

Planning Committee**Tuesday, 16th April, 2024 at 7.30 pm****Council Chamber, Council Offices, Station Road East, Oxted****Agenda****Members of the Planning Committee**

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|-------------------------------------|-------------------------------------|
| Councillor Claire Blackwell (Chair) | Councillor Jackie Wren (Vice-Chair) |
| Councillor Bryan Black | Councillor Chris Botten |
| Councillor Perry Chotai | Councillor Chris Farr |
| Councillor Sue Farr | Councillor Jeffrey Gray |
| Councillor Judy Moore | Councillor Keith Prew |
| Councillor Lesley Steeds | |

Substitute Members

| | |
|------------------------------|-----------------------------|
| Councillor Helen Bilton | Councillor Robin Bloore |
| Councillor Michael Cooper | Councillor Katie Montgomery |
| Councillor Jeremy Pursehouse | Councillor Helena Windsor |

If a member of the Committee is unable to attend the meeting, they should notify Democratic Services. If a Member of the Council, who is not a member of the Committee, would like to attend the meeting, please let Democratic Services know by no later than noon on the day of the meeting.

If any clarification about any item of business is needed, contact should be made with officers before the meeting. Reports contain authors' names and contact details.

David Ford

Chief Executive**Information for the public**

This meeting will be held in the Council Chamber, Council Offices, Oxted and the public are welcome to attend. Doors for the Council Offices will open 15 minutes before the start of the meeting.



The meeting will also be broadcast online at tinyurl.com/webcastTDC. In attending this meeting, you are accepting that you may be filmed and consent to the live stream being broadcast online and available for others to view.



Information about the terms of reference and membership of this Committee are available in the Council's Constitution available from tinyurl.com/howTDCisrun. The website also provides copies of agendas, reports and minutes.



Details of reports that will be considered at upcoming Committee meetings are published on the Council's Committee Forward Plan. You can view the latest plan at tinyurl.com/TDCforwardplan.

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 previous meetings

- 3.1 Minutes from the meeting held on 29th February 2024 (Pages 3 - 6)
- 3.2 Minutes from the meeting held on 7th March 2024 (Pages 7 - 10)

4. Applications for consideration by committee (Pages 11 - 20)

- 4.1 2024/236 - Pavilion, Godstone Road Playing Field, Godstone Road, Lingfield, Surrey, RH7 6JG (Pages 21 - 34)
- 4.2 2024/67 - 179 Chaldon Road, Caterham, Surrey, CR3 5PL (Pages 35 - 44)
- 4.3 2024/77 - Unit 88 Edinburgh House, Stafford Road, Caterham, Surrey, CR3 6JD (Pages 45 - 52)
- 4.4 2024/90 - 18 New Farthingdale, Dormansland, Lingfield, Surrey, RH7 6RJ (Pages 53 - 60)
- 4.5 2023/1506 - Elizabeth House, Godstone Road, Caterham, Surrey, CR3 6RF (Pages 61 - 70)
- 4.6 2023/602 - 1 Ashwood, Warlingham, Surrey, CR6 9HT (Pages 71 - 84)
- 4.7 2023/1481 - 13 Matlock Road, Caterham, Surrey CR3 5HP (Pages 85 - 96)
- 4.8 TPO No. 9 2023 - Tandridge Land south of Honeypot Farm & Land at Galleys wood, Honeypot Lane, Edenbridge, TN8 6QH (Pages 97 - 116)

5. Recent appeal decisions received

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

6. 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 29 February 2024 at 7:30pm.

PRESENT: Councillors Blackwell (Chair), Wren (Vice-Chair), Black, Botten, Chris Farr, Sue Farr, Gray, Moore, Steeds and Cooper (Substitute) (In place of Prew)

ALSO PRESENT: Councillors Windsor and Colin White

ALSO PRESENT (Virtually): Councillors Allen

APOLOGIES FOR ABSENCE: Councillors Chotai and Prew

247. DECLARATIONS OF INTEREST

Councillor Chris Farr declared a non-pecuniary interest in agenda item 4.1 (minute 249) on the basis that he was a Surrey County Councillor and a Godstone Parish Councillor. He confirmed that he was not a member of the Parish Council Planning Committee and had not attended any meetings where the application had been discussed.

Councillor Sue Farr declared a non-pecuniary interest in agenda item 4.1 (minute 249) on the basis that she was a Godstone Parish Councillor. She confirmed that she was not a member of the Parish Council Planning Committee and had not attended any meetings where the application had been discussed.

248. MINUTES FROM THE MEETING HELD ON THE 1ST FEBRUARY 2024

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

249. 2022/1523 - LAND AT FORMER GODSTONE QUARRY, GODSTONE, RH9 8ND

The Committee considered an application for the phased development of the land at former Godstone Quarry for 140 new homes, new doctor's surgery, publicly accessible open space, land reprofiling and associated infrastructure including the Godstone Parish Council car park and access, site access, internal roads and off-site highways works, parking areas, landscaping and associated car and cycle infrastructure and associated works to facilitate the development.

The Officer recommendation was to permit, subject to conditions and Section 106 agreement as outlined in the report.

Councillor Jim Gardner of Godstone Parish Council spoke in favour of the application.

Michael Arnaud, Dorking Healthcare Limited, and Tracy Puttock, on behalf of the applicant, spoke in favour of the application.

Councillor Chris Farr, seconded by Councillor Jackie Wren, proposed amendments to the recommendation. Upon being put to a vote, the motion to amend the recommendations was agreed.

RESOLVED – that the application be approved subject to conditions and to authorise the Chief Planning Officer and the Head of Legal in conjunction with the Chair and Vice-Chair to finalise the Section 106 agreement as set out in recommendations 2, A-H to make sure that all matters are fully secured and:

1. The application being referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021; and the application then not being called-in by the Secretary of State for determination; and
2. The completion of a Section 106 agreement to secure the following matters:
 - A. The delivery of the affordable housing (70 units) prior to the occupation of 50% of the open-market dwellings with the freehold of the affordable housing having been transferred/granted to a registered provider. All affordable housing shall be subject to nomination rights.
 - B. The construction of a doctor's surgery to shell and core stage shall have commenced prior to the commencement of the construction of any dwellings. The doctor's surgery shall have been practically completed prior to the occupation of 25 dwellings and transferred on a 999 year lease to an NHS contracted doctor's surgery in a timeline to be agreed in writing by the District Council. A scheme of marketing and control over the disposal and subsequent use of the building shall be secured in the event that there are unforeseen obstacles to the transfer occurring. In the event of the doctor's surgery not being taken up, or the healthcare provider in occupation of the surgery loses the NHS contract to operate as a doctor's surgery, then the site designated for the doctor's surgery and associated car park will be transferred to the District Council for a price of £1 (one pound). The doctor's surgery building and car park shall then be transferred by the District Council, in consultation with Godstone Parish Council, to a use deemed fitting by the District Council with first priority being transfer to an NHS contracted doctor's surgery or other healthcare use.
 - C. The provision of Open Space and the Play Area prior to the occupation of 80% of the dwellings. The management of these features would also be secured with the formation of a Management Company included.
 - D. Provisions for implementing and managing measures to secure biodiversity enhancements across the application site.
 - E. The implementation of a Travel Plan and the payment of the Travel Plan Monitoring Contribution would be secured.
 - F. The payment of a contribution of £57,525 towards the mitigation of impacts on the nearby Public Right of Way.
 - G. The agreement of a specification for the Parish Council Car Park and the delivery of the car park in the same timescale as the Doctor's Surgery and the transfer of the completed car park to Godstone Parish Council.

- H. A right in perpetuity for the owner and any tenant of the doctor's surgery building and car park site to have unrestricted vehicular, cyclist and pedestrian access across the shared access with the Parish Council Car Park, together with an apportionment of the maintenance costs of that shared access.

Rising 8.57 pm

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THE DISTRICT COUNCIL OF TANDRIDGE**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 7 March 2024.

PRESENT: Councillors Blackwell (Chair), Wren (Vice-Chair), Black, Chris Farr, Sue Farr, Gray, Moore, Prew, Bilton (Substitute) (In place of Chotai) and Bloore (Substitute) (In place of Steeds)

ALSO PRESENT: Councillors Allen, Groves and North

APOLOGIES FOR ABSENCE: Councillors Botten, Chotai and Steeds

250. 2023/1306 - 14 STANSTEAD ROAD, CATERHAM, SURREY, CR3 6AA

The committee considered an application for the erection of four semi-detached houses with associated hard and soft landscaping.

The Officer recommendation was to permit, subject to conditions.

Mr Robert Barber, an objector spoke against the application.

Councillor Maria Grasso of Caterham on the Hill Parish Council spoke against the application.

Mr David Ciccone, the applicant's agent, spoke in favour of the application.

Councillor Groves proposed the following two motions for refusal.

- 1. The proposal, by reason of its scale, bulk and massing of the resultant buildings would cause the dwellings at the site to not respect the existing development within the area and, therefore, the development would have an adverse impact on the character and appearance of the site and surrounding area. This would be contrary to Policy CSP18 of the Tandridge Core Strategy 2008, Policies DP7 and DP8 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014, Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2021) and the NPPF (2023).*
- 2. By reason of the proposed car parking layout, the arrangement would be impracticable where cars would be blocked in resulting in additional on-street parking which would cause congestion and harm to amenity of existing neighbouring residents and future residents of the proposed development. The proposal would be contrary to Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014 and Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2021).*

The motions were proposed by Councillor Gray and seconded by Councillor Prew. Upon being put to the vote, the motions were carried.

RESOLVED – that planning permission be refused.

251. 2023/775 - STABLES, MANOR LIVERY, MANOR ROAD, TATSFIELD, WESTERHAM, SURREY, TN16 2ND

The committee considered an application for the demolition of existing buildings and erection of three single storey dwellings with associated parking and landscaping.

The Officer recommendation was to permit subject to conditions.

Mr Adam Wilkinson, an objector, spoke against the application.

Councillor Jason Syrett of Tatsfield Parish Council spoke against the application.

Mr Andy Wilkins, the applicant's agent, spoke in favour of the application.

Councillor Allen proposed the following motion for refusal.

The proposal would result in a loss of a commercial/industrial site. It has not been demonstrated that the site is unsuitably located or that the current site use is no longer viable, even for an alternative commercial use or as part of a mixed use development scheme, contrary to Policy CSP22 of the Tandridge District Council Core Strategy 2008 and Policy DP4 of the Tandridge Local Plan, Part 2, Detailed Policies 2014.

The motion was proposed by Councillor Moore and seconded by Councillor Sue Farr. Upon being put to the vote, the motion was carried.

R E S O L V E D – that planning permission be refused.

252. 2023/1272 - 19 HILLTOP WALK, WOLDINGHAM, CATERHAM, SURREY, CR3 7LJ

The committee considered an application for the removal of the roof and various external walls of the property, with the exception of the side and front of the property, and the rebuilding of the structure in association with a single storey side and rear extensions with a new roof over and a front porch. In addition, construction of hardstanding to serve as parking would also be undertaken.

The Officer recommendation was to permit, subject to condition.

Mr Geoffrey King, an objector, spoke against the application.

Councillor Leanna McEwan of Woldingham Parish Council spoke against the application.

Mrs Nicola Gavin, the applicant, spoke in favour of the application.

Councillor North put forward the following motion for refusal.

The size and scale of the proposal would cause definitional, spatial and visual harm to the openness of the Green Belt. There are no very special circumstances that would clearly outweigh the harm identified. As such, the proposal constitutes inappropriate development in the Green Belt which is contrary to the provisions of the NPPF (2023) and Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies (2014).

The motion was proposed by Councillor Prew and seconded by Councillor C Farr. Upon being put to the vote, the motion was lost.

RESOLVED – that planning permission be granted.

253. TPO NO.7 2023 - 15A BUXTON LANE, CATERHAM, CR3 5HG

The committee considered the details of a report requesting confirmation of Tree Preservation Order No.7, 2023.

The Officer recommendation was to confirm the Tree Preservation Order.

Ms Freyja Chapman, an objector, spoke against the application.

RESOLVED – that Tree Preservation Order No.7, 2023. be confirmed.

254. 2023/1344 - LAND TO THE WEST OF HIGH WOLD, PARK VIEW ROAD, WOLDINGHAM, CR3 7DA

The committee considered an application for the erection of a single detached dwelling with parking and turning areas using existing access from Park View Road.

The Officer recommendation was to permit, subject to condition.

Mr Geoffrey King, an objector, spoke against the application.

Councillor Deborah Sherry of Woldingham Parish Council spoke against the application.

Mr Tim Blackman, the applicant's agent, spoke in favour of the application.

Councillor North put forward the following two motions for refusal.

1. *The proposal, by reason of the access, layout, design, scale, placement and height, would have an adverse impact on the host dwelling and on the character and appearance of the surrounding area. As a result, the proposal would fail to maintain or enhance the distinctive character and appearance of the area. The proposal would therefore be contrary to Policies CSP1 and CSP18 of the Tandridge District Core Strategy (2008), Policies DP7 and DP8 of the Tandridge Local Plan Part 2: Detailed Policies (2014), the Woldingham Neighbourhood Plan, the Woldingham Design Guide, the Woldingham Village Design Statement, and the NPPF (2023).*
2. *The proposal comprises the inappropriate subdivision of an already subdivided plot which would result in an uncharacteristic form of piecemeal development which would detract from the established spacious character of the surrounding area contrary to Policies CSP1 and CSP18 of the Tandridge Council Core Strategy (2008), Policies DP7, DP8 of the Tandridge Local Plan: Part 2 – Detailed Policies (2014), the Woldingham Neighbourhood Plan (2016) and the NPPF.*

The motions were proposed by Councillor Prew and seconded by Councillor Chris Farr. Upon being put to the vote, the motions were carried.

RESOLVED – that planning permission be refused.

Rising 10.35 pm

REPORT TO THE PLANNING COMMITTEE ON 16 APRIL 2024

AGENDA ITEM 3

APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

To consider the applications detailed in items 3.1 to 3.8.

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.

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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 – 16 APRIL 2024 – RECOMMENDATIONS

| ITEM NO. | APPLICATION NO. | SITE ADDRESS | APPLICATION DETAILS | RECOMMENDATION |
|----------|-----------------|--|--|--|
| 3.1 | 2024/236 | Pavilion, Godstone Road Playing Field, Godstone Road, Lingfield, Surrey, RH7 6JG | Installation of drainage system to village sports ground. | GRANT subject to conditions |
| 3.2 | 2024/67 | 179 Chaldon Road, Caterham, Surrey, CR3 5PL | Alterations to and conversion of garage to form habitable room to be used ancillary to existing dwelling. | GRANT subject to conditions |
| 3.3 | 2024/77 | Unit 88 Edinburgh House, Stafford Road, Caterham, Surrey, CR3 6JD | Construct platform and access ramp with handrail, replace window with door and new window. | GRANT subject to conditions |
| 3.4 | 2024/90 | 18 New Farthingdale, Dormansland, Lingfield, Surrey, RH7 6RJ | Demolition of existing outbuilding and erection of single storey side extension to form bedroom and wetroom and alterations to rear of dwelling. | GRANT subject to conditions |
| 3.5 | 2023/1506 | Elizabeth House, Godstone Road, Caterham, Surrey, CR3 6RF | Replacement of the existing metal casement windows and part glazed timber external doors with new double glazed PPC Aluminium windows and part glazed composite external doors to match existing fenestration and design in communal areas. Installation of remedial structural supports to 6 no. existing projecting reinforced concrete balconies. | GRANT subject to conditions |
| 3.6 | 2023/602 | 1 Ashwood, Warlingham, Surrey, CR6 9HT | Front gates, fence and brick pillars. | GRANT subject to conditions |
| 3.7 | 2023/1481 | 13 Matlock Road, Caterham, Surrey CR3 5HP | Erection of double storey rear extension, extended rear gable with Juliette balcony and accessibility ramps to rear ground floor. | GRANT subject to conditions |
| 3.8 | TPO No. 9 2023 | Tandridge Land south of Honeypot Farm & Land at Galleys wood, Honeypot Lane, Edenbridge, TN8 6QH | To inform the committee in respect of the background of the making of Tree Preservation Order No. 9 2023. | CONFIRM the Tree Preservation Order |

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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Application: 2024/236
Location: Pavilion, Godstone Road Playing Field, Godstone Road, Lingfield, Surrey, RH7 6JG
Proposal: Installation of drainage system to village sports ground.
Ward: Lingfield and Crowhurst

Constraints – ASAC, Gas medium pressure pipeline within 12.5m, Gatwick bird strike zone, Gatwick safeguarding 90m, Green belt area, TDC_legal land terrier 9/28, Road_local b - Godstone road, Risk of flooding from surface water – 30, 100, 1000, Special protection area(s)

RECOMMENDATION: **Grant subject to conditions**

1. The application is presented to the Planning Committee due to the application site comprising Tandridge District Council owned land.

Summary

2. Planning permission is sought for the installation of a drainage system to the existing village sports ground to make it fit for purpose.
3. The proposal would not be inappropriate development within the Green Belt as it would meet the exceptions Paragraph 155 (b) of the NPPF. The proposal would be acceptable with regards to character and appearance, residential amenity and ecology. The applicant has committed to achieving no changes to the final outfall pipe with surface water discharge rates not increasing as a result of the development. Conditions have been recommended which would achieve a suitable SUDS scheme to be meet the requirements of Policy DP21.

