comprises an assessment of TDC's various settlements and where they sit in the hierarchy. Tier 1 of the hierarchy comprises our most sustainable settlements whilst the Tier 2 settlements are identified as being able to demonstrate good levels of service provision and access to facilities (shops, primary education, community facilities and access to local health care).
31. The spatial strategy, within the Local Plan 2023, directs development towards both TDC's Tier 1 and Tier 2 Settlements. As such the Council have proposed the allocation of land within or abutting Lingfield's settlement boundaries.
32. It is noted that this site does not abut the settlement boundary and as such, is arguably not is a suitable location as it is contrary to the cohesiveness of the settlement form and boundary.
33. The applicant has indicated improvements to make the application site more sustainable by including a walking route/footpath along the East Grinstead Road to the settlement of Lingfield. This would mean that residents would have access to buses and local shops and services. With a walking route, the distance to the Town Centre would be 250 metres from the north-eastern edge of the site. The application site is not within easy reach of Lingfield Train Station.
34. Officers are of the view that despite the improvements to the footpath, they would only head north of the site and while there would be access to bus routes, it is still considered that users of the site would rely heavily on cars to get around the district. This is partly due to the nature of the development, which is a mono-tenure marketed to over 75's and also the location. It is not highly accessible for public transport and there is only a limited offer of shops and services within the settlement of Lingfield and there would be a reliance on cars for journeys

farther afield. Furthermore, the development of this site, would not come forward to address the undeveloped land to the north of the site. By way of the loss of openness this piece of land would no longer form an effective, functioning part of the Green Belt. The failure to effectively masterplan, is considered to be unsustainable

35. It is concluded that the proposal fails to develop a scheme that adheres to the Council's Policy approach to direct development to defined settlements. In this case, it would be a Category 2 Settlement which should address the needs of rural communities. Furthermore, by virtue of the type of development being proposed, the proposed development is considered to be likely to encourage reliance on the private car over more sustainable transport modes such as walking and cycling, and the use of public transport. The redevelopment of the site would therefore be unsuitably located and would be unsustainable contrary to Policy CSP1 of the Core Strategy 2008 and contrary to the sustainability objectives of the NPPF 2021.
36. *Principle of the land use*
37. Lingfield House is a large single family dwellinghouse which falls within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The site comprises extensive grounds in the region of xx hectares (ha) containing landscaped gardens, a tennis court, open fields in use for paddocks and other equestrian activities.
38. As a result of the proposal the use of the land would change from Use Class C3 to Use Class C2 – Residential institutions (which includes residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres).
39. Officers have carefully considered if the application would constitute a C2 use class. Surrey County Council has prepared a Commissioning Statement (April 2019) for TDC which relates to accommodation with care, residential & nursing care for older people. In considering if a scheme is truly a C2 use class the Commissioning Statement asks the following questions which officers have sought to answer below:

Key Questions	Officer response/assessment
<i>Regarding the facilities</i>	
Does the proposed scheme have facilities not normally associated with retirement or sheltered housing such as bar/ lounge, kitchen/dining room, laundry, crafts room, IT suite, shop, gym etc?	Yes – it would include a restaurant, cafe and bar, multi-function room, commercial kitchen, sitting room, living / dining room, library and IT hub, gym, hydrotherapy pool, guest suites, and consulting rooms.
Will 24 hour care services be available to all residents according to their needs?	Yes – Residents would have a minimum of 2 hours care. The scheme will provide a range of nursing, personal and domestic care services. These services include a 24-hour emergency support response.

Can residents receive/ purchase care from an on-site, CQC registered home based (domiciliary) care team which operates in partnership with the future landlord?	Individual care and nursing to be provided through a Registered Domiciliary Care Service regulated by the Care Quality Commission (CQC) whereby care and nursing services will be delivered directly to residents. Residents are also entitled to use their own care or nursing agency.
<i>Regarding the planned delivery of care</i>	
Does the scheme offer an opportunity for elderly owner-occupiers to purchase their own property in a scheme where an increasing level of care can be provided?	The cottages and apartments within the scheme are to be made available for purchase on a long leasehold basis.
Does the scheme anticipate a range of need levels on site, which could include support to people living with dementia?	Subject to clarification from with the applicant.
Will the scheme help older people stay independent and remain active in old age?	Yes – this appears to be the case. There would be grounds to walk within, a walking route to Lingfield Settlement, as well as a gym. Care appears to be provided to a minimum of 2 hours a week.
Can the developer evidence how residents may be able to avoid admission into residential care as their needs increase?	Not evidenced – Should a resident require specialist nursing for a complex or critical condition, whether temporarily or permanently, it is likely that hospitalisation would be required, or the resident may move to a residential care/nursing facility with such specialist services and equipment. However, Lingfield Gardens will always work with residents and their medical advisors to provide the necessary services and equipment in the residents' own apartment if that is the resident's preference and if it is feasible and safe so to do.
<i>Background of the developer</i>	
What is the average age on entry to existing schemes?	Unknown.
How much care per week was purchased during the first year of operation?	Unknown.

40. Overall, while there are some gaps in the information above, officers are satisfied that the proposal constitutes C2 development.

Principle of Green Belt Development

41. Given that the site lies in the Green Belt an assessment needs to be made in respect of its appropriateness and proportionality and if not, whether very special circumstances exist that outweigh the identified harm to the Green Belt. The other matters concern impact on the character of the open countryside and

the impact on neighbouring amenities, and any highway or ecology issues. The relevant planning considerations are assessed below.

Impact on the Green Belt

Policy Background

42. The proposal site is located within the Green Belt and the National Planning Policy Framework (NPPF) 2021 advises that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence and, to this end, paragraph 147 of the NPPF says that new development in this area would be considered as inappropriate and therefore harmful and should not be approved except in 'very special circumstances' (VSC). Further to this Paragraph 148 adds that such circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
43. Paragraph 149 of the NPPF sets out a number of exceptions for the construction of new buildings in the Green Belt none of which apply to the proposed development.
44. Local Plan Policies DP10 and DP13 reflect the provisions of the NPPF 2021 and Policy DP10 says that within the Green Belt, planning permission for any inappropriate development which is by definition harmful to the Green Belt will normally be refused. Proposals involving inappropriate development in the Green Belt will only be permitted where sufficient very special circumstances are considered to exist, to the extent that other considerations clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm. Local Plan Policy DP13 further elaborates how development in the Green Belt may be justified and says that unless very special circumstances can be clearly shown to exist, the Council will regard the construction of new buildings as inappropriate in the Green Belt.
45. In order to consider the acceptability of the proposal in regards to its impact on the Green Belt, it is necessary to refer to the following key questions:
 1. Whether the proposals constitute inappropriate development in the Green Belt;
 2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
 3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.
46. The application is accompanied by a Planning Statement titled Planning Policy Statement (PPS), prepared by QED Planning, dated March 2022.

Q1. Does the proposal constitute inappropriate development in the Green Belt

47. Paragraph 134 of the NPPF 2021 states that the Government attaches great importance to Green Belts. 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.

48. Paragraph 138 of the Framework sets out the five purposes of the Green Belt:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
49. The application site lies to the south of the settlement of Lingfield. The proposal site is one plot removed from the settlement, with the plot to the north being undeveloped Green Belt land. Due to its physical location, the application site achieves a key objective of the Green Belt by restricting the sprawl of development, and in this specific case, a continuous ribbon of development linking to the cluster of buildings in and around Jacksbridge Farm to the south of the site.
50. The application site does contain some development due to its existing residential use. The main building is Lingfield House which is regarded to be a single building on an extensive plot. The limited developed extent of site helps to safeguard the countryside from encroachment by maintaining its openness and this assists in urban regeneration by encouraging the reuse of derelict and other urban land or previously developed land in line with the NPPF.
51. The application site therefore serves least three (identified at NPPF para 138 a, c & e) of the five purposes of the Green Belt and the site's inclusion within the Green Belt boundary is therefore considered to be strongly justified from a local and national perspective.
52. Paragraph 147 of the NPPF 2021 makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the framework regards the construction of new buildings as inappropriate development within the Green Belt. However, paragraph 149 does allow for several exceptions set out in sub-paragraphs a-g. In this case, the proposal would fail to meet the exceptions in sub-paragraphs a-g.
53. As the proposed development would not meet any of the exceptions to Green Belt policy referred to in the NPPF or the Local Plan policies, it is therefore considered to constitute inappropriate development. The site is not within a Defined Village in the Green Belt and therefore wider Green Belt policy would apply. Officers note that this is a conclusion shared by the applicant and the PPS states that, "notwithstanding the presence of the existing dwelling on the site, the applicant accepts that the proposed integrated retirement community would not accord with any of the NPPF exceptions".
54. In such cases, the Framework advises at paragraph 148 that "when considering any planning application, local planning authorities should ensure that substantial weight is 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" (paragraph 148). Following further considerations below the LPA will conclude its assessment with a review of the applicant's case for 'Very Special Circumstances'.

Q2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it

55. Having established that the proposal comprises inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein. As noted above, paragraph 147 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence.
56. Planning Practice Guidance provides further clarification about the definition of openness and specifies that 'openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume'. Furthermore, 'the degree of activity likely to be generated, such as traffic generation' can also be considered.
57. This planning application has been submitted in detail and therefore officers have a very good appreciation of how the proposed development would appear from reviewing the drawings, accompanying information and visiting the site. Officers take the view that the proposal would extensively and for the most part of the site, evenly distribute buildings and associated development such as roads and hardstanding across the site – thus is a notable increase volume.
58. Officers note that the proposed development would not be highly visible from some views, particularly wider views (from more than approx. 1 km) and views from the west where there is limited public access/rights of way. The Council has undertaken a Green Belt Assessment and Landscape Assessment to inform its emerging Local Plan (2033) and assessed the Green Belt at various levels. This site has been analysed as part of the Landscape Assessment which states that that the majority of views of the site are 'relatively localised' and that development in the south-east of the site would be visible above the site boundary in views from East Grinstead Road. The Landscape Assessment concludes that the visual sensitivity of the site is 'moderate' and that the landscape capacity for housing development in this location is 'judged to be low/medium due to its substantial sensitivity, including in particular, its inconsistency with the existing settlement'. And notably it states that 'the site is beyond existing soft southern settlement edge, currently defined by strong belt of vegetation at the top of slope. North of flood zone'. Whilst there are no formal footpaths in the immediate vicinity of the site, it is noted that there are informal footpaths.
59. In the assessment of this application officers consider that the proposal will be visible from the streetscene, particularly from the south east where it is considered that Kate and Ada Cottages, Rita Building and Cessili Building would be highly visible. In addition, the formation of a new pedestrian link along East Grinstead Road, to the settlement of Lingfield is considered to introduce a new route by which the site would be more visible to members of the public in views from the north and east. Officers note that the bulk of the development (and the tallest buildings) would be placed in the west of the site.
60. Opportunities to create a greater sense of relief between the proposed buildings, to respect the openness of the Green Belt have been neglected within the proposal. Due to the quantum, height, scale and massing of development the proposal would comprise a substantial amount of new built

development placed wholly on open Green Belt land. Consequently, it is considered that there would be clear and undeniable harm to openness both visually and spatially.

61. Due to the harm to the visual and spatial openness of the site, the proposal would result in significant harm to openness of the Green Belt contrary to NPPF 2021 and Policies DP10 and DP13 of the Detailed Policies 2014. Substantial weight should be afforded to these factors.

Q3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development

62. The NPPF does not provide guidance as to what can comprise 'very special circumstances'. However, some interpretation of very special circumstances (VSC) has been provided by the Courts. The rarity or uniqueness of a factor may make it very special, but it has also been held that the aggregation of commonplace factors could combine to create very special circumstances (i.e. 'very special' is not necessarily to be interpreted as the converse of 'commonplace'). However, the demonstration of very special circumstances is a 'high' test and the circumstances which are relied upon must be genuinely 'very special'. In considering whether 'very special circumstances' exist, factors put forward by an applicant which are generic or capable of being easily replicated on other sites, could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable may help to reduce the risk of such a precedent being created. Mitigation measures designed to reduce the impact of a proposal are generally not capable of being 'very special circumstances'. Ultimately, whether any particular combination of factors amounts to very special circumstances will be a matter of planning judgment for the decision-taker.
63. An assessment of the VSP's is undertaken later in this report.

Infrastructure

64. CS Policy CSP11 (Infrastructure and Services) sets out that appropriate levels of infrastructure and services will be sought. The Council's evidence base includes an Infrastructure Delivery Plan (2019) (IDP) that identifies the District's infrastructure requirements, the priority of infrastructure to be delivered and how it will be funded. This stance is echoed within TLP 2033 Policy TLP 04 (Infrastructure Delivery and Financial Contributions).
65. As set out in Planning Practice Guidance (PPG) (Planning Obligations), "planning obligations assist in mitigating the impact of development which benefits local communities and supports the provision of local infrastructure".
66. It is of course recognised that to secure infrastructure funding any request must meet the three tests set out under Reg 122 of the CIL Regs 2010 and as such must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Such contributions would be secured throughout the negotiation as part of any S106 Legal Agreement, in the absence of such the proposal would fail to meet the objectives of Policy CSP11 and would be unacceptable.

67. The application site lies within the parish of Lingfield. The IDP has identified a number of different infrastructure requirements for the parish, to which this proposal may be expected to contribute.
68. Within the IDP it sets out health needs and specifically the need to rebuild Lingfield Surgery, noting this is a priority for delivery is 1-5 / 6-10 years (set in 2019). The estimated cost, set out in 2019 is £7.5 million. In addition to health quiet lanes/rural enhancement schemes are also a priority in Lingfield with an estimated cost of £80,000. It is important to note that while extra care is a consideration within the IDP for the District, this was not highlighted as a priority within Lingfield.
69. The proposal contains three consulting rooms, including a reception and WC facilities. The PPS acknowledges the pressures local healthcare providers are facing and to address this, the PPS states that consulting rooms can be made available to local healthcare professionals. Specifically those offering services to the retirement community or as a branch surgery of the existing GP practice (Lingfield Surgery). Through discussions over the course of the application, the applicant has come forward to offer Section 106 head of terms for private GP provision for the proposed development and confirmed that their fees would be covered as part of the overall management fee charged to all residents. This would not be an extra fee to the residents of the development.
70. As set out above the proposal includes consulting rooms and the PPS indicates that these facilities would be offered to the local GP surgery or local health professionals. However, to-date officers have received no communication from the local GP or associated healthcare professionals to indicate either their support for such facilities or a commitment to a joined-up approach to enhancing the local healthcare provision.
71. When considering the healthcare provision in the round, officers consider that the a GP may help to reduce some impact on the local health service. However, the provision is for simply a single GP and while residents may be able to undertake consultations with a private GP, it is currently unclear what wider medical services are offered within the service charges. An area of concern are residents with greater health needs, such as those with long term health conditions who are likely to need to visit nurses, occupational therapists and other health professionals that sit outside of the scope of what a single on-site GP can offer. Furthermore, no indication has been provided to confirm if the residents would benefit from private referrals for further treatment or hospital treatment. It is likely that for more significant treatment or ongoing treatment that the residents are likely to still need to rely on local public health services provided by NHS.
72. To support this assertion, officers have consulted the Joint Strategic Needs Assessment, published by Surrey County Council's Public Health Team. It provides background to the treatment of Long Term Conditions (LTCs). By definition LTCs are health conditions 'which cannot, at present be cured, but which can be controlled with the use of appropriate treatments and/or other therapies'. In particular, the JSNA indicates that 'a number of common risk factors are recognised as increasing the likelihood of LTCs which should be taken into account when assessing risk. These are age, gender and family history / genetic factors which are unmodifiable. For example LTCs are more prevalent in older people – 58% of people over 60 compared to 14% under 40 – and in more deprived groups – people in the poorest social class have a 60%

higher prevalence than those in the richest social class and 30% more severity of disease’.

73. Finally, the JSNA indicates that LTC’s account for:
- “50% of all GP appointments
 - 64% of all hospital outpatients appointments
 - 70% of all hospital bed days; including 50% of emergency bed days for over 75s; and 25% of bed days occupied by someone dying
 - 70% of health and care spend
 - 33% of GP appointments for patients with multiple long-term conditions.”
74. As demonstrated from the above list, not all of the health requirements sit with a GP and it indicates that a broader healthcare package would be needed to support people with LTCs.
75. The applicant’s submission is clear that the proposed development does not offer a care package which would see residents cared for should they have more complex needs. The PPS states that:
- ‘Should a resident require specialist nursing for a complex or critical condition, whether temporarily or permanently, it is likely that hospitalisation would be required, or the resident may move to a residential care/nursing facility with such specialist services and equipment. However, Lingfield Gardens will always work with residents and their medical advisors to provide the necessary services and equipment in the residents’ own apartment if that is the resident’s preference and if it is feasible and safe so to do.’*
76. What is concerning is that the applicant does not appear to offer a seamless care package to either ensure that residents are cared for on-site or off-site. There is concern that there could be a concentration of people requiring social care once they are no longer deemed suitable to stay within the development. This could be burdensome to local healthcare providers and raises the question of how former occupants would be housed and by whom on leaving the site.
77. Officers consulted NHS Property Services, through Surrey’s Public Health Team. A response has been received confirming that the development would put pressure on local NHS healthcare services, and the Integrated Care Board are concerned that the health proposals put forward by the applicant would not mitigate its impact on healthcare and would therefore not be sustainable development. It also is unclear how the arrangements for a private GP can be effectively secured in perpetuity in the S106, and it is very unlikely that residents would want to pay to attend a private GP when they are already registered, or could register with, a local NHS GP.
78. Officers are currently of the view, pending clarification by the applicant that the proposal fails to provide appropriate mitigation to fully offset the impact of the development on the existing public health service. In addition, the proposal fails to benefit the local community by not adequately supporting the provision of local infrastructure.
79. It is also noted that the provision of consulting rooms and GP provision have been put forward as a VSP to justify the acceptability of the development on Green Belt. Given that the proposal fails to simply mitigate its own impact, it is

the case regardless of the Green Belt designation, officers are not accepting of this as a VSC as set out in the relevant section below.

80. In conclusion, officers currently consider that that the proposal would have a detrimental impact on public healthcare provision in the locality. It is also the case that the consulting rooms and the GP provision is not considered be an acceptable addition for the case for VSC's. As such officers currently consider these issues to form reasons for refusal.
81. Should the application be minded for approval officers would seek to secure the GP consulting room facilities and the provision of a GP for the lifetime of the development. This is set out in the Heads of Terms.

Housing Need – extra care provision

82. Policy CSP7 requires proposals to contain an appropriate mix of dwellings in accordance with current identified needs. The Council's evidence base includes a Strategic Housing Market Assessment 2015 and its 2018 update. More specific to this application, Policy CSP7 states that the Council will encourage the provision of housing for the elderly and for people with special needs, where appropriate whilst avoiding an undue concentration in any location.
83. CS policy CSP8 directly engages with Extra Care Housing and sets out what should be considered. The Tandridge District Housing Strategy also recognises the need for sheltered accommodation for older people within the District, focusing on those in real need of support. Its strategic approach includes focusing and improving sheltered housing in five key areas: Warlingham, Caterham Hill/Valley, Oxted/Hurst Green, Godstone/Bletchingley and Lingfield/Dormansland.
84. CS Policy CSP7 encourages the provision of housing for the elderly where appropriate, whilst policy CSP8 directly engages with Extra Care Housing and sets out what should be considered. The Tandridge District Housing Strategy also recognises the need for sheltered accommodation for older people within the District, focusing on those in real need of support. Its strategic approach includes focusing and improving sheltered housing in five key areas: Warlingham, Caterham Hill/Valley, Oxted/Hurst Green, Godstone/Bletchingley and Lingfield/Dormansland. TDC's emerging Local Plan 2033 includes policy TLP14 (Specialist Need Housing and Extra Care) and the provision of some extra care is enabled through site allocation in an area where there is a recognised need, as well as supporting the provision of additional units where they can be demonstrated to be appropriate. An important element contained in the Local Plan 2033 is the need for extra care to be sustainable by virtue of its location.
85. Surrey County Council has published commissioning statements at borough and district level to assist developers, care providers and local planning authorities on the strategic direction, minimal development expectations and future needs for extra care housing. The Commissioning Statement for Tandridge (April 2019 onwards) states that development proposals for extra care should demonstrate the level of accessibility to local facilities through a choice of accessible transport options and to be in a location that would not face any barriers to leaving the setting or returning to it (such as being located on a hill or other gradients which would present challenges to people who have difficulties walking or who use wheelchairs). The location of housing is a key

consideration for older people and factors to consider include proximity to good public transport, local amenities, health services and town centres. The setting should not only enable people to create a new community with their new neighbours on-site, but the setting should be sympathetic and supportive of people maintaining their links with the wider community.

86. The application site lies to the south of the rural settlement of Lingfield in the south-east of the District. The site sits wholly within Green Belt land. Lingfield is categorised as a Larger Rural Settlement and a Category 2 Settlement.
87. As set out in the Principle of Development (above), the spatial strategy, within our emerging Local Plan, directs development towards TDCs Tier 1 and Tier 2 Settlements. As such the Local Plan 2033 has proposed the allocation of land within or abutting Lingfield's settlement boundaries. Tier 1 of the hierarchy comprises our most sustainable settlements whilst the Tier 2 settlements are identified as being able to demonstrate good levels of service provision and access to facilities (shops, primary education, community facilities and access to local health care).
88. Officers are satisfied that the proposal is within a C2 Use Class as set out in the Principle of Development. However, there are concerns about sustainability. It is the case the Development Plan has not identified this site as a suitable location for housing.
89. Officers consider that this mono-tenure development will fail to contribute successfully with surrounding development and will create a transient community due to the short term lease structure of the development (serving residents aged 70 and above).
90. Therefore officers do not consider this site to be located in an appropriate location for the proposed C2 development as it would be contrary to the settlement hierarchy laid out within the Development Plan and fails to support sustainable development.

Affordable Housing

91. The affordable housing provision will need to be set in the context of national and local planning guidance. Policy CSP4 of the Core Strategy states, the Council will require that a proportion of new dwellings built in the District will be affordable, to be available to people on lower incomes, unable to afford housing at the prevailing market price or who need to live within the District.
92. The NPPF 2021 describes affordable housing as 'housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers), and which complies with one or more of the following definitions':
93. The accompanying PPS indicates that the scheme falls within Use Class C2 and as such is not expected to contribute towards affordable housing provision.
94. Use Class C2 (Residential Institutions) relates to the provision of residential accommodation and care to people in need of care. It includes hospitals, nursing homes, residential schools or training colleges. In contrast, the dwellings proposed can be used as independent dwellings where occupants will have their own front door and private facilities. The occupants are free to engage or not with the other facilities available, much like they would in any

settlement, provided they meet the age restriction and purchase a mandatory 2 hours per week care. They will be liable for council tax in the same way as a C3 dwelling house and the dwellings count towards housing supply in the district, as a C3 dwelling house would too. It is therefore the expectation that this proposal should include up to 34% onsite affordable housing and in its current form does not meet the requirements of policy CSP4.