Site Description

4. The site is located within the Green Belt area of Lingfield and comprises a sports ground together with a pavilion located adjacent to the southern boundary. The site is accessed via Godstone Road. A parking area is located by the entrance.

Relevant History and Key Issues

5. The relevant planning history for the site is as follows:
 - GOR/9340 - Re-erection & re-siting of pavilion Approved 11/03/1949.
 - GOR/1439 - Construction of vehicular access to playing field Approved 25/05/1954.
 - GOR/61/71 - Erection of sports pavilion Approved 16/02/1971.
 - 77/544 - Extension to sports pavilion Approved with Conditions 23/09/1977.
 - 79/995 - Erection of 6 floodlights Approved with Conditions 05/02/1980.
 - 80/444 - Erection of canopy to sports pavilion and erection of sports equipment storeroom Approved (full) 03/07/1980.

- 82/56 - Change of use of waste ground to playing fields Approved (full) 06/04/1982.
- 83/482 - Erection of a 2-metre-high fence fronting Godstone road Approved (full) 05/07/1983
- 85/868 - Erection of double garage for use as equipment store Approved (full) 23/10/1985
- 2000/1047 - Removal of existing covered stand. formation of curved roof over existing flat roof of pavilion providing covered viewing area with disabled access in to pavilion. Subject To Full Council 21/11/2000
- 2002/1336 - Retention of container for storage of sports equipment. Approved (full) 04/12/2002
- 2002/1018 - Erection of 4 x 9.5m high columns supporting flood lights and construction of concrete/gravel paths to improve pedestrian access to land to the west. Refuse 09/01/2003
- 2002/1337 - Change of use of land for recreational purposes providing 2 full size football pitches & four mini-pitches. Approved (full) 19/11/2002
- 2006/22 - Erection of two artificial cricket nets in one enclosed structure incorporating the laying of synthetic grass over prepared sub-base. Approved (full) 13/02/2006
- 2005/705 - Extension of existing car park. Approved (full) 10/08/2005
- 2010/957 - Erection of replacement shed. Approved (full) 14/09/2010
- 2011/40 - Erection of grandstand. Approved (full) 04/04/2011

6. The key issues for this application are:

- the principle of development within the Green Belt,
- acceptability in terms of character and appearance,
- impact on neighbouring amenity
- impact on surface water

Proposal

7. Planning permission is sought for the installation of a drainage system. This involves;

- Installation of 276 linear metres of 150mm pipes
- Installation of 6342 linear metres of 80mm pipes set at 4m centres across the site
- Installation of 22,617 linear metres of secondary drainage consisting of 40mm wide, 200mm deep sand bands at 1m spacing.
- Formation of 76m ditch

Development Plan Policy

8. Tandridge District Core Strategy 2008 – Policies CSP1, CSP17, CSP18

9. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP7, DP10, DP13, DP21
10. Woldingham Neighbourhood Plan 2016 – Not applicable
11. Limsfield Neighbourhood Plan 2019 – Not applicable
12. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Not applicable
13. Tatsfield Neighbourhood Plan (Regulation 16)- Not applicable

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

14. Tandridge Parking Standards SPD (2012)
15. Tandridge Trees and Soft Landscaping SPD (2017)
16. Surrey Design Guide (2002)

National Advice

17. National Planning Policy Framework (NPPF) (2023)
18. National Planning Practice Guidance (NPPG)
19. National Design Guide (2019)

Statutory Consultation Responses

20. Lingfield Parish Council – No objection
21. Environment Agency- No comment
22. Local Lead Flood Authority- Objection : The proposed surface water drainage scheme does not meet the requirements set out in the NPPF, its accompanying PPG and the Non- Statutory Technical Standards for sustainable drainage systems.
23. We are not satisfied that the proposed drainage scheme meets the requirements; however, in the event that planning permission be granted by the Local Planning Authority, suitably worded conditions should be applied to ensure that the SuDS Scheme is properly implemented and maintained throughout the lifetime of the development. Conditions suggested.
24. Southern Gas Network- No comments received.
25. Sports England-Objection: we consider there is insufficient information to demonstrate that any of the exceptions to our Playing Fields Policy are met or that it accords with paragraph 103 of the National Planning Policy Framework (NPPF).
26. Surrey Wildlife Trust- No comments provided.

Third Party Comments

27. Neighbour Letters and Site Notice- No representations received at the of publication.

The consultation period for the application runs until 10th April on expiry of the press notice. Members will be updated with any subsequent comments since the publication of this report.

Assessment

Status of Local Plan

28. The Tandridge Development Plan is formed of Tandridge District Core Strategy 2008, Tandridge Local Plan Part 2: Detailed Policies 2014-2029, Caterham, Chaldon & Whyteleafe Neighbourhood Plan 2021, Limpsfield Neighbourhood Plan 2019 and Woldingham Neighbourhood Plan 2016, as well as the Surrey Waste and Minerals Plans. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be taken in accordance with the Development Plan, unless there are material considerations that indicate otherwise.
29. The NPPF is a material consideration in planning decisions and its Policies have to be taken into account in dealing with applications from the day of its publication. It is important to note that even though the adopted Development Plan predates the publication of the most recent NPPF, the majority of Policies remain up to date. Policies will be given due weight in accordance with their degree of consistency with the NPPF (December 2023, paragraph 225).

Green Belt

30. The NPPF 2023 supports the protection of Green Belts and the restriction of development within these designated areas. Paragraph 142 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 the Green Belt being its openness and permanence.
31. Paragraph 155 of the NPPF advises 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. This includes b) engineering operations.
32. Advice in the NPPG states that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case. These include, but are not limited to:
- 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;
 - the duration of the development, and its irremediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
 - the degree of activity likely to be generated, such as traffic generation.
33. Policy DP10 of the Local Plan reflects paragraphs 152-156 of the NPPF in setting out that inappropriate development in the Green Belt is, by definition, harmful and that substantial weight must be attributed to this harm. Permission should only be

granted where very special circumstances can be demonstrated to clearly outweigh the harm by reason of inappropriateness and any other harm identified.

34. Policy DP13 states that unless very special circumstances can be clearly demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt. Policy DP13 sets out the exceptions to this, one of which (Part B) is the provision of appropriate facilities for outdoor sport and recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Also relevant to note is (Part I) which includes any other form of development as listed under paragraph 90 of the NPPF (2012) [*Since superseded by Paragraph 155 of the NPPF 2023*]
35. The proposal seeks to install a drainage system to the village sports ground. Whilst the works proposed would be used to benefit the drainage of the sports pitches and therefore could be considered facilities for outdoor sport the proposal is solely ground works and therefore it is most appropriate in this case to consider the works as engineering operations. The NPPF considers engineering operations to be an exception to inappropriate development within the Green Belt provided the works preserve its openness and do not conflict with the purposes of including land within the Green Belt.
36. The works proposed seek to install a primary and secondary drainage system to the existing sports pitches. This will consist of engineering works to install a linear drainage pipework in a west-east orientation and secondary drainage sand bands in a north-south orientation to create a lattice works of drainage channels across the ground. A 150mm pipe is to be installed along the northern boundary of the sports ground and a new 76m long ditch to the southern boundary, both leading into the existing drainage ditch to the western extent of the site. These works, bar the proposed ditch, would be buried once complete with the sports pitches overseeded to restore the grass following the works. With the majority of the works below ground level ;the proposal would not result in any visual harm to openness nor would there be any perceived spatial harm. The proposal seeks to facilitate the existing use of the site and would not conflict with the purposes of the Green Belt. Taking the above into account, it is considered that the proposal would preserve openness meeting the exception under Paragraph 155 (b) and therefore also meeting the exception under Policy DP13 (I). The proposal is therefore not inappropriate within the Green Belt according with the requirements of Policy DP13 I and Paragraph 155 (b) of the NPPF.

Character and Appearance

37. Paragraph 135 of the NPPF advises that planning Policies and decisions should ensure that developments will function well and add to the overall quality of the area, are sympathetic to local character and history, establish or maintain a strong sense of place and 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. Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
38. 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.

39. 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.
40. As discussed above the proposal is to install linear drainage pipework in a west-east orientation and secondary drainage sand bands in a north-south orientation to create a lattice works of drainage channels across the ground. A 150mm pipe is to be installed along the northern boundary of the sports ground and a new 76m long ditch to the southern boundary, both leading into the existing drainage ditch to the western extent of the site. These works, bar the proposed ditch, would be buried once complete with the sports pitches overseeded to restore the grass following the works. Whilst there would be a change in appearance in the short term there would be no long-term character impacts arising from this proposal once the overseeding is established. The proposed ditch would not be overly prominent from views outside the site and would not result in harm to the character and appearance of the site.
41. It is therefore 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.

Ecology

42. 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.
43. Policy DP19 sets out that there will be a presumption in favour of development proposals which seek to:
 1. Protect, enhance or increase the provision of, and access to the network of multi-functional Green Infrastructure (GI);
 2. Promote nature conservation and management;
 3. Restore or create Priority Habitats; or
 4. Maximise opportunities for geological conservation.It also sets out 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.
44. The application site does not lie within an area of specific ecological designation and the open recreational use of the playing fields would limit its ecological and biodiversity value. The application site is not accompanied by any ecological appraisal and therefore there is no professional assessment submitted to identify potential habitats for protected species. However, there remains potential for the proposal to have an impact on ecology at the boundary or adjacent to the site. It would therefore be reasonable in this case to require a preliminary ecological appraisal to be undertaken prior to the commencement of works.

Drainage

45. Local Plan Policy DP21 states that proposals should seek to secure opportunities to reduce both the cause and impact of flooding; for example through the use of Green Infrastructure for flood storage and, where necessary, the incorporation of Sustainable Drainage Systems (SuDS) suitable to the scale and type of the development, ensuring the discharge of surface run off is restricted to that of the pre-development site. Consideration should be given as to the future maintenance of any proposed SuDS schemes.
46. The proposed development seeks to install a drainage system to the existing sports pitches to assist the drainage of the ground. The proposal will therefore improve the drainage of the application site however the more efficient drainage of the land could result in an increase flood risk beyond the application site. Any development would therefore need to demonstrate that such flows can be adequately controlled on site.
47. The application as submitted does not provide any technical details with regards to the drainage system nor the runoff rate from the site. As a result the LLFA and Sports England have raised objection due to insufficient details having been provided. However, the LLFA have indicated that in the event that the Local Planning Authority are minded to grant planning permission suitably worded conditions should be applied to ensure that the SuDS Scheme is properly implemented and maintained. Two conditions have been suggested, the first of which secures the details of the drainage scheme, the second to provide verification that drainage is installed in accordance with the approved details.
48. The applicant, through discussion with officers, have confirmed the following:
- No changes are proposed to the final outfall pipe
 - Surface water discharge rates will not increase.
 - As part of the works, it will ensure any other boundary ditches/watercourses are well maintained and free flowing.
49. It is acknowledged that the application has not been supported with the technical details of the drainage scheme to be installed nor any calculations to demonstrate that discharge rates will not increase from the application site. This has prompted the LLFA and Sports England to object to the application in its current format. However the principal of the proposal which will result in the provision of new drainage system for the site is not objected to. Additionally the LLFA are content that planning permission can be granted, subject to the conditions they have recommended to secure adequate details. The conditions will need to be discharged prior to the commencement of works with a further condition prohibiting use of the site until the works have been verified.
50. In light of the above and with the conditions imposed as suggested above the development will be able to achieve compliance with Local Plan Policy DP21

Sports Provision

51. The proposed development seeks to install a drainage system to the existing sports ground. Sports England within their representation have objected to the application considering there is insufficient information to demonstrate that any of

the exceptions to our Playing Fields Policy are met or that it accords with paragraph 103 of the National Planning Policy Framework (NPPF). The representation provided by Sports England outlines that they have sought advice from the (English Cricket Board (ECB) and the Football Association (FA). Both have identified that insufficient details have been provided with regards to design of the drainage system.

52. Paragraph 103 of the NPPF requires that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
 - all or any part of a playing field, or
 - land which has been used as a playing field and remains undeveloped, or
 - land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

The development proposed would not see the loss of the playing pitches as is the goal of Paragraph 103 of the NPPF to safeguard, however will result in changes to it which could impact on its usability. The comments from Sports England (and that of the ECB and FA) are therefore concerned that without sufficient details of the drainage it could compromise the use of the playing fields. As discussed above the applicant will be required to submit details of the drainage system prior to commencement of works. Such details would therefore ensure any drainage system installed would provide acceptable drainage of the pitches ensuring they remain usable. The securing of such details would therefore also seek to overcome the main concerns raised by Sports England within their objection.

Equality Duty

53. The Council has a responsibility to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equality Act 2010 and those who do not. The Case Officer has reviewed the proposed development and documentation and considers that the proposal is not likely to have any direct equality impacts.

Conclusion

54. The proposal would be not inappropriate development within the Green Belt, as it would meet the exceptions under Paragraph 155 (b) of the NPPF. The proposal would be acceptable with regards to character and appearance, residential amenity and ecology. The applicant has committed to achieving no changes to the final outfall pipe with surface water discharge rates not increasing as a result

of the development. Conditions have been recommended which would achieve a suitable SUDS scheme to be meet the requirements of Policy DP21. An acceptable drainage scheme would also secure the continued use of the playing pitches to overcome the objection raised by Sports England.

55. 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 2023. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

RECOMMENDATION:

Grant subject to 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 Location Plan and 820.01 Rev A received 29th February 2024. 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. Prior to the commencement of works a preliminary ecological appraisal shall be undertaken for the proposed development. Any mitigation or recommendations with that report shall be submitted to the Local Planning Authority for approval. Thereafter the development shall be undertaken in full accordance with those details.

Reason: To ensure the development does not cause undue harm to ecology in accordance with Policy CSP17 of the Core Strategy and Policy DP19 of the Local Plan Part 2: Detailed Policies.

4. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non- Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+20% allowance for climate change) & 1 in 100 (+25% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the predevelopment Greenfield run-off including multifunctional sustainable drainage systems.

b) Details of the receiving watercourse including downstream connectivity, condition and capacity.

c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross 3 sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

5. Prior to the first use of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS.

Informative

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.

The development has been assessed against Tandridge District Core Strategy 2008 – Policies CSP1, CSP17, CSP18, Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP7, DP10, DP13, DP21 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.

The Local Planning Authority has acted in a positive and proactive way in determining this application, as required by the NPPF (2023), 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.

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Application: 2024/67

Location: 179 Chaldon Road, Caterham, Surrey, CR3 5PL

Proposal: Alterations to and conversion of garage to form habitable room to be used ancillary to existing dwelling.

Ward: Queens Park

Constraints – Ancient Woodland within 500m, Biggin Hill Safeguarding, Source Protection Zone, Urban area

RECOMMENDATION:

GRANT subject to conditions

1. The application is presented to the Planning Committee at the request of Cllr Groves on the grounds that the impact on parking provision and the amenities of neighbours requires assessment.

Summary

2. Planning permission is sought to amend the existing building at the site through the replacement of garage doors with walls and windows and the insertion of one additional window. The building would be used for purposes that are associated with the occupation of the dwelling at the site.
3. The proposed development is considered to accord with the relevant planning policies in relation to character and appearance, residential amenity and highway safety and parking provision. Consequently, it is considered that the proposal would accord with the requirements of the National Planning Policy Framework (NPPF) and with the policies contained in the Development Plan. Accordingly, it is recommended that planning permission is granted subject to conditions as outlined.

Site Description

4. The site hosts a detached bungalow (which has accommodation in the roof) which is located to the south east side of Chaldon Road within an urban area. There is a triple garage to the rear of the site which is accessed from Heath Road. A fence exists within the application site that separates the garage and the land around it from the remainder of the site. However, the lawful use of the plot is considered to remain residential with a single dwelling being at the site.

Relevant History and Key Issues

5. The relevant planning history for the site is as follows:

95/773 – Replacement/retention of fence and gates along Heath Road boundary. Approved

2023/147 - Conversion of existing garage to habitable accommodation and installation of new dummy upstand roof. Refused for the following reasons:

1. The formation of the proposed annexe, given its internal layout, external appearance and relationship to the host dwelling would lead to the creation of a separate self-contained dwelling and would result in the unacceptable intensification of the use of the site. As such, the proposal would not comply with Policy CSP18 of the Core Strategy

DPD 2008, Policies DP7 and DP8 of the Tandridge Local Plan Part 2: Detailed Policies 2014 and the NPPF (2021).

2. The proposal would fail to provide sufficient space to serve as parking facilities for future occupiers in an area with limited on-street capacity, contrary to the objectives of the NPPF (2019), Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 and the Council's adopted Parking Standards SPD (2012).
6. The key issues for this application are:
 - the principle of development
 - the acceptability in terms of character and appearance,
 - the impact on neighbouring amenity
 - the impact on parking provision and highway safety

Proposal

7. Planning permission is sought for alterations to and conversion of garage to form habitable room to be used ancillary to existing dwelling. This would involve the replacement of garage doors with walls and windows and the insertion of one additional window.

Development Plan Policy

8. Tandridge District Core Strategy 2008 – Policies CSP1, CSP12 and CSP18
9. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5 and DP7.
10. Woldingham Neighbourhood Plan 2016 – Not applicable
11. Limpsfield Neighbourhood Plan 2019 – Not applicable
12. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – CCW4 and CCW5

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

13. Tandridge Parking Standards SPD (2012)
14. Tandridge Trees and Soft Landscaping SPD (2017)
15. Surrey Design Guide (2002)

National Advice

16. National Planning Policy Framework (NPPF) (2023)
17. National Planning Practice Guidance (NPPG)
18. National Design Guide (2019)

Statutory Consultation Responses

19. County Highway Authority – As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, the highway authority were not consulted on this application.
20. Caterham on the Hill Parish Council – *“The existing garage/workshop is relatively large, not much smaller in footprint than the host dwelling, a small bungalow. The Parish Council understands the applicant’s desire for extra family space, but the previous application (2023/137) was refused because it would have created a separate self-contained dwelling.*

We note that the internal layout now contains a home office and recreation room but repeat our previous request. If granted, please apply a condition restricting use of the converted building to domestic purposes ancillary to the host property and its residents and not for permanent occupation by others or renting out.”

Third Party Comments

21. Comments received raising concerns about the impact on parking provision and the blocking of the adjacent access track. It is also a concern that the site has been divided with fencing erected within the site, implying that a sub-division might have occurred. Furthermore, comments have been received stating that the building is currently used for motor vehicle business purposes, thereby causing:

- noise pollution,
- uncontrolled waste,
- monopolisation of highway parking,
- the presence of ‘Sworn Off Road’ Vehicles in the public highway,
- the keeping of customers vehicles in the highway,
- restriction of access to surrounding roads
- unauthorised use of the adjacent church car park.

Assessment

Status of Local Plan

22. The Tandridge Development Plan is formed of Tandridge District Core Strategy 2008, Tandridge Local Plan Part 2: Detailed Policies 2014-2029, Caterham, Chaldon & Whyteleafe Neighbourhood Plan 2021, Limsfield Neighbourhood Plan 2019 and Woldingham Neighbourhood Plan 2016, as well as the Surrey Waste and Minerals Plans. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be taken in accordance with the Development Plan, unless there are material considerations that indicate otherwise.
23. The NPPF is a material consideration in planning decisions and its Policies have to be taken into account in dealing with applications from the day of its publication. It is important to note that even though the adopted Development Plan predates the publication of the most recent NPPF, the majority of Policies

remain up to date. Policies will be given due weight in accordance with their degree of consistency with the NPPF (December 2023, paragraph 225).

Principle of the use of the resultant building:

24. The site lies within an urban area where the principle of developments associated with existing dwellings is considered to be acceptable.
25. The previous application at the site would have involved the conversion of the building to an annexe. It was deemed that this would have been tantamount to the creation of a new dwelling at the site. The development now proposed shows the building to be converted to a recreation room, a home office and a gym with a shower room and an unspecified lobby area. The application should be considered solely on that basis.
26. The building is existing and there is no reason to assume that the buildings would not be used as described. Whilst the previous reason for refusal and the content of the officer report is noted, the Local Planning Authority can only determine the application based on the plans before it. It is reasonable to conclude that all of the proposed features of the building would continue to serve the occupiers of the existing dwelling and be used in a way that would be ancillary to the use of the dwelling.
27. From this basis, having full regard to the previous objections of the local planning authority and the objections of interested parties, it is not considered that it would be reasonable to refuse the application for the same reason as before.
28. The request of the Parish Council is noted but, if the building was to be used for a purpose than is not ancillary or incidental to the host dwelling, this would constitute a material change of use that would require planning permission. As demonstrated in recent appeal decision APP/M3645/W/23/3329843 in relation to application 2023/371, where planning permission is required for a change of use, it is unnecessary to use a condition to duplicate that requirement. Moreover, it would not be reasonable to prevent the building being used for purposes that are ancillary or incidental to the existing dwelling as the building could be put to any use falling within the definition of those terms without requiring planning permission.
29. Comments of interested parties identify that the building has been used for the keeping and repair of cars and also that a fence has been erected within the site. In this regard, the current use of the building could be investigated by the Council's Planning Enforcement Team but, as the lawful use is considered to be for purposes associated with the dwelling and this would remain the case, it is considered that the alleged use of the building is not determinative in respect of the assessment of this application. If the current use of the building is deemed to represent an unauthorised use, this proposal would re-instate what is considered to be the lawful situation and address the alleged breach.

Character and Appearance

30. Policy CSP18 of the Tandridge District Core Strategy 2008 states, amongst other things, that new development must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness.

31. Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 states, amongst other things, that all new development will be expected to be of a high-quality design integrating effectively with its surroundings while reinforcing local distinctiveness and landscape character.
32. Policy CCW4 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 states that, development is expected to preserve and enhance the character area in which it is located (as shown in Figure 5.1). Moreover, Policy CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 states that, development proposals, which integrate well with their surroundings, meet the needs of residents and minimise the impact on the local environment will be supported where they demonstrate a high quality of design.
33. The existing building has an appearance that reflects its function. It is visible from the surrounding public domain and from neighbouring properties and, from where it is seen, it makes a neutral contribution to the character and appearance of the area.
34. The proposal would involve minor external alterations to the building including the provision of windows and the infilling of parts of the existing garage door openings. These works are minor in nature and would have a minimal impact on the character and appearance of the area.
35. Overall, it is considered that the visual implications of the resultant building would not be materially different to those of the existing building and, therefore, it cannot be concluded that the development would be contrary to the policies of the Development Plan that are set out above.

Amenity

36. Policy CSP18 states, amongst other things, that development must not significantly harm the amenities of the occupiers of neighbouring properties due to overlooking, overshadowing, visual intrusion, noise, traffic or any other adverse effects. This is carried forward in Policy DP7 of the Tandridge Local Plan.
37. The building would be the same size and form as the existing building. The provision of additional windows would not cause additional overlooking and the resultant building would have no additional impacts on light or outlook within neighbouring properties.
38. Whilst the building would be used in a different way, there is no reason to conclude that the proposed use of the building, for the purposes stated on the submitted plans, would have a materially different impact in terms of noise, activity or disturbance than that which could arise from the use of the existing building.
39. It is therefore considered that the proposal satisfies the amenity provisions of Policies CSP18 of the Tandridge District Core Strategy 2008 and DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014.

Parking Provision and Highway Safety

40. 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.
41. It was previously identified that the loss of parking and the consequential provision of just one parking space was unacceptable in the context of the two-bedroom dwelling, the proposed annexe accommodation and the pressure on on-street parking provision that was identified within the local area.
42. In this case, whilst a car could sit forward of the building, no parking is shown to be retained at the site on the submitted plans and as such the proposal would not accord with the Council's parking standards and, by extension, the relevant elements of the abovementioned policies. However, no additional parking demand would be created due to the fact that the building would be used for ancillary or incidental purposes but not involve the creation of any bedrooms. The considerations are therefore materially different to before.
43. There is no evidence that the existing garages are required to be retained and used for parking under the terms of any planning condition and, as such, the use of the garage for the purposes of parking a car could cease immediately without requiring planning permission.
44. Whilst the previous reservations of the Local Planning Authority are noted, given that there would be no uplift in parking demand arising from this proposal due to the use of the building indisputably remaining ancillary/incidental to the occupation of the host dwelling, it is considered that it would be unreasonable to object to this application on the grounds of any inadequacy in terms of parking provision that would result.
45. The comments of interested parties in relation to the use of the building for motor repair purposes is noted. However, that is not the proposal that is before the Local Planning Authority and it is respectfully suggested that the application should be determined on the basis that it has been submitted rather than if it were used in some alternative way. The removal of garage doors and their replacement with windows and walls would make it impossible for vehicles to enter the building and, as such, it would be likely to be the case that the proposal would reduce the likelihood that the building would be used for those purposes.
46. A number of the comments made relate to matters that fall outside the scope of the Local Planning Authority and could not be a reason to refuse this application to use the building at the site for purposes that are ancillary to the occupation of the dwelling at the site.
47. Overall, noting that the nature of the proposals are different to the previous application and it is, therefore, reasonable to reconsider the impacts of the proposal, it is considered that the conflict with the Tandridge Parking Standards SPD caused by the loss of parking and the associated conflict with elements of the development plan, would not cause harm that would be a sound reason to argue that the proposal would have a negative impact

upon highway safety or the amenity of nearby residents. As such, the proposal would comply with the overall aims of the abovementioned policies.

Other Matters

48. A number of the comments made in relation to the previous application relate to the adequacy of the building to be used for the stated purposes or converted as proposed. This is a matter that would fall outside the scope of the consideration of a planning application. Similarly, whilst comments made in relation to the impact on the use of the access track adjacent to the building are noted, it is considered that these would relate to a civil matter that would fall outside the remit of the Local Planning Authority.
49. The internal division within the site through the erection of fencing could have reasonably occurred under the terms of permitted development rights as set out in Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. The erection of a fence does not, in itself, constitute a change of use or indicate that the use of the site would be sub-divided. As such, this aspect of the site is not considered to be determinative.

Conclusion

50. The proposed development would be acceptable in principle, would be visually acceptable and would not cause material harm to the amenities of neighbouring residents or highway safety within the vicinity of the site. The proposal therefore accords with the Policies of the Development Plan and the NPPF.
51. 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 2023. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
52. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION: GRANT 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. The development hereby approved shall be carried out strictly in accordance with the details shown on drawing nos: 4564 (Block Plan) and 4564/OS (Received 01/02/2024 and 4564 (Floor Plans and Elevations) (Received 23/01/2024).

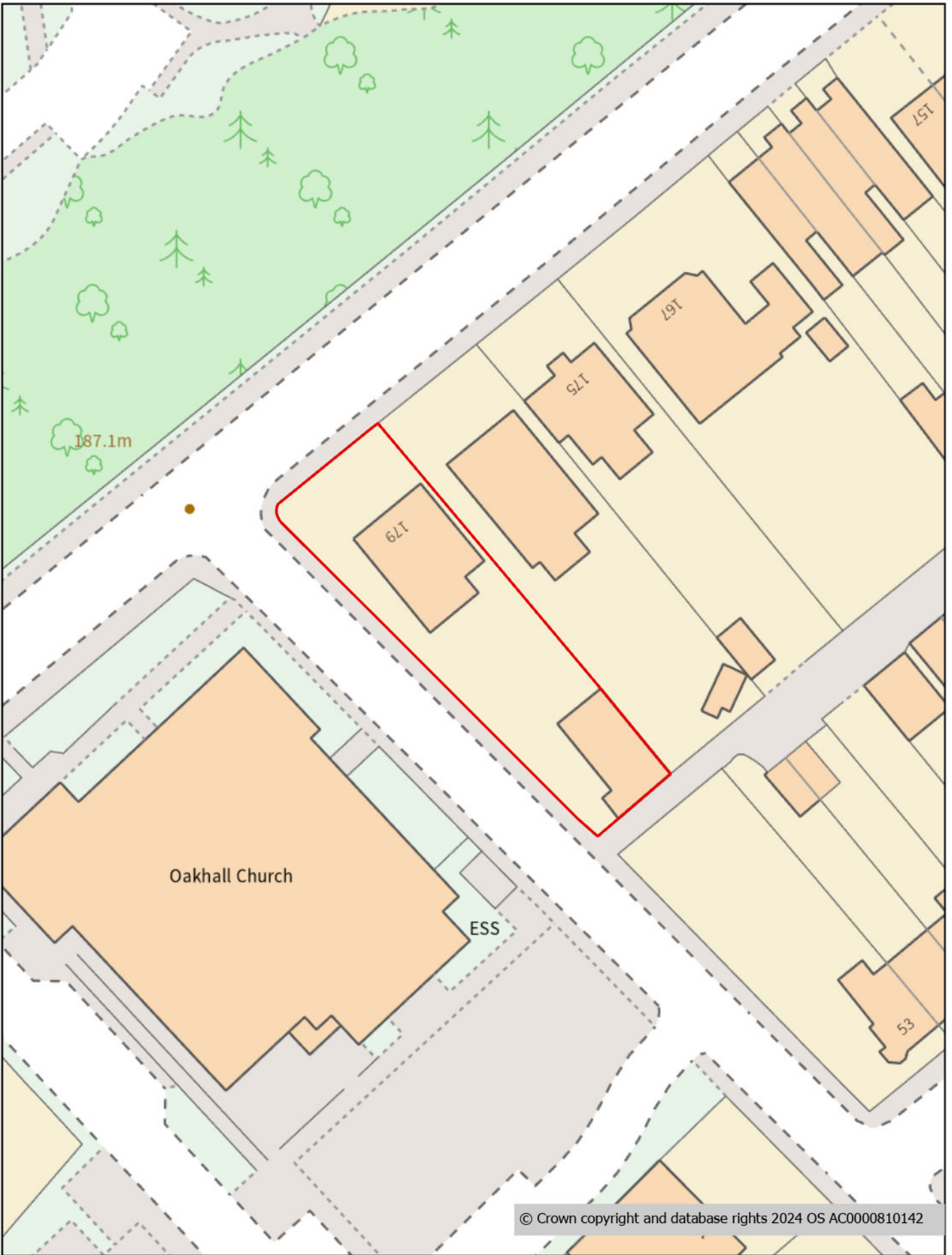
Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the submitted application particulars.

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.

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 has been assessed against Tandridge District Core Strategy 2008 policies CSP1, CSP12 and CSP18, Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5 and DP7, policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan and all material considerations. 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.
3. The Local Planning Authority has acted in a positive and creative way in determining this application, as required by the NPPF (December 2023), 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.



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Application: 2024/77

Location: Unit 88 Edinburgh House, Stafford Road, Caterham, Surrey, CR3 6JD

Proposal: Construct platform and access ramp with handrail, replace window with door and new window.

Ward: Valley

Decision Level: Planning Committee

Constraints –Biggin Hill Safeguarding, EA Flood Zone 2 & 3, Railway line within 30m, Risk of flooding from surface water – 100, 1000, Source Protection Zones 2 & 3, Urban area.

RECOMMENDATION:

Grant subject to conditions

1. The application is presented to the Planning Committee due to the application site comprising of land owned by Tandridge District Council.

Summary

2. Planning permission is sought for the construction of a platform and access ramp with a handrail and the replacement of a window with door and a new window. The proposed development is considered acceptable in principle. The proposal is also acceptable in relation to the impact on character and appearance having regard to the access benefits of the proposal. The impact on neighbouring amenity and in all other respects is acceptable. As such, it is recommended that planning permission be granted.

Site Description

3. The application site consists of Unit 88 and communal land, located within the wider Edinburgh House development. The site lies to the east of Stafford Road with access gained down a sloped access drive to a circular turning area.

Relevant History

4. Relevant history listed below:

89/1413 - Erection of pitched roof over existing flat roofs, enclosed external staircase and new walkway, entrance porch, alterations to existing access road and vehicular access, additional car parking and landscaping. County Permitted (reg 3) 09/01/1990

CAT/1061 - Erection of 24 flats. Approved 07/07/1952.

Proposal

5. Planning permission is sought for the construction of a platform and access ramp with a hand rail to the front of the property. The platform would be 1.2m by 1.2m at a height of 0.27m. A 4.8m by 1.2m ramp is also proposed. The handrail is to be 0.9m from ground level. External changes are also proposed to the building to replace a window with door to provide access to the ramp and installation of a window.

Key Issues

6. The site is located within an urban area. Other important material considerations are the impact on character and appearance and residential amenity.

Development Plan Policy

7. Tandridge District Core Strategy 2008 – Policies CSP1, CSP12 and CSP18.
8. Tandridge Local Plan Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10 and DP12.
9. Woldingham Neighbourhood Plan (2016) – Not applicable.
10. Limpsfield Neighbourhood Plan (2019) – Not applicable
11. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Policies CCW4, and CCW5.

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

12. Tandridge Parking Standards SPD (2012)
13. Tandridge Trees and Soft Landscaping SPD (2017)

National Advice

14. National Planning Policy Framework (NPPF) (December 2023)
15. Planning Practice Guidance (PPG)
16. National Design Guide (2019)

Consultation Responses

17. Caterham Valley Parish Council– Leave to TDC Officer

Public Representations/Comments

18. Third Party Comments – None

Assessment

Status of Local Plan

19. The Tandridge Development Plan is formed of Tandridge District Core Strategy 2008, Tandridge Local Plan Part 2: Detailed Policies 2014-2029, Caterham, Chaldon & Whyteleafe Neighbourhood Plan 2021, Limpsfield Neighbourhood Plan 2019 and Woldingham Neighbourhood Plan 2016, as well as the Surrey Waste and Minerals Plans. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be taken in accordance with the Development Plan, unless there are material considerations that indicate otherwise.

20. The NPPF is a material consideration in planning decisions and its Policies have to be taken into account in dealing with applications from the day of its publication. It is important to note that even though the adopted Development Plan predates the publication of the most recent NPPF, the majority of policies remain up to date. Policies will be given due weight in accordance with their degree of consistency with the NPPF (December 2023, paragraph 225).