95. The application is accompanied by a Financial Viability Assessment (FVA) prepared by Newsteer. The LPA appointed BNP Paribas (BNPP) to independently review the FVA and advise the LPA on its robustness, and thus on whether the proposed development is securing the maximum reasonable amount of affordable housing.
96. The proposed development would provide 0% (nil) affordable housing at a tenure split. This does not represent a policy compliant quantum and therefore, Policy CSP4 indicates that the actual provision will be negotiated on a site-by-site basis after taking into account market and site conditions.
97. In its review BNPP highlight that the Newsteer FVA has concluded that the proposed development with 100% private housing generates a deficit of -£3,619,434 against their claimed viability benchmark. Therefore, BNPP have undertaken an assessment of the proposed Development with 100% private housing. Taking into account of the following recommended amendments:
 - Request additional information in relation to the revenue lines within the DCF;
 - Recommend that should the Council have concerns regarding the construction costs, a Cost
 - Consultant is instructed to undertake a review of the itemised cost plan (currently not provided by the Applicant);
 - Request additional information in relation to Empty (Void) Property Costs;
 - Reduce profit level to reflect the risk profile of the scheme; and
 - Adjust the programme timetable to reflect current market expectations.
98. BNPP has concluded that the proposed Development with 100% private housing generates a deficit of -£1,136,032 against the viability benchmark. BNPP's conclusion was provided on a strictly 'without prejudice' and 'subject to confirmation' basis pending receipt of the information requested. Further discussion with BNPP since this issuing of its report has highlighted that there has been an increase in build costs and the costs outlined by the applicant appear within a reasonable range. BNPP has recommended that the Council include both early and late-stage review mechanisms to be captured within a Section 106 Agreement.
99. It is the case that the applicant has demonstrated that the scheme is not able to provide any on-site affordable housing and that this is the maximum reasonable amount of affordable housing. Should the scheme be minded for approval officers would support an early and late-stage review mechanism, which has the potential capture contributions to affordable housing where there are significant changes in costs or uplifts in values.

Character and Appearance

100. The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character; reflect the identity of local surroundings and materials; are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
101. Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.
102. Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
103. Policy CSP21 of the Tandridge District Core Strategy 2008 advises that the character and distinctiveness of the Districts landscapes and countryside will be protected for their own sake and that new development will be required to conserve and enhance landscape character.
104. Paragraph 40 of the National Design Guide stipulates that “well designed new development responds positively to the features of site itself and the surrounding context beyond the site boundary.” Paragraph 49 also states that the “identity or character of a place comes from the way buildings, streets, spaces, landscape and infrastructure combine together and how people experience them. Furthermore, paragraph 51 advises that local identity is made up of typical characteristics such as the pattern of housing, and special feature that are distinct from their surroundings. Paragraph 52 articulates that this includes considering the composition of street scenes, individual buildings and their elements and the height, scale, massing and relationships between buildings.

Access and Layout

105. The proposed development site area is roughly rectangular, with the longest edge of the site (eastern edge) facing onto East Grinstead Road. Two vehicular access and egress points would be located to the east onto East Grinstead Road. A separate footpath for pedestrians is proposed in the north-east corner, to allow for a new route to the north into the settlement of Lingfield. The main internal road curves through the site in a C-shape and allows access to the three main clusters of buildings. Due to the orientation of the buildings, direct access to the main entrances of the buildings from the internal road would be maintained.
106. The foci of activity would be directed towards Lingfield House (also referred to as the Main House), which would house a number of key functions to include:

- Multi-function room;
 - Commercial kitchen;
 - Sitting room;
 - Living / dining room;
 - Library;
 - Gym;
 - Hydrotherapy pool;
 - 6 x Guest suites; and,
 - Staff area.
107. To the north of Lingfield House is the Mortar communal building which would house 3 x consulting rooms and reception area, a community fridge, store, staff room, kitchen and WC.
108. There are 11 x three storey residential blocks located in the grounds, concentrated to the west of the site. In the south-west edge of the site are three terraced rows of cottages, two storeys in height.
109. At present the site presents itself as a large undeveloped site which acts as a clear area of relief between the rural settlement of Lingfield and Jacksbridge Farm further to the south. Whilst there is presently a large family house (and associated residential paraphernalia) on the site, this appears relatively modest when compared to the extensive grounds it sits within.
110. The proposal to infill a large proportion of this area introduces a tendril of development latching onto the cluster of buildings further south. This would form a ribbon of development to the south, creating a notable sprawl from the settlement boundary. The development proposal raises a number of questions about the resulting function of the undeveloped land to the north of the site, the land has a width of approximately 35 metres at its greatest depth (from north to south). No details of masterplanning or engagement with landowners about this land appear to have been held. Whilst it is acknowledged that the area to the north of the site sits outside the control of the applicant, this is a large-scale major application in Green Belt and a joined-up approach should be taken to manage the sprawl of development in this location. The application has not demonstrated if there has been any engagement with landowners to the north and how the development would respond.
111. An undeveloped amenity area is located to the south-east of the site, this area is 8 metres lower than the main house. The main road and the southern road access is located at this point. Officer have concerns about the layout of the blocks to the south and their likely visibility.

Massing, scale, form, and height

112. The land within the site gently slopes downwards from east to west, a level change of 4 metres. From north to south, the details within the application indicate that there is a 8.5 metre level difference in the site from the highest point close to the house and the lowest point is on the southern edge of the site.
113. Lingfield House is prominently located within the north-eastern corner of the site. The existing building dates from the late-Victorian era, it is multifaceted with a number of gables and the height is between one and three storeys (this includes the accommodation within the roof)..

114. As indicated above, Lingfield House is between 1 and 3 storeys in height and the building is a unique building within the locality. The predominant heights are displayed within development to the north of the site (Drivers Mead and Lincolns Mead) at between 1 and 2 storeys.
115. The proposed new buildings have been relatively evenly laid out across the site in a rough grid formation, the exception being a landscaped amenity area, in the south-eastern part of the site. This corner of the site is regarded as a visible area of the site from the main road. Notably the boundary comprises a deciduous hedge (or hedgerow) and it is evident that in the past year it has been allowed to grow taller. During the winter months the site is likely to be highly visible (as seen on Google Streetview), particularly in views from the main road looking north and west and the buildings are expected to be visible. Officers note that a visibility splay is required to allow for safe access and egress and that this would result in the loss of vegetation on this boundary. There is concern about the prominence and visibility of the development as a result.
116. It is noted that the applicant describes the buildings at 1.5 and 2.5 storey houses, it is understood that this is the case due to the way upper floor windows are partially set within the roofs. Officers have looked at the heights and compared this to other two and three storey buildings permitted by the LPA. It is regarded that generally, these buildings are akin to the heights of an average two and three bedroom dwelling. Therefore officers will refer to these buildings accordingly.
117. The buildings of the greatest height (3 storeys) and scale (namely Parker, Stanley, Donald and Allen buildings) have been concentrated to north-west of the site. The applicant has relied on this lower position to reduce the visual dominance of the buildings from the main road to the east of the site. The aforementioned buildings have been placed in the north-west as they would be less visible and there are no key walking routes or vantage points to view the site from the west of the development. However, it is evident occupiers of land in the immediate surrounds of the site and users of informal walking routes would feel the presence of the development and note the impact on the openness of the Green Belt. When viewed from the north and north-west, these buildings will very much appear as three-storey buildings. The properties that are likely to note the presence of this development are at:
- 20 properties at nos 1 – 20 Drivers Mead;
 - two properties at 101 and 103 Lincolns Mead; and,
 - Jackbridge Farm: which is understood to contain nos 1 and 2 Ivy Cottages and the White House.
118. A collection of six buildings referred to as the Sky Bridge Buildings (Cessili, Dorothy and Rita buildings) are placed at the centre of the site. Whilst the application refers to them as three buildings, officers are of the view that they would in fact be six buildings built in pairs and linked by a two-storey sky bridge. The bridges would be glazed and wrapped in metal fins/rills. Whilst the bridge may be functional, it would present as a rather dominant feature which encloses the site. The presence of the two-storey bridges, creates a visual block, and prevents views and a feeling of openness through the site. If arranged more thoughtfully, with better orientated buildings of a lesser scale, it may have been

possible to support a greater sense of openness and forge better links with the surrounding rural Green Belt landscape.

119. In regards to the massing, scale, form and height, it is considered that the proposal will present as a dominant development, with limited breaks between the buildings to give relief from the built form. It is noted that gable features have been added to a number of the buildings. However, on a number of the key elevations (front and rear elevations of Parker, Stanley, Donald and Allen buildings) only a single gable has been added to try and detract from the scale of the buildings. Therefore, the remainder of these buildings appears rather flat. Officers are concerned that not enough architectural ingenuity has been employed to break up the massing in this instance.

Architecture

120. Architecturally the materials for the buildings are encouraging. The palette of materials has been set out within the accompanying Design and Access Statement, prepared by Collado Collins Architects. The materials include clay tile and rusticated red brick with varying tones which is reflective of local vernacular. The contrasting modern and robust materials such as the coloured zinc cladding for the dormers are supported. Officers note that attention has been paid to include window reveals and wrap around windows, this does allow for some shadow which is positive, although this does not overcome the concerns about the wider massing issues identified above.
121. There is concern about the positioning of some of the material finishes in relation to the site context. It is the case the Mortar Community Building, has an agrarian design and this style has been positioned alongside Lingfield House. It is also the case that the buildings furthest west, proposed to face the open Green Belt appear to be typically domestic buildings. This therefore raises some questions about the appropriateness of the buildings in relation to agricultural and rural context. It is officers opinion that a more agrarian style would be suitable furthest west and the more residential buildings, which are more reflective of Lingfield House and the settlement to the north should be placed further to the east.
122. Overall, it is considered that the proposal would fail to make a positive contribution to the open rural character due to its design, excessive scale, height and massing that would result in a cramped and overdeveloped site.
123. For the above reasons the proposal would therefore be contrary to Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies and Policy CSP18 of the Core Strategy.

Residential Amenity

124. Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any adverse effect. Criteria 6-9 of Policy DP7 of the Local Plan Part 2: Detailed Policies seek also to safeguard amenity, including minimum privacy distances that will be applied to new development proposals.
125. The above policies reflect the guidance at Paragraph 130 of the NPPF, which seeks amongst other things to create places that are safe, inclusive and

accessible and which promote health and well-being, with a high standard of amenity for existing and future users of development.

126. Given the separation of the site from adjoining residential buildings it is not considered that there would be an undue harmful impact with respect to daylight, sunlight, privacy or outlook.
127. Noise and disturbance is also a material consideration and Officers have also consulted TDC's environmental Health Team. The response advises the inclusion of the following conditions, should the application be minded for approval:
 - Implementation of the measures in the lighting strategy report and adherence to the requirements of the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light;
 - Dust control measures during construction.
 - Hours of construction to be limited.
128. Officers are mindful of the noise generated from aircraft. London Gatwick Airport has flight paths, for at least some of the time that operate above the site. Officers have not seen any particular reference to mitigating the impact of aircraft noise within the application.
129. It is the case that officers do not consider there to be sufficient information to demonstrate the application site will sufficiently respond to noise from aircraft. Therefore, this forms a reason for refusal.

Parking Provision and Highway Safety

130. The NPPF 2021 states that local planning authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport, and that developments should be located where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. The NPPF does, however, recognise that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
131. CS Policy CSP1 states that in order to promote sustainable patterns of travel, and in order to make the best use of previously developed land, development will take place within the existing built-up areas of the District and be located where there is a choice of mode of transport available and where the distance to travel to services is minimised. CS Policy CSP12 advises that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Criterion 3 of Policy DP7 of the Local Plan also requires new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety.
132. The application is supported by a Transport Assessment, and a Transport Assessment prepared by Motion dated 7 April 2022.
133. The proposal has been referred to the Surrey County Council Highways Team which has considered highways and transport issues. Key details of the response are referred to throughout the following assessment.

Access and Layout

134. The Transport Assessment indicates that vehicular access and egress would be maintained from East Grinstead Road from two locations in the north-east and south-east of the site. The existing 'northern access' aligns with Lingfield House and would be widened to 5.5 metres. The proposed 'southern access' (close to the site of a telephone mast on the eastern side of East Grinstead Road) would measure 5.5 metres in width. The widths of these access points means that two cars would be able to pass one another. The County Highways Team note that to achieve the visibility splays for the proposed access the embankment adjacent to East Grinstead Road will need to be regraded and a number of highway trees removed for which the County Council will require a full Capital Asset Value of Amenity Trees value payment.
135. An internal road loops around the site and provides access the front of each property with associated car parking, cycle parking stores and bin stores throughout the site, the arrangement of the internal road appears to provide suitable access for residents and service vehicles.
136. At present there is no safe walking route from the site into the settlement of Lingfield. It is proposed to introduce a new pavement on both sides of the road to link to the pavement in the settlement boundary. This means that users of the development would be able to walk to the settlement of Lingfield from the north of the site. The inclusion of a pavement would mean that there would be a distance of 250 metres to the retail centre of Lingfield.
137. The County Highways team note that there are currently bus stops located approximately 160 m from the site outside Lingfield doctors surgery serving routes 236 and route 409 which offers an hourly service on weekdays and two hourly at weekends between East Grinstead and Selsdon. These bus stops offer very little in the way of facilities and improvements are not possible due to the limited width of the footway. The proposal therefore provides two new bus stops with shelters, accessible kerbing, seating, lighting and real time passenger information close to the development with a new 2m wide pedestrian island to connect the two stops. Additional services can be accessed along the High Street approximately 300 m north of the site.
138. Lingfield railway station is located approximately 1.2 km north east of the site (a 15 minute walk or a 5 minute cycle ride) with services every 30 minutes to East Grinstead and London Victoria. The proposals include on-site transportation in the form of an electric minibus which can be booked by residents for trips to the supermarket, hospital appointments when required and offers an alternative to the private car.

Proposed Trip Generation

139. An assessment of the likely trip traffic generation has been carried out using the TRICS database, which shows that the total trips for the independent living units and doctors consulting rooms would result in 21 two-way trips in the am peak hour and 32 two-way trips in the pm peak. Due to the nature of the proposed development the peak periods for arrivals/departures are not within the typical network peak periods of 8-9 am and 5-6 pm and therefore fall outside of these times.
140. The County Highways team do not consider that the development would result in an increase in vehicle movements on the local road network within the peak

periods. It is not considered that the development would have a significant impact on the local road network.

141. Officers therefore do not consider that there would be significant adverse impacts on the highway in regards to trip generation.

Servicing

142. The County Highway team has considered servicing. It notes that all servicing (deliveries and refuse collection) will take place within the site and swept path analysis has been provided demonstrating that a refuse and delivery vehicle can turn within the site and exit both access points in forward gear.
143. Emergency access to the site will be taken from East Grinstead Road via both access points and a swept path analysis demonstrates a fire appliance can access the site in forward gear and negotiate the internal access road and exit the site in forward gear via both accesses.
144. Therefore the servicing arrangements are deemed to be acceptable.

Highway Safety

East Grinstead Road is a two-way single carriageway road subject to a 40 miles per hour speed limit outside of the site. The speed limit changes to 30 miles per hour approximately 65 metres north of the site, as East Grinstead Road enters the centre of Lingfield.

Parking provision

145. It is proposed to provide a total of 145 parking spaces on-site for residents, staff and visitors with 9 of these spaces designated as disabled and accords with Tandridge parking standards and is considered sufficient to the Highway Authority.

Cycle parking provision

146. Provision for 60 cycle parking spaces and 6 mobility scooter spaces is made across the site within the ground floor of residential blocks or as separate outbuildings. The storage appears to be suitably secure and undercover. The applicant has stated that the use of the storage will be monitored, with the number of spaces increased if necessary. Officers consider that there is sufficient provision for cycle parking.

Construction phase

147. County Highways has reviewed the accompanying Construction Transport Management Plan (CTMP). While a CTMP has been provided, it is considered that revisions are required. Specifically the CTMP should ensure that no construction traffic is to use/cross Jacks Bridge which is 200-300 m south of the site along East Grinstead Road. The bridge doesn't have a signed weight restriction however, it has not passed the 40t assessment and therefore a routing plan will need to be provided to avoid it. A condition is therefore recommended to secure a suitable alternative route which the applicant will need to abide by.

148. County Highways recommend the following, if the application is minded for approval – the conditions are available to review in full at the end of this report. Officers have removed a condition for a S278 agreement and consider that this is better secured within a Section 106 Agreement. A further head of term for a travel plan monitoring fee is also recommended by County highways, also to be applied if the application is minded for approval.
149. Summary of recommended conditions:
- The development shall be commenced unless and until the proposed vehicular access to East Grinstead Road has been constructed and provided.
 - No occupation of the development unless and until the proposed modified southern vehicular access to East Grinstead Road has been constructed
 - Parking to be laid out in accordance with the approved plans
 - Cycle and mobility parking details
 - Electric Vehicle charging points
 - Adherence to Travel Plan
 - revised Construction Transport Management Plan
150. Section 106 Heads of Terms:
- Travel Plan monitoring fee contribution of £6,150.
 - S278 Agreement for the following:
 - I. A 2m wide footway to be provided on the western side of East Grinstead Road connecting the southern site access to the existing footway at Drivers Mead.
 - II. A 2 m wide footway on the eastern side of East Grinstead Road to connect to the existing footway to the north of Orchard Court Care Home,
 - III. The existing footway to the north of Drivers Mead along the western side of East Grinstead Road to be widened to 2m and tactile paving to be provided across the junction of Drivers Mead.
 - IV. The provision of a pedestrian refuge island across East Grinstead Road to measure 2m in width and provided with dropped crossings and tactile paving.
 - V. Relocation of the 40/30 mph speed limit signs to a position to be agreed with Highway Authority and subject to TRO approval.
 - VI. The provision of new bus stops on the eastern and western side of East Grinstead Road, both to be provided with the following facilities:
 - 9m straight length of accessible kerbing at 140 mm in height
 - 23m bus cage markings and bus stop clearway
 - bus shelters with lighting and seating
 - bus flag and pole
 - Real Time Passenger Information (RTPI)
 - minimum 3m width of footway at the bus stops
151. Officers have considered the response from SCC and the information gathered on site for the assessment of the proposal. Overall, it is considered that the increase in residential units from the development would increase vehicular movements in the locality. However, this is not considered to cause significant harm.

152. Officers do have concerns about the sustainability of the site, given the reliance on cars and the limited public transport accessibility. These have been assessed more generally under the considerations for the sustainability of the proposal.
153. In regards to highway safety and parking it is assessed that the proposal would have an acceptable impact, provided that the aforementioned conditions and heads of terms are secured, if the application is minded for approval. Therefore, the proposal with respect to highway safety and parking is considered to comply with the provisions of Core Strategy Policy CSP12 and Local Plan Policies DP5 and DP7.

Flood Risk Management

154. One of the twelve land-use planning principles contained in the NPPF and to underpin plan-making and decision-taking relates to taking full account of flood risk. Paragraph 159 of the NPPF advises that; 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere'.
155. Policy DP21 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 advises that proposals should seek to secure opportunities to reduce both the cause and impact of flooding. Development proposals within Flood Risk Zones 2 and 3 or on sites of 1 hectare or greater in zone 1 will only be permitted where, inter alia, the sequential test and, where appropriate, exception tests of the NPPF have been applied and passed and that it is demonstrated through a Flood Risk Assessment (FRA) that the proposal would, where practicable, reduce flood risk both to and from the development or at least be risk neutral.
156. The impact of climate change on the global environment is recognised and flooding from surface water runoff is one of the main consequences. The planning system is expected to play a critical role in combating the effects of climate change by pursuing sustainable development and use of Sustainable Urban Drainage Systems.
157. The application is accompanied by a 'Drainage Strategy' and a 'Flood Risk Assessment' (FRA), both prepared by Apex Consulting Engineers and dated March 2022.
158. The Environment Agency flood risk maps have been reviewed as part of this assessment. The Site is regarded to be at 'Very Low Risk' in relation to flooding from 'rivers and the sea' and 'surface water'.
159. The Lead Local Flood Authority (LLFA) has reviewed the submitted Drainage Strategy and FRA. Initially the LLFA was not satisfied with the proposed drainage scheme, due to concerns about the attenuation area and calculation, discharge of surface water, and the pipework to the proposed ditch outfall. In response the applicant updated the Drainage Strategy and the LLFA was reconsulted. The LLFA is now satisfied that the proposed drainage scheme meets the requirements set out in the aforementioned documents and are content with the development proposed.

160. The Environment Agency was also consulted regarding the application and conforms that it has no comment based on the assumption that the proposal uses mains drainage.
161. Should planning permission be granted, the LLFA advises a suitably worded condition is applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development. Furthermore, a condition is recommended for a verification report to ensure the approved SuDS scheme has been implemented. Furthermore an informative regarding the impact on the ordinary watercourse. Officers are supportive of the proposed condition and informative, this has been recommended if the application is minded for approval.
162. Officers are satisfied that the application is acceptable in relation to flooding provided that the aforementioned conditions and informatives are applied to any decision, if the application is minded for approval.

Landscaping and Trees

163. Policy CSP18 of the Core Strategy required that development must have regard to the topography of the site, important trees and groups of trees and other important features that need to be retained. Criterion 13 of the Local Plan Policy DP7 required that where trees are present on a proposed development site, a landscaping scheme should be submitted alongside the planning application which makes the provision for retention of existing trees that are important by virtue of their significance within the local landscape.
164. The Tandridge Trees and Soft landscaping SPD (2017) outlines the importance of landscaping which applies to urban and rural areas and advises that it is 'essential that the design of the spaces around building is given the same level of consideration from the outset as the design of building themselves'. Trees are not only a landscape environmental benefit but, as the SPD outlines, a health benefit for people which enhances their environment.
165. The application is supported by the following documents:
 - Landscape and Visual Appraisal, prepared by the Landscape Partnership, dated March 2022;
 - Landscape Strategy;
 - Landscape Statement, prepared by Andy Sturgeon Design, dated March 2022
 - Landscape General Arrangement Plan;
 - Landscape and Environmental Management Plan; and,
 - Arboricultural Impact Assessment and Tree Survey.

Landscaping

166. The existing landscape is described in the Landscape Statement as 'the existing Lingfield House with formal gardens' and 'open grassland with hedgerows and tree belts'. It is intended to retain much of the existing formal gardens and it is proposed that improvements would be made to increase planting diversity and the creation of communal allotments. The new residential blocks would be placed within the existing grassland areas.



Proposed Masterplan – excerpt from Landscape Statement.

167. Officers are of the view that the landscape vision has evolved unharmoniously with the sensitive Green Belt location. Rather than being landscape-led, it is evident that the landscape proposal is reactive to a fixed build form and layout. It appears that preference has been given to give greater relief around Lingfield House, notably by the surrounding ornate landscape and the meadow area (south-east corner of the site). The preference for more open landscaping around Lingfield House appears to serve the amenity of future residents within the interior of the site and the meadow area, attempts to reduce the view of the development from the main road. The remainder of the site contains a more dense built form, with no significant breaks between buildings. Due to the even spread of the proposed built form the site and the limited breaks between the buildings, it is not considered that enough priority has been given to preserve the openness of the Green Belt. This view is demonstrated by the narrow corridor depicted as 'visual link to the countryside' on the Proposed Masterplan (shown above) within the Landscape Statement. The visual link is an insignificant area, providing a snapshot to the rural landscape beyond. As such officers do not consider there to be an appropriate vista relating to the surrounding rural landscape within the Green Belt.
168. Officers therefore consider that the proposal fails to provide a landscape led scheme that that prioritises the openness of the Green Belt and consider it to be at odds with the surrounding rural landscape.
169. It is noted that should the application be minded for approval that TDC's Tree Officer has recommended a condition for details of soft landscaping. Should the application be minded for approval, officers support the inclusion of this condition.