Principle of development

21. Policy CSP1 of the Tandridge District Core Strategy 2008 states that, in order to promote sustainable patterns of travel and make the best use of previously developed land, development will take place within the existing built up area of the District (the Category 1 settlements which includes Caterham) and be located where there is a choice of mode of transport available and where the distance to travel to services is minimised. Policy DP1 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 outlines that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development as contained in the NPPF.
22. The site is within a Category 1 settlement and is to serve an existing residential unit that is considered to be in a sustainable location. As such, there is no in principle objection to the development in respect of Policy CSP1 of the Core Strategy 2008 and Policy DP1 of the Local Plan Part 2: Detailed Policies 2014.

Character and Appearance

23. Policy CSP18 of the Tandridge District Core Strategy 2008 states, amongst other things, that new development must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness.
24. Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 states, amongst other things, that all new development will be expected to be of a high-quality design integrating effectively with its surroundings while reinforcing local distinctiveness and landscape character.
25. Caterham, Chaldon and Whyteleafe Neighbourhood Plan Policy CCW4 relates to the character of development and states that development is expected to preserve and enhance the character area in which it is located. Policy CCW5 relates to the design of development which is expected to be of high quality integrating well with its surroundings.
26. The proposal seeks to construct a platform and ramp to the west elevation of the existing building. The ramp will consist of a concrete path with single brick dwarf walls to either side. A 0.9m tall metal handrail is proposed down one side of the ramp. To facilitate access to the ramp the existing triple pane window will be replaced with a door and single window.
27. The ramp is proposed to the west of the building and would be visible from the access road and concrete path providing access to the northern residential properties. Although the platform would be 0.27m adjacent to the building with a 0.9m handrail, the land raises to the west therefore would not appear this height from end on or profile views.

28. The buildings at the site are largely symmetrical and the grassed land forward of the building provides an area of communal land that makes a contribution to the setting of the building. However, whilst the land that would be affected by this proposal is of benefit to visual amenity at close range, it makes a limited contribution to longer views as it is obscured by parking and soft landscaping.
29. The works to the grassed area would cause some minor disruption to the setting of the building. Moreover, the replacement of a window with a door and window would also detract from the appearance of the building to a limited degree as the proposal would detract from the symmetrical and uniform appearance of the building. Consequently, as there would be some harm to the appearance of the building, there would be a minor degree of conflict with the abovementioned Policies.

Access

30. Policy DP5 states that development should provide safe and suitable access to a site which is achievable by all. Similarly, Policy CSP12 says The Council will require new development to make improvements, where appropriate, to the existing infrastructure network, including road and rail, facilities for bus users, pedestrians and cyclists and those with reduced mobility. Moreover, the NPPF seeks to ensure safe and suitable access to the site can be achieved for all users.
31. This proposal would address a shortcoming that relates to an existing property not being accessible to its existing resident. The proposal, therefore, accords with this Policy and this represents a benefit that can be afforded significant weight in the planning balance below.

Residential Amenity

32. 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.
33. The above Policies align with the guidance at Paragraph 135 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.
34. The proposed development is modest in its scale. Whilst it would provide a raised platform it would not offer views onto neighbours dwelling due to the oblique angle to neighbouring windows. The proposal is considered to have no significant impact on the residential amenity of the neighbouring properties and therefore accords with the abovementioned Policies.

Other Matters

35. The Public Sector Equality Duty (PSED) requires that the Local Planning Authority has due regard to the need to put an end to unlawful behaviour that is based by the Equality Act 2010, advance equal opportunities between people who have a protected characteristic and those who do not and foster good

relations between people who have a protected characteristic and those who do not. For reasons set out below, the development is considered acceptable and, as such, even having due regard to the requirements of the PSED, it is not considered that this is reason to reach a different recommendation in this case.

Conclusion and Planning Balance

36. Whilst the proposal would detract from the uniformity of the appearance of the existing building and the setting of the building, thereby conflicting with some elements of the Development Plan, the harm caused in this regard would be limited. The harm would clearly be outweighed by the benefit arising from the provision of improved access to the existing building. The proposal is acceptable in all other respects and, therefore it is considered that the proposal is acceptable and in accordance with the Development Plan when it is taken as a whole.
37. 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 2023. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
38. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION:

Grant subject to 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. The development hereby approved shall be carried out strictly in accordance with the details shown on drawing nos: 102364125/1, 102364125/2, 102364125/3 and Block Plan received 13th February 2024.

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

3. The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars.

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.

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 has been assessed against Tandridge District Core Strategy 2008 policies CSP1, CSP12 and CSP18, Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5 and DP7, Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 Policies CCW4, CCW5 and all material considerations. 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.

The Local Planning Authority has acted in a positive and creative way in determining this application, as required by the NPPF (2023), 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.



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Application: 2024/90

Location: 18 New Farthingdale, Dormansland, Lingfield, Surrey, RH7 6RJ

Proposal: Demolition of existing outbuilding and erection of single storey side extension to form bedroom and wetroom and alterations to rear of dwelling.

Ward: Dormansland and Felcourt

Decision Level: Committee

Constraints – Area of Special Advertising Control, Ancient Woodland within 500m, Defined Village in the Green Belt, Gatwick Bird Strike Zone, Green Belt
Risk of Surface Water Flooding, Special Protection Area

RECOMMENDATION:

Grant subject to conditions

1. The application is presented to the Planning Committee due to the application site comprising of Tandridge District Council owned land.

Summary

2. Planning permission is sought for a single storey extension at the side of the dwelling. The proposed development is considered acceptable in the Green Belt as the proposal accords with Policy DP12 of the Tandridge Local Plan Part 2 – Detailed Policies 2014 and the site is within a Defined Village in the Green Belt. The proposal is also acceptable in relation to the impact on character and appearance, the impact on neighbouring amenity and in all other respects. As such, it is recommended that planning permission be granted.

Site Description

3. The site hosts a two-storey semi-detached property that features a variety of single storey projections including a rear extension, a side 'outhouse' and an access ramp to the rear. The site is within the Defined Village in the Green Belt of Dormansland.

Relevant History

4. Relevant history listed below:

2019/1908/NH - Erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6 metres, for which the maximum height would be 3.54 metres, and for which the height of the eaves would be 2.37 metres (Notification of a Proposed Larger Home extension). Prior Approval Not Given.

2020/56/NH - Erection of a single storey rear extension which would extend beyond the rear wall of the original house by 6 metres, for which the maximum height would be 3 metres, and for which the height of the eaves would be 3 metres (Notification of a Proposed Larger Home extension). Prior Approval Not Required.

Proposal

5. The existing 'outhouse' would be removed and replaced with a single storey extension that would measure 2.9 metres wide and 10.2 metres deep with a flat roof. The extension would be positioned to the side of the dwelling,

extending to the rear of the dwelling as a result of its depth. Alterations are also shown to the ramp at the rear of the building and the rear elevation to enable a new entrance to be created into the kitchen.

Key Issues

6. The site is located within a Defined Village in the Green Belt and, as such, the application of the applicable Green Belt Policy is relevant. Other important material considerations are the impact on character and appearance and residential amenity.

Development Plan Policy

7. Tandridge District Core Strategy 2008 – Policies CSP1 and CSP18,
8. Tandridge Local Plan Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10 and DP12
9. Woldingham Neighbourhood Plan (2016) – Not applicable.
10. Limpsfield Neighbourhood Plan (2019) – Not applicable
11. Caterham, Chaldon and Whyteleafe Neighbourhood Plan (2021) – Not applicable

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

12. Tandridge Parking Standards SPD (2012)
13. Tandridge Trees and Soft Landscaping SPD (2017)

National Advice

14. National Planning Policy Framework (NPPF) (December 2023)
15. Planning Practice Guidance (PPG)
16. National Design Guide (2019)

Consultation Responses

17. County Highway Authority – As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, the highway authority were not consulted on this application.
18. Dormansland Parish Council – No objection but ask that the Planning Officer takes into account any neighbour's comments.

Public Representations/Comments

19. Third Party Comments – None.

Assessment

Status of Local Plan

20. The Tandridge Development Plan is formed of Tandridge District Core Strategy 2008, Tandridge Local Plan Part 2: Detailed Policies 2014-2029, Caterham, Chaldon & Whyteleafe Neighbourhood Plan 2021, Limpsfield Neighbourhood Plan 2019 and Woldingham Neighbourhood Plan 2016, as well as the Surrey Waste and Minerals Plans. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be taken in accordance with the development plan, unless there are material considerations that indicate otherwise.
21. The NPPF is a material consideration in planning decisions and its Policies have to be taken into account in dealing with applications from the day of its publication. It is important to note that even though the adopted Development Plan predates the publication of the most recent NPPF, the majority of policies remain up to date. Policies will be given due weight in accordance with their degree of consistency with the NPPF (December 2023, paragraph 225).

Defined Village in the Green Belt

22. The site lies within the Defined Village in the Green Belt of Dormansland. Policy DP12 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 allows for “Extensions or alterations to existing buildings and the erection of new ancillary domestic buildings within the curtilage of a dwelling.” From this basis, the principle of the proposed development is acceptable.

Character and Appearance

23. Policy CSP18 of the Tandridge District Core Strategy 2008 states, amongst other things, that new development must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness.
24. Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 states, amongst other things, that all new development will be expected to be of a high-quality design integrating effectively with its surroundings while reinforcing local distinctiveness and landscape character.
25. The proposed extension would be suitably positioned at the side of the dwelling and would appear as a subservient addition as a result of its position and height. Whilst the development would involve a large extension at the side and rear of the existing dwelling, the extension would not be of a materially different scale to the existing ‘outhouse’ that it would replace and would be of a more solid design and appearance that is considered to be an enhancement relative to the existing structure. The other works to the rear of the dwelling are also acceptable in visual terms.
26. Whilst the original dwelling will have been extended significantly as a result of this proposal and the existing rear extension, it is not considered that the overall amount of extensions to the dwelling at the site would result in the dwelling being viewed in a manner that is substantially different to how the dwelling currently appears and harm would not arise as a result of the cumulative impacts of the extensions to a degree that would justify the refusal of the application.

27. Overall, it is considered that it should be concluded that the development accords with the relevant Policies of the Development Plan that are set out above.

Residential Amenity

28. 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.
29. The above Policies align with the guidance at Paragraph 135 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.
30. The neighbouring dwelling of 16 New Farthingdale is positioned well away from the shared boundary and far forward of the dwelling at the application site. The extension would be visible from that property but not to a degree that is materially different to the existing structures at the site. In this case, the proposal would not cause a loss of light, privacy or outlook within that property that is materially different to the existing situation and, as such, the application should not be found unacceptable for this reason.
31. The extension would be at the opposite side of the dwelling relative to the attached property of 20 New Farthingdale. Consequently, noting the presence of the existing rear extension, the development would have no impacts on the amenities of the occupiers of that dwelling.
32. All other nearby properties are sufficiently distant from the proposal for it to have no material impacts.
33. The proposal, therefore, accords with the abovementioned Policies.

Other Matters

34. The existing dwelling would gain a bedroom. However, it is not considered that this would give rise to additional parking demands as the increase from 4 bedrooms to 5 would not alter the parking requirement that arises from the application of the Council's adopted parking standards. No other impacts on highway safety or traffic would be likely to arise from the proposal.
35. The applicant has provided a statement that indicates that the proposal is to serve the particular needs of an occupier of the dwelling. Due regard is had to the objectives set out within the Equality Act 2010 and the Public Sector Equality Duty that arises from this. However, as the proposal is considered acceptable for the reasons given above, this duty is not reason to reach a different decision and need not be commented on any further.

Conclusion

36. The proposed development would be acceptable in principle, would be visually acceptable and would not cause material harm to the amenities of neighbouring residents. The proposal therefore accords with the Policies of the development plan and the NPPF.
37. 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 December 2023. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
38. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION:

Grant subject to 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. The development hereby approved shall be carried out strictly in accordance with the details shown on drawing nos: 102170080/1, 102170080/2, 102170080/3, 102170080/4, 102170080/5, 102170080/6, 102170080/7 and 102170080/8 (All Dated 04/05/2023) and 102170080/10 and 102170080/11 (Both Dated 29/01/2024).

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

3. The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars.

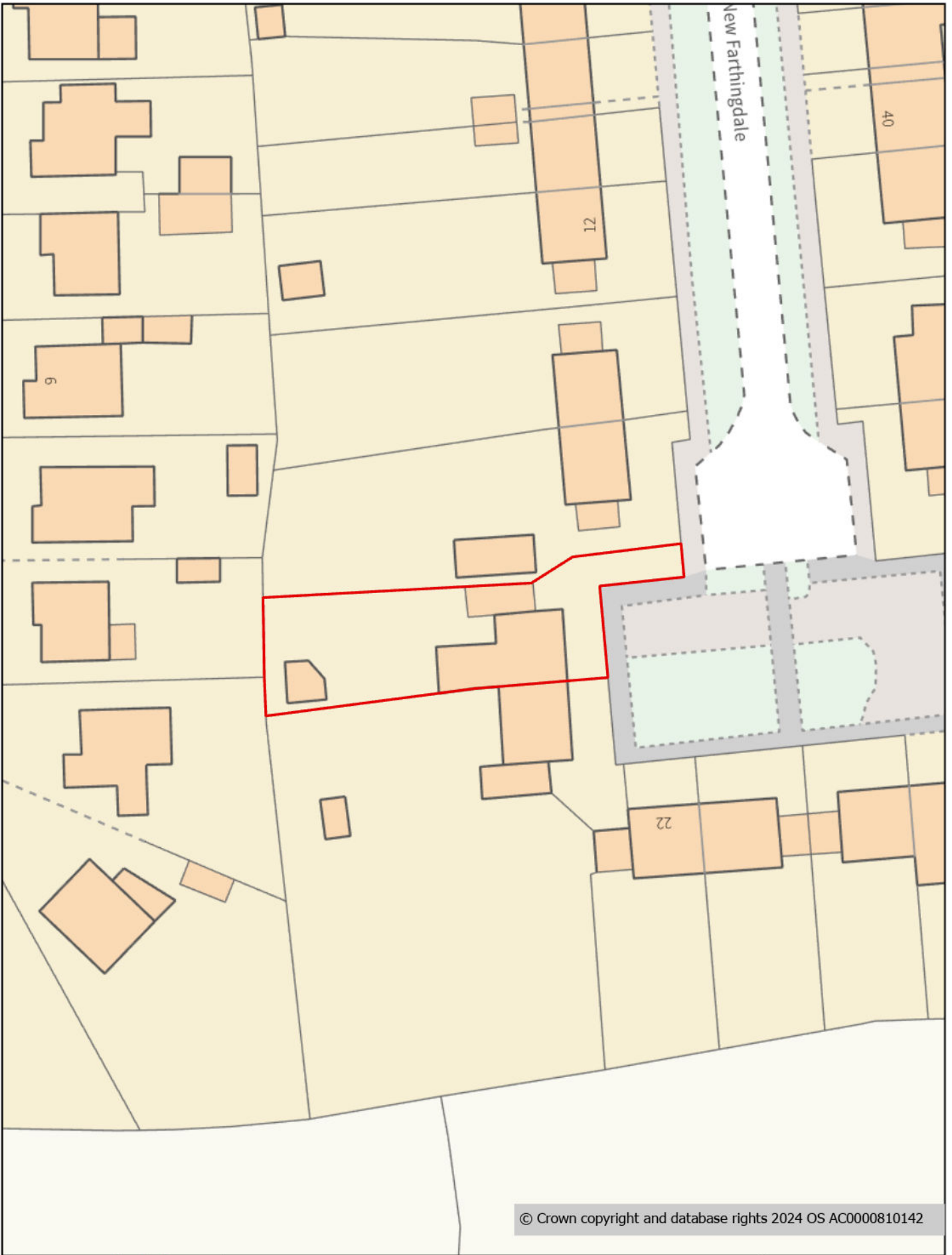
Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

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 has been assessed against Tandridge District Core Strategy 2008 Policies CSP1 and CSP18, Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10 and DP12 and all material considerations. 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.
3. The Local Planning Authority has acted in a positive and creative way in determining this application, as required by the NPPF (December 2023), 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.



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Application: 2023/1506

Location: Elizabeth House, Godstone Road, Caterham, Surrey, CR3 6RF

Proposal: Replacement of the existing metal casement windows and part glazed timber external doors with new double glazed PPC Aluminium windows and part glazed composite external doors to match existing fenestration and design in communal areas. Installation of remedial structural supports to 6 no. existing projecting reinforced concrete balconies.

Ward: Harestone

Decision Level: Planning Committee

Constraints - Ancient woodland(s) within 500m, Biggin Hill Safeguarding 91.4, Gas medium pressure pipeline(s) within 12.5m, TDC_legallandterrier 16/30, Road_local B - Godstone Road, Road_local D - Longsdon Way, Road_local D – Colliers, Road_local D - Ashwick Close, Road_local D - Tupwood Lane, Risk of flooding from surface water – 1:30, 1:100, 1:1000, Source_protection_zones 2 and 3, Urban area(s).

RECOMMENDATION: **GRANT subject to conditions**

1. This application is reported to Committee as it affects Council owned land.

Summary

2. Planning permission is sought for the replacement of the existing metal casement windows in the common hallways and part glazed timber external doors with new double glazed PPC Aluminium windows and part glazed composite external doors to match existing fenestration and design and the installation of remedial structural supports to 6 no. existing projecting reinforced concrete balconies. The development proposal would be acceptable in terms of the impact on the character and appearance of the area and neighbour amenities. Furthermore, it is noted that the proposal would help to upkeep the social housing flats. For these reasons the recommendation is for conditional approval.

Site Description

3. The application site is located within the urban area of Caterham. The site is located to the west of Godstone Road and comprises 14 flats which are located in three blocks, with garaging to the northwest of them and amenity space surrounding the buildings.

Relevant History

4. The relevant planning history for the site is as follows:
 - CAT/1199 - 14 Flats. Approved 20/02/1953.
 - 2004/1248 - Retention of detached garage. Approved 19/04/2005.
 - 2004/1247 - Retention of detached garage. Approved 19/04/2005.

Key Issues

5. The key issues include the impact on character and appearance and neighbour amenity. Other matters will also be assessed as will be set out below.

Proposal

6. The development proposal relates to the replacement of the existing metal casement windows and part glazed timber external doors in the communal hallways with new double glazed PPC Aluminium windows and part glazed composite external doors to match existing fenestration and design. The proposal would also include two sets of structural posts to support existing balconies, one pair on Nos 1 – 4 and one pair on 5 – 10.
7. Block 1 – 4 is a two storey building with balconies with a maximum height of 3.8 metres, with a width of 2.4 metres and a depth of 1.2 metres. These require posts of 2.67 metres in height to be inserted at either side of them with a beam running under the two balconies.
8. Block 5 – 10 is, a three storey building with balconies with a maximum height of 6.3 metres, a width of 2.4 metres and a depth of 1.2 metres. These would require structural posts with heights of 5.18 metres to be inserted on either side for structural support and two beams running under the four balconies.

Development Plan Policy

9. Tandridge District Local Plan – Part 2: Detailed Policies (2014)
DP1, DP7 and DP21
10. Tandridge District Core Strategy (2008)
CSP1 and CSP18,
11. Caterham, Chaldon & Whyteleafe Neighbourhood Plan (2021) Policies
CCW4 and CCW5

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

12. Tandridge Parking Standards SPD (2012)
13. Tandridge Trees and Soft Landscaping SPD (2017)
14. Harestone Valley Design Guidance SPD (2011) L1, L2 and L4
15. Surrey Design Guide (2002)

National Advice

16. National Planning Policy Framework (NPPF) (2023)
17. Planning Practice Guidance (PPG)
18. National Design Guide (2019)

Consultation Responses

19. County Highway Authority

As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, the highway authority were not consulted on this application.

20. Caterham Valley Parish Council

No comments received

Public Representations/Comments

21. Third Party Comments

None received

Assessment

Procedural note

22. The Tandridge Development Plan is formed of Tandridge District Core Strategy 2008, Tandridge Local Plan Part 2: Detailed Policies 2014-2029, Caterham, Chaldon & Whyteleafe Neighbourhood Plan 2021, Limpsfield Neighbourhood Plan 2019 and Woldingham Neighbourhood Plan 2016, as well as the Surrey Waste and Minerals Plans . Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be taken in accordance with the development plan, unless there are material considerations that indicate otherwise.

23. The NPPF is a material consideration in planning decisions and its policies have to be taken into account in dealing with applications from the day of its publication. It is important to note that even though the adopted Development Plan predates the publication of the most recent NPPF, the majority of policies remain up to date. Policies will be given due weight in accordance with their degree of consistency with the NPPF (December 2023, paragraph 225).

Principle of development

24. Caterham is an Urban Area. This proposal involves works of alteration to the existing buildings at the site in order to maintain their upkeep and does not relate to the provision of new buildings. Therefore, there is no objection to the principle of the development, providing the development is acceptable in all other respects.

Character, appearance and design

25. The NPPF states that the creation of high quality, beautiful and sustainable 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. It goes on to state that planning decisions should ensure that developments will function well, add to the overall quality of the area, be sympathetic to local character and history (whilst not

discouraging innovation) and establish a strong sense of place. It also states that development that is not well designed should be refused.

26. 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.
27. 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.
28. Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan requires new development to preserve and enhance character areas and development proposals, which integrate well with their surroundings, meet the needs of residents and minimise the impact on the local environment will be supported where they demonstrate a high quality of design.
29. The application site is within Area J (Greenwood Gardens) Character Area described within the Harestone Valley Design Guidance. Policy L1 describes how development should relate to the predominant plot and development rhythm in the area while policy L4 encourages forms of development to respect their location, the size of the site and the character of the area.
30. The works to the balconies, which are set out above, would be undertaken to the rear of the buildings on both the blocks and, in terms of siting, bulk and massing would have a negligible impact as they would be largely obscured from public vantage points. From where they would be seen, the supporting structures that would be added would have a minimal impact on the overall appearance of the building and are considered to be visually acceptable.
31. With regard to the fenestration works, the entrance halls in all three blocks would be replaced with glazed features of similar proportions. The windows to the rear of the hallways would also be replaced. Although the three entrances are visible from public vantage points, the works would be visually acceptable and not cause material harm to the appearance of the building or the character of the area. There would be no increase in the size, bulk and massing of the buildings as a result of these works.
32. In terms of materials, the replacement windows would be metal casements, and the timber external doors would be part glazed with new double glazed PPC Aluminium windows along with part glazed composite external doors to match existing fenestration and design. These materials would be acceptable in the context of the application site, and the balconies and fenestration would match that on the existing building.
33. On this basis, Officers consider that the development would not have an adverse impact on the character and appearance of the locality. Rather, it would serve to improve the appearance of the social housing by keeping it in good repair which, in turn, would help to maintain the character of the locality.

34. For these reasons, the development proposal would comply with policies CSP18 of the Core Strategy, DP7 of the Local Plan Part 2: Detailed Policies, CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan and L1 and L4 of the Harestone Valley Design Guidance.

Residential amenity – neighbours and occupiers of the properties

35. 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 2014 seek also to safeguard amenity, including minimum privacy distances that will be applied to new development proposals.
36. Policy L2 of the Harestone Valley Design Guidance encourages high levels of visual privacy in relation to the character of Harestone Valley.
37. The above policies reflect the guidance at Paragraph 135 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.
38. As stated earlier, there would be no increase in bulk and massing as a result of the development, although there would be two extra structural posts added to the 6 balconies serving each block of flats, two sited on Block 1 – 4 and four sited on Block 5 – 10, along with the beams underneath those balconies. The replacement fenestration would not result in an increase in the size of the building. For these reasons, the application would be acceptable and compliant with policies CSP18 of the Core Strategy, DP7 of the Local Plan Part 2: Detailed Policies 2014, CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan, Section L2 of the Harestone Valley Design Guidance and the NPPF.

Other matters

39. The abovementioned constraints affecting this site identify that the site is within an area that is at risk of surface water flooding and is also a ground water source protection zone. Moreover, the site is within 500m of an ancient woodland. However, given the nature of the proposals, they would have no unacceptable impacts in relation to these constraints and not be unduly impacted upon as a result of those constraints.

Conclusion

40. Planning permission is sought for the replacement of the existing metal casement windows and part glazed timber external doors in the communal hallways with new double glazed PPC Aluminium windows and part glazed composite external doors to match the existing fenestration and design, along with the installation of remedial structural supports to 6 no. existing projecting reinforced concrete balconies. The development proposal would be acceptable in terms of design and the impact on the character and appearance of the area and neighbour amenities. Furthermore, it is noted that the proposal would help

to upkeep the social housing flats. For these reasons the recommendation is for conditional approval.

RECOMMENDATION:

GRANT subject to conditions:

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 4181.23P008, 4181.23P009, 4181.23F002, 4181.23F003, 4181.23F004 and 4181.23P005 (All received 21.12.2023). 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. The materials to be used on the external faces of the proposed development shall be in accordance with the details shown on the submitted application particulars.

Reason: To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge Local Core Strategy 2008 and Policy DP7 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 has been assessed against policies CSP1 and CSP18 within the Council's Core Strategy 2008, policies DP1, DP7 and DP21 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014, policies CCW4 and CCW5 of the Caterham, Chaldon & Whyteleafe Neighbourhood Plan (2021) and L1, L2 and L4 of the Harestone Valley Design Guidance and material considerations. 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.
3. The Local Planning Authority has acted in a positive and proactive way in determining this application, as required by the NPPF (2023), 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.

4. The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a hazard. The applicant/ agent/ developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice. Address is:
SGN Plant Protection Team, Archibald Suite, Baird Avenue, Dryburgh Industrial Estate, Dundee, DD2 3TN: Phone 0800 912 1722/Email plantlocation@sgn.co.uk Search online at: www.linesearchbeforeudig.co.uk

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Application: 2023/602
Location: 1 Ashwood, Warlingham, Surrey, CR6 9HT
Proposal: Front gates, fence and brick pillars.
Ward: Warlingham West

Decision Level: Planning Committee

Constraints – Urban Area, D Road Classification, Tree Preservation Order, Ancient Woodland within 500m, Biggin Hill Safeguarding, Source Protection Zones 2 and 3

RECOMMENDATION: **GRANT subject to conditions**

1. The planning application has been called to Planning Committee following a Councillor request by Councillor Keith Prew who identifies the planning and enforcement history of the site and the effect of the gates and pillars on the character of the area as the main issues.

Summary

2. Planning permission is sought for the provision of front access gates, a boundary fence and brick pillars to 1 Ashwood, Warlingham an existing residential dwelling. The appearance of the development is considered to be acceptable and not unacceptably harmful to the amenities of the occupiers of neighbouring properties. There are no objections raised on any other ground and it is therefore recommended that planning permission be approved.

Site Description

3. The site comprises a detached dwelling located on the eastern side of Ashwood and southern side of Homefield Road within the Urban Area in Warlingham. The site is flat and can accommodate off-street parking to the front of the dwelling with two accesses existing. The surrounding area is residential in character.
4. At present, the site features two sets of gates, a set fronting Ashwood and a set fronting Homefield Road, that each measure 3.6 metres wide and approximately 1.8 metres tall. Brick pillars exist at each side of each set of gates that measure approximately 2 metres tall and 0.7 metres wide. The remainder of the frontage features a fence that measures between 0.97 and 1.07 metres tall except for one panel that measures 1.8 metres tall.
5. Within the vicinity of the site, boundary features include a variety of fences, railings and gates. In this regard it is considered relevant to have regard to the boundary enclosures at the following properties:
 - At 11 and 29 Homefield Road, 1.7 and 2 metre tall gates exist at the frontage of the site, with 11 Homefield Road featuring taller piers at each side.
 - The properties of 15 and 17 Homefield Road, feature fences at heights of 1.25 and 1.1 metres.

Relevant History

6. The planning history of relevance to this site is:

- 2012/104 – Enlargements to dwelling – Approved
- 2021/1658 –Retention of front gates, fence and brick pillars. (Retrospective)

This application related to the erection of gates, fences and brick pillars at heights of 1.8, 1.9 and 2 metres respectively. The application was refused for the following reason:

1. *The proposal, by reason of its scale, design, bulk and mass, would result in significant harm to the character and appearance of the existing site and surrounding area, contrary to Policy CSP18 of the Tandridge District Core Strategy (2008) and Policies DP7, DP9 of the Tandridge District Local Plan Part 2: Detailed Policies (2014).*

At appeal, the Inspector made the following key points:

“4. The surrounding area is characterised by detached dwellings set in spacious landscaped plots, with soft landscaping being a key feature.

5. Ashwood was designed as an open plan estate. Generally, the open plan design has been retained. While some dwellings in Homefield Road are also open plan the front gardens of most are enclosed by low fences and hedges. While high close boarded fences are not uncommon in the wider area they are in the minority.

6. From the evidence before me I note that the previous boundary treatment to the appeal site comprised a low post and rail fence with brick pillars at the two un-gated vehicle access points.

10. Given the prominent location of the appeal site, the height of the fencing and gates, together with the overall length of the site boundary the new fencing and gates as erected appear as a striking and visual obtrusive feature in the street scene. Given the open plan design of Ashwood and the predominantly green and wooded character of Holmfield Road they appear as a contrasting alien feature here.

11. I therefore conclude in respect of the main issue that the proposed new fence and gates would cause harm to the character and appearance of the area. To allow it would be contrary to the aims of Policy CSP18 of the Tandridge District Core Strategy (Adopted 15 October 2008) and LP Policies DP7 and DP9 as they relate to the quality of development and the need for new development to respect and contribute to the distinctive character, appearance, and amenity of the area in which it is located.”

- 2022/505 – Retention of front gates, fence and brick pillars (Retrospective)

This application related to the erection of gates, fences and brick pillars at heights of 1.9, 1.6 and 2 metres respectively. The application was refused for the following reason:

1. *The proposal, by reason of its scale, design, bulk and mass, would result in significant harm to the character and appearance of the existing site and surrounding area, contrary to Policy CSP18 of the Tandridge District Core Strategy (2008) and Policies DP7, DP9 of the Tandridge District Local Plan Part 2: Detailed Policies (2014).*

At appeal, the Inspector made the following key points:

7. The prevailing character of the area is residential with detached dwellings located on spacious plots of varying sizes and forms. The overall impression of the area is a leafy, verdant, open appearance with mature vegetation. Sites tend to feature reasonably deep frontages where soft landscaping is a key characteristic. The general openness gives the area a socially cohesive and inclusive ambiance.

8. The proposed height of the fence would be about 1.6m and the gates and brick pillars would be higher. The development would be sizeable, spreading around the corner of Ashwood into Homefield Road. At the proposed heights and lengths the development would appear stark and out of keeping with the prevailing open character of the area. Whilst there are boundary treatments in the area which include fences, these are generally lower fences, some obscured by hedging or some having hedging protruding higher than the fence. Even though they create enclosure, they at least lend a natural greenness to the appearance of the streetscene.

9. Furthermore, broadly speaking, front elevations of dwellings are not significantly obscured and the variety of architectural details can be appreciated. This would not be the case with the appeal dwelling as it would be much more obscured than many other dwellings in the vicinity and the fence, pillars and gates would present a hard edge to the streetscenes.

10. When the combined height of the fence, gates and pillars is considered in conjunction with the length of the fence overall, the development would represent a visually obtrusive form of development resulting in unacceptable harm to the character and appearance of the site and area.

11. Consequently, I conclude that the proposed development would unduly harm the character and appearance of the existing site and surrounding area and would be contrary to policy CSP18 of the Tandridge District Core Strategy (adopted 2008) and policies DP7 and DP9 of the Tandridge District Local Plan Part 2: Detailed Policies (adopted 2014).

7. The following enforcement history is of relevance:

- Enforcement Case ENF/2021/208

An Enforcement Notice was served on 31st May 2023. The identified breach was *“Without planning permission, the construction of fencing, gates and gate pillars to the Northwest and Southwest boundaries of the property, at a height in excess of 1 metre while being adjacent to the highway.”*

The identified reason for issuing the notice included the following:

“The development, by reason of its design, scale, bulk and mass results in significant harm to the character and appearance of the existing site and surrounding area. This is contrary to Policy CSP18 of the Tandridge District Core Strategy 2008 and Policies DP7 and DP9 of the Tandridge District Local Plan Part 2 : Detailed Policies (2014).”

The notice required the reduction of the height of the boundary fences, gates and gate pillars to a maximum height of 1 metre above adjoining ground level within 2 months of the notice taking effect.

Key Issues

8. The site is located within the Urban Area of Warlingham where the principle of development is acceptable. The key issue is the impact of the on the character of the property and the surrounding area, the residential amenities of neighbouring properties, highway safety and soft landscaping at the site.

Proposal

9. Planning permission is sought for the provision of two sets of gates, each measuring 3.6 metres wide and 1.4 metres tall. The brick pillars at each side of the gates measure 0.7 metres wide and would be 1.5 metres tall. The majority of the timber fence around the remainder of the frontage of the site would measure 1 metre tall. The fence posts would measure 1.1 metres tall and one fence panel adjacent to a pillar would measure 1.3 metres tall. A hedge that currently exists behind the fencing at the site is shown to be retained.
10. For the avoidance of doubt, the gates, pillars and taller panel of fencing that are proposed are not what is currently at the site.

Development Plan Policy

11. Tandridge District Core Strategy 2008 – Policies CSP1 and CSP18
12. Tandridge Local Plan Part 2 – Detailed Policies 2014 – DP1, DP7 and DP9
13. Woldingham Neighbourhood Plan 2016 - not applicable
14. Limpsfield Neighbourhood Plan 2019 - not applicable
15. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – not applicable

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

16. Surrey Design Guide (2002)
17. Tandridge Trees and Soft Landscaping SPD (2017)

National Advice

18. National Planning Policy Framework (NPPF) (December 2023)
19. Planning Practice Guidance (PPG)
20. National Design Guide (2019)

Statutory Consultation Responses

21. County Highway Authority – No objection.

22. Warlingham Parish Council – Warlingham Parish Council objects to this application due to the relative harm to the character and appearance of the site and surrounding area.