Trees

170. TDC's Principal Tree Officer has reviewed the proposal and notes that there is a strong mix of mature landscape trees and early mature specimens that have significant future potential. It is also noted that there are a total of 74 individual trees surveyed, 28 group of trees and 27 hedge elements.
171. The Tree Officer highlights that the submitted arboricultural impact assessment indicates that the construction of the proposal would require the removal of 23 individual trees, 12 full groups of trees, 4 partial groups, and 12 hedge sections. The large majority of the trees of landscape significance are to be retained. In this instance the Tree Officer is less concerned about the relative BS5837 categorisation of trees to be removed, as the focus should be on landscape impact. In that sense the impact will be moderately negative in the short term, particularly with the removal of trees T57-T62 on the frontage, required for the formation of a visibility splay for the proposed new access.
172. The vegetation losses will be mitigated and compensated for in the medium and long term, however, with the extensive tree, hedge and shrub planting proposed throughout. A total of 122 semi mature trees are proposed for planting, and a diverse mix of native and non-native trees are indicated giving a high level of biodiversity value, climate change and pest and disease resilience. Significant ecology and biodiversity enhancements are also proposed throughout the site, and in particular in the areas currently set to pasture.
173. There are several areas where the root protection areas of retained trees are encroached, and whilst only the principle of mitigation is shown on the submitted tree protection plan and within the submitted report, I am satisfied that the works can be achieved without significant harm to retained trees, albeit much more technical detailed information would be required under condition should you be minded to grant consent.
174. The Tree Officer has requested a condition for hard and soft landscaping details and
175. The development is therefore considered to have an acceptable impact on the ancient woodland and protected trees thus the development would comply with Policies CSP18 and DP7.
176. For the reasons above, the proposal would be contrary to Local Plan Policy DP7 and Core Strategy Policy CSP18. For these reasons, officers cannot support the proposal on landscaping grounds.

Energy / Sustainability

177. Policy CSP14 requires the reduction of carbon dioxide (CO₂) emissions by means of on-site renewable energy technology. For schemes of more than ten dwellings a 20% saving in CO₂. Development over 5000m² is expected to incorporate combined heat and power or similar technology.
178. The application is accompanied by an Energy and Sustainability Statement (ESS), prepared by Hoare Lea, dated 6 April 2022.
179. The ESS indicates that the proposal would achieve up to a 53.7% sitewide reduction in CO₂ emissions beyond the Building Regulations Part L 2013

'baseline' (using SAP 10 carbon factors) prior to the consideration of low or zero carbon technologies. This is achieved due to passive design and energy efficiency. Whilst the proposed reductions in CO2 are considered to be positive, it is the case that Policy CSP14 specifically requires a 20% reduction in CO2 from renewables. The ESS indicates the proposal would include roof mounted photovoltaic panels (south-east facing) to produce 55.5 kWp of energy as well as air source heat pumps. However, in total it is understood that there would be a 7.4% reduction in CO2 from renewables which falls significantly below the policy requirement. Officers are satisfied that the proposed CO2 savings would exceed the minimum policy position.

180. While there is deviation from Policy in relation to the CO2 reductions from renewables, officers do not consider this to be grounds for refusal. To ensure that the appropriate carbon emissions savings are achieved, it is considered necessary to impose a condition. Should the application be minded for approval, a condition requiring the submission of further information relating to renewable energy technology implementation is recommended by officers.

Biodiversity

181. Section 15 (paragraphs 174 - 188) of the NPPF speaks of the need to conserve and enhance the natural and local environment. Developments that conserve or enhance biodiversity should be supported. Development proposals are required to minimise impacts on and providing net gains for biodiversity.
182. CS Policy CSP17 requires development proposals to protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the Surrey Biodiversity Action Plan.
183. LP Policy DP19 advises that planning permission for development directly or indirectly affecting protected or priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.
184. The current site is largely undeveloped and contains mature landscaped grounds, and the field set to pasture beyond.
185. In regards to biodiversity and ecology impacts, Surrey Wildlife Trust (SWT) were consulted.

Biodiversity net gain

186. SWT have indicated that the submitted biodiversity net gain report which includes the metric assessment is acceptable. SWT confirm that this shows that the trading rules have been satisfied, and that a biodiversity net gain is achievable for the project. The success of the proposal would be dependent upon the creation and management of habitats, in line with the assessment carried out. We note that a Landscape and Environmental Management Plan has been submitted, and this document does appear to be suitable.

Protected species

187. In regards to bats SWT have noted that *“the Extended Phase 1 Habitat and Habitat Suitability Index (HSI) Survey (Greenspace Ecology, 2017) states that 1000+ bat droppings were recorded in Building B1 – indicating the presence of a long-eared roost. A single bat was also recorded in the building. Building B2 was assessed to have negligible suitability to support a bat roost in 2017. The numbering of the Phase 1 habitat map for buildings does not appear to be accurate as B2 is the larger building and B1 the smaller building”*.
188. In response the applicant has provided further information to SWT. SWT have reviewed that information and advise:
189. “We note that good practice principles and design have been embedded into the project as part of the proposal, as outlined in the response note. In conclusion of this point, we would advise that the Applicant is required to carry out the development in line with these measures recommended and provided by Greenspace Ecological Solutions Ltd.”
190. As a precautionary approach, SWT advise that the felling of trees is carried out under the supervision of an ecological clerk of works. The ecological clerk of works would carry out a pre-felling inspection to ensure that the activity is in line with the legislation afforded to species such as bats (and birds). Officer would be able to include an informative to bring this to the attention of the developer.
191. Overall in terms of the impact on biodiversity the proposal is deemed to be acceptable.

Very Special Circumstances

192. As discussed above, it is considered that the proposed development would comprise inappropriate development within the Green Belt which would have a greater impact on openness than existing development on the site. It has also been found that the proposed development would have a harmful impact on the character and appearance of the site and surrounding area.
193. In such circumstances, and in accordance with paragraph 147 of the NPPF, inappropriate development is, by definition, considered harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is 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.
194. The accompanying Planning Policy Statement (PPS), prepared by QED sets out 11 points which make the Applicant’s case to demonstrate VSC’s. Overall, the PPS indicates that the following VSC’s, will collectively support the three strands (economic, social and environmental) to sustainable development set out in the NPPF.
195. Officers have carefully reviewed the VSC’s and regardless of the Green Belt designation, a large-scale major development such as this would ideally be of a high quality, masterplanned and provide appropriate mitigation. Generally,

the following VSC's comprise the type of offer that would normally be expected from development proposals. Given the Green Belt designation and the need to demonstrate VSC's to outweigh any harm, officers assessed each of the VSC's put forward to support this application accordingly:

VSC ref.	VSC's suggested by the applicant / Officer Assessment
VSC1	Addressing a clear and accepted need for specialist accommodation for older people in Tandridge
	A development proposal should be in a sustainable location – achieving the foundations to sustainable development as set out in the NPPF.
VSC2	Delivering a scheme on a site that is suitable, available and achievable for development and that is within walking distance of local services and facilities
	The proximity to Lingfield settlement and the proposed improvements to the walking routes are noted. However, this location does not adjoin the settlement and it would have negative impacts by effectively diminishing and annexing land to the north from the Green Belt.
VSC3	The absence of any alternative sites outside of the Green Belt that are available to meet this need
	Officers do not consider that this is the only available site in the district for the provision of homes for the elderly.
VSC4	Providing an exemplar development in terms of the standard of facilities and in the provision of support and care, such that the proposed will enhance the wellbeing and level of social interaction for prospective residents and offer better health outcomes
	Officers consider the design, scale, height and massing of the development to be excessive and consider that it has a poor relationship with the surrounding context.
VSC5	Helping to address the Council's 5-year housing land supply shortage;
	This proposal is for a single tenure development, it does not offer a mixed and balanced housing offer, a notion underpinned by the NPPF. Whilst there is a need for extra-care provision, the same great need can also be made for family housing and affordable homes.
VSC6	Freeing up other sectors of the housing market by releasing much-needed family housing accommodation
	It is recognised that the proposed development would potentially free up larger homes that could be occupied by families. However, it is a broad assumption to make that residents will be occupying such developments. Furthermore, it is not likely that this would have a direct impact on freeing up homes in the district as the proposed units will be sold on the open market.
VSC7	Improving the local healthcare infrastructure through the provision of enhanced GP capacity – In addition the applicant confirmed the offer of a full time on-site private GP for residents.
	Consulting rooms and a private GP are offered on site. The applicant has not been able to demonstrate that these facilities would tie into the local GP provision in any meaningful way. Officers have concerns about a stand-alone GP and are aware that a GP's are normally supported by a range of support in order to function. E.g practice managers, receptionists, nurses (and other health professionals).
VSC8	Providing community access to the shared facilities and high quality garden areas within the scheme;
	Open space is regarded to offer a number of public benefits. However, this is not a significant space and there has been no formal offer to

	maintain this area as public open space in perpetuity. It is also the case that the formal gardens are located within the interior of the development and it would be hard to contain members of the public within this space. Officers therefore do not consider that this space can be of significant benefit to the wider community.
VSC9	Creating significant local employment opportunities both at the construction and operational stages, increasing spending power locally and supporting the vitality of the village centre; The offer of an employment contribution is of course welcomed. However, this is not an uncommon offer for a major development scheme where LPAs seek heads of terms to secure construction and operational jobs and training.
VSC10	Delivering highways improvements in the form of enhanced pedestrian footways and a potential new crossing on East Grinstead Road. Improvements to make proposals more sustainable are welcomed by the Development Plan. However, this application sites outside of the settlement boundary and
VSC11	Enhancing the landscaping and biodiversity potential of the site. Officers note that supporting information provides modelling to indicate that there would be improvements to the site. However, the quantum of scale and massing of the development is still considered to be excessive and harmful to the wider landscape.

196. On review of the VSP's suggested by the applicant officers are not of the view that either one of these cases individually or collectively outweigh the substantial harm to the Green Belt.
197. For the above reasons officers are of the view that the application should be refused as the proposed development would constitute inappropriate development in the Green Belt causing significant harm to the openness and visual amenities of the Green Belt. Finally, it would fail to demonstrate VSC's to outweigh the harm.

Conclusion

198. Officers are of the view that the proposal would result in inappropriate development in the Green Belt in which the applicant has failed to demonstrate 'very special circumstances'. Furthermore, the proposal be would harmful to the Green Belt openness and open countryside of the undeveloped land immediately to the north of the site. Insufficient infrastructure has been provided for this development outside of the settlement boundary and the proposal fails to provide a sustainable form of development. The proposed development would result in significant harm to the character and appearance of the area and its landscape quality. The impact of noise from aircraft has not been sufficiently demonstrated. Finally, the proposal has not been able to demonstrate that it would have an acceptable impact on bats.
199. As a result of the nature and quantum of these concerns it is recommended that planning permission is refused for the reasons set out at the end of this report.

200. The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with paragraph 218 and 219 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
201. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION: REFUSE

Reasons for Refusal

- 1) The proposed development would constitute inappropriate development in the Green Belt causing significant harm to the openness and visual amenities of the Green Belt. No very special circumstances exist to clearly outweigh the harm by reasons of inappropriateness and other identified harm. As such, the proposal is contrary to the provisions of Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies, and the provisions of the National Planning Policy Framework 2021 with respect to protection from built development of Green Belts.
- 2) The proposed development of the application site which is detached from the built-up area of Lingfield Village does not integrate effectively with its surroundings and, as such, would have a negative impact on the contribution to Green Belt openness and open countryside of the undeveloped land immediately to the north of the site. No very special circumstances exist to clearly outweigh the harm by reasons of inappropriateness and harm by way of the loss of contribution to open countryside of this adjoining Green Belt land. As such, the proposal is contrary to the provisions of Policy CSP18 of the Tandridge District Core Strategy and Policies DP7, DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies, and the provisions of the National Planning Policy Framework 2021 with respect to conserving and enhancing the natural environment.
- 3) The design, layout, height, scale and massing of the apartment blocks and cottages within the proposed development will result in a cramped and over developed site and, together with the introduction of significant areas of hard surfaced access roadways and parking areas particularly within parts of the site that are currently open paddocks, will have an urbanising effect on the site and adjoining areas of open countryside contrary to the provisions of Policy CSP18 of the Tandridge District Core Strategy and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies.
- 4) The proposed development would constitute an unsustainable form of development, failing to meet the objectives as set out in the NPPF and resulting in a residential development reliant on the private car. As such, it would be contrary to the provisions of Policy CSP1 of the Core Strategy, DP1 of the Tandridge Local Plan Part 2 Detailed Policies and the National Planning Policy Framework 2021.

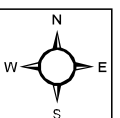
- 5) Insufficient details have been provided within the planning application to assess any proposed footway connection from the northern site access along the verge of East Grinstead Road to link with Drivers Mead to the north and, in particular, the impact construction of such a footway would have on the Corsican Pine which makes a significant and positive contribution to the appearance of the site frontage and street scene. Any such footway construction proposal is currently considered to be contrary to the provisions of Policy CSP18 of the Tandridge District Core Strategy and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies
- 6) Insufficient details have been provided within the planning application to assess the impact of construction of the southern access into the site from East Grinstead Road and whether this will result in the increased visibility of the development from that road causing additional harm to the existing rural character of the area. As such, this aspect of the development proposal is currently considered to be contrary to the provisions of Policy CSP18 of the Tandridge District Core Strategy and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies.
- 7) Insufficient information has been provided within the application to date to determine whether the residents of the proposed integrated care community will be exposed, either now or in the future, to unacceptable levels of noise from aircraft using Gatwick Airport and overflying Lingfield Village. As such, the development proposal is currently considered to be contrary to the provisions of Policy DP22 of the Tandridge Local Plan Part 2: Detailed Policies.
- 8) The proposed scheme makes insufficient provision for the infrastructure contributions required to offset the impacts of the future residents upon local infrastructure and is thus contrary to the provisions of Policy CSP11 of the Core Strategy and the National Planning Policy Framework 2021.
- 9) The unsustainable location of the site and lack of reliable and regular public transport would not support the provision of a care facility in this location and future residents would be largely contained to their setting. The applicant has therefore failed to demonstrate the care provision is appropriately located and would meet the needs of the district and future occupant's contrary to Policies CSP7 and CSP8 of the Core Strategy 2004 and the provisions of the National Planning Policy Framework 2021.

S106 Agreement - Heads of Terms

1. Cost undertaking for the Councils Legal services in order to prepare the Legal Agreement.
2. Occupancy restrictions to secure the proposed Class C2 Use Class including:
 - A minimum age restriction of 70 years for the primary occupant
 - The primary occupant to be in receipt of a minimum of two hours of care and support per week.
 - All residents to benefit from the use of an on-site GP – to form part of the service charge.Full details of the suggested C2 occupancy criteria are contained at Appendix 5 of the Planning Policy Statement.
3. Approval and implementation of a detailed Travel Plan (to build on the initiatives set out in the applicant's Framework Travel Plan).
4. A monitoring fee of £6,150 to secure the agreed Travel Plan initiatives.
5. The provision of a community fridge facility (for a defined time-period and at defined hours).
6. The provision of GP consulting rooms and waiting area.
7. The funding of a private GP on a 60% FTE basis.
8. Works to facilitate the extension of the pavement from the entrance to Lingfield House to Drivers Mead as well as the widening of the existing footpath north of Drivers Mead. Tactile paving to be provided across the junction of Drivers Mead.
9. Works to secure a new pedestrian refuge island across East Grinstead Road with drop kerbs and tactile paving.
10. Works to secure a new footway on the eastern side of East Grinstead Road to connect to the existing footway to the north of Orchard Court care home.
11. Contributions to new local bus stop provision on the eastern and western side of East Grinstead Road (to include accessible kerbing, bus cage markings, bus shelters, bus flag and pole, real time passenger information and minimum 3m width footways).
12. Relocation of the 40/30mph speed limit signs to a position to be agreed with the Highways Authority.
13. A viability review mechanism to appraise whether the provision of affordable housing may become viable should sales rates exceed those envisaged in the independent viability review. As recommended in the independent review, this approach provides a balance between ensuring the scheme is viable and deliverable at the early stage and ensuring that if the scheme's viability improves, that any uplift in value is captured for the local authority.
14. A commitment to implement training opportunities to local people during the construction phase and using local suppliers where possible.



Lingfield House
East Grinstead Road
Lingfield RH7 6ES



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ITEM 5.2

Application: 2022/762

Location: Hillview Farm, Grants Lane, Limpsfield RH8 0RH

Proposal: Demolition of buildings in storage and light industrial uses (use classes B2 and B8) and erection of two x 3 bed dwellings with study/office and one x 4 bed dwelling with separate office, together with detached double garages and new internal access road (Amended proposal).

Ward: Limpsfield

Decision Level: Planning Committee

Constraints - Green Belt, Area of Great Landscape Value, Area of Special Advertising Consent, Ancient Woodland within 500 metres, Railway Line within 30m, Class D Road, Footpath No. 200, Waste Disposal and Minerals C15 - surrey97

RECOMMENDATION: **PERMIT subject to conditions**

This application is reported to Committee following a Member request.

Summary

Planning permission is sought for the demolition of the existing commercial buildings and the erection of three dwellings. The dwellings proposed are well designed and would not have significant harm on the character and appearance of the site and surrounding area.

The proposal is to redevelop previously developed land and would not have a greater impact on the openness of the Green Belt than the existing development on site, and would have acceptable impacts in terms of the sustainability of the location, impact on residential amenities, trees and biodiversity.

Site Description

Hillview Farm is located within a rural and Green Belt area of Limpsfield on the western side of Grants Lane and south of the Oxted/Edenbridge railway line. The site is surrounded by open fields to the north and by an Ancient Woodland area to the west and south which is also covered by a Tree Preservation Order (TPO). There are two existing detached dwellings (Collishaw and Rose Oak) which are located to the east of the application site.

The site is occupied by two large, long buildings located along the northern and southern boundaries respectively. These buildings were originally built as poultry rearing units and, from their appearance and form of construction, probably date from the 1950's. The roofs are asbestos sheeting and the walls are a plywood sheeting. The buildings, and thereby the site, have a very run down appearance, and the buildings are approaching the end of their useful life. There is also a lack of basic facilities on site with the only a single portable toilet.

The buildings are divided into five separate units. The units are partially occupied by low-key commercial and domestic storage (car storage and renovation) and a car repair workshop (B2 and B8). Only the car repair workshop appears to provide any permanent on-site employment and that would appear to be for one or possibly two people. One unit is vacant.

The areas between and around the buildings are covered in hard surfacing. The land is predominantly level with boundaries marked by a mixture of post and rail fencing, trees and vegetation. A public footpath runs along the southern boundary of the site.

The character of this rural area is otherwise one of some sporadic dwellings and farms and pastureland bordered by hedgerows and woodland.

Relevant History

91/1112 - Continued use of shed for the storage of motor cars. Approved on 17th March 1992

91/1113 - Continued use of part of shed for the storage of oil tanks for fuel for agricultural vehicles. Approved on 17th March 1992

2000/646 - Variation of condition 1 of planning permission TA/91/P/1112 to allow storage of imported cars. Approved on 10th October 2000

2017/872 - Demolition of existing commercial buildings. Erection of three dwellings. Refused for the following reasons:-

- 1. The site is located outside the existing built up areas of the District where development will take place in order to promote sustainable patterns of travel. The site location is unsustainable in transportation terms, residents of the proposed development would be heavily dependent on the private car for access to normal day to day services and facilities, and the proposed development would be contrary to the sustainable transport objectives of the NPPF, Policy CSP1 of the Tandridge District Core Strategy 2008, Policy DP1 of the Tandridge Local Plan: Part 2 - Detailed Policies 2014 and objectives within the Surrey Local Transport Plan (LTP3).*
- 2. The proposal would result in the loss of a commercial industrial site and it has not been demonstrated that the site is unsuitably located or that the current site is no longer viable, even for an alternative commercial use, or as part of a mixed-use development scheme, contrary to Policy DP4 of the Tandridge Local Plan: Part 2 - Detailed Policies 2014.*

There was a subsequent appeal which was dismissed on 7th September 2018.

Key Issues

The site lies within the Green Belt where the key issue is whether the proposal would constitute inappropriate development of previously developed land and also whether the proposal would be acceptable with regards to sustainability the impact on adjoining properties and impact on the surrounding countryside.

Proposal

Planning permission is sought for the demolition of the existing buildings currently in storage and light industrial uses (use classes B2 and B8) and erection of 2 x 3 bed dwellings and 1 x 4 bed dwelling together with detached double garages and new internal access road.

Development Plan Policy

Tandridge District Core Strategy 2008 – Policies CSP1, CSP2, CSP3, CSP12, CSP14, CSP15, CSP17, CSP18, CSP19, CSP21, CSP22

Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP4, DP5, DP7, DP9, DP10, DP13, DP19, DP21, DP22

Limpsfield Neighbourhood Plan 2019 – Policies LNP1 and LNP5.

Emerging Tandridge Local Plan 2033 – the Local Plan is still subject to examination and its policies can be given no weight in the determination of this application.

Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance

Tandridge Parking Standards SPD (2012)

Tandridge Trees and Soft Landscaping SPD (2017)

Surrey Design Guide (2002)

National Advice

National Planning Policy Framework (NPPF) (2021)

Planning Practice Guidance (PPG)

National Design Guide (2019)

Material Considerations

Tandridge Interim Housing Delivery Test Action Plan

Statutory Consultation Responses

County Highway Authority

Revised response - additional information on measurements provided by the applicant and amended condition 4 (cycle parking).

The CHA notes that Grants Lane (D431) is a rural road, with no pedestrian facilities or street lighting and subject to a 40mph speed limit. In addition the existing access arrangement is approximately 58m from the apex of railway bridge, to the north. The site is isolated, in that there are two residences on the opposite side of Grants Lane, but the remaining immediate vicinity is formed on Green Belt land. The nearest settlement, Hurst Green, is approximately 2km (as the crow flies and measured taken to the rail station) to the northwest, which is accessed along Grants Lane or via Public Footpath 200, which runs adjacent to the south of the site. As such, the CHA has the following comments regarding sustainability:

The NPPF 2021, states that local planning authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport, and that developments should be located where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. The NPPF does, however, recognise that opportunities to maximise

sustainable transport solutions will vary from urban to rural areas. Policy CSP1 of the Tandridge District Core Strategy (2008) states that in order to promote sustainable patterns of travel, and in order to make the best use of previously developed land, development will take place within the existing built up areas of the District and be located where there is a choice of mode of transport available and where the distance to travel to services is minimised.

The County Highway Authority (CHA) considers that the application site is not an ideal location in sustainable transport terms for new residential use, as it is not easily accessible by modes of transport other than the private car. It is not located within a reasonable walking distance from key services and facilities such as jobs, shops, schools, health and leisure facilities. The nearest bus stop is approximately 2km to the south, whilst the nearest Rail Station is approximately 2km to the northwest (as the crow flies). Both of these distances exceed recommendations found within the Department for Transportation guidance, Providing for Journeys on Foot. Residents of the proposed residential use would therefore be heavily dependent on the private car for access to normal day to day services and facilities, hence the development would be contrary to the sustainable transport objectives of the NPPF and policy CS1 of the Core Strategy.

Notwithstanding this advice, however, the CHA acknowledges that there are three dimensions to sustainable development - economic, social and environmental - hence the sustainability of the site should not be assessed purely in terms of transport mode and distance. It is also acknowledges that planning policy does permit the conversion and re-use of buildings in the Green Belt and hence some developments will not be able to meet the requirements of locational and transport policies. Therefore, it is for the Local Planning Authority to weigh up the CHA's sustainable transport advice against the other policies in the NPPF and the Core Strategy, particularly those relating to rural areas, in order to determine whether or not the proposed development would be sustainable in its wider sense.

If the LPA is minded to grant permission, the CHA, having assessed the application on safety, capacity and policy grounds, recommends that conditions be imposed in any permission granted.

Limpsfield Parish Council – objects to this application, on the grounds that it would constitute inappropriate development in the Green Belt and if approved would result in the loss of a suitably located commercial premises and local employment.

By way of background, Hillview Farm consists of two single storey buildings which can only be viewed when entering the site. There are 8 lettable units, the majority of the units are currently let. A car repair business, which has been operating from this site for over 25 years and has 5 employees, (2 of which are NVQ apprentices), occupies the largest unit.

This application would represent inappropriate development in the Green Belt, contrary to paragraphs 80, 84 and 147-149 of the National Planning Policy Framework (NPPF) 2021 and Tandridge District Council's planning policies DP10 and DP13.

There are no very special circumstances to support this application in a Green Belt area. The proposed housing is out of keeping with other housing in the area and will detract from the openness of the Green Belt contrary to these policies and NPPF guidance. The existing activities on the site provide an effective use of old farm buildings and have only a minimal impact on the character of the surrounding area.

By contrast, the introduction of housing would be completely out of character, The houses, together with their gardens, lawns, parking areas, hedges, fences and sheds, may be appropriate in an urban or suburban area. However, their impact on the countryside and the Green Belt would be substantial, creating a suburban enclave in an otherwise rural environment.

The impact on the openness and character of the area would be significantly greater than the existing buildings and uses and the development would therefore conflict directly with policies contained in the NPPF.

Secondly, this application if approved would also result in the loss of suitably located commercial premises and result in the loss of employment in the district.

This application is deficient in that it takes no account or make any reference to The Limpsfield Neighbourhood Plan, which was made by Tandridge District Council in June 2019 and now forms part of the district council's development control policies.

The Plan seeks to support the local economy and maintain opportunities for smaller businesses to grow and develop in appropriate locations across the Parish. In terms of the rural economy Policy LNP10 supports the re-use of existing buildings or well-designed new buildings on previously developed land in the countryside, provided, amongst other things, they are necessary for the purpose of agriculture or small-scale enterprise that meet the community needs. The current activities on site are in line with the Neighbourhood Plan. Loss of the business uses to a housing development would, however, conflict with the objectives which the Plan is pursuing.

Tandridge District Council Policy DP4 applies here. The commercial activities on this site do not generate significant commercial traffic, the single-track railway bridge immediately to the North which has both weight and width restrictions ensures that this continues to be the case.

The businesses operating from Hillview Farm continue to enjoy a harmonious relationship with local residents. In 2017, 16 households in Limpsfield submitted comments to the District Council, all objected to planning application 2017/872 and many referenced the unobtrusive nature of the current tenants.

As a neighbouring farm in Grants Lane the former cowsheds have been converted into office space, the office space is fully let to four companies. The owners of the farm are regularly approached by small businesses looking for space.

We believe that this is also the case at Hillview Farm where the existing tenants have had people making similar enquiries, referring them to the owner.

There is undoubtedly a shortage of suitable office and light industrial space for small businesses in the district. The Limpsfield Neighbourhood Plan recognises this and has included policy to promote the alternative use of redundant farm buildings.

Previous planning applications in 2002 and 2017 were refused on the grounds that it was an inappropriate development in the Green Belt which would result in the loss of suitably located commercial premises.

Limpsfield Parish Council believes this to still be the case and therefore objects to this application.

Natural England:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Non-statutory Advice Received

Surrey County Council Waste and Minerals – MWPA raises NO OBJECTION to the proposed development subject to:

1. Tandridge Borough Council being satisfied that the proposed development provides for adequate facilities for waste storage and recycling in accordance with Policy 4 of the SWLP. Such facilities should be maintained and managed for the life of the development
2. The submission of a Waste Management Plan to Tandridge Borough Council demonstrating that waste generated during the demolition, construction and excavation phase of the development is limited to the minimum quantity necessary; and that opportunities for re-use and recycling of any waste generated are maximised in accordance with the Surrey Waste Local Plan 2020.

Surrey Wildlife Trust (SWT)

SWT having reviewed the ecology reports submitted with the application and raise no objection to the grant of planning permission subject to:

- i) immediately prior to the start of development works, a survey of the site by an appropriately qualified and experience ecologist should be undertaken within the proposed development boundary and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive. If any badger activity is detected a suitable course of action shall be submitted to and approved in writing by the LPA to prevent harm to this species;
- ii) the applicant to ensure that construction activities on site have regard to the potential presence of terrestrial mammals to ensure that these species do not become trapped in trenches, culverts or pipes. All trenches left open overnight should include a means of escape for any animals that may fall in;
- iii) if badger activity is detected, works should cease and advice from a suitable experienced ecologist sought to prevent harm to this species;
- iv) if any close-boarded fencing is to be used at the site, we recommend that holes of 20cmx20cm are included in the base to allow badger to move freely through the site;
- v) bats do not appear to present a constraint to the proposed development, however, bats are highly mobile and move roost sites frequently. Unidentified bat roosts may still be present. A precautionary approach to works should therefore be implemented;
- vi) advise that compliance with best practice guidance on external lighting is secured through a Sensitive Lighting Management Plan submitted to the LPA for approval in writing prior to commencement of development;
- vii) the applicant should take action to ensure that development activities such as demolition and vegetation or site clearance are timed to avoid the bird nesting season of early March to August inclusive;
- viii) Measures should be taken to enhance the site for European hedgehog:

- ix) the LPA should ensure that the proposed development allows for the permanent retention of a minimum 15m buffer of semi-natural habitat between the adjacent ancient woodland/SNCI and any built development, and that this buffer zone is secured from any future built development through planning obligation;
- x) a condition is imposed on any planning permission to secure the biodiversity net gain that has been identified in the biodiversity net gain assessment; and
- xi) the applicant should be required to implement the development only in accordance with an appropriately detailed Construction Environmental Management Plan.

TDC advice

Environmental Health

The site is within close proximity to a railway line and therefore an acoustic assessment should be carried out including an assessment of the impact of vibration on the proposed dwellings. As long as the applicant follows the recommendations in the acoustic report, then no objections are raised.

Contaminated Land Officer: asks for a contamination investigation and remediation condition to be attached to any permission.

Locality Team : have commented on requirements for domestic waste collection. The applicant has amended the site and block plans to show a review of the design of the proposed access and turning head. They have confirmed that a refuse vehicle is able to turn on site and therefore on-site collection will be possible.

Other Representations

Third Party Comments -

- There is an excellent business that would be lost that has been looking after our vehicles for the past 15 years. Existing use of buildings giving some employment to several small enterprises which is much needed in the local area without causing disruption to local people. Job losses, loss of greatly valued local business, reduction in available employment land in Tandridge. To allow application would have an impact financially on the local area. Provides valuable employment and services in the form of a specialist garage. Current use has been established for over 20 years and supports local economy and local employment. Council is under obligation to consider site in its current form and then possibly as an alternative commercial or industrial business use and redevelopment of that use rather than residential development.
- Dwellings would not only blight the area (as current buildings are low level) but hinder the access to the common woodland behind which is enjoyed by so many as well as wildlife that lives there. Appears to be nothing more than a re-hash of the 2017 application refused by committee and strongly refused on appeal in 2018. Reasons for original refusal still stands. Appeal decision confirmed that residential development of the site would result in harmful loss of an employment site and that situation has not changed. Appeal decision found high reliance on private motor vehicles to access local services in breach of Policy CSP1 of the Core Strategy, DP1 of the Local plan and objectives of the local transport plan. Existing buildings are low line and unobtrusive. Old 'chicken houses' are weathered and blend in with the surroundings.

- Grants Lane has for many years enjoyed the tranquil quiet country life servicing the few properties and a farm. Footpath that runs adjacent would be spoilt by this proposal. Thriving environment for wildlife, trees and area of beauty enjoyed by many local residents who live in a tranquil area. There are currently a large number of protected bats, barn owls, tawny owls, little owls along with great crested newts and dormice. Any construction would have an impact on their habitat and detrimental to this area of great landscape value. Developing new properties is counter to the spirit of protecting the landscape.
- Honesland Woods is ancient woodland and intended development would not be suitable for the protection of same. Hillview Farm is within 500m of ancient woodland.
- The application for hugely expensive exclusive executive homes is not in keeping with the area of low density, discrete housing, farm enterprises and low density local businesses on this site. Homes will provide nothing to address local and national housing crisis which is characterised by a desperate lack of affordable and social housing. Size and number on small site would dominate surroundings. Buildings for "light industrial" are vital. Difficult to find sites for small businesses which are vital. Area is characterised by single houses on plots of land. Building multiple houses on a single plot in a cul-de-sac would be out of keeping and would change character of the area. Is it right that thriving businesses are sacrificed to provide housing that very few people can afford in an area devoid of local amenities and no public transport.
- Opportunity cost of short term profit to benefit the few by destroying the site of five sustainable very well established businesses - this is simply too great for an approval of this site to make any financial or moral sense in the medium term. Loss of employment. Unobtrusive activities offer convenience for residents without burdening access to and parking at the motor repair and maintenance businesses in Oxted's busy town centre. Will be forced to relocate outside of Limpsfield if planning permission is granted.
- Reputational risk to Tandridge Council. The image of a council approving a planning application which turfs out working people from a low impact sustainable site gives an image of placing zero value on social justice, ignoring the national and local housing crisis, and failing to protect employment, the environment and what is in keeping within the area.
- Out of character with locality. Proposed change should be resisted in greenbelt area of high landscape value. Site is AGLV and so requires particular protection. New homes would set wrong planning precedent and change nature and look of area for worse. Far too many houses. New development would increase the height of the buildings on the land, being detrimental to the openness of the Green Belt. Would introduce a new 'settlement' in the middle of Grants Lane, harming the rural character. Would be an inappropriate suburban development in an area that has no such clusters of housing. Conflicts with NPPF. This is a brownfield site that is highly active and productive and certainly not in a redundant way.
- Proposed development would be inconsistent with Limpsfield Neighbourhood Plan, in particulate policies LNP1, 5, 9 and 10. Does not support the Limpsfield local plan, which is part of Tandridge development control policies.
- By allowing this application is would encourage other developers to apply unwarranted pressure on other landowners or those residents with properties with large gardens to sell thus having a further impact on the local area both physically and traffic management. 4 houses would increase traffic 4 fold. Current commercial use does not breach DP4 as does not harm nearby residential property by reason of traffic, noise or general disturbance and is a viable commercial site.

- A major principle of the Green Belt is to prevent 'infilling' between distinct urban areas, whereas this would contribute to the ongoing trend of infill between Edenbridge and Hurst Green. Application does not demonstrate very special circumstances sufficient to outweigh the harm.
- Proposal would have a detrimental affect on sight lines and be visible to neighbours and other users of the local area. Light pollution of a small settlement of 3 houses would be very unnecessary.
- Application form appears likely to contain numerous fundamental errors. These include:
 - Incorrect proposed bedroom total.
 - False declaration of the existing floor space
 - False declaration of no existing employees on site

Total floor space is 1273m² therefore the application completely misrepresents and underestimates the commercial floor space. Existing buildings comprise seven units. Only one of these units is currently unlet. Five are fully let and one is used by current owner. Under paragraph 18.8 of Core Strategy, this confirms buildings are not redundant or no longer required for industrial and commercial purposes. Under Policy CSP 22, the Council is under an obligation to seek to make the best use of these existing commercial and industrial sites especially those suitable for occupation by small businesses. This commercial property directly supports the employment of at least 10 people. In accordance with paragraph 18.5 of Core Strategy it is important to ensure existing employment base is protected. Under paragraph 4.4 of Local Plan the retention of this employment site is viable.

- Ignorance of the site explains why the applicant states the site is not viable, when no (or no notable) proportion of rental income over the last 50 years has been reinvested, leaving maintenance to the tenants. This implies continuous profit.
- Contrary to DP4, (A/2), has made no effort to sell the site on the open market for its current B2/B8 usage, with the only transfer of interest being from the original owner to the applicant. Confusing that the applicant states the site is not viable, yet decided to acquire title to the property, with rights to now receive the rental income from tenants. This surely serves as a very recent demonstration of the site's healthy viability. Presume completing successful transfer of title must void justification for change of use under DP4 (A/2).
- Usage restrictions, which prevent site activity in the evening and all Sunday are highly valued but would be lost with a housing development.
- Would conflict with the aims of promoting sustainable transport. Businesses on site have not generated any extra traffic. Number of large vehicles passing down the lane would cause great inconvenience to equestrians and walkers who use Grants Lane and surrounding footpaths and bridleways on a daily basis. Large lorries delivering construction materials will result in much verge damage along Grants Lane. In places there is insufficient width to pass an HGV. This will lead to congestion and unsafe vehicle reversing movements. A survey of the existing road should be added as a planning condition with repair to existing standard. Housing complex would bring a number of extra cars to our narrow country lane and cars coming in and out just below the bridge could be dangerous.
- We do not have mains drainage, no gas, broadband speeds are terrible. Most people have oil boilers.
- The viability report focusses on the state of the buildings, access and possible difficulty in finding replacement tenants. The state of the buildings and access appears satisfactory for the current tenants given the length of time they have

operated from the premises. As there are tenants in place, the viability consideration should focus on the current utilization rather than estimated vacant letting potential. It is clear that the current site is “viable” evidenced by the historic and continuing commercial use T.J. Motors and others have for this site.

- On the basis of previous statements by the County Highway Authority (CHA) the application site is not an ideal location in sustainable transport terms for new residential use, as it is not easily accessible by modes of transport other than the private car. It is not located within a reasonable walking distance from key services and facilities.

Assessment

Key planning considerations:

The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2021. However, paragraph 219 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.

The key planning considerations for the determination of this application are considered to be:

- i) Whether the development is contrary to Green Belt policy;
- ii) Loss of employment land;
- iii) Whether the development is contrary to other policies of the development plan, including sustainability;
- iv) Whether the development is sustainable; and
- v) Impact on the character and appearance of the locality.

Green Belt

The NPPF 2021 supports the protection of Green Belts and the control of development within these designated areas. Paragraph 137 of the NPPF affirms 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 permanence.

Paragraph 147 of the NPPF (the framework) 2021 advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to say that in considering any planning application substantial weight is given to any harm to the Green Belt, it affirms that ‘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.’

There is a general presumption against inappropriate development within the Green Belt. Such development is, by definition, harmful to the Green Belt, and should not be approved, except in very special circumstances. The site is located within the Green Belt. The NPPF states that substantial weight should be given to any harm to the Green Belt and that the construction of new buildings should be regarded as inappropriate unless they fall within one of the stated exceptions. These include, inter alia, limited infilling or the partial or complete redevelopment of previously developed sites, whether

redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it.

With regards to land being previously developed, Annex 2 to the NPPF (Glossary) defines previously developed land as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

The proposal site comprises two large, long buildings containing units used for storage and light industrial purposes (B2/B8) with hard surfaces which would be considered as previously developed land (PDL) as defined by the National Planning Policy Framework. The NPPF would allow for the partial or complete redevelopment of previously developed land (PDL) in the Green Belt so long as such development would not have a greater impact on the openness of the Green Belt than the existing development and would not conflict with the purposes of including land within it.

Planning permission was refused under application 2017/872 for the demolition of the existing buildings and erection of three dwellings which was subsequently dismissed at appeal. Whilst the Inspector considered that the site was an unsuitable location for residential development and harm through loss of an employment site, he agreed that the proposal did not represent inappropriate development in the Green Belt. The current scheme also seeks the demolition of the existing buildings on the site and the erection of three dwellings albeit they are of a slightly different size and design to those previously proposed under application 2017/872.

Therefore, given the layout, design and form of the proposed scheme, it is considered that the proposal would result in no greater impact on the openness of the Green Belt than that considered by the Inspector in his 2018 decision and would be acceptable.

The Tandridge Interim Housing Delivery Test Action Plan (2022) identifies previously developed land in the Green Belt as having potential to assist the Council with its housing land supply and is a material consideration in the determination of this application.

As agreed at Planning Policy Committee on 24 November, the Council will shortly be undertaking a call for sites for new housing development on previously developed land to assist in meeting housing land requirements. Given that 94% of land in Tandridge District is Green Belt, it is to be expected that sites identified in this call for sites will be in the Green Belt. It is important, therefore, that the redevelopment of sites such as this one is considered wholly objectively in order not to set precedents and adversely impact on future decisions on similar previously developed land sites.

Loss of employment land:

The key development plan policies relating to employment land that are considered in representations on this application to be important in its determination are Core

Strategy Policy CSP22, Tandridge Local Plan Part 2 Detailed Policy DP4 and Limpsfield Neighbourhood Plan Policy LNP10.

Policy DP4 provides that alternative use of commercial and industrial sites will be permitted only where it can be demonstrated that the current use is no longer viable. This should be demonstrated by a minimum 12 month active marketing exercise. However, paragraph 4.5 of the accompanying Written Statement, which needs to be read in conjunction with Policy DP4, provides that the marketing exercise only applies to sites with a lawful use for employment. Reference to the planning history of the application site shows that the site does not have a lawful use for any of the B2 or B8 or domestic storage uses that currently occupy the buildings. Policy DP4 does not therefore apply to the determination of this application.

Neither is Policy LNP10 relevant to the determination of this application. The policy deals with development proposals which support local farms, agriculture and equestrian activities, or proposals for the re-use of an existing building or for provision of a well-designed new building on previously developed land in the countryside. None of these are considerations in the determination of this planning application.

Nevertheless, and with Policy DP4 in mind, the applicant has submitted a Marketing Appraisal document which with the application containing correspondence with the commercial property agents, Robinsons and also Caretaker estates.

Robinsons considered that the existing units are not viable for new lettings given their poor condition with corrugated asbestos roofing. The former farming sheds with their low access height doors are dilapidated and a challenge operationally. They further state that the motor mechanic operating from units 1B and 1C is only possible due to the access from the flank wall of the building rather than opening on the frontage. In addition they advise that the site's relatively remote rural location is less appealing to many small businesses. Any new business park creating units for small businesses would ideally offer 6m eaves height, generous loading aprons and good turning space for HGV's and forklifts. Robinsons consider redevelopment not to be a viable option as the long term investment risk together with the poor access, remote location and impact from increased commercial vehicle movements would be inappropriate for this rural location.

A copy of a letter from Caretakers estates confirms that marketing of Units 2a and 2b around March 2021 which were listed on Zoopla and they received a total of 22 enquiries across a 7 month period. Of the 12 parties who viewed the units the feedback was:

- Too remote
- Poor condition and restricted height
- Lack of modern facilities
- Concerns over storing items which may be susceptible to damp environments

The condition of the existing buildings on site together with the location and lack of interest from potential tenants for the units at Hillview Farm demonstrates through the Market Appraisal document that the site is no longer viable for the purposes of B2 and B8 (light industrial and storage). Whilst it is noted that most of the units on the site are currently occupied, the information provided within the letter from Caretaker estates states that two of the units were let at discounted rental to ensure their occupation. The letter goes on to state that *'typically market rental would be realised at circa £10sq ft-£12sq ft for buildings within this use class, however in order to secure occupations, it has only been possible to achieve rates equating to around £5sq ft'*. Caretakers agree

with the recommendations made by Robinsons in that consideration should be given to the future of the site given the nature of the buildings, as they will remain difficult to occupy on commercially viable terms, given the apparent limited demand due to their condition and location.

Notwithstanding that Policy DP4 is not relevant to the determination of this application, the applicant has sought advice from letting agents about the marketability of the existing units. The applicant has also conducted a marketing exercise for more than a six month period as required by Policy DP4. In both cases the advice received is that units are unlettable in their existing condition and that employment floorspace the development is unviable.

For the above reasons it is considered that the loss of the commercial use of the site is acceptable due to its unsuitable location and condition of the existing buildings and as such there would be no conflict with Core Strategy Policy CSP22.

Both Limpsfield Parish Council and third parties object to the loss of the existing sheds based partly on claims about employment generated by the current site occupiers, including that for apprentices. The Council has not received any schedule of employees per unit on the site that substantiates these claims. The observation of Council officers is that minimal employment (possibly as few as only 2 full-time employees) is generated by the existing uses on the site and that exclusively by the car repair use.

Other development plan policies and planning considerations, including sustainability:

i) Location of development

Hillview Farm is located within a rural and Green Belt area of Limpsfield on the side of Grants Lane and south of the Oxted/Edenbridge railway line.

The site is in the open countryside which is designated an Area of Great Landscape Value. Given the local topography and extensive areas of woodland and fields lined by mature hedgerows, the site when redeveloped for housing will not have any adverse landscape impact. The proposed development will consequently not be contrary to development plan Policy CSP20.

Policy CSP1 of the Core Strategy states that in order to promote sustainable patterns of travel and in order to make the best use of previously developed land (PDL), development will take place within existing built up areas and be located where there is a choice of mode of transport available and where the distance to travel is minimised.

Policy LNP13 of the Limpsfield Neighbourhood Plan requires proposals to promote or make better provision for walking, cycling and the use of public transport and improved parking, including making proper provision for those with mobility impairment, will be supported.

Local services that would provide for the day to day needs of the future occupiers of the proposed development are located in Limpsfield Village and Oxted.

Within the appeal decision for 2017/872 the Inspector stated:

'The nearest local services that would provide for future occupiers day to day needs appear to be located in settlements to the north-west and south east. Grants Lane is relatively narrow and has no footpaths in the vicinity of the appeal site. It is also unlit and heavily shaded by trees in places. This would

not make it an attractive option for walking or cycling. This would be particularly so in the dark or bad weather. The nearest public transport services that have been drawn to my attention are a considerable distance from the appeal site. I therefore consider that future occupiers of the proposed dwellings would be likely to be highly reliant on private motor vehicles to access local services.'

The NPPF 2021, states that local authorities should support a pattern of development, which, where reasonable to do so, facilitates the use of sustainable modes of transport, and that development should be located where practical to give priority to pedestrian and cycle movements and have access to high quality public transport facilities. In this case, it is considered that the site is not easily accessible by other modes of transport and would almost solely be reliant on private car use.

The County Highway Authority (CHA) considers that the application site is not in an ideal location in sustainable transport terms for new residential use, is reliant on the private car and not located within a reasonable walking distance from key services. The CHA also acknowledges that there are three dimensions to sustainable development, that being economic, social and environmental. As such the sustainability of the site should not be assessed purely in terms of transport mode and distance.

Furthermore, the CHA recognises that the applicant has provided within their traffic technical note survey data on the existing ingress/egress of vehicles using the site access leading to the conclusion that the proposed development of 3 dwellings would provide a significant reduction in the number of traffic movements generated by the site, particularly larger vehicles, when compared to the existing commercial use.

The technical note submitted by the applicant also refers to an application at Hookstile House approved under application 2021/1972 which also comprised a development of 3 dwellings. Paragraph 1.2 states:

'there was previously some concern from the local authority with regards to the sustainability credentials of the site, but this view has recently changed with the delegated approval. Similar to the proposed scheme at Grants Lane, Oxted, Hookstile House is located on a rural lane within Tandridge District and therefore has similar levels of accessibility and sustainability, it is identical in terms of unit numbers and is also in keeping with the local area.'

The CHA comments on Hookstile House said that despite the unsustainable location in transport terms, there is likely to be a reduction in the trip generation associated with the site as a result of the proposed development. As with this site the CHA also recognised that this is a decision that should include economic and social aspects.

For the above reasons, the proposed development is not considered to conflict with Core Strategy Policy CSP1 with regards to the location of the site and the redevelopment being considered sustainable.

ii) Character and Appearance

The NPPF states that good design is a key aspect of sustainable development, indivisible from good planning and should contribute positively to making places better for people. It also goes on to say that permission should be refused for development of poor quality which fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.

Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.