Other Representations

23. Third Party Comments –
- Out of character and not in keeping with the area.
 - Painting the fence black cause it to appear extremely austere.
 - Contrary to planning policies.
 - The changes to the structures are inadequate.
 - The plans do not accurately show the fencing that exists and previously submitted plans do not accurately show the buildings at the site.
 - The presence of protected trees is not shown on the plans.
 - Risk to the safety of all highway users.
 - Contrary to a covenant which forbids the erection of fences and the planting of hedges.
 - An access has been formed onto a private road without permission.
 - The height of the enclosures is alleged to be intended to screen a potential storage use on the land.
 - The dwelling is not permanently occupied and as such the statement relating to the use of the building within the application form is inaccurate.

Assessment

Procedural note

24. The Tandridge Development Plan is formed of Tandridge District Core Strategy 2008, Tandridge Local Plan Part 2: Detailed Policies 2014-2029, Caterham, Chaldon & Whyteleafe Neighbourhood Plan 2021, Limpsfield Neighbourhood Plan 2019 and Woldingham Neighbourhood Plan 2016, as well as the Surrey Waste and Minerals Plans . Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be taken in accordance with the development plan, unless there are material considerations that indicate otherwise.
25. The NPPF is a material consideration in planning decisions and its policies have to be taken into account in dealing with applications from the day of its publication. It is important to note that even though the adopted Development Plan predates the publication of the most recent NPPF, the majority of policies remain up to date. Policies will be given due weight in accordance with their degree of consistency with the NPPF (December 2023, paragraph 225).

Location and principle of development

26. The application site lies within an Urban Area. The principle of development in this location is acceptable provided that it would meet the relevant criteria regarding its design and appearance as assessed below. Policy DP1 of the Local Plan (2014) advises that when considering development proposal, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. As such, there is no objection in principle to the location of the development and Core Strategy Policy CSP1 and Local Plan Policy DP1 in this regard.

Character and Appearance

27. The NPPF (December 2023) states that the creation of high quality, beautiful and sustainable 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.
28. 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.
29. 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.
30. Policy DP9 of the Local Plan states:

“A. Where it is required, planning permission will usually be granted for fencing, walling, gates or other means of enclosure, where:

 1. *Proposals would not result in the enclosure of incidental landscaped garden areas or open plan gardens which contribute to the character of a residential area.*
 2. *In rural areas, proposals seek to incorporate native hedging, shrubs or low wooden fencing as they are generally considered to be more in keeping with the informality of such areas. Proposals involving harsh and/or incongruous features are unlikely to be permitted.*
 3. *In areas covered by a Village Design Statement or Design Guidance (SPG/SPD), proposals should conform to the guidelines and principles set out.*

B. In all cases, proposals must not result in adverse effects on the amenities of neighbours or on the character and appearance of the locality by reason of the scale of the proposals or the materials used.”
31. The prevailing character of the area is mostly detached dwellings set on spacious plots of varying sizes and forms. The overall impression of the area is a leafy, verdant, open appearance with mature vegetation. Sites tend to feature reasonably deep frontages where soft landscaping is a key characteristic. The site is located on the eastern side on Ashwood also bordering the highway of Homefield Road to the north. Given its corner positioning within the street; two boundaries of the site are therefore readily visible from within the streetscene from both approaches.
32. The application follows previous refusals under planning references 2021/1658 and 2022/505 which concluded that the developments that were the subject of those applications resulted or would result in significant harm to the character and appearance of the site and area. The commentary of appeals in relation

to those decisions are set out above. It is, however, considered to be relevant to note that the majority of the fencing that is the subject of this application would be between 0.6 metres lower in height than was previously assessed, the gates would be 0.5 metres lower and the brick pillars would also be 0.5 metres lower. As a result, the development that is the subject of this application is materially different and is required to be considered on its own merits.

33. The site description above includes a list of examples of how other properties within the vicinity of the site feature boundary enclosures. Whilst many properties within the vicinity of the site feature open frontages that are dominated by areas of grass and low level planting and several other properties are enclosed by dense hedges, it is relevant to note that some properties feature fences, gates and walls. These are of varied height, but it is noted that the adjacent fence is at the same height as the lower part of the enclosure that is the subject of this application and of similar alignment. Consequently, whilst soft landscaped enclosures are dominant, there are various means of enclosure within the vicinity of the site. This was acknowledged within the first appeal decision that is cited above.
34. The combination of fencing, gates, pillars and landscaping would obstruct views of the dwelling to a substantial degree and, as such, that element of most recent Inspector's objection remains applicable. The proposal would also continue to conflict with the first element of Policy DP9 which states that developments should not *"result in the enclosure of incidental landscaped garden areas or open plan gardens which contribute to the character of a residential area."*
35. However, the visual obstruction of the dwelling is now primarily caused by the hedge at the site. Planting a hedge is not an act of development and, as such, this impact is not able to be controlled or prevented by the Local Planning Authority. From that basis, it would be unreasonable to object to the presence of the hedge and the impacts of that hedge on the appearance of the site. It is noted that covenants about the provision of planting have been cited by objectors but such covenants are not determinative in relation to the assessment of this application.
36. The harder, formal and more solid means of enclosure that are the subject of this application compound the impact of the hedge and not being able to see the dwelling. However, in any case, views of the dwelling would be fleeting as there are only limited gaps between the hedge and, for the most part, the enclosures are at a low level that would be able to be seen over if the hedge were not present. The impact of the fence, being at a height of approximately 1 metre for the majority of its length rather than 1.6 metres or 1.9 metres as previously assessed, is considered to be significantly reduced. It is noted that the Enforcement Notice required the lowering of the former fence at the site to this height and the works that have been undertaken can be considered to be acceptable.
37. Whilst covenants have been brought to the attention of the Local Planning Authority, these are not binding on the decision of the Local Planning Authority. However, the fallback of 'permitted development' can be a material consideration and, in this case, it is noted that 'permitted development rights' relating to means of enclosure appear to have not been restricted. As a result, 1 metre high means of enclosure, including gates, could be erected at both frontages of the site without planning permission being required.

38. The additional height of the fence posts (0.1 metre) and one fence panel (0.3 metres) relative to the fallback position amounts to very minor additions for small elements of the overall fence. The visual impact of the additional height of these parts is considered to be very limited, would have a negligible difference to how the site is viewed from the public domain and an inconsequential impact on the character of the area.
39. The proposed gates and pillars would be taller, being up to 0.5 metres taller than what could be built under the terms of permitted development rights. As such, the fallback position is of less direct relevance in the assessment of these features. However, it is relevant to note that gates and pillars could be erected and, as such, the previously open frontage of the site could have been enclosed to a substantial degree without needing planning permission. Where comments of objectors relate to the enclosure of the site, it is considered that this impact could arise, to a degree, regardless of whether or not this planning application is approved.
40. As set out above, gates are not an uncommon feature of the locality and, whilst not dominant, they do exist. At the reduced height, relative to previous proposals, of 1.5 metres, it is considered that the visual impact of the gates and piers would not be overly imposing or dominating of the frontages of the site. They would obstruct views of the dwelling, but less so than before and not to a greater degree than the hedges that exist at the site.
41. These elements of the development would represent a harder edge to the site which was objected to by the Local Planning Authority and the Planning Inspector previously. Moreover, in conjunction with the fence, it remains the case that the harder edge would extend along the entirety of the site such that enclosures would dominate to a greater degree than is common within Ashwood and Homefield Road. However, again having regard to the fallback position of a 1 metre enclosure at both frontages, it is considered that the impact of the additional heights of the structures is not unacceptably different.
42. Overall, it remains the case that there is some conflict with Policy DP9 arising from the proposal as, relative to the most recent lawful condition of the site, the development represents the enclosure of an incidental landscaped garden area and an open plan garden which would have contributed to the character of a residential area. However, this impact could largely occur without planning permission being required and, in this case, the elements of the permission which result in planning permission being required do not cause material harm to the character or appearance of the site or the surrounding area.
43. Therefore, even recognising the conflict with an element of Policy DP9 of the Tandridge District Local Plan Part 2: Detailed Policies 2014, it is considered that the visual impact of the development would accord with policies DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 and Policy CSP18 of the Tandridge District Core Strategy 2008 and, therefore, would accord with the development plan when taken as a whole.

Residential Amenity

44. 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.

45. The above policies are consistent with the guidance 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.
46. The site is positioned on the corner of Ashwood and Homefield Road and given the overall scale of the development and relationship to neighbouring properties, including the separation from habitable rooms within the nearby properties, the proposal would not have a significantly overpowering impact on the neighbouring properties surrounding the site. The proposed development is not considered to result in significant harm to neighbouring amenity by reason of overbearing or overshadowing effects.
47. For the reasons outlined, the proposal is considered acceptable in terms of the potential impact upon the residential amenities and privacy of existing properties and therefore no objection is raised in this regard against Policy DP7 of the Local Plan (2014) and Policy CSP18 of the Core Strategy (2008) or the NPPF.

Parking Provision and Highway Safety

48. 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.
49. The County Council Highways Authority have commented and have no objections to the development. It is considered that sufficient sight lines exist to ensure that the development does not result in a harmful impact on highway safety. The internal arrangements of the site will remain unaltered which currently serve an appropriate level of parking. As such, no objections are raised with regards to highways safety, capacity, or parking.

Landscaping and Trees

50. 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.
51. 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.
52. The Principle Tree Officer was consulted and commented as follows: "The brick pillars are highly unlikely to have had any negative effect on the TPO lime and

horse chestnut trees growing on the boundary, and as such no objections are raised, and no tree related conditions are proposed.” This stance is agreed with and, therefore, no objection is raised in this respect.

Other matters

53. Third Party comments refer to existing covenants over the land which restrict certain forms of development. This is a private matter and not a material planning consideration. It is the applicant’s responsibility to ensure that the development can be lawfully executed over the land and not a matter for the Local Planning Authority.

Conclusion

54. In conclusion, due to the positioning, size and scale of the development, the development would not significantly affect the amenities of neighbouring properties, nor would the proposal have a detrimental impact upon the character and appearance of the building or the surrounding area. Whilst there would be some conflict with Policy DP9 of the Tandridge District Local Plan Part 2: Detailed Policies 2014, the proposal accords with all other elements of the development plan in this respect. No harm is identified in any other respect, in particular highways and trees. The development is considered to accord with the development plan as a whole and it is, therefore, recommended that planning permission be granted subject to conditions.
55. 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.
56. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION:

GRANT subject to conditions

1. This decision refers to drawings numbered 4426 and red-edged site plans received on 17th May and 26th July 2023. 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.

Informatives

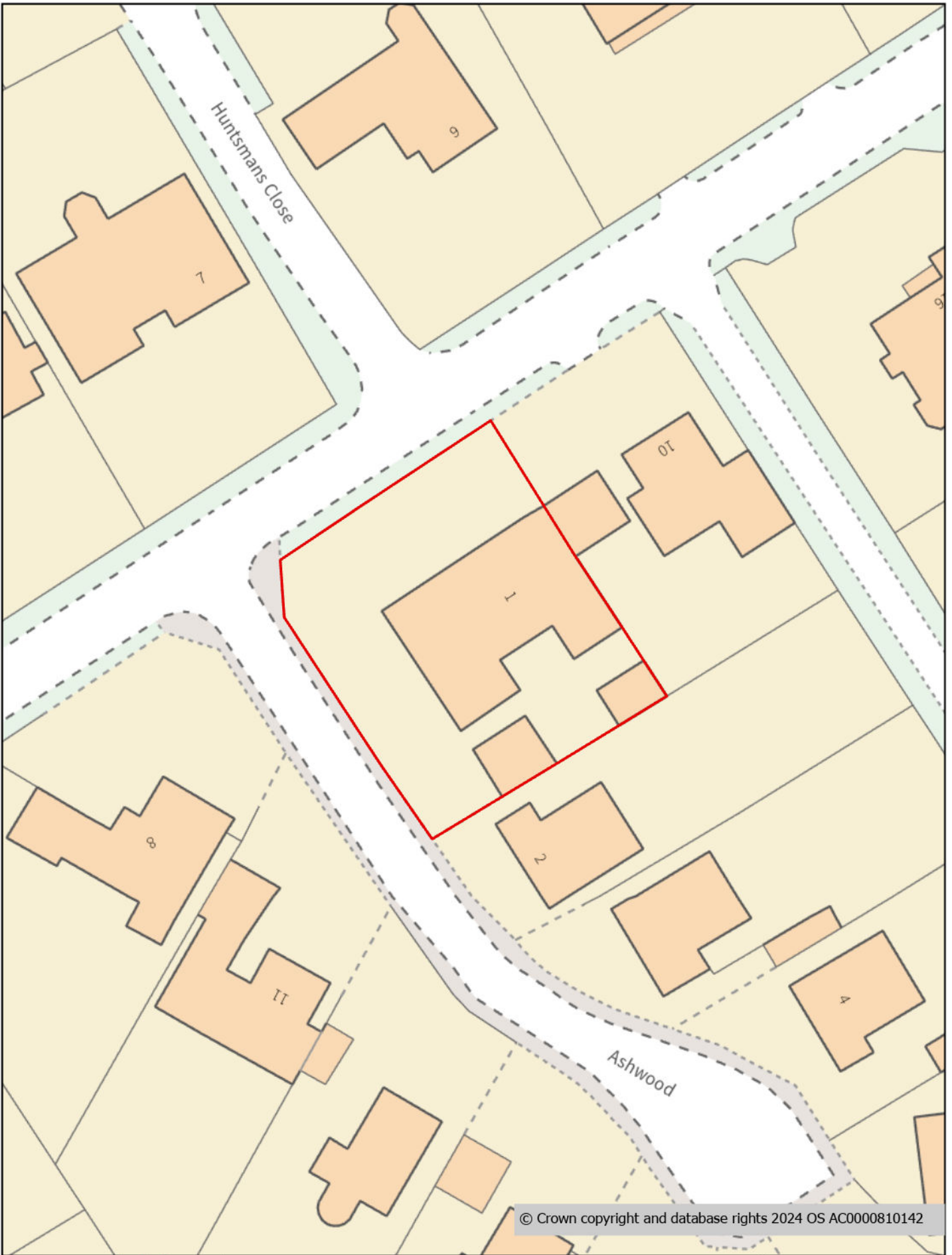
1. Condition 1 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments 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.

The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1 and CSP18, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP7 and DP9 and material considerations. 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.

The Local Planning Authority has acted in a positive and creative way in determining this application, as required by the NPPF (December 2023), 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.

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Application: 2023/1481
Location: 13 Matlock Road, Caterham, Surrey CR3 5HP
Proposal: Erection of double storey rear extension, extended rear gable with Juliette balcony and accessibility ramps to rear ground floor.
Ward: Portley

Decision Level: Planning Committee

Constraints – Urban Area, D Class Road, Biggin Hill Safeguarding

RECOMMENDATION: **GRANT subject to conditions**

1. The planning application has been called to Planning Committee at the request of Councillor Chris Botten for the following reasons: the application may represent overdevelopment and be detrimental to the neighbours.

Summary

2. Planning permission is sought for two storey rear extension with extended rear gable and Juliette balcony and accessibility ramps to the rear ground floor level to 13 Matlock Road, Caterham an existing residential dwelling. The proposed development is considered to be acceptable in principle, visually acceptable and not harmful to residential amenity to a degree that would conflict with national and local planning Policies. The proposal is, therefore recommended for approval.

Site Description

3. The site comprises a two-storey detached chalet bungalow located on the north side of Matlock Road within the urban area of Caterham. The site is flat and can accommodate parking. The surrounding area is residential.
4. At the time of the most recent site visit, a rear extension to the dwelling was being built, akin to the approved development that is set out below.

Relevant History

5. The planning history of relevance to this site is:

2022/689 - Erection of single storey rear extension incorporating front and rear accessible ramps and rails – Approved. This approval allows for the erection of a single storey rear extension that would measure 4 metres deep and 6 metres wide with a crown roof built to a maximum height of 3.5 metres.

Key Issues

6. The site is located within the Urban Area of Caterham where the principle of development is acceptable. The key issue is the impact the development would have on the character of the property and the surrounding area and the residential amenities of neighbouring properties.

Proposal

7. Planning permission is sought for the erection of rear extension incorporating an extended rear gable with a Juliette balcony. At ground floor, the rear

extension would have the same dimensions as was approved under the terms of application 2022/689 which are set out below.

8. The proposed first floor element of the extension would measure 4 metres deep and 3.9 metres wide, being set in from the side elevation that is adjacent to 11 Matlock Road by 2 metres. The overall height would match the height of the existing dwelling. The north west corner of the extension would be 'cut-off' but the roof of the extension would overhang the 'cut-off' element.
9. To the rear of the extension, the proposal would still include accessibility ramps as previously proposed but these would now lead to a raised platform that would sit between the ramps and the proposed extension. The raised platform would measure 6 metres wide and 1.8 metres deep and be set 0.6 metres above the shown ground level.
10. The plans have been amended since first being submitted to include a window to ground floor level which has been incorporated in the development that is being undertaken but was not shown on the approved plans. The plans have also been amended to show the Juliette balcony doors to be opening inwards rather than outwards. Moreover, a privacy screen is now shown to one side of the proposed raised platform.
11. The submitted plans also show an additional rooflight at each side of the proposed dwelling.