Policy LNP2 of the Limpsfield Neighbourhood Plan requires that developments have regard to the character of the surrounding area, whilst Policy LNP3 requires that they should be well designed, reflect the distinctive character of the different parts of the Parish, having regard to the scale, height and form of buildings, the spacing, materials and landscaping. Policy LNP5 sets out that development should only be permitted where it would not have a detrimental impact upon character or landscape.

The NPPF sets out that design is integral to sustainable development and that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The site is currently occupied by two large, dilapidated former agricultural buildings which will be demolished as part of the proposal and would see the erection of three dwellings located fairly centrally within the existing site.

With regards to the siting of the proposed dwellings, plot 1 would be located to the eastern end of the site and is a similar design to that proposed at plot 2 albeit handed. The remaining dwelling at plot 3 is the larger of the three dwellings which would be located towards the western end. Each of the dwellings will have a detached double garage with driveway parking.

Whilst the proposed dwellings would be around 3 metres higher than the existing buildings on the site, they would have a smaller combined footprint and would have a lesser degree of built form. The dwellings proposed would be well separated from each other and from the existing site boundaries. The proposed design is traditional, however, a condition requiring the submission of proposed materials to be used in the dwellings to be agreed by the Local Planning Authority should be added to the planning permission.

For the above reasons, it is considered that the proposed development would be acceptable in terms of character and appearance and would therefore comply with the provisions of Policies DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies and Policy CSP18 of the Core Strategy.

iii) Residential amenity

Policy CSP18 of the Core Strategy requires that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any adverse effect.

Criteria 6 – 9 (inclusive) of Policy DP7 of the Local Plan Part 2: Detailed Policies seeks to safeguard amenities of neighbouring properties, including minimum distances that

will be sought between existing and proposed buildings. Policy DP7 also requires that the proposed development provide satisfactory living conditions for future occupants.

The site is relatively isolated with respect to neighbouring dwellings with the exception of two dwellings to the eastern side of Grants Lane. There is a separation distance of approximately 40 metres between the flank wall of Plot 1 and the west facing elevation of the neighbouring dwelling Collishaw. The plans show that the existing trees and vegetation will be retained along the eastern boundary of the site (Grants Lane) thus providing adequate screening from the dwellings close to the site.

Rose Oak is sited to the south of Collishaw and as such is likely to be less impacted by the proposed development.

For the reasons above, the proposal is considered acceptable in terms of the potential impact upon the residential amenities and would therefore comply with the provisions of Policy DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies and Policy CSP18 of the Core Strategy.

iv) Highways and parking

Policy CSP12 of the Core Strategy advises that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Criterion 3 of Policy DP7 of the Local Plan also requires new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety.

Each plot has a double garage measuring 7.4m x 6.5m which is sufficient for parking 2 vehicles. In addition to this there will be a private driveway for each dwelling which would provide further parking. The submitted technical note states that '*there is adequate room on each plot to accommodate a minimum of 3 parking spaces in accordance with the standards*'. Provision has also been made within the site for a visitors parking layby. It is considered that the proposed parking would accord with the requirements as set out in the Tandridge Parking Standards SPD. The CHA has not raised any objection to this application on highway safety grounds.

For the above reason the proposal would therefore comply with Policy CSP18 of the Core Strategy and Policies DP5 and DP7 of the Local Plan.

v) Trees

Core Strategy Policy CSP 18 (Character and Design) requires that:development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.

Paragraph 13 of Policy DP7 of the Local Plan states:

Where trees are present on a proposed development site, a landscaping scheme should be submitted alongside the planning application which makes provision for the retention of existing trees that are important by virtue of their significance within the local landscape. Their significance may be as a result of their size, form and maturity, or because they are rare or unusual. Younger trees that have the potential to add significant value to the landscape character in the future should also be retained where possible. Their retention should be reflected in the proposed development layout, allowing sufficient space for new and young trees to grow to maturity, both above and below ground. Where existing trees are felled prior to permission for development

being sought, the Council may require replacement planting as part of any permission granted.

The Tandridge Trees and Soft Landscaping SPD (2017) outlines the importance of landscaping which applies to urban and rural areas and advises that it is 'essential that the design of the spaces around buildings is given the same level of consideration from the outset as the design of the buildings themselves'. Trees are not only a landscape and environmental benefit but, as the SPD outlines, a health benefit for people which enhances their environment. Further guidance on the consideration of trees in relation to development is provided within the Tandridge Trees and Soft Landscaping SPD (2017).

The Tree Officer has been consulted and his comments are as follows:

'Thank you for consulting me. I am familiar with this site as I was also consulted on the 2017/872 application which was dismissed at appeal.

I have carried out a further site visit, specifically to assess T4, which was previously shown for removal to accommodate a widened access, but is now shown to be retained.

I am satisfied that the development can be facilitated without harm, as all significant trees are on the boundaries and are to be retained. The protection shown on the Quaife Woodlands Tree Protection Plan and described within the associated report would be sufficient to provide for their protection during development, and I am satisfied that the relationship between trees and dwellings would be sustainable in the long term.

One thing I would suggest is that there is insufficient enhancement tree planting on the site, with only one additional tree shown. Instead there are numerous shrubs shown planted and also hedging. Whilst I would of course be happy with shrub planting, we will also require additional trees, for which there is ample room, and hedge planting should be made up of native hedgerow species in order to blend with the rural landscape character.

I have no objections, and should you be minded to permit the scheme, I would recommend that the tree protection plan and arboricultural report are included within the approved documents, or within a compliance condition. I would also recommend that our standard hard and soft landscaping condition is applied.'

For the above reason It is therefore considered that the proposal would be in accordance with Policy CSP18 of the Core Strategy and Policy DP7 of the Local Plan.

vi) Ecology

The NPPF paragraph 180 states that 'when determining planning applications, local planning authorities should apply the following principles' and in section d) it goes on to say 'development whose primary objective is to conserve or enhance biodiversity should be supported; whilst opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'.

Policy CSP17 of the Core Strategy requires development proposals to protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural

habitats and ecological networks to sustain wildlife in accordance with the aims of the Surrey Biodiversity Action Plan.

Policy DP19 of the Local Plan Part 2: Detailed Policies 2014 advises that planning permission for development directly or indirectly affecting protected or Priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.

A Preliminary Ecological Appraisal (PEA) prepared by the Ecology Partnership dated March 2022 has been submitted with the application, and this identifies the biodiversity potential of the site. Surrey Wildlife Trust (SWT) have reviewed the proposals and made comprehensive recommendations which it is considered are appropriate to add suitably worded conditions to ensure compliance.

As such, the proposal would comply with the provisions of Core Strategy Policy CSP17 and Policy DP19 of the Local Plan.

vii) Renewables

Policy CSP14 requires the reduction of carbon dioxide (CO₂) emissions by means of on-site renewable energy technology. The SAP calculations and Energy Statement submitted with the application demonstrates that photovoltaic solar panels would be sufficient to provide a sufficient carbon emissions reduction to meet the 10% target set out in Policy CSP14. The implementation of the renewable energy technologies would be secured by planning condition.

viii) Contaminated land

The Council's contaminated land officer was consulted as part of the assessment of the planning application and has recommended a land contamination condition requiring that a scheme of investigation and if necessary decontamination and validation, to be agreed by the Local Planning Authority (LPA) is added should the permission be granted. As such, it is not considered that there would be any conflict with Local Plan Policy DP22.

ix) CIL

This development is CIL liable.

In addition to CIL the development proposed will attract New Homes Bonus payments and as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) these are local financial considerations which must be taken into account, as far as they are material to the application, in reaching a decision. It has been concluded that the proposal accords with the Development Plan and whilst the implementation and completion of the development will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.

Conclusion

Development plan policies with respect to safeguarding employment land do not apply to these development proposals.

The site is previously developed land and its redevelopment for housing will not be inappropriate development in the Green Belt.

The design of the proposed development would respect and reflect the character and appearance of the site and surrounding area. Whilst it is recognised that the future occupiers of the dwellings would be highly reliant on the use of a car, the proposal would enhance the setting of the site which would improve the sustainability of the site compared with the existing buildings and their use. As such, it is recommended that the application is approved.

The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with the NPPF 2021. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION: PERMIT subject to the following conditions:

1. The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This decision refers to drawings numbered GL/582/EXP20, GL/582/EXP21, GL/582/G10, GL/582/PD10 Rev A:, GL/582/PD11, GL/582/SS20 Rev A: scanned on 13th July 2022, 502.0149.004, GL/582/SP20 Rev B: and red-edged site plan GL/582/BP20 Rev A: scanned on 17th October 2022. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason: To enable the Local Planning Authority to exercise control over the type and colour of materials, so as to enhance the development and to ensure that the new works are appropriate to the character of the area in accordance with Policy CSP18 of the Tandridge Local Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014.

4. No works above ground level shall commence until details demonstrating how the development would satisfy the 10% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the Local Planning Authority. The renewable energy provision shall thereafter be implemented and retained in accordance with the approved details.

Reason: To ensure on-site renewable energy provision to enable the development to actively contribute to the reduction of carbon dioxide emissions in accordance with Policy CSP14 of the Tandridge District Core Strategy 2008.

5. No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- proposed finished levels or contours
- means of enclosure
- car parking layouts
- other vehicle and pedestrian access and circulation areas
- hard surfacing materials
- minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.).

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.

Reason: To maintain and enhance the visual amenities of the development in accordance with Policy CSP18 of the Tandridge Local Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

6. No demolition or building operations shall commence until the tree protection measures detailed within the approved Tree Protection Plan (reference) and Arboricultural Method Statement have been implemented. Thereafter these measures shall be retained and any specified staging of works strictly adhered to throughout the course of development, and shall not be varied without the written agreement of the Local Planning Authority.

In any event, the following restrictions shall be strictly observed unless otherwise agreed by the Local Planning Authority:

- (a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.
- (b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees.
- (c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.

Reason: To prevent damage to trees in the interest of the visual amenities of the area in accordance with Policy CSP18 of the Tandridge Local Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

7. Prior to the commencement of any construction, demolition and excavation works, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include the following:
 - a) Map showing the location of all ecological features
 - b) Risk assessment of the potentially damaging construction activities
 - c) Practical measures to avoid and reduce impacts during construction#
 - d) Location and timing of works to avoid harm to biodiversity features
 - e) Responsible persons and lines of communication
 - f) Use of protective fencing, exclusion barriers and warning signs.

Reason: To safeguard the ecological interest of the site in accordance with Policy CSP17 of the Tandridge Local Core Strategy 2008 and Policy DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

8. Prior to the commencement of any construction, demolition and excavation works, a Landscape and Ecological Management Plan (LEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include the following:
 - a) Description, location plan, and evaluation of features to be managed
 - b) Ecological trends and constraints on site that might influence management
 - c) Aims and objectives of management
 - d) Appropriate management options for achieving aims and objectives
 - e) Prescriptions for management actions, together with a plan of management compartments
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - g) Details of the body or organisation responsible for implementation of the plan
 - h) Ongoing monitoring and remedial measures
 - i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery.
 - j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To safeguard the ecological interest of the site in accordance with Policy CSP17 of the Tandridge Local Core Strategy 2008 and Policy DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

9. Prior to the commencement of any construction, demolition and excavation works, a survey of the site by an appropriately qualified and experience ecologist should be undertaken within the proposed development boundary and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive. If any badger activity is detected a suitable course of

action shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the ecological interest of the site in accordance with Policy CSP17 of the Tandridge Local Core Strategy 2008 and Policy DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

10. Prior to commencement of development a Sensitive Lighting Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development will result in no net increase in external artificial lighting in order to comply with above referenced legislation and the recommendations of the Bat Conservation Trusts' document entitled 'Bats and Lighting in the UK - Bats and The Built Environment Series' and to safeguard the ecological interest of the site in accordance with Policy CSP17 of the Tandridge Local Core Strategy 2008 and Policy DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no form of enlargement of the dwelling(s) hereby permitted shall be carried out without the express permission of the Local Planning Authority.

Reason: To control further development of the site in the interests of the character of the area and amenities of nearby properties, in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7, DP10 and DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages, sheds, greenhouses or other ancillary domestic outbuildings shall be erected [apart from those expressly authorised as part of this permission] without the express permission of the Local Planning Authority.

Reason: To preserve the openness of the Green Belt/to control further development of the site in the interests of the character of the area and amenities of nearby properties in accordance with Policy CSP18 of the Tandridge Local Core Strategy 2008 and Policies DP7, DP10 and DP13 of the Tandridge Local Plan: Part 2.

13. At least 28 days before the development hereby permitted commences, a detailed written scheme of assessment consisting of site reconnaissance, conceptual model, risk assessment and schedule of investigation shall be submitted to and approved in writing by the Local Planning Authority. Before commencement of development above ground the scheme of assessment shall be carried out at such points and to such depth as the Local Planning Authority may reasonably stipulate and laboratory results shall be provided as numeric values in an electronic formatted spreadsheet in accordance with the standards of the *Government Guidance for Land affected by Contamination*. A scheme for decontamination and validation shall then be agreed in writing by the Local Planning Authority and the scheme as approved including provision of suitable soft landscaping where necessary shall be implemented before any part of the development hereby permitted is occupied.

Reason: This condition is essential to ensure satisfactory amelioration of contaminated land, in accordance with Policy DP22 of the Tandridge Local Plan: Part 2 Detailed Policies 2014.

14. The development hereby approved shall not be first occupied unless and until a scheme to be submitted to and approved in writing by the Local Planning Authority demonstrating the visibility zones achievable and thereafter these shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users to accord with Policy CSP12 of the Tandridge District Core Strategy 2008 and Policy DP5 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014

15. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning area shall be retained and maintained for their designated purposes.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users to accord with Policy CSP12 of the Tandridge District Core Strategy 2008 and Policy DP5 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014

16. The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The condition is required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019, to meet the objectives of the NPPF (2019), and to satisfy policy CSP12 of the Tandridge District Core Strategy 2008 and Policy DP5 of the Tandridge Local Plan Part 2: Detailed Policies 2014.

17. The development hereby approved shall not be first occupied unless and until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes by said facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The condition is required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019, to meet the objectives of the NPPF (2019), and to satisfy Policy CSP12 of the Tandridge District Core Strategy 2008 and Policy DP5 of the Tandridge Local Plan Part 2: Detailed Policies 2014.

18. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) HGV deliveries and hours of operation, including the use of banksmen
- (f) vehicle routing, to be agreed with the LPA
- (g) measures to prevent the deposit of materials on the highway
- (h) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

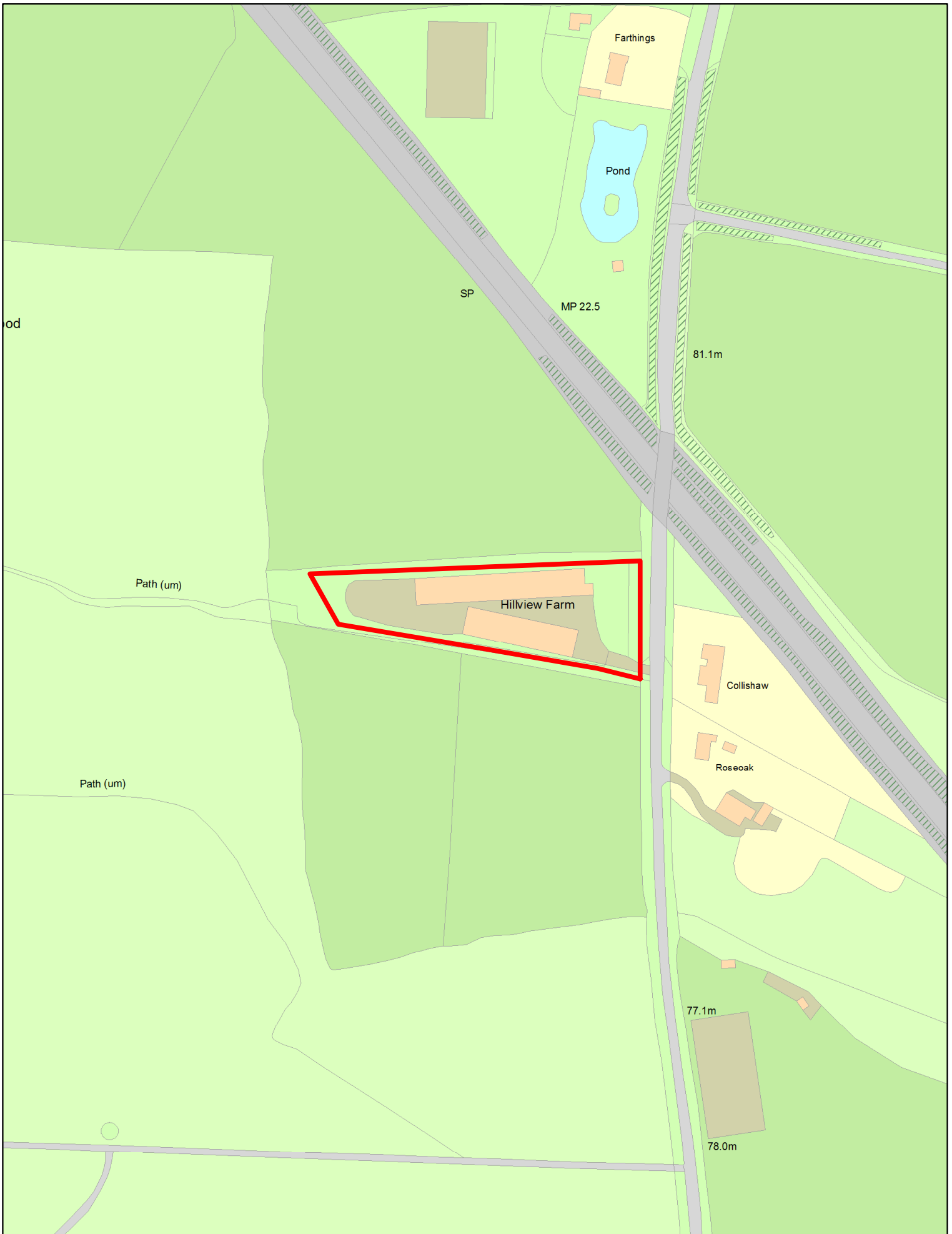
Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users to accord with Policy CSP12 of the Tandridge District Core Strategy 2008 and Policy DP5 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014

Informatives:

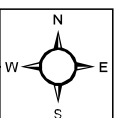
1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.
2. The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued. It is important that you ensure that the requirements of the CIL Regulations are met to ensure that you avoid any unnecessary surcharges and that any relevant relief or exemption is applied.
3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form or modify a vehicle crossover or to install dropped kerbs. Please see www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.
4. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2022. Where undercover parking areas (multi-storey car parks, basement or undercroft parking) are proposed, the developer and LPA should liaise with Building Control Teams and the Local Fire Service to understand any additional requirements. If an active connection costs on average more than £3600 to install, the developer must provide cabling (defined as a 'cabled route' within the 2022 Building Regulations) and two formal quotes from the distribution network operator showing this.

5. The developer is advised that Public Footpath Number 200 is adjacent to the application site and it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.
6. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
7. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
8. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
9. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage
10. Where details of materials are required please provide these via a link to a website or in another electronic format. Please make sure if providing a link that it is clear which material(s) is/are being proposed for use. Samples should not be provided unless specifically requested by the case officer.
11. The applicant should take action to ensure that development activities such as demolition and vegetation or site clearance are timed to avoid the bird nesting season of early March to August inclusive.

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Hillview Farm
Grants Lane
Limpsfield
Oxted RH8 0RH



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ITEM 5.3

Application: 2021/578

Location: Rough Beech Barn And Bungalows 1 & 2 Dowlands Lane
Smallfield Surrey RH6 9SD

Proposal: Conversion of 1 & 2 Dowlands Bungalows from Use Class C3 (dwellinghouses) to Use Class E (offices). Conversion of Rough Beech Barn from Use Class E (offices) into Use Class C3 (dwellinghouses) 2 x 3-bedroom dwellinghouses including the erection of a single storey side extension, alterations to rear roof pitch and removal of rainwater tank and shed. Conversion of existing outbuilding for use as a studio solely for unit 2. Formation of associated garden areas, car parking areas, and access paths and alterations to vehicular access arrangements.

Ward: Burstow, Horne and Outwood

Constraints - ASAC, ANC_Wood500, GAT_BIRDSTRIKE, Green Belt, SPA, Gatwick Safeguarding, NATS.

RECOMMENDATION: PERMIT subject to conditions and Section 106 agreement

1. This application is reported to Committee due to the requirement to enter into a Section 106 agreement.

Summary

2. Planning permission is sought for a single storey extension and other alterations to Rough Beech Barn and its conversion from offices to two dwellings. Planning permission is also sought for the conversion of 1 and 2 Dowlands Bungalows, from residential use to offices.
3. This application is an alternative to that approved under TA/2017/2581. This scheme differs from the previous permission as it seeks to convert 1 & 2 Dowlands Bungalows to offices rather than 3 & 4 Dowlands Bungalows with associated landscaping changes.
4. The application site is located adjacent to Rough Beech House, a Grade II listed building. The proposals have been carefully considered to ensure that the setting of the listed building is preserved. It is considered that the proposals do not comprise inappropriate development and that they would preserve the openness of the Green Belt. Issues relating to car parking and the impact of the proposals on the amenities of neighbouring residents have been addressed with the submission of revised drawings. Ecological interests on the site have also been investigated and will be protected and enhanced within the proposed development.
5. A Section 106 agreement has been drafted to require that the existing offices are not converted until 1 & 2 Dowlands Bungalow are occupied as offices. This is in order to ensure that the balance of uses on the site remains as proposed, and to avoid either a loss of residential dwellings or a loss of employment space.

Site Description

6. Rough Beech Barn and 1 and 2 Dowlands Cottages are located on the western side of Dowlands Lane, approximately 150m south of its junction with Plough

Road in open countryside to the east of Smallfield. The site is occupied by a number of buildings which are in a mix of uses as follows:

- Rough Beech – residential dwelling
 - Outbuildings to Rough Beech – Ancillary residential uses
 - Rough Beech Cottage – residential dwelling
 - Rough Beech Barn – offices
 - Outbuilding to Rough Beech Barn – ancillary office use
 - 1-4 Dowlands Cottages – residential dwellings
7. There are a number of vehicular access points into the site from Dowlands Road. The southern access point leads into a car parking court which serves Rough Beech and Rough Beech Cottage and provides visitor parking for the offices. The centrally located access point leads into a car park for the offices, whilst the northern access serves the dwellings at 1-4, Dowlands Cottages. The frontage to the site to Dowlands Road is marked by a mature hedge.
8. Rough Beech is a Grade II listed two storey detached dwelling located in the western part of the property.
9. Rough Beech Barn is a large Sussex Barn which is currently in a B1 office use. The barn is a reclaimed building which was moved to the site at Rough Beech in the 1970's and positioned in the eastern part of the site. The barn is single storey with a central open bay and double height doors to the western elevation. The building has an internal first floor mezzanine. The barn has a pitched roof with half hipped gable ends and is constructed in brick, timber cladding and with a clay pitched roof. The western roof elevation contains an array of PV panels.
10. The outbuilding to the barn is located to the east of the barn adjacent to the highway and comprises a single storey structure with a pitched roof constructed in timber cladding and clay tiles to the sloping roof. The area between the barn, outbuilding and the highway is used as a car park with a gravelled surface.

Relevant History

11. TA/2017/2581- Conversion of Rough Beech Barn to 2 dwellings, erection of single storey side porch extension, alteration to rear roof pitch, removal of rain water tank and shed. Conversion of 3 and 4 Dowlands Cottages to office use (Class B1). Creation of associated garden areas, car parking, driveway and pedestrian walkway. Alteration to vehicle access. (Amended Plans- **Approved** (13/12/2018).