Development Plan Policy

12. Tandridge District Core Strategy 2008 – Policies CSP1 and CSP18
13. Tandridge Local Plan Part 2 – Detailed Policies 2014 – DP1 and DP7
14. Woldingham Neighbourhood Plan 2016 - not applicable
15. Limpsfield Neighbourhood Plan 2019 - not applicable
16. Caterham, Chaldon and Whyteleafe Neighbourhood Plan – Policies CCW4 and CCW5

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

17. Surrey Design Guide (2002)

National Advice

18. National Planning Policy Framework (NPPF) (December 2023)
19. Planning Practice Guidance (PPG)
20. National Design Guide (2019)

Statutory Consultation Responses

21. County Highway Authority – As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a

material impact on the safety and operation of the public highway, the highway authority were not consulted on this application.

22. Caterham-on-the-Hill Parish Council – Comments have been received as are set out below:

“The application is for a two-storey rear extension with rear gable and Juliet balcony. Under application 2022/689 permission has been granted for a ground floor extension. Neighbours on both sides of this property (no’s 11 and 15) have grave concerns over the implications for their ability to enjoy their properties in the manner they have done for some years.

The neighbours at no 11, who attended our planning committee meeting, are particularly vulnerable since the proximity to their home is very close to the applicant. But for both complainants, the main objection is the overshadowing of their properties by the bulk of the second-floor addition. The rear of all three properties face North so that when the extension is built, no 11, in particular, will be deprived of morning light to the rear of their house; number 15 will be deprived of light on the left of their property in the afternoon.

Also of concern is the fenestration of the extension. New Velux windows inserted into the roof may be high but still pose an issue of privacy. It is a simple matter to be elevated to allow viewing or filming from windows, especially today when almost everyone has a mobile phone with a camera. While there are already existing Velux windows, another simply adds to the intrusive feel of the building for neighbours. Frosted glass allows light but preserves privacy.

The drawings indicate a Juliet balcony with outward opening doors with furniture placed close to the opening. A Juliet balcony must have inward opening doors with railings running flush to the external walls. However, including the balcony in any form will severely overlook both of the neighbour’s rear gardens. The furniture layout clearly shows an upper living room, with seating allowing long periods to overlook the adjacent properties. Our concern is that this will adversely affect the neighbour’s amenity and privacy.”

Other Representations

23. Third Party representations have been received which comment and object as follows –

- Concerns on loss of light
- Overshadowing and overbearing effect
- Juliet balcony doors opening outwards
- Loss of privacy
- Out of keeping with adjacent properties
- Close proximity of the decking area and ramp
- Difference in ground levels

Assessment

Procedural note

24. The Tandridge Development Plan is formed of Tandridge District Core Strategy 2008, Tandridge Local Plan Part 2: Detailed Policies 2014-2029, Caterham, Chaldon & Whyteleafe Neighbourhood Plan 2021, Limsfield Neighbourhood Plan 2019 and Woldingham Neighbourhood Plan 2016, as well as the Surrey Waste and Minerals Plans . Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be taken in accordance with the Development Plan, unless there are material considerations that indicate otherwise.
25. The NPPF is a material consideration in planning decisions and its Policies have to be taken into account in dealing with applications from the day of its publication. It is important to note that even though the adopted Development Plan predates the publication of the most recent NPPF, the majority of Policies remain up to date. Policies will be given due weight in accordance with their degree of consistency with the NPPF (December 2023, paragraph 225).

Location and principle of development

26. The application site lies within an Urban Area. The principle of new development would be acceptable provided that it would meet the relevant criteria regarding its design and appearance as assessed below. Policy DP1 of the Local Plan (2014) advises that when considering development proposal, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. As such, there is no objection in principle to the location of the development and Core Strategy Policy CSP1 and Local Plan Policy DP1 in this regard.

Character and Appearance

27. The NPPF (December 2023) states that the creation of high quality, beautiful and sustainable 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.
28. 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.
29. 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.
30. Policy CCW4 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 states that, development is expected to preserve and enhance the

character area in which it is located. Moreover, Policy CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 states that, development proposals, which integrate well with their surroundings, meet the needs of residents and minimise the impact on the local environment will be supported where they demonstrate a high quality of design.

31. The prevailing character of the area is mostly detached bungalows, chalet bungalows and two storey dwellings set on plots of varying sizes and forms. There is no set appearance or design. Ground levels vary naturally. The site is located on the northern side of the highway – Matlock Road. There is a driveway to the front with a garden to the rear.
32. The proposed extension would be positioned to the northern side of the existing dwelling, forming the rear elevation of the dwelling. A single storey rear extension measuring 4 metres to the rear has previously been approved under planning reference 2022/689 and following a site visit, it is clear that works relating to such a development have commenced. The proposed first-floor extension would extend over the footprint of the approved single storey extension resulting in a two-storey structure to the rear of the existing dwelling. The extension would measure a depth of 4 metres. The design of the first-floor extension would include a Juliet balcony to serve the enlarged habitable space.
33. The proposed extension to the rear of the dwelling would largely be obscured from views from the public domain and, as such, would have a limited impact on the character and appearance of the locality. From where it would be seen, mostly from within neighbouring properties, the extension would appear as a subservient and acceptable addition to the rear of the dwelling. The extension would match the height of the existing dwelling but, by being inset from both sides, it is considered that the first floor is acceptably subservient to the host dwelling. The materials and fenestration of the extension would be acceptable. Whilst the 'cut-off' element at one corner of the extension would be a little unfortunate, this feature would not cause the extension to appear as a harmful addition to the dwelling.
34. The proposed development also includes ramps to the front and rear elevation and a raised decking area to the rear. The ramps would provide access to the dwelling. The design and scale of these additions are considered acceptable in the context of a dwelling and would not result in adverse harm to the character and appearance of the dwelling. The privacy screens would be installed for privacy reasons, to be discussed below, and given the nature of these provisions, their siting and their scale, they would not result in harm to the character or appearance of the dwelling or the area.
35. The proposed rooflights shown on the submitted plans are considered to be visually acceptable.
36. The design of the proposed developments, including the decking and ramps, would respect the appearance of the existing dwelling and character of the area and the materials to be used will match the existing dwelling. For the above reasons the proposal would have an acceptable impact in terms of character and appearance and would therefore comply with the provisions of Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies, Policy CSP18 of the Core Strategy, Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan and the NPPF.

Residential Amenity

37. 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.
38. Policy CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 states that development should integrate well with its surroundings.
39. The above Policies reflect the guidance at Paragraph 135 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.
40. The immediately neighbouring properties to the development site are 11 Matlock Road to the west and 15 Matlock Road to the east. The comments from occupiers of those dwellings and all other comments received have been taken into consideration in the assessment of this proposal.
41. The neighbouring dwelling of 11 Matlock Road is located to the west of the dwelling at the application site. The ground floor part of the extension would be 0.7 metres from the shared boundary with that property. The first floor part would be 2.8 metres from that shared boundary. The main part of the neighbouring dwelling features a rear facing window at ground floor and there are single storey rear projections to the rear of the main part of the dwelling including a conservatory.
42. As set out before, the proposed ground floor element of the proposed rear extension would largely be the same as previously approved. In the consideration of that proposal it was concluded that the development was acceptable in terms of the potential impact upon the residential amenities and privacy of existing properties. This remains the case in relation to the single storey part of the development.
43. Due to the inset of the first floor extension from the side of the dwelling and from the shared boundary, it would not have an overbearing impact on the light or outlook within the neighbouring property. Whilst not specified within any adopted Policy, the plans indicate a 45-degree angle from the mid-section of the neighbouring window which is a useful indicator to measure a potential loss of light. The first-floor extension has been designed so that the corner is angled to alleviate some of the built form to the neighbouring side to ensure the 45 degree is met. As the enlargements do not intersect with this hypothetical line, this would demonstrate that the loss of light is not likely to be significant. Although the roof will have a slight overhang, the impact of this part of the proposal would be negligible.
44. It is noted that a ground floor window is proposed to face the neighbouring dwelling. However, this would be at a high level and, consistent with the submitted plans, a condition could be imposed to require the window to be fixed shut and any part of it that is below a height of 1.7 metres above the finished floor level of the associated room served by that window to be obscure glazed. No other windows would face towards the neighbouring

property and the Juliet balcony on the rear elevation would not cause overlooking or a loss of privacy to a degree that would be unacceptable harmful.

45. The proposed extension would be 4.6 metres from the boundary that is shared with 15 Matlock Road. The dwelling at that plot is also set away from the shared boundary. In the space between the proposed extension and the neighbouring dwelling is the single storey garage building that exists at the application site. The neighbouring dwelling features a ground floor window in the side elevation that faces the application site. A site visit has confirmed that this serves a kitchen that is of a size that is not considered to be sufficient to represent a habitable room.
46. The ground floor extension at the site is largely obscured from view from the neighbouring property by the existing garage. In the consideration of the previous proposal, it was concluded that the development was acceptable in terms of the potential impact upon the residential amenities and privacy of existing properties. This remains the case in relation to the single storey part of the development.
47. The first floor extension would be visible from the neighbouring property. However, due to the inset of the first floor extension from the side of the dwelling and from the shared boundary, it would not have an overbearing impact on the light or outlook within the neighbouring property to a degree that would justify the refusal of the application.
48. Overall, given the relationship with neighbouring properties including the separation distance between dwellings and the orientation of those dwellings, it is not considered that the extension would significantly impact on the receipt of daylight or sunlight within those properties. Furthermore, it is not considered that the proposed development would result in an unacceptable overbearing effect on nearby residents.
49. The proposed development includes a rear decking area that would be raised by approximately 0.6 metres above ground level. The scale of the decking is modest including steps to the remain garden area beyond. In terms of overlooking, it is considered necessary to impose a condition requiring a 1.8-metre-high privacy screen to the side elevation of the decking to protect neighbouring amenity and provide an adequate level of privacy. Details of such a screen have been indicated on the proposed drawings and will also be secured by condition. As such, it is not considered that significant overlooking would result from this part of the proposed development.
50. Two side facing rooflights are shown on the submitted plans. These would be secondary windows and as such, in the interests of protecting privacy, these can be controlled by condition to be fixed shut and fitted with obscured glazing.
51. For the reasons outlined, the proposal is considered acceptable in terms of the potential impact upon the residential amenities and privacy of existing properties and therefore no objection is raised in this regard against Policy DP7 of the Local Plan (2014) and Policy CSP18 of the Core Strategy (2008) of Policy CCW5 of the Neighbourhood Plan.

Conclusion

52. In conclusion, the proposed development would respect the character and appearance of the site and area and would not cause an unacceptable degree of harm to neighbouring amenities that would conflict with national and local planning Policies. The proposal is, therefore recommended for approval.
53. 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.
54. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION:

GRANT subject to 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 D223-A01 Rev A (Dated May 2022) D223-A04C and D223-A05C (Received 20/03/2024). 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. 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.

4. Prior to the first use of the raised decking area hereby approved, a 1.8 metre tall privacy screen shall be fitted in the position shown on the plans hereby approved. It shall thereafter be retained at all times.

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. Any part of the ground floor side facing window shown on the plans hereby approved that is below a height of 1.7 metres above the finished floor level of the room served by that window (and any subsequent replacement of

this window) shall be fitted with obscure glass (Pilkington Glass level 3 or above, or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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.

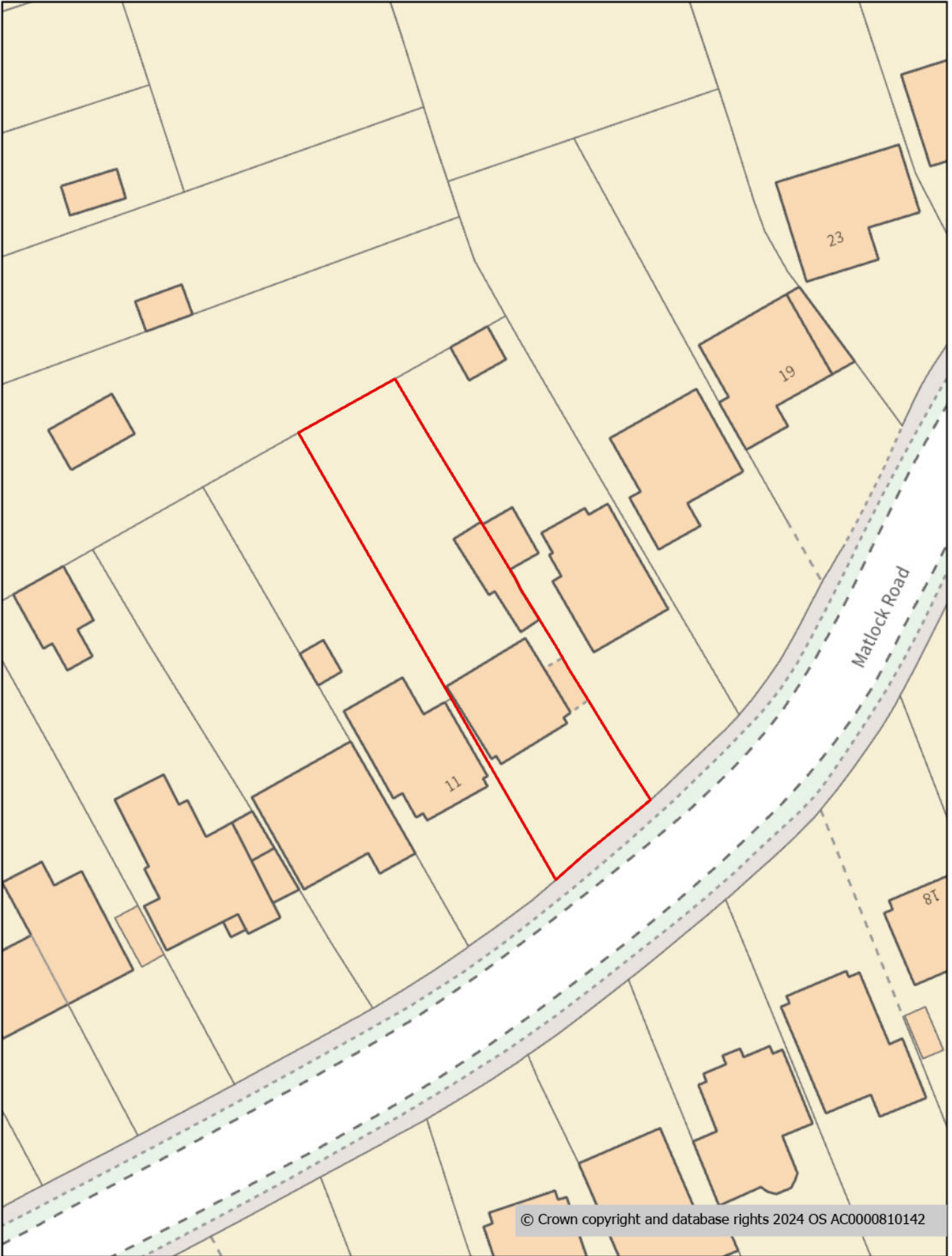
6. The side facing rooflights shown on the plans hereby approved that would serve Bedroom 03 (as labelled on the plans hereby approved) (and any subsequent replacement of those rooflights) shall be fitted with obscure glass (Pilkington Glass level 3 or above, or equivalent) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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.

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 has been assessed against Tandridge District Core Strategy 2008 Policies CSP1 and CSP18, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1 and DP7, Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan and all material considerations. 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.
3. The Local Planning Authority has acted in a positive and creative way in determining this application, as required by the NPPF (December 2023), 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.

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Tree Preservation Order No.9, 2023 (Tandridge Land south of Honeypot Farm & Land at Galleys wood, Honeypot Lane, Edenbridge, TN8 6QH

Planning Committee Tuesday 16th April 2024

Report of: Chief Planning Officer

Purpose: For decision

Publication status: Open

Wards affected: Limpsfield

Executive summary:

This report is to advise the Committee on the confirmation or otherwise of Tree Preservation Order No.9, 2023 (Tandridge).

- Under Section 198 of the Town and Country Planning Act 1990 the Council, acting as the Local Planning Authority, has the power to protect trees and woodlands by means of a Tree Preservation Order (TPO) if it appears to be expedient in the interests of amenity.
- The report sets out the background for why the TPO was made, discusses the subsequent information that has been considered, and makes a recommendation for whether the TPO should be confirmed (made permanent) on the balance of the available information.

This report supports the Council's priority of:

Becoming a greener, more sustainable District

Contact officer Alastair Durkin Principal Tree Officer
adurkin@tandridge.gov.uk

Recommendation to Committee:

That, in accordance with its delegated powers, the Committee determines that Tree Preservation Order No.9, 2023 is confirmed as made.

Reason for recommendation:

The Council has the power to protect trees and woodlands by means of a Tree Preservation Order (TPO) in instances where trees are under threat of removal or harmful works, and on a precautionary basis, provided it is in the 'interests of amenity'. The exercise of this power supports the Council's priority of 'Becoming a greener, more sustainable District'.

The decision is being determined at this committee due to there being an unresolved objection to the making of the TPO.