Proposal

12. This application proposes the conversion of 1 & 2 Dowlands Bungalows from Use Class C3 (dwellinghouses) to Use Class E (offices). Conversion of Rough Beech Barn from Use Class E (offices) into Use Class C3 (dwellinghouses) 2 x 3-bedroom dwellinghouses including the erection of a single storey side extension, alterations to rear roof pitch and removal of rainwater tank and shed. Conversion of existing outbuilding for use as a studio solely for unit 2. Formation of associated garden areas, car parking areas, and access paths and alterations to vehicular access arrangements.

Development Plan Policy

13. Tandridge District Core Strategy 2008 – Policies CSP12, CSP14, CSP15, CSP17, CSP18, CSP21 and CSP22.
14. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP4, DP5, DP7, DP10, DP13, DP19 and DP20.
15. Woldingham Neighbourhood Plan 2016 – Not applicable
16. Limpsfield Neighbourhood Plan 2019 – Not applicable
17. Caterham, Chaldon and Whyteleafe Neighbourhood Plan – (2021) – Not applicable
18. Emerging Tandridge Local Plan 2033 – Policies TLP01, TLP02, TLP03, TLP07, TLP10, TLP18, TLP19, TLP37, TLP45

Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance.

19. Tandridge Parking Standards SPD (2012)
20. Surrey Design Guide (2002)

National Advice

21. National Planning Policy Framework (NPPF) (2012)
22. Planning Practice Guidance (PPG)

Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance

23. Tandridge parking standards SPD (2012)
24. Tandridge Trees and Soft Landscaping SPD (2017)

National Advice

25. National Planning Policy Framework (NPPF) (2021)
26. Planning Practice Guidance (PPG)

Statutory Consultation Responses

27. Full details of the comments received in relation to this application are included within the officer report attached as appendix 1.

Assessment

28. This application is an alternative to that approved under application TA/2017/2581. The conversion of Rough Beech Barn remains substantially unchanged. The proposal however seeks to bring 1 & 2 Downands Bungalows into the red line of the application and convert these dwellings into office space. 3 & 4 Dowlands Bungalows, approved for conversion to office under application TA/2017/2581 will remain as dwellings under this current proposal and has been

taken out of the red line. Landscape alterations are proposed as a result of this change. The layout approved is shown as figure 1 and the proposed scheme as figure 2 below for comparison.

Figure 1- As approved TA/2017/2581

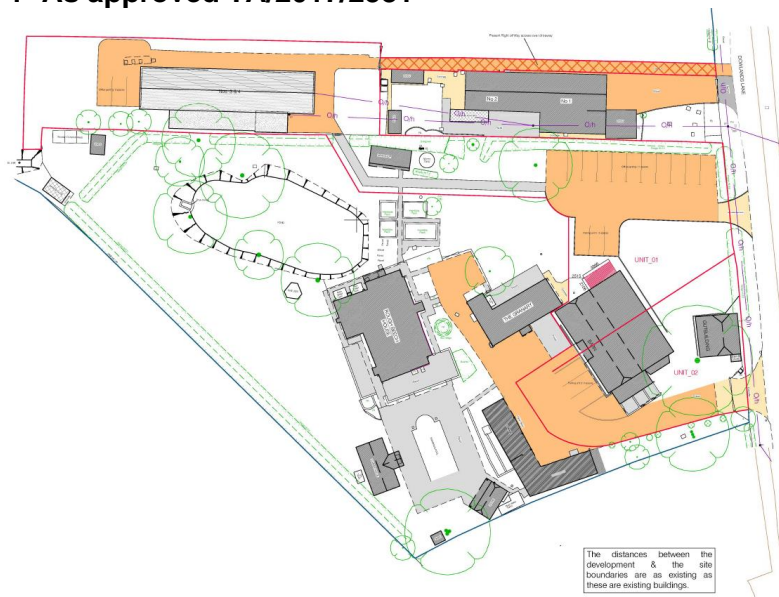
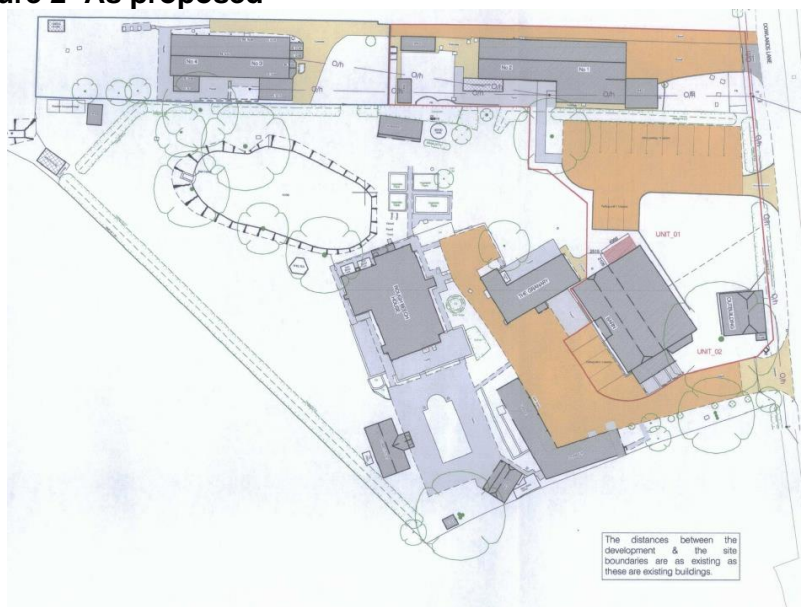


Figure 2- As proposed



29. As with the 2017 application the proposals do not comprise inappropriate development and that they would preserve the openness of the Green Belt. Issues relating to car parking and the impact of the proposals on the amenities of neighbouring residents have been addressed with the submission of revised drawings. Ecological interests on the site have also been investigated and will be protected and enhanced within the proposed development. A full assessment of the planning merits of this application are outlined within the officers' report included as **appendix 1** to this report.

30. In order to ensure that the balance of uses on the site remains as proposed, and to avoid either a loss of residential dwellings or a loss of employment space, the applicants have agreed to enter into a legal agreement to ensure that the office use on the site is implemented and occupied prior to the conversion of the existing offices to the residential use. A similar agreement was entered into under TA/2017/2581 however 3 & 4 Dowlands Bungalows was secured as office space within that agreement rather than 1 & 2 Dowlands Bungalows as it current proposed. A copy of the legal agreement is included as **appendix 2** of this report.

Conclusion

31. In conclusion planning permission is sought for a modest single storey extension and other alterations to Rough Beech Barn and its conversion from offices to two dwellings. Planning permission is also sought for the conversion of 1 and 2 Dowlands Bungalows, also on the application site, from residential use to offices. It is considered that the proposals do not comprise inappropriate development and that they would preserve the openness of the Green Belt.
32. The application site is located adjacent to Rough Beech House, a Grade II listed building. The proposals have been carefully considered to ensure that the setting of the listed building is preserved.
33. Issues relating to car parking and the impact of the proposals on the amenities of neighbouring residents have been addressed with the submission of revised drawings. An updated Preliminary Ecological Appraisal has been submitted with the application which identifies the existence of bat roosts in Rough Beech Barn. The report makes a number of recommendations which will need to be undertaken to ensure the adequate protection of ecological interests on the site.
34. In order to ensure that the development proceeds in accordance with the submitted plans, a legal agreement has been completed to ensure that the offices are completed and occupied prior to the conversion of the Barn to residential dwellings. This will ensure that there is no loss of residential dwellings or a loss of the employment use, contrary to adopted policy.
35. Accordingly, it is considered that the proposals accord with relevant policies set out in the Core Strategy and Local Plan Part 2 and is considered acceptable.
36. This development is CIL liable.
37. In addition to CIL the development proposed will attract New Homes Bonus payments and as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) these are local financial considerations which must be taken into account, as far as they are material to the application, in reaching a decision. It has been concluded that the proposal accords with the Development Plan and whilst the implementation and completion of the development will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.
38. The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with

paragraphs 214 and 215 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

39. All other material considerations, including third party comments, raised by third parties have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION: PERMIT subject to the applicant entering into a Section 106 Agreement in the terms set out in Appendix 2 to this report and following conditions:

1. The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This decision refers to drawings numbered 499/P1, 499/P2, 499/P3, 499/P4, 499/P5, 499/P6, 499/P11, 499/P12, 499/P13, 499/P14, 499/P15, 499/P16, 499/P17, 499/P18 received on 01/04/2021. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. No development shall start until full details of both hard and soft landscape works have been submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved. These details shall include:
- means of enclosure
 - car parking layouts
 - other vehicle and pedestrian access and circulation areas
 - hard surfacing materials
 - minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.).

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the District Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.

Reason: To maintain and enhance the visual amenities of the development in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

4. Before the development hereby approved is occupied the bathroom windows at ground and first floor levels on the north-western, south-western and south-eastern elevations windows shall be fitted with obscure glass and shall be non-opening unless the parts of the windows which can be opened are more than 1.7m above the floor of the room in which the windows are installed and shall be permanently maintained as such.

Reason: To protect the amenities and privacy of occupiers of adjoining properties in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

5. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be used and retained exclusively for its designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to ensure that parking is provided and maintained in accordance with the Council's adopted standards, in accordance with Policy CSP12 of the Tandridge District Core Strategy 2008 and Policies DP5 and DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies 2014.

6. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Dowlands Lane has been constructed and provided with visibility zones in accordance with the approved plans and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CSP12 of the Core Strategy 2008 and policy DP5 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

7. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in Section 4.2 of the Preliminary Ecological Appraisal Survey produced by Arbtech Ltd, dated March 2021.

Reason: To ensure that the ecological interests of the site and any protected species are adequately safeguarded throughout the development, in accordance with Policy CSP17 of the Tandridge District Core Strategy 2008 and Policy DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

8. The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and/or are required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2021 and to satisfy policy CSP12 of the Core Strategy DPDS (2008) and policy DP5 of the TLP Part 2: Detailed Policies (2014).

9. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

10. The works comprised in the conversion and extension of Rough Beech Barn to two dwellings hereby permitted shall not be commenced before the works to convert 1 & 2 Dowlands Bungalows to offices has been completed.

Reason: To ensure the proper planning and development of the site in accordance with the agreed scheme, in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policies DP4, DP7 and DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no form of enlargement of the dwellings hereby permitted shall be carried out without the express permission of the District Planning Authority.

Reason: To retain control over the habitable accommodation at this property and ensure that the dwelling is not enlarged contrary to the District Planning Authority's restrictive policy for the extension of dwellings in the Metropolitan Green Belt in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

12. The building at 1 & 2 Downands Bungalows shall be used for offices and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the District Planning Authority retains strict control over the use of the premises as applied for in accordance with Policy CSP22 of the Tandridge District Core Strategy 2008 and Policy DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

Informatives

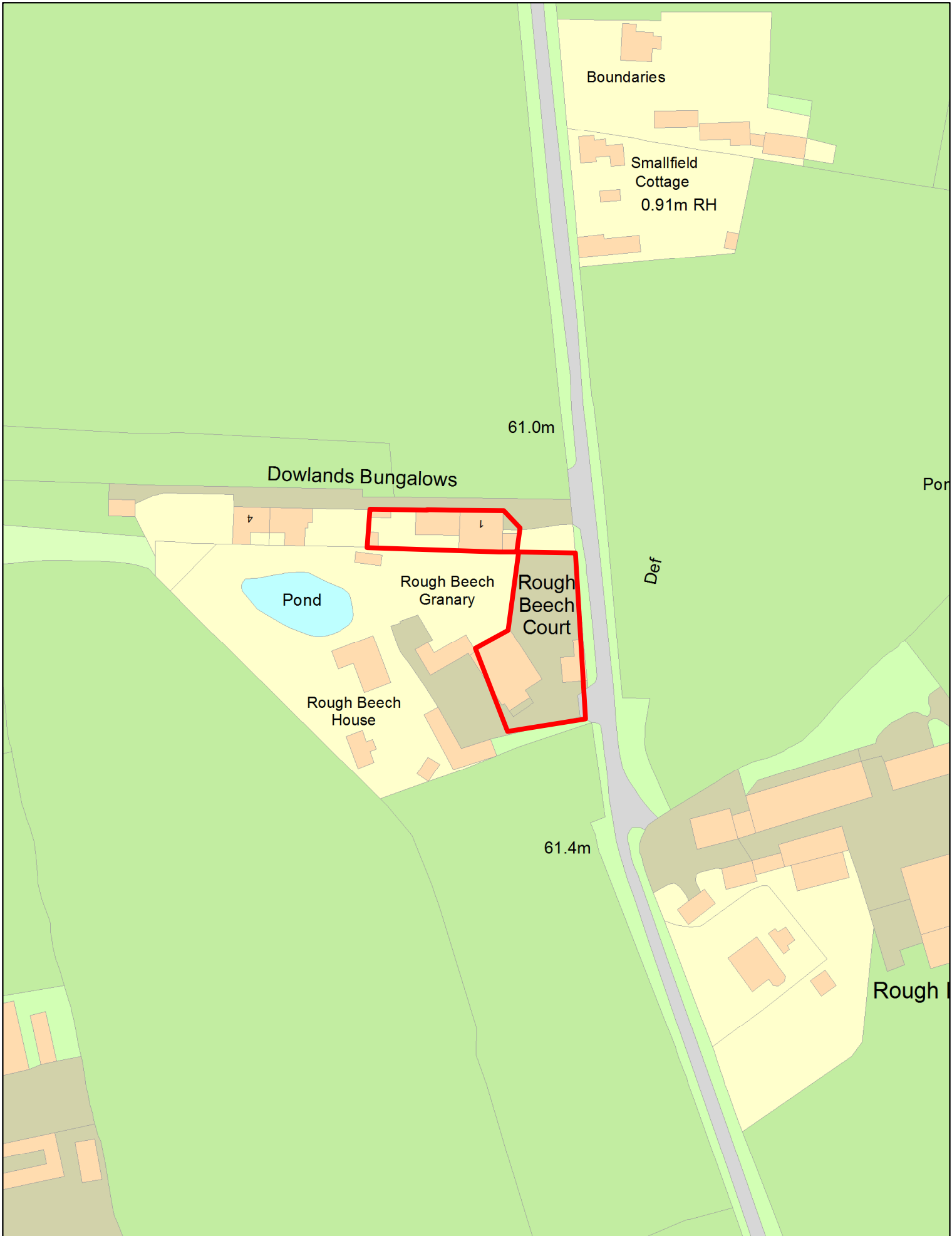
1. Condition 02 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 02 of this permission. Such an application would be made under the provisions of Section

73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

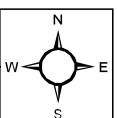
2. The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued. It is important that you ensure that the requirements of the CIL Regulations are met to ensure that you avoid any unnecessary surcharges and that any relevant relief or exemption is applied.

The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP12, CSP14, CSP15, CSP17, CSP18, CSP21 and CSP22, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP4, DP5, DP7, DP10, DP13, DP19 and DP20 and material considerations, including third party representations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.

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Rough Beech Barn
Dowlands Lane
Smallfield
Horley RH6 9SD



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APPENDIX 1

Application: 2021/578

Location: Rough Beech Barn And Bungalows 1 & 2, Dowlands Lane, Smallfield, Surrey, RH6 9SD

Proposal: Conversion of 1 & 2 Dowlands Bungalows from Use Class C3 (dwellinghouses) to Use Class E (offices). Conversion of Rough Beech Barn from Use Class E (offices) into Use Class C3 (dwellinghouses) 2 x 3-bedroom dwellinghouses including the erection of a single storey side extension, alterations to rear roof pitch and removal of rainwater tank and shed. Conversion of existing outbuilding for use as a studio solely for unit 2. Formation of associated garden areas, car parking areas, and access paths and alterations to vehicular access arrangements.

Ward: Burstow, Horne and Outwood

Constraints - ASAC, ANC_Wood500, GAT_BIRDSTRIKE, Green Belt, SPA, Gatwick Safeguarding, NATS.

RECOMMENDATION:

PERMIT

Summary

Planning permission is sought for a single storey extension and other alterations to Rough Beech Barn and its conversion from offices to two dwellings. Planning permission is also sought for the conversion of 1 and 2 Dowlands Bungalows, also on the application site, from residential use to offices. It is considered that the proposals do not comprise inappropriate development and that they would preserve the openness of the Green Belt.

The application site is located adjacent to Rough Beech House, a Grade II listed building. The proposals have been carefully considered to ensure that the setting of the listed building is preserved. Issues relating to car parking and the impact of the proposals on the amenities of neighbouring residents have been addressed with the submission of revised drawings.

Ecological interests on the site have also been investigated and will be protected and enhanced within the proposed development.

Site Description

Rough Beech Barn and 1 and 2 Dowlands Cottages are located on the western side of Dowlands Lane, approximately 150m south of its junction with Plough Road in open countryside to the east of Smallfield. The site is occupied by a number of buildings which are in a mix of uses as follows:

- Rough Beech – residential dwelling
- Outbuildings to Rough Beech – Ancillary residential uses
- Rough Beech Cottage – residential dwelling
- Rough Beech Barn – offices
- Outbuilding to Rough Beech Barn – ancillary office use
- 1-4 Dowlands Cottages – residential dwellings

There are a number of vehicular access points into the site from Dowlands Road. The southern access point leads into a car parking court which serves Rough Beech and Rough Beech Cottage and provides visitor parking for the offices. The centrally located access point leads into a car park for the offices, whilst the northern access

APPENDIX 1

serves the dwellings at 1-4, Dowlands Cottages. The frontage to the site to Dowlands Road is marked by a mature hedge.

Rough Beech is a Grade II listed two storey detached dwelling located in the western part of the property. Separate planning and listed building consent applications (2017/1625 and 2017/1681) have been submitted to convert the dwelling to a pair of semi-detached properties. The curtilage of the dwelling also contains an outdoor swimming pool and summer house, a detached store and a detached 'L' shaped building which is used for purposes incidental to the dwelling house. An application to convert the 'L' shaped ancillary building to 2 dwellings (2016/1897) has been withdrawn.

Rough Beech Barn is a large Sussex Barn which is currently in a B1 office use. The barn is a reclaimed building which was moved to the site at Rough Beech in the 1970's and positioned in the eastern part of the site. The barn is single storey with a central open bay and double height doors to the western elevation. The building has an internal first floor mezzanine. The barn has a pitched roof with half hipped gable ends and is constructed in brick, timber cladding and with a clay pitched roof. The western roof elevation contains an array of PV panels.

The outbuilding to the barn is located to the east of the barn adjacent to the highway and comprises a single storey structure with a pitched roof constructed in timber cladding and clay tiles to the sloping roof. The area between the barn, outbuilding and the highway is used as a car park with a gravelled surface.

1 and 2 Dowlands Cottages comprise a pair of single storey semi-detached dwellings.

Relevant History and Key Issues

Rough Beech and Dowlands Cottages

2017/2581 - Conversion of Rough Beech Barn to 2 dwellings, erection of single storey side porch extension, alteration to rear roof pitch, removal of rain water tank and shed. Conversion of 3 and 4 Dowlands Cottages to office use (Class B1). Creation of associated garden areas, car parking, driveway and pedestrian walkway. Alteration to vehicle access. (Amended Plans) – Granted 14/12/2018

Rough Beech

2017/1681 and 2017/1625 - Conversion of Rough Beech House to form two dwellings –

2017/61 – Erection of single storey extension to Rough Beech Cottage – Granted May 2017.

2016/1897 – Conversion and extension of outbuilding to form two dwellings – Withdrawn.

2006/1572 - Change of use of part of existing barn to B1 use, including insertion of windows to existing building.

2003/1079 and 2003/966 – Demolition of porch and erection of a single storey extension to north elevation of dwellinghouse – Permission granted August 2003.

3 & 4 Dowlands Cottages

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2020/1427 – Demolition of existing bungalows 3 & 4. Erection of office building (Class B1). Formation of associated gardens, landscaping, office car parking area and pedestrian access – Refused 28/10/2020

2016/2144 – Demolition of 3 and 4 Dowlands Cottages and construction of two replacement semi-detached dwellings – Permission refused November 2016 and appeal dismissed August 2017.

2016/1278 - Demolition of existing conservatory. Erection of single storey extensions to west and east elevations. (Certificate of Lawfulness for a Proposed Use or Development) – Granted September 2016.

2016/1277 - Erection of single storey infill extension to south and single storey extension to east elevation. (Certificate of Lawfulness for a Proposed Use or Development) – Granted September 2016.

1 & 2 Dowlands Cottages

2020/854 Erection of temporary (3 years from decision date) close-boarded timber fence and gates to the front (Retrospective) _Granted 02/04/2021

Main Issues

The site is located within the Green Belt. The main issue to be considered is whether the proposals constitute inappropriate development within the Green Belt, and if so whether very special circumstances exist which would outweigh the harm caused by reason of inappropriateness and any other harm.

Other issues to be considered are the impact of the proposed development on the character and appearance of the area, the impact of the proposals on the setting of the adjacent listed dwelling at Rough Beech, the impact of the proposals on the amenities of residents in neighbouring properties, the impact of the potential loss of employment accommodation and ecological and highways issues raised by the proposals.

Proposal

Planning permission is sought for the conversion of Rough Beech Barn from offices to a pair of semi-detached 3-bedroom dwellings together with the erection of a single storey side porch extension following the removal of a rain water tank and shed, and an alteration to the pitch of the roof at the rear of the building. Planning permission is also sought for the conversion of 1 and 2 Dowlands Cottages from a residential use to office use (Class B1) together with the creation of associated garden areas, car parking, a driveway and a pedestrian walkway from the reconfigured car park to the proposed offices at 1 and 2 Dowlands Cottage with alterations to the existing vehicle access.

The existing car park to the east of Rough Beech Barn would be used as garden area for each of the new dwellings proposed for the barn, whilst part of the garden area of Rough Beech Cottage would be separated from the property to form an extended car park for the proposed offices with a footpath laid from the car park to the proposed offices via an existing gate in the boundary hedge.

Development Plan Policy

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Tandridge District Core Strategy 2008 – Policies CSP12, CSP14, CSP15, CSP17, CSP18, CSP21 and CSP22.

Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP4, DP5, DP7, DP10, DP13, DP19 and DP20.

Woldingham Neighbourhood Plan 2016 – Not applicable

Limpsfield Neighbourhood Plan 2019 – Not applicable

Caterham, Chaldon and Whyteleafe Neighbourhood Plan – (2021) – Not applicable

Emerging Tandridge Local Plan 2033 – Policies TLP01, TLP02, TLP03, TLP07, TLP10, TLP18, TLP19, TLP37, TLP45

Supplementary Planning Documents (SPDs), Supplementary Planning Guidance (SPGs) and non-statutory guidance.

Tandridge Parking Standards SPD (2012)

Surrey Design Guide (2002)

National Advice

National Planning Policy Framework (NPPF) (2012)

Planning Practice Guidance (PPG)

Statutory Consultation Responses

County Highway Authority – The proposed development has been considered by the County Highway Authority who having assessed the application on safety, capacity and policy grounds, recommends that conditions relating to the provision of the modified vehicular access be provided prior to occupation, that the parking and turning areas be provided prior to occupation, that electric vehicle charging points be provided for each dwelling and for the offices, and that secure cycle parking be provided on the site.

Burstow Parish Council – The PC note that the applicants state that this proposal is to be given 'in lieu' of the existing consent under ref: 2017/2581. However, they consider that the permission granted has been implemented as foundations have been dug around 3 and 4 Dowlands Cottages and therefore that permission has been implemented and could not be rescinded.

They consider that the loss of the dwellings at 1 and 2 Dowlands Cottages, on top of those that would be lost at 3 and 4 Dowlands Cottages would not be acceptable and would result in the loss of small accommodation and bungalows. They state that should the Council be minded to grant permission on this application, a robust legal agreement should be required to ensure that the previous permission on the site is effectively revoked.

The PC recommends that the application be refused unless a legal agreement is in place to protect the status of 3 and 4 Dowlands Cottages and that permitted development rights are removed from 1 and 2 Dowlands Cottages.

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Officer Comment: The applicants have responded to these comment by stating that the foundations dug outside nos. 3 and 4 Dowlands Cottages were constructed before the submission of the application ref: 2017/2581 and do not relate to the permission subsequently granted. This has been confirmed by site visit carried out by the Council in 2018. In this regard the previous permission has not be implemented and can be revoked in the event that permission is granted on this application.

Non-statutory Advice Received

Surrey Wildlife Trust – We note that the following report has been submitted in support of the current application; ‘Preliminary Ecological Appraisal Survey’, author Arbtech, dated September 2018. Having reviewed the application documents and studied our records, we have the following comments and recommendations.

Protected species - bats

All species of bat and their roost sites are protected under Schedule 2 of the Conservation of Habitats and Species Regulations 2017. Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) also provides protection making it an offence under the legislation including any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual. Destruction of a bat roost is therefore an offence, even if the bat is not present at the time of roost removal.

A preliminary Ecological Appraisal Survey, March 2021, has been submitted with the current application. This document identifies four buildings on site. Bat roost suitability for each building is not specifically given, although Table 7 implies from an external survey that B1 has negligible roost suitability. The PEA sets out that B2 was a confirmed bat roost in 2017 for common Pipistrelle and Brown long-eared bat. B3 is described as having limited roost vale based on loose clay tiles. Section 3.6 of the report sets out that B4 has no roosting value.

From information available, earlier applications considered under 2017/1897 and 2017/2581 have different red line boundaries to the current application site and therefore it does not appear that any emergence/re-entry surveys of the application buildings have ever taken place, although SWT state that they have not read the PEA for these applications in detail for the purposes of reviewing this application. In any case, the surveys were undertaken in 2017 and are now almost four years old, which does not constitute up-to-date information. B1 and B2 did not appear to be surveyed internally for access reasons.

SWT therefore advise that prior to determination of the current planning application, the local planning authority should require the applicant to submit additional bat presence/likely absence surveys in accordance with best practice survey guidelines in order to avoid contravention of the relevant legislation.

Sensitive Lighting

Nocturnal species including bats are known to be present at the development site. These species are sensitive to any increase in artificial lighting of their roosting and foraging places and commuting routes. Paragraph 180 of the NPPF states that planning policies and decisions should limit the impact of light pollution from artificial light on ... dark landscapes and nature conservation.

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Bat species particularly sensitive to light have been recorded within 2km of the site. The applicant should ensure that the proposed development will result in no net increase in external lighting at the development site, in order to comply with the legislation noted above and the recommendations in BCT & ILP (2018) Guidance Note 08/18 – Bats and Artificial Lighting in the UK.

Protected Species – Amphibians

Great Crested newts (GCN) are protected under Schedule 2 of the Conservation of Habitats and Species Regulations 2017. GCNJ are therefore European Protected species. Offences under this legislation include any activities that may kill, injure or disturb an individual or damages or destroys a breeding site or resting place of that individual.

Common toad are listed as a priority species for conservation action under the UK Biodiversity Action Plan, and are protected from harm in the UK under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended). Common toad is also listed as a species of principal importance within the Natural Environment and Rural Communities (NERC) Act 2006. The NERC Act also places a duty on local planning authorities to have regard to the purposes of conserving bio-diversity within the planning function, where conserving biodiversity is clarified as including restoring or enhancing a population or habitat.

The PEA sets out that a pond is located on site in the north-west area of the site. The pond was subject to GCN survey on 2007 and further eDNA survey in 2018, with no evidence of GCN found at these times. The ecology report makes recommendations for grass to be maintained at a short length during development to discourage amphibian's form using the site. Records held by Natural England confirm presence of GCN in 2014 to the east within close proximity of the site (within 250m of the site) with no major constraints to dispersal. Further, the results of the eDNA surveys are more than three years old.

SWT therefore advise that prior to determination of the current planning application, the local planning authority should require the applicant to submit updated GCN surveys in accordance with best practice survey guidelines in order to avoid contravention of the relevant legislation.

Protected Species – Badger and Hedgehog

Badgers are legally protected under the Protection of Badgers Act 1992 and Schedule 6 of the Wildlife and Countryside Act 1981 (as amended), which makes it illegal to wilfully kill, injure, take, possess or cruelly ill-treat a badger or attempt to do so. It is also an offence to damage, destroy or interfere with a badger sett or disturb a badger while it is occupying a sett.

European hedgehog is listed as a species of Principal Importance within the Natural Environment and Rural Communities (NERC) Act 2006. The NERC Act also places a duty on local planning authorities to have regard to the purposes of conserving bio-diversity within the planning function, where conserving biodiversity is clarified as including restoring or enhancing a population or habitat.

The PEA identified a possible badger run in the north of the site. No information is provided as to whether any further evidence was found on site, therefore SWT assume that no further evidence was found. The ecology report makes recommendations for precautionary working.

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No ecology information is provided with regards to hedgehogs. A desktop search of local records identifies several recent hedgehog sightings within 1km of the site

If the Council is minded to grant planning permission, works should proceed in accordance with Table 7 of the PEA. The applicant should ensure that construction activities on site have regard to the potential presence of terrestrial mammals to ensure that these species do not become trapped in trenches, culverts or pipes. All trenches left open overnight should include a means of escape for any mammals that may fall in.

If close boarded fencing is used at the site, we recommend that holes are included in the base of 20cm x 20cm to allow badgers and other mammals to move freely through the site.

If during the course of works, badger activity is detected, works should cease and the advice of a suitably qualified ecologist sought to prevent harm to this species, which may include the need for further badger surveys for a Natural England licence to allow works to proceed lawfully.

Protected Species – Breeding birds

Government guidance is clear that local planning authorities have a duty to take steps to preserve, maintain and re-establish wild bird habitat, such that bird populations maintain their numbers in areas where they live naturally.

The applicant should be made aware that Part 1 of the Wildlife and Countryside Act 1981 (as amended) makes it an offence to intentionally kill, injure or take any wild bird, or intentionally to damage, take or destroy its nest whilst it is being built or is in use. The applicant should take action to ensure that development activities such as vegetation or site clearance are timed to avoid the bird nest season of early March to August inclusive.

If this is not possible and only small areas of dense vegetation are affected, the site could be inspected for active nests by an ecologist immediately prior to clearance works. If any active nests are found they should be left undisturbed with a buffer zone around them, until it can be confirmed by a ecologist that the nest is no longer in use.

Biodiversity Enhancements

The National Planning Policy Framework (NPPF) makes it clear that “Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains in biodiversity...” (para.170). Paragraph 175 also requires that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged”.

This development offers opportunities to restore or enhance biodiversity and such measures will assist the Local Authority in meeting the above obligation and also help offset any localised harm to biodiversity caused by the development process. Should the local planning authority be minded to grant planning permission for the proposed development, SWT recommend that the development should proceed only in strict accordance with the impact avoidance and mitigation measures specified in Table 7 of the PEA and any further protected species surveys undertaken at the site.

In response the applicants have drawn attention to the PES submitted with the application which confirms that the previous GCN/eDNA surveys revealed no

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evidence of GCNs and that there is simply no suitable habitat for GCNs on the site. They state that the likelihood of any survey finding evidence of GCNs is so remote as to render any such survey pointless.

The applicants so point out that the PEA records that the barn and adjacent meeting room outbuildings have not changed since the extant consent 2017/2581 and roosts are very likely to be similarly unchanged. The PEA confirms a commitment to further surveys to inform and secure an EPSL in due course. They therefore consider that any further prior survey is unnecessary.

SWT have provided further comments in response to these comments from the applicants. SWT confirm that as stated in the PEA, a bat roost was recorded in site in 2017 and in line with recommendations in the PEA, it is recommended that prior to the commencement of works, a suite of bat surveys will need to be undertaken to inform a protected species licence application.

Other Representations

Third Party Comments

A single objection has been received which repeats the comments made by Burstow Parish Council.

Assessment

Procedural Issues

The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2021. However, paragraph 219 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.

Green Belt

The application site is located within the Green Belt. Para. 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para. 149 sets out a number of exceptions to this, whilst para. 150 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction (part d).

This is also reflected in Local Plan Part 2: Detailed Policies where Policy DP13, part H states an exception to the normal presumption against inappropriate development includes the re-use of buildings within the Green Belt (outside of the Defined Villages) for industrial, commercial, community or residential purposes where:

- 1. The proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*

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2. *The buildings are of permanent and substantial construction, are structurally sound and capable of re-use without major alterations, adaptations or reconstruction;*
3. *The proposed use can be wholly or substantially contained within the building identified for re-use; and*
4. *The proposal is not likely to result in the need to construct additional agricultural buildings, unless it can be demonstrated that the building to be re-used is no longer suitable for an agricultural use.*

With regards to part 1 of Policy DP13, it is considered that the proposals would preserve the openness of the site. The extension proposed to Rough Beech Barn would be single storey and of modest dimensions. It would have a floor area of 10.4sqm and a maximum height of 5.4m to match the height of the roof of the barn where it is attached. It would be located on the north facing side of the barn and would replace several water tanks located adjacent to the barn. It is considered that the extension would not be a disproportionate addition to the building and would therefore not constitute inappropriate development.

The conversion of Rough Beech Barn to 2 dwellings would also involve a minor alteration to parts of the roof over the single storey element on the eastern side of the building. These extensions would increase the eaves height of the roof to allow for the installation of full height French windows along the rear elevation in place of the existing casement windows. The changes would be of modest dimensions and would not impact on the openness of the site. Other internal changes to both Rough Beech Barn and 1 & 2 Dowlands Cottages would not impact on the external appearance of either building.

In order to create private garden areas for the proposed dwellings within Rough Beech Barn, the existing car park would be reconfigured to be restricted to an area at the northern end of the site alongside the boundary with 1 & 2 Dowlands Cottages. The detached ancillary building adjacent to the Barn would be incorporated into the curtilage of new Unit 2 with amenity space extending up to the eastern boundary. The existing access would be closed, and a new access formed in the eastern boundary hedge to the car park further north along Dowlands Lane to provide a reconfigured access to the car park. These changes would result in a reduction in the amount of hardstanding on the site and would have a positive impact on the appearance of the area. The formation of a path from the car park to the Cottages would require minimal hardstanding and would not impact adversely on the site. It is considered that these changes would preserve the openness of the Green Belt. The applicants state that the existing access would be closed with the planting of a new section of hedge to match the existing. Further details of this can be sought by planning condition.

Part 2 of policy DP13 requires the buildings to be re-used to be of permanent and substantial construction. In both cases, Rough Beech barn and 1 & 2 Dowlands Cottages meet this definition, are structurally sound and are capable of re-use without major alterations, adaptations or reconstruction. The Cottages are to be extended, but the existing building could be re-used in its current state as offices without major alterations of adaptations.

Part 3 of the policy requires the proposed use to be wholly or substantially contained within the building identified for its re-use. In both cases, the uses would be contained within each of the buildings. The formation of a private amenity area for each of the new dwellings would be located on the existing car park for the offices and would not extend into undeveloped parts of the site. The garden areas would be

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screened by existing boundary hedges and would not impact adversely on the openness of the site.

Part 4 of the policy relates to the re-use of agricultural buildings and is not relevant to this application.

It should also be noted that the NPPF (2021) states, in para. 150(e) that material changes in the use of land are also not inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it.

Policy DP13 states in the sub text at the end of the policy as follows:

Where the re-use of a building within the Green Belt (outside the Defined Villages) for residential purposes would result in the creation of a new isolated home in the countryside, the Council will need to be satisfied that there are special circumstances such as those set out in paragraph 55 of the NPPF. Where permission is granted for the residential re-use of buildings in the Green Belt (outside the Defined Villages), the Council may consider applying conditions which restrict permitted development rights.

In this case, the re-use of Rough Beech Barn would not result in the formation of a new isolated dwelling in the countryside. The new dwellings within the Barn would be located close to the existing dwellings on the site at Rough Beech House and at Rough Beech Cottage. The proposal would also replace the pair of dwellings at 1 and 2 Dowlands Cottages which in turn would be converted to offices. As a result, there would be no net loss or gain in the number of dwellings on the application site.

In order to ensure that the balance of uses on the site remains as proposed, and to avoid either a loss of residential dwellings or a loss of employment space, the applicants have agreed to enter into a legal agreement to ensure that the office use on the site is implemented and occupied prior to the conversion of the existing offices to the residential use. This has been completed on 09th November 2022.

It is considered, therefore, that the proposals would not comprise inappropriate development in the Green Belt and that the openness of the site would be preserved. The requirements of Policy DP13 would, therefore, be met.

Impact on the character and appearance of the area

Core Strategy Policy CSP18 relates to character and design and requires new development to be of a high standard of design that must reflect and respect the character, setting and local context. Policy CSP21 states that the character and distinctiveness of the District's landscape and character will be protected for their own sake.

Local Plan Policy DP7 requires new development to be of a high quality design which should integrate effectively with its surroundings, reinforcing local distinctiveness and landscape character.

The proposals involve minimal alteration to the exterior of the buildings on the site. A small extension is proposed to the northern elevation of Rough Beech Barn, together with minor alterations to the roof, neither of which would impact adversely on the character of the building.

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The proposed conversion of 1 and 2 Dowlands Cottages to offices would only result in limited changes to the external appearance of the Cottages in order to facilitate the change of use. The minor changes proposed would not have a harmful impact on the character and appearance of the site.

Other changes to the site include the reconfiguration of the car parking, the formation of private garden areas for the proposed dwellings and the formation of a path through the garden to the proposed offices at Dowlands Cottage. An existing gate within the northern boundary hedge would be re-used. It is considered that these changes would enhance the setting of Rough Beech Barn and would not have an adverse impact on the character of the site as whole.

It is considered therefore that the proposed development would integrate well with its surroundings and would re-inforce the distinctiveness of the cluster of buildings at Rough Beech House, in accordance with Policies CSP18 and DP7.

Impact of the proposals on the setting of the adjacent listed dwelling

The application is supported by a Heritage Report which provides an assessment of the impact of the proposed development on the setting of Rough Beech House, a grade II listed building. The report confirms that Rough Beech House is set within the landscape of a former farmstead. The dwelling is 16th century with 17th century additions and a 20th century extension at the rear.

The most notable heritage asset in the area is Smallfield Place, a Grade II* listed building located to the north. It is located at the junction of Dowlands Lane and Plough Road over 200m to the north. The site is not visible from Smallfield Place and would not have an impact on its setting.

The Report also confirms that Rough Beech Barn is a timber framed building dating from the 17th Century which was imported to the site in the 1970's. The Heritage Report states that although the building retains a strong visual identity and is characteristic of a barn of its era, the building has been extensively changed and has been developed in a way which would "not be consistent with a building of excellent and original historic significance."

With regards to the impact of the proposals on the setting of Rough Beech House, the Heritage Report considers that the proposed development will work with the existing building and will be confined to a part of the setting without adversely impacting on the wider area. The changes to the Barn are located at the rear of the building, and the forecourt of the property would continue to be used for parking for Rough Beech House, Rough Beech Cottage and for one of the proposed new dwellings. The impact on the setting of the listed building would not therefore, be significant.

The change of use of the dwellings at Dowlands Cottages to offices would also have only a minimal impact on the setting of the listed building. The Cottages are well screened from the listed building by the hedge on the northern boundary and the change of use would be contained primarily within the building itself.

The Council's Historic Buildings Adviser was not formally consulted on the application but has been made aware of the proposals through the concurrent application for alterations to the listed building at Rough Beech House.

He notes that the new means of enclosure are not stated on the drawings and suggests that a prescriptive the ecological value of the site is enhanced. It is also

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stated that the yard to the west of the barn, south of the cottage and east of the L-shaped garage block should remain unenclosed to reflect the farmyard character of the area. Any new surface should be conditioned. These measures are required in order to preserve the setting of the listed building.

Impact of the proposals on the amenities of neighbouring residents

Policy DP7 requires that new development should not significantly harm the amenity of neighbouring properties by reason of pollution, traffic or other general disturbance.

The changes to the fenestration on Rough Beech Barn are proposed for the eastern elevation facing towards Dowlands Lane. No additional windows are proposed for the western or northern elevations facing towards adjoining properties. As a result, there would be no additional overlooking of the neighbouring properties.

The reconfiguration of the car park for the proposed offices would result in a greater proportion of the car park being located adjacent to the boundary of the site with 1 and 2 Dowlands Cottages. However, the boundary is marked by a tall hedge and the conversion of 1 and 2 Dowlands Cottages to offices would remove any impact of the parking on residential amenity. Additional parking is provided to the east of nos. 1 and 2 Dowlands Cottages whilst the retained dwellings at nos. 3 and 4 Dowlands Cottages would retain their own parking spaces, access via the track which runs along the northern boundary of the site.

Relocation of Offices

Core Strategy Policy CSP22, which relates to The Economy, encourages the re-use of buildings within the Green Belt for commercial purposes subject to environmental, farm viability, traffic and amenity considerations.

Local Plan Policy DP4 states that proposals for the alternative use of commercial and industrial sites whether vacant or occupied, will be permitted only where it can be demonstrated that the site is unsuitably located, or the current site use is no longer viable, even for an alternative commercial use, or as part of a redevelopment or mixed-use development scheme.

In this case, the offices currently within Rough Beech barn are to be relocated within the application site to 1 and 2, Dowlands Cottages, with the residential use transferring in the opposite direction. In this regard, whilst there would be a small loss of floorspace in the transfer, the building to be used for the offices at Dowlands Cottages will be refurbished and will provide new premises for the current occupiers of Rough Beech Barn. A statement submitted with the application confirms that the current occupiers of the Barn will relocate to the new re-furbished offices which will provide them with a better standard of office accommodation. In order to ensure that the transfer is achieved and that the proposals result in no net loss of employment or residential dwellings, the applicants have agreed to enter into a legal agreement to ensure that the new office accommodation is provided and occupied prior to the conversion of the barn to 2 dwellings.

It is considered therefore that the proposal complies with the provisions of Policies CSP22 and DP4 in this regard.

Ecological Issues

Concerns were raised by Surrey Wildlife Trust with regards to the submission of information to address ecological issues. It is noted that a Bat Survey was submitted

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with a previous application on the site, but that the report did not survey all of the buildings in the current application. An updated Preliminary Ecological Assessment has been submitted which covers all of the buildings on the site. SWT have provided further comments in relation to bats, sensitive lighting, breeding birds, badgers and bio-diversity enhancements.

With regards to bats, the bat surveys carried out have identified active bat roosts within Rough Beech Barn and state that the works proposed would be expected to result in the loss or disturbance of the roosts. It is noted that a European Protected Species licence would be required prior to any works commencing, and SWT recommend that all of the actions, including a suite of bat surveys as detailed in the Method Statement referenced in the Ecological Assessment be undertaken.

SWT make other recommendations in relation to landscaping and suggest that native species be used for any new planting, that care should be taken with regards to artificial lighting on the site, the care should be taken with the removal of vegetation and that it should ideally be done outside the main bird nesting season, and that care should be taken in the construction activities to ensure that badgers do not get trapped in any trenches. A condition is recommended to ensure that these measures set out in the PEA are carried out.

Highways issues

The proposals seek to provide an appropriate form of access and adequate car parking for the proposed uses. Each of the new dwellings would be provided with 3 car parking spaces. The existing access to the car park would be relocated further north to allow for the formation of the private gardens for the proposed dwellings in Rough Beech Barn. No objections have been raised by the County Highway Authority to the access arrangements for the proposed development. The amount of parking proposed for the dwellings would accord with the Tandridge Car Parking Standards, as would the amount of parking proposed for the offices.

The proposal involves the swapping of uses within the application site with the dwellings currently located in 1 and 2 Dowlands cottages moved to Rough Beech Barn and the offices transferred in the opposite direction. As a result, there is no net gain in the number of residential properties on the site, and a slight reduction in the amount of employment floorspace. Given these circumstances, it is considered that the proposal, although in a location which is not easily accessible to other modes of transport, would not result in any additional traffic movements on the highway and a refusal based on this ground alone would not be justified.

Conclusions

Planning permission is sought for a modest single storey extension and other alterations to Rough Beech Barn and its conversion from offices to two dwellings. Planning permission is also sought for the conversion of 1 and 2 Dowlands Cottages, also on the application site, from residential use to offices. It is considered that the proposals do not comprise inappropriate development and that they would preserve the openness of the Green Belt.

The application site is located adjacent to Rough Beech House, a Grade II listed building. The proposals have been carefully considered to ensure that the setting of the listed building is preserved.

Issues relating to car parking and the impact of the proposals on the amenities of neighbouring residents have been addressed with the submission of revised

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drawings. An updated Preliminary Ecological Appraisal has been submitted with the application which identifies the existence of bat roosts in Rough Beech Barn. The report makes a number of recommendations which will need to be undertaken to ensure the adequate protection of ecological interests on the site.

In order to ensure that the development proceeds in accordance with the submitted plans, a legal agreement has been completed dated 09th November 2022 to ensure that the offices are completed and occupied prior to the conversion of the Barn to residential dwellings. This will ensure that there is no loss of residential dwellings or a loss of the employment use, contrary to adopted policy.

Accordingly, it is considered that the proposals accord with relevant policies set out in the Core Strategy and Local Plan Part 2 and is considered acceptable.

This development is CIL liable.

In addition to CIL the development proposed will attract New Homes Bonus payments and as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) these are local financial considerations which must be taken into account, as far as they are material to the application, in reaching a decision. It has been concluded that the proposal accords with the Development Plan and whilst the implementation and completion of the development will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.

The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with paragraphs 214 and 215 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

All other material considerations, including third party comments, raised by third parties have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION: PERMIT subject to the following conditions:

1. The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This decision refers to drawings numbered 499/P1, 499/P2, 499/P3, 499/P4, 499/P5, 499/P6, 499/P11, 499/P12, 499/P13, 499/P14, 499/P15, 499/P16, 499/P17, 499/P18 received on 01/04/2021. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

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3. **No development shall start** until full details of both hard and soft landscape works have been submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved. These details shall include:
- means of enclosure
 - car parking layouts
 - other vehicle and pedestrian access and circulation areas
 - hard surfacing materials
 - minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.).

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the District Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.

Reason: To maintain and enhance the visual amenities of the development in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

4. **Before the development hereby approved is occupied** the bathroom windows at ground and first floor levels on the north-western, south-western and south-eastern elevations windows shall be fitted with obscure glass and shall be non-opening unless the parts of the windows which can be opened are more than 1.7m above the floor of the room in which the windows are installed and shall be permanently maintained as such.

Reason: To protect the amenities and privacy of occupiers of adjoining properties in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

5. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be used and retained exclusively for its designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to ensure that parking is provided and maintained in accordance with the Council's adopted

APPENDIX 1

standards, in accordance with Policy CSP12 of the Tandridge District Core Strategy 2008 and Policies DP5 and DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies 2014.

6. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Dowlands Lane has been constructed and provided with visibility zones in accordance with the approved plans and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CSP12 of the Core Strategy 2008 and policy DP5 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

7. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in Section 4.2 of the Preliminary Ecological Appraisal Survey produced by Arbtech Ltd, dated March 2021.

Reason: To ensure that the ecological interests of the site and any protected species are adequately safeguarded throughout the development, in accordance with Policy CSP17 of the Tandridge District Core Strategy 2008 and Policy DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

8. The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and/or are required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2021 and to satisfy policy CSP12 of the Core Strategy DPDS (2008) and policy DP5 of the TLP Part 2: Detailed Policies (2014).

9. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

10. The works comprised in the conversion and extension of Rough Beech Barn to two dwellings hereby permitted shall not be commenced before the works to convert 1 & 2 Dowlands Bungalows to offices has been completed.

Reason: To ensure the proper planning and development of the site in accordance with the agreed scheme, in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policies DP4, DP7 and DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

APPENDIX 1

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no form of enlargement of the dwellings hereby permitted shall be carried out without the express permission of the District Planning Authority.

Reason: To retain control over the habitable accommodation at this property and ensure that the dwelling is not enlarged contrary to the District Planning Authority's restrictive policy for the extension of dwellings in the Metropolitan Green Belt in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

12. The building at 1 & 2 Dowlands Bungalows shall be used for offices and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the District Planning Authority retains strict control over the use of the premises as applied for in accordance with Policy CSP22 of the Tandridge District Core Strategy 2008 and Policy DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

Informatives

1. Condition 02 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 02 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

2. The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued. It is important that you ensure that the requirements of the CIL Regulations are met to ensure that you avoid any unnecessary surcharges and that any relevant relief or exemption is applied.

The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP12, CSP14, CSP15, CSP17, CSP18, CSP21 and CSP22, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP4, DP5, DP7, DP10, DP13, DP19 and DP20 and material considerations, including third party representations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.

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DATED

09 November 2022

2022

THE DISTRICT COUNCIL OF TANDRIDGE

and

KMG INDEPENDENT LIMITED

and

KEEVIL MCINTOSH GIBSON LIMITED

and

PATRICK ANTHONY MCINTOSH

and

SHAWBROOK BANK LIMITED

SECTION 106 AGREEMENT

**Rough Beech Barn and Bungalows 1 & 2, Dowlands Lane,
Smallfield, Surrey, RH6 9SD**

Planning Application Ref: 2021/578

Iken Ref: 102-006217

THIS AGREEMENT is made on day of 09 November 2022 2022

BETWEEN:-

(1) **THE DISTRICT COUNCIL OF TANDRIDGE** ('also known as **Tandridge District Council**') of Council Offices, Station Road East, Oxted, Surrey RH8 0BT also known as Tandridge District Council ("**the District Council**")

(2) **KMG INDEPENDENT LIMITED** (company registration number: 5207735) whose registered office is at Rough Beech Court, Dowlands Lane, Smallfield, Surrey RH6 9SD

KEEVIL MCINTOSH GIBSON LIMITED (company registration number: 2329958) whose registered office is at Rough Beech Court, Dowlands Lane, Smallfield, Surrey RH6 9SD

PATRICK ANTHONY MCINTOSH of Rough Beech Court, Dowlands Lane, Smallfield, Surrey RH6 9SD ("**the Owners**")

(3) **SHAWBROOK BANK LIMITED** (company registration number: 388466) whose registered address is at Lutea House, The Drive, Warley Hill Business Park, Great Warley, Brentwood, Essex CM13 3BE ("**the Mortgagee**")

WHEREAS:

1. The Owners have the freehold interest in the Application Site registered at HM Land Registry under Title Numbers SY81517, SY91421, SY376703 and SY762137 which are free from encumbrances that would prevent them from entering into this Agreement subject to a legal mortgage dated 2nd April 2019 affecting title number SY762137 and referred to in entry 5 of the charges register in favour of the Mortgagee.
2. For the purposes of the Town and Country Planning Act 1990 (as amended), the District Council is the local planning authority for the area within which the site (the

“**Planning Application Site**”) is located and the person who is entitled to enforce the obligations contained in this Agreement given for the benefit of the District Council.

3. The Owners have submitted the Application to the District Council for permission to develop the Planning Application Site and was registered under reference number TA/2021/578 to convert 1 & 2 Dowlands Bungalows from Use Class C3 (dwellinghouses) to Use Class E (offices). Conversion of Rough Beech Barn from Use Class E (offices) into Use Class C3 (dwellinghouses) 2 x 3-bedroom dwellinghouses including the erection of a single storey side extension, alterations to rear roof pitch and removal of rainwater tank and shed. Conversion of existing outbuilding for use as a studio solely for unit 2. Formation of associated garden areas, car parking areas, and access paths and alterations to vehicular access arrangements (the “**Application**”).
4. The District Council’s planning officers acting under delegated powers have resolved to grant planning permission for the Planning Application (the “**Planning Permission**”) subject to the conditions of the draft decision notice annexed hereto at Appendix 1.
5. The parties to this Deed have given due consideration to the provisions of Regulation 122 of the (Community Infrastructure Levy Regulations 2010 S1 2010 No. 948 (to the extent relevant to the obligations in this Agreement) and the advice set out at Paragraph 57 of the NPPF 2021 and agree that the planning obligations it contains are:
 - a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably in scale and kind to the development.
6. The parties have agreed to enter into this Agreement with the intention that the obligations contained in this Agreement may be enforced by the District Council against the Owners and their respective successors in title.

NOW THIS AGREEMENT WITNESSES AS FOLLOWS:-

1. STATUTORY PROVISIONS

This Agreement is made pursuant to the provisions of Section 106 of the Act and all other powers enabling which may be relevant for the purpose of giving validity hereto or facilitating the enforcement of the obligations herein contained with intent to bind the Owners' interests in the Planning Application Site and the covenants in this Deed on the part of the Owners are planning obligations for the purposes of the Act.

2. INTERPRETATION

2.1 In this Agreement in addition to the parties hereinbefore referred to the following words and expressions shall where the context so requires or admits have the following meanings:-

"1 and 2 Dowlands Bungalows"	means that part of the Planning Application Site shown edged green on the Plan
"the Act"	the Town and Country Planning Act 1990 (as amended) by the Planning and Compensation Act 1991)
"the Order"	means the Town and Country Planning (Use Classes) Order 1987 (as amended)
"the Application"	means application TA/2021/578
"the Commencement Date"	the date upon which the Development shall be commenced by the carrying out on the Planning Application Site pursuant to the Planning Permission of any material operation as specified in Section 56(4) of the

Act save for: any Planning Application Site investigation works, trial holes or other operations to establish the ground conditions of the Planning Application Site, any works of demolition, any Planning Application Site offices, security fencing and compounds, any works carried out in connection with any archaeological investigations, and the terms "Commence", "Commenced" and "Commencement of the Development" shall be construed accordingly

"the Development"

the development of the Planning Application Site in accordance with the Planning Permission

"the Due Date"

the date of this Deed

"Existing Offices"

means that part of the Planning Application Site edged in red on the Plan and currently used for office purposes within use class E of the Order

"the Interest Rate"

the base rate from time to time of the Lloyds Bank plc or such other bank as may be nominated by the District Council

"Occupied"

occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction, fitting out or decoration or

occupation for marketing or display or occupation in relation to security operations and the term "Occupy" shall be construed accordingly.

"the Planning Application Site" that area of land situated at Rough Beech Barn and Bungalows 1 & 2, Dowlands Lane, Smallfield, Surrey, RH6 9SD which is more particularly delineated and edged green and red on the Planning Application Site Plan

"the Planning Permission" the planning permission to be issued by the District Council pursuant to the Application generally in the form of the draft annexed hereto as Appendix 2

"Plan" the plan annexed to this Deed as Appendix 1

2.2 In this Agreement where the context so requires:

- (a) references to the masculine, feminine and neuter genders shall include the other genders;
- (b) references to natural persons are to include corporations and vice versa;
- (c) the singular includes the plural and vice versa;
- (d) references to any party will include the successors in title and assigns of that party and in the case of the District Council their successors in title and assigns and the successors to their respective statutory functions;
- (e) where a party includes more than one person and/or where more than one party undertakes an obligation, any obligations of that party/parties will be joint and several;

- (f) references to clauses schedules and paragraphs are references to clauses and paragraphs in and schedules to this Agreement except where otherwise specified;
- (g) title headings to the clauses schedules and paragraphs are for convenience only and shall not affect the interpretation of this Agreement;
- (h) references to any statute or statutory instrument shall except where otherwise specifically provided include reference to any statutory modification or re-enactment thereof for the time being in force;
- (i) except where expressly provided otherwise the expression the "Owners" shall include persons successors in title to the Owners and its assigns and all persons deriving title to all or part of the Planning Application Site under or through it; and
- (j) words denoting an obligation on a party to do any act or thing includes an obligation to procure that it be done and words placing a party under a restriction include an obligation not to cause, permit or suffer any infringement of such restriction.

3. COMMENCEMENT

Subject to clause 4 the obligations contained in the Schedules do not come into effect until the Planning Permission has been granted.

4. COVENANTS BY THE OWNERS

- 4.1 The Owners and Mortgagee agree with the District Council to observe and perform the obligations set out in the Schedules.
- 4.2 The Owners and the Mortgagee agree with the District Council that these are planning obligations for the purposes of Section 106 of the Act.
- 4.3 No person will be liable for any breach of the terms of this Agreement occurring after the date on which they part with their interest in the Planning Application Site or the

part of the Planning Application Site in respect of which such breach occurs, but they will remain liable for any breaches of this Agreement occurring before that date. Neither the reservation of any rights or the inclusion of any covenants or restrictions over the Planning Application Site in any transfer of the Planning Application Site will constitute an interest for the purposes of this clause 4.3.

5. CONFIRMATION OF INTEREST

The Owners hereby warrant and confirm that apart from the parties hereto there are no other persons with a legal estate or beneficial interest in the rents and profits or proceeds of sale of the Planning Application Site or any part thereof.

6. COVENANTS BY THE DISTRICT COUNCIL

6.1 The District Council agrees with the Owners to observe and perform the obligations on its part contained in the Schedule.

6.2 The District Council shall within 10 working days of the completion of this Deed grant the Planning Permission save that the District Council shall not be in breach of this obligation if it shall be prevented from issuing the Planning Permission by a court order.

6.3 The District Council will upon the written request of the Owners (or its successors in title) at any time after the obligations on the part of the Owners contained herein have been fulfilled issue confirmation thereof and thereafter cancel all related entries in the Register of Local Land Charges.

7. MORTGAGEE'S CONSENT

7.1 The Mortgagee consents to the completion of this deed and declares that its interest in the Planning Application Site shall be bound by the terms of this deed as if it had been executed and registered as a land charge prior to the creation of the Mortgagee's interest in the Planning Application Site.

7.2 The Mortgagee shall not be personally liable for any breach of the obligations in this deed unless committed or continuing at a time when the Mortgagee is in possession of all or any part of the Planning Application Site.

8. **MISCELLANEOUS**

- 8.1 This Agreement shall forthwith be registered as a Local Land Charge for the purposes of the Local Land Charges Act 1975.
- 8.2 This Agreement shall be enforceable against the Owners to the extent specified in Section 106(3) of the Act and against any person for the time being deriving title from the Owners as provided in Section 106 of the Act but the Owners shall not have any further liability under this Agreement (but without prejudice to the rights of either party in respect of any antecedent breach) in respect of any period during which the Owners (or as the case may be such other person) no longer has an interest in the Planning Application Site or the part of the Planning Application Site in respect of which a breach occurs.
- 8.3 This Agreement will be enforceable by the District Council.
- 8.4 Nothing herein contained or implied shall prejudice or affect the rights discretions powers duties and obligations of the District Council under all statutes by-laws statutory instruments orders and regulations in the exercise of its functions as a local authority.
- 8.5 If the Planning Permission is quashed revoked or otherwise withdrawn or expires within the meaning of Sections 91 92 and 93 of the Act or is revoked or modified in accordance with Sections 97 to 100 inclusive of the Act without the consent of the Owners this Agreement shall cease to have effect (but without prejudice to the rights of either party against the other in respect of any antecedent breach).
- 8.6 Clause 8.5 will not apply in respect of any minor modifications to the Planning Permission or the Development agreed from time to time between the District Council and the Owners prior to the Commencement Date.
- 8.7 No waiver (whether express or implied) by the District Council of any breach or default by the Owners in performing or observing any of the obligations terms or conditions of this Agreement shall constitute a continuing waiver and no such waiver shall prevent the District Council from enforcing any of the said obligations terms or conditions or from acting upon any subsequent breach or default in respect thereto by the Owners.

- 8.8 Save as otherwise provided in this Agreement, any approval in writing, certificate, consent or expression of satisfaction to be given by District Council under this Agreement will not be unreasonably withheld or delayed.
- 8.9 Insofar as any clause or clauses of this Agreement are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Agreement provided that they are severable therefrom.
- 8.10 Nothing in this Agreement will be construed as prohibiting or limiting any right to develop any part of the Planning Application Site in accordance with a planning permission (other than the Planning Permission) granted by the District Council or by the Secretary of State on appeal or by reference to him after the date of this Agreement.
- 8.11 To the extent that any of the obligations contained in this Agreement are not planning obligations within the meaning of the 1990 Act, they are entered into pursuant to the powers contained in section 111 of the Local Government Act 1972, section 1 of the Localism Act 2011 and all other enabling powers.
- 8.12 The Owners agree to pay to the District Council the sum of £1.00 as contribution due for entering into this Agreement and the sum will belong to the District Council.
- 8.13 The parties hereby agree any previous agreement made between them pursuant to section 106 of the Act shall be immediately revoked on entering into this agreement.

9. **NOTICES**

- 9.1 Any notice, demand or any other communication served under this Agreement will be effective only if delivered by hand or sent by first class post, pre-paid or recorded delivery.
- 9.2 Any notice, demand or any other communication served is to be sent to the address of the relevant party set out at the beginning of this Agreement or to such other address

as one party may notify in writing to the others at any time as its address for service. For the District Council, a copy should also be sent to the Head of Legal and Monitoring Officer.

9.3 Unless the time of actual receipt is proved, a notice, demand or communication sent by the following means is to be treated as having been served:

9.3.1 if delivered by hand, at the time of delivery;

9.3.2 if sent by post, on the second working day after posting;

9.3.3 if sent by recorded delivery, at the time delivery was signed for; or

9.3.4 if sent by e-mail at the time of the successful transmission.

9.4 If a notice, demand or any other communication is served after 4.00 pm on a working day, or on a day that is not a working day, it is to be treated as having been served on the next working day.

10. **ARBITRATION**

10.1 If any dispute arises relating to or arising out of the terms of this Agreement, either party may give to the other written notice requiring the dispute to be determined under this **clause 10**. The notice is to propose an appropriate Specialist and specify the nature and substance of the dispute and the relief sought in relation to the dispute.

10.2 For the purposes of this **clause 10** a "Specialist" is a person qualified to act as an expert in relation to the dispute having not less than ten years' professional experience in relation to developments in the nature of the Development and property in the same locality as the Planning Application Site.

10.3 Any dispute over the type of Specialist appropriate to resolve the dispute may be referred at the request of either party to the President or next most senior available officer of the Law Society who will have the power, with the right to take such further advice as he may require, to determine the appropriate type of Specialist and to arrange his nomination under **clause 10.4**.

- 10.4 Any dispute over the identity of the Specialist is to be referred at the request of either party to the President or other most senior available officer of the organisation generally recognised as being responsible for the relevant type of Specialist who will have the power, with the right to take such further advice as he may require, to determine and nominate the appropriate Specialist or to arrange his nomination. If no such organisation exists, or the parties cannot agree the identity of the organisation, then the Specialist is to be nominated by the President or next most senior available officer of the Law Society.
- 10.5 The Specialist is to act as an independent expert and:
- 10.5.1 each party may make written representations within ten Working Days of his appointment and will copy the written representations to the other party;
- 10.5.2 each party is to have a further ten Working Days to make written comments on the other's representations and will copy the written comments to the other party;
- 10.5.3 the Specialist is to be at liberty to call for such written evidence from the parties and to seek such legal or other expert assistance as he or she may reasonably require;
- 10.5.4 the Specialist is not to take oral representations from the parties without giving both parties the opportunity to be present and to give evidence and to cross-examine each other;
- 10.5.5 the Specialist is to have regard to all representations and evidence before him when making his decision, which is to be in writing, and is to give reasons for his decision; and
- 10.5.6 the Specialist is to use all reasonable endeavours to publish his decision within 30 Working Days of his appointment.
- 10.6 Responsibility for the costs of referring a dispute to a Specialist under this **clause 10**, including costs connected with the appointment of the Specialist and the Specialist's

own costs, but not the legal and other professional costs of any party in relation to a dispute, will be decided by the Specialist.

10.7 This **clause 10** does not apply to disputes in relation to matters of law or the construction or interpretation of this Agreement which will be subject to the jurisdiction of the courts.

11 **LATE PAYMENT**

If any payment due under any of the provisions of this Agreement is not made on or before the date upon which it is due the party from whom it was due shall at the same time as making the payment to the other party pay interest at 4% above the Interest Rate as at the Due Date for the period starting with the Due Date and ending with the date on which payment of the sum on which interest is payable is received.

12 **THIRD PARTY RIGHTS**

All third party rights arising under the Contracts (Rights of Third Parties) Act 1999 are excluded and no one other than the District Council and the Owners shall have any right to enforce any obligation or term of this Agreement.

13 **SECTION 73 VARIATION**

In the event that the District Council shall at any time hereafter grant a planning permission pursuant to an application made under Section 73 of the Act in respect of conditions attached to the Planning Permission, save and in so far as this Agreement has been amended by way of a deed of variation prior to the grant of such planning permission, references in this Agreement to the Application and the Planning Permission shall (save for the purposes of the definition of Planning Permission in Clauses 2.1, 6.2) be deemed to include any such subsequent planning applications and planning permissions as aforesaid and this Agreement shall henceforth take effect and be read and construed accordingly.

14 **LEGAL COSTS**

14.1 Upon completion of this Agreement the Owners shall pay to the District Council its reasonable and proper legal costs in connection with the preparation, negotiation and completion of this Agreement.

15 INDEMNITY

The Owners shall indemnify the District Council for any expenses or liability arising to them in respect of breach by the Owners of any obligations contained in this Agreement.

16 JURISDICTION

16.1 This Agreement is governed by and interpreted in accordance with the Law of England.

16.2 The courts of England are to have jurisdiction in relation to any disputes between the parties arising out of or related to this Agreement. This clause operates for the benefit of the District Council which retain the right to sue the Owners and enforce any judgment against the Owners in the courts of any competent jurisdiction.

The Parties have executed this Agreement as a Deed and it is delivered on the date set out above.

SCHEDULE

Owners' Obligations

1. The Owners hereby covenant with the District Council that they will not convert the Existing Offices to residential use until such time as 1 and 2 Dowlands Bungalows are Occupied for office purposes within use class E of the Town and Country Planning (Use Classes) Order 1987 as amended.

Appendix 1

Plan

This drawing has been prepared for town planning purposes only and must not be used for construction or any other purpose.



Conversion of
Rough Beech Barn
and
1 & 2 Dowlands Bungalows
Dowlands Lane
Smallfield
Surrey
RH6 9SD

Site Location Plan
March 2021 - 1:1250@A3
499/P/11



Appendix 2
Draft Planning Permission

GRANT OF PERMISSION (FULL PLANNING)

TA/2021/578

TANDRIDGE DISTRICT COUNCILTown & Country Planning Act 1990
Draft Document

Mr B Morle
Studios One & Two
Drivers Green
Rookery Hill
Outwood
RH1 5QZ

On behalf of KMG Independent Limited,

The TANDRIDGE DISTRICT COUNCIL as District Planning Authority under the provisions of Part III of the Town and Country Planning Act 1990 hereby **GRANTS** planning permission for: -

Conversion of 1 & 2 Dowlands Bungalows from Use Class C3 (dwellinghouses) to Use Class E (offices). Conversion of Rough Beech Barn from Use Class E (offices) into Use Class C3 (dwellinghouses) 2 x 3-bedroom dwellinghouses including the erection of a single storey side extension, alterations to rear roof pitch and removal of rainwater tank and shed. Conversion of existing outbuilding for use as a studio solely for unit 2. Formation of associated garden areas, car parking areas, and access paths and alterations to vehicular access arrangements.

At

Rough Beech Barn And Bungalows 1 & 2, Dowlands Lane, Smallfield, Surrey, RH6 9SD

in accordance with the application registered by the Council on the 12 April 2021 subject to the following conditions: -

1. The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This decision refers to drawings numbered 499/P1, 499/P2, 499/P3, 499/P4, 499/P5, 499/P6, 499/P11, 499/P12, 499/P13, 499/P14, 499/P15, 499/P16, 499/P17, 499/P18 received on 01/04/2021. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. No development shall start until full details of both hard and soft landscape works have been submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved. These details shall include:

- means of enclosure
- car parking layouts
- other vehicle and pedestrian access and circulation areas

- hard surfacing materials
- minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.).

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the District Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.

Reason: To maintain and enhance the visual amenities of the development in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

4. Before the development hereby approved is occupied the bathroom windows at ground and first floor levels on the north-western, south-western and south-eastern elevations windows shall be fitted with obscure glass and shall be non-opening unless the parts of the windows which can be opened are more than 1.7m above the floor of the room in which the windows are installed and shall be permanently maintained as such.

Reason: To protect the amenities and privacy of occupiers of adjoining properties in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

5. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be used and retained exclusively for its designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and to ensure that parking is provided and maintained in accordance with the Council's adopted standards, in accordance with Policy CSP12 of the Tandridge District Core Strategy 2008 and Policies DP5 and DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies 2014.

6. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Dowlands Lane has been constructed and provided with visibility zones in accordance with the approved plans and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: To ensure that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CSP12 of the Core Strategy 2008 and policy DP5 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

7. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in Section 4.2 of the Preliminary Ecological Appraisal Survey produced by Arbtech Ltd, dated March 2021.

Reason: To ensure that the ecological interests of the site and any protected species are adequately safeguarded throughout the development, in accordance with Policy CSP17 of the Tandridge District Core Strategy 2008 and Policy DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

8. The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and/or are required in recognition of Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2021 and to satisfy policy CSP12 of the Core Strategy DPDS (2008) and policy DP5 of the TLP Part 2: Detailed Policies (2014).

9. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

10. The works comprised in the conversion and extension of Rough Beech Barn to two dwellings hereby permitted shall not be commenced before the works to convert 1 & 2 Dowlands Bungalows to offices has been completed.

Reason: To ensure the proper planning and development of the site in accordance with the agreed scheme, in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policies DP4, DP7 and DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no form of enlargement of the dwellings hereby permitted shall be carried out without the express permission of the District Planning Authority.

Reason: To retain control over the habitable accommodation at this property and ensure that the dwelling is not enlarged contrary to the District Planning Authority's restrictive policy for the extension of dwellings in the Metropolitan Green Belt in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

12. The building at 1 & 2 Dowlands Bungalows shall be used for offices and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure that the District Planning Authority retains strict control over the use of the premises as applied for in accordance with Policy CSP22 of the Tandridge District Core Strategy 2008 and Policy DP13 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

Informatives

1. Condition 02 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 02 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

2. The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued. It is important that you ensure that the requirements of the CIL Regulations are met to ensure that you avoid any unnecessary surcharges and that any relevant relief or exemption is applied.

The Local Planning Authority has acted in a positive and creative way in determining this application, as required by the NPPF (2021), and has assessed the proposal against all material considerations including the presumption in favour of sustainable development and that which improves the economic, social and environmental conditions of the area, planning policies and guidance and representations received.

Draft Document

NB: Please also see attached notes

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