Introduction and background

1.0 Legislative context

- 1.1 The Council has the power to protect trees and woodlands by means of a Tree Preservation Order (TPO) in instances where trees are under threat of removal or harmful works, and on a precautionary basis, if necessary, provided it is 'in the interests of amenity'. These powers are contained within section 198, Part VIII [Special Controls] of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991 and the related Regulations (The Act).
- 1.2 The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. However, the Government considers that TPOs should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. The Council should therefore be able to show that a reasonable degree of public benefit exists, or would accrue, before TPOs are made or confirmed.
- 1.3 The trees or woodlands selected for protection, or at least part of them, should normally be visible from a public place, such as a road or footpath, although the inclusion of other trees may be justified, for instance, where back garden trees can be viewed from their properties by a significant number of members of the public.
- 1.4 The benefit may be now or in the future; trees may be worthy of preservation for their intrinsic beauty, or for their contribution to the landscape, or because they serve to screen an eyesore or future development. The value of trees may be enhanced by their scarcity and the value of a group of trees or woodland may be collective only. Other factors, such as importance as a wildlife habitat, nature conservation or response to climate change may also be considered, but in the absence of the preceding elements of amenity contribution, these factors alone are not sufficient to warrant a TPO.
- 1.5 A TPO is provisional until it is confirmed, in writing, within a six-month period by the Council. This means that the TPO takes immediate effect and ensures the trees cannot be lawfully removed during the statutory 28-day consultation period that follows the

serving of a TPO and before confirmation. The TPO then continues in force on a provisional basis until either the TPO is confirmed (made permanent), or the six-month period expires.

- 1.6 Once a provisional TPO has been made, the confirmation of the TPO is delegated to an authorised Officer of the Council, provided there are no unresolved objections received within the 28-day time limit. Where unresolved objections remain, the decision whether or not to confirm, or modify the TPO, is made by the Council's Planning Committee.

2.0 Background

- 2.1 The Council protected the oak trees that are subject to this TPO on a precautionary basis when it became aware that the land was being marketed for sale at auction as a sub divided plot of 11 separate parcels of land, all with access from Honeypot Lane (Appendix A).
- 2.2 The Council receives requests for TPOs to be made on land which is either up for sale or being sold on a regular basis. The sale of land is not normally considered to be a sufficient reason on its own for a TPO to be made, as many properties are sold within the District each year, and these sales very rarely result in wholesale clearance of trees – the presence of mature trees generally being regarded as an asset to a property. Whilst this is the case, where agricultural land, such as pasture, is divided up in a way more suitable for housing development, there is a clear potential for any trees growing within or immediately adjacent to be at risk of removal or damage if the new owner considers that existing trees are a constraint to the development potential of the land.
- 2.3 Following consideration of the marketing particulars, a site visit by your Principal Tree Officer was made to assess the trees bordering the land for the purposes of a TPO (Appendix B).
- 2.4 The oak trees that have been made the subject of the TPO are visually prominent when viewed from the public right of way No. 215 which crosses the land from Honeypot Lane. As such the trees afford significant levels of visual amenity to the local area (Figure 1), as well as providing potentially important wildlife habitat.
- 2.5 It is also the case that T2 (a potential veteran tree) and part of G1 are located within an area of designated Ancient Woodland which immediately abuts the land. Ancient woodland and veteran trees are irreplaceable habitats and are afforded a high degree of protection within the NPPF 2023 and as such the protection of the roots and branches of trees within the woodland which may encroach the land is vitally important if development was to occur, or if any new owner wished to exercise their common law rights to cut back the branches or roots of the trees.
- 2.6 In light of the above, it was considered that the oak trees were of suitable importance for a TPO to be made, and that their amenity value was sufficiently high that it was expedient to protect them on a precautionary basis, considering the land was being marketed for sale at that time.
- 2.7 Although not directly relevant to the TPO, an Article 4 Direction has also been served on the land, which withdraws certain permitted development rights.



Figure 1 – Aerial view of the oak trees (ringed yellow) in relation to Honeypot Lane and ROW 215 (approximate dotted red)

3.0 Objections and response

- 3.1 Following the making of the TPO a letter of objection was received from an agent acting on behalf of the owner of the land.
- 3.2 The agent has stated within the letter that the land had been offered for sale as a single parcel of agricultural land, but during the course of the sale to the new buyer, it subsequently appeared online being advertised for re-sale by the prospective buyer in lots, prior to completion without the landowner's knowledge, and that the owner has no intention of selling the land in that way. The land was subsequently withdrawn from auction.
- 3.3 The objections can be summarised as follows:
 - a) T1 of the Order is located on the western boundary with it being apparent that half of the tree falls on land not in my client's ownership. This ultimately would mean that any owner would require permission of the adjoining landowner to fell the tree.

- b) In respect to T2 this appears to fall just outside of our client's land and so it is unclear why the Council have imposed the order on this tree as this has little bearing on the sale of the land. It is also noted that the Grouped TPO trees are also on the southern periphery of the site and so again these trees are unlikely to be affected should the land be sold whether it be in a single or multiple lots.
- c) My client has owned the land for more than 20 years and it is not in his interests to subdivide the land, hence why the land was marketed as one single plot. The trees are at no immediate risk as they are located along the periphery of the field and do not prevent it being farmed (in fact they help provide some shade for livestock). The land has no planning permission for any use other than for agriculture.
- d) Simply because the land has been re-offered for sale in multiple parcels does not in itself mean that there is any threat to the trees. Any development on the land would require planning permission and the impact on trees would be a material consideration. Development is unlikely given the Green Belt location. Furthermore, any works to fell the trees would likely require a Felling Licence due to their size as the land is not garden land.
- e) To unnecessarily impose this Order (in addition to the proposed Article 4 Direction) could result in my client having difficulty being able to sell the site on as a single entity. The Order will create additional bureaucracy requiring applications for routine maintenance works to the trees.
- f) The wider rural area is characterised by trees along most of peripheries of fields in the area and so the arrangement is not unique and these trees are not of any particular amenity value. Views of the trees subject of the Order are considered to be relatively limited given the extent of cover and it is only from the public footpath along the southern edge of the field and glimpses from the roads where the trees have some but not meaningful contribution to the rural setting of the area.
- g) The fact that the site is being sold should not be reason alone for an Order to be placed on trees as it does not mean that there is a threat to them. Whilst it is my client's intention to sell the land off as one parcel, even if the parcels were sold off separately it is unclear how these trees will be at any risk of being felled or harmed and so on that basis the Order should not be confirmed.

3.4 Following receipt of the objection, the Council's Principal Tree Officer wrote to the agent to address the concerns and resolve the objection. To the date of this report, no further response has been received.

3.5 Your officer's response to the objections are as follows:

- a) A TPO does not just protect the trunk of a tree, but the roots and branches as well. Even if a tree were to be growing wholly or in part upon land owned by another party, the roots and branches encroaching into the Honey Pot Farm land would also be protected. Particularly with T1, this was the main consideration, as the tree is probably a veteran tree, or at the very least locally notable. It is not just the removal of the tree which the TPO prevents without consent, but also harm to roots or overhanging branches. All those parties affected by the TPO have been served with the particulars, to the normal requirements of the legislation.
- b) As above

- c) Irrespective of whether it can be accepted that the owner does not wish to subdivide the land, there is still some uncertainty as to future ownership and how the land will be managed in the future, as the owner still wishes to sell the land.
- d) Section 197 of The Act places a duty on the LPA to:

to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and

(b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

As such the use of TPOs within the planning system is not only encouraged but it is a statutory duty to do so when it appears to the LPA to be necessary. The preservation of trees would be additional to and sit alongside the consideration of any other material considerations.

The protection afforded by the Forestry Act 1967 felling licence system is strong, but it is generally designed for the regulation of felling within forests and woodlands. As such there is an exemption for the removal of 5 cubic metres of timber per calendar quarter, and 10 cubic metres (roughly 10 tonnes of oak) could therefore be removed over a 2-day period straddling the end of a calendar quarter without any breach of the Forestry Act 1967. That would account for several of the oak trees without any protection being relevant. As such a TPO is considered to be the appropriate mechanism to afford statutory protection to the oak trees in question.

- e) For normal tree management works the Council would require an application. This is not an onerous process and is undertaken by both landowners and tree contractors on a very regular basis. Provided the works are reasonably justified and will not harm amenity to a significant degree then consent would normally be granted. There is no reason why the TPO would prevent or make sale of the land difficult if it's current agricultural use was to continue. The TPO may of course affect decision making if the prospective owner was a housing developer, as the trees would be a constraint to the development of the site, albeit a relatively minor one considering the space available.
- f) The oak trees that have been made the subject of the TPO are visually prominent when viewed from the public right of way No. 215 which crosses the land from Honeypot Lane. As such the trees afford significant levels of visual amenity to the local area as well as providing potentially important wildlife habitat.
- g) In your officer's opinion the amenity value of the trees and the potential uncertainty as to future ownership and management justifies the making and confirming the TPO on a precautionary basis. On this matter the Government Planning Practice Guidance (PPG) states:

"It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees..."

... Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not

always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.”

4.0 Discussion

- 4.1 As detailed above the TPO does not prevent reasonable management works, provided consent is obtained from the Council prior to the works being undertaken. The TPO gives the Council a degree of control as to how the trees are managed in the future, to ensure that the significant amenity and environmental value they afford is preserved, irrespective of the future management of the land.
- 4.2 It is considered that, on balance, the minor inconvenience caused to the owners of the trees to make an application when they wish to undertake works is justified by the benefit to the local and wider community and the environment by ensuring that the trees are protected on an ongoing basis. It is also the case that as land ownership changes over time, the presence of the TPO will go some way to ensuring that the trees are protected long into the future.

5.0 Conclusion

- 5.1 Due to their positive contribution to the local landscape the oak trees selected for protection are of suitable amenity value to preserve in the public interest, and it is expedient to do so on a precautionary basis. It is therefore recommended that the TPO is confirmed as made.

Other options considered:

- 6.0 As advised above, correspondence was entered into with the owner's agent to attempt to resolve concerns raised. However, as modification or revocation of the TPO would inevitably either reduce or remove the protection afforded it is unlikely that a compromise is possible.

Key implications:

Comments of the Head of Legal Services

No comments

Equality Duty

The Council has a responsibility to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equality Act 2010 and those who do not. The Case Officer has reviewed the proposed development and documentation and considers that the proposal is not likely to have any direct equality impacts.

Climate change

Growing trees absorb CO₂ from the air. Other greenhouse gases (GHG) such as methane and nitrous oxide are also exchanged between trees and the atmosphere, so trees are a key component of the planet's GHG balance. Therefore, the functioning and management of trees and woodlands on a worldwide basis are critical to efforts to reduce climate change

(‘climate change mitigation’) and reduce the net GHG emissions into the atmosphere (‘emissions abatement’).

On a local level, trees also intercept rainwater and increase soil permeability – thereby slowing the flow of water into the drains and reducing the potential for surface water flooding.

Appendices

Appendix ‘A’ – Marketing materials

Appendix ‘B’ – Tree Preservation Order No. 9, 2023 (Tandridge)

Background papers

Objection letter

Your officer’s response



BARNEY

ESTATES & AUCTIONEERS

LAND AT HONEYPOT LANE

LIMPSFIELD, SURREY TN8 6QH



GUIDE PRICE FROM: £25,000

0208 432 7330

WWW.BARNEYESTATES.CO.UK

SALES@BARNEYESTATES.CO.UK

UNIT 16, BALTIMORE HOUSE, JUNIPER DRIVE, LONDON, SW18 1TS



Barney Estates are delighted to bring to the market land in Limpsfield, Surrey, TN8 6QH.

- Parcels range from approximately 0.35-1.3 acres
- Accessed directly from the road via a 5-bar gate off Honeypot Lane
- Flat grassland
- The land falls within the Greenbelt

Oxted and Edenbridge are the closest towns to the property, offering a variety of shopping options and amenities. They also have train stations that provide direct access to London Victoria and London Bridge. The M25 junction is conveniently located approximately 6 miles away, offering easy access to Gatwick and Heathrow airports, as well as the Channel ports via the M20. The area boasts an excellent selection of schools within close proximity to the house. These include Hazelwood Prep School in Oxted, Ardingly School near Haywards Heath, and Lingfield College.



Pre-auction sales are invited

The land is sold on an unconditional basis, purchasers considering alternative uses or even development are deemed to rely upon their own enquiries.

This sale includes overage restrictions

Full information is within the title and legal pack or please call the auctioneer to discuss further. Every care has been taken with the preparation of these Particulars but complete accuracy cannot be guaranteed. If there is any point, which is of particular importance to you, please obtain professional confirmation.

Plot A (approx. 1.3 acres)

Guided at £200,000

Plots B-I (0.13 – 0.35 acres)

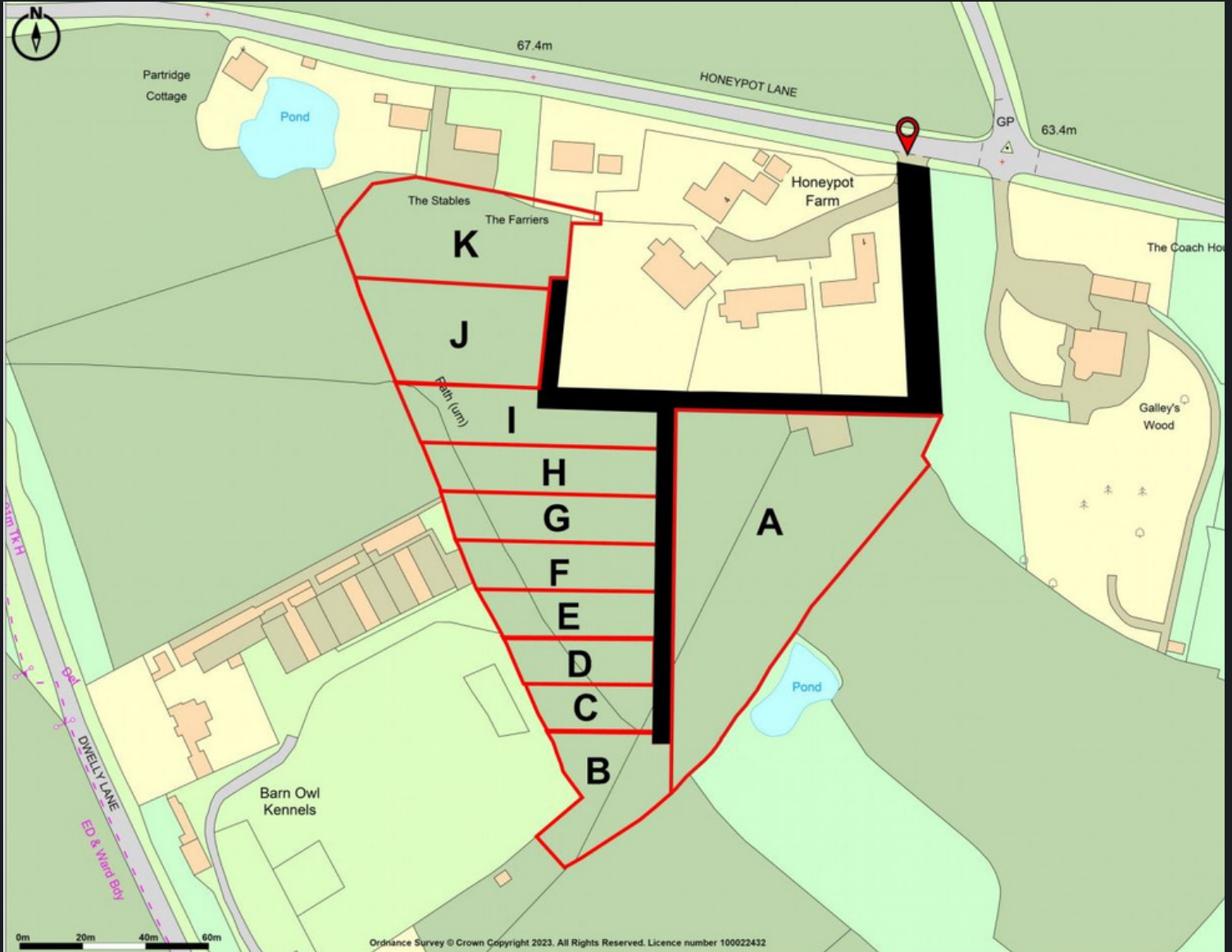
Guided at £25,000

Plot J (approx. 0.4 acres)

Guided at £45,000

Plot K (approx. 0.5 acres)

Guided at £45,000



These details are prepared as a general guide only, and should not be relied upon as a basis to enter into a legal contract, or commit expenditure. An interested party should consult their own surveyor, solicitor or other professionals before committing themselves to any expenditure or other legal commitments.

All dimensions/measurements are approximate.

0208 432 7330

WWW.BARNEYESTATES.CO.UK

SALES@BARNEYESTATES.CO.UK

UNIT 16, BALTIMORE HOUSE, JUNIPER DRIVE, LONDON, SW18 1TS

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Town and Country Planning Act 1990

The Tree Preservation Order No.9, 2023 (Tandridge)

The Tandridge District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 hereby make the following Order—

Citation

1. This Order may be cited as the Tree Preservation Order No.9, 2023 (Tandridge)

Interpretation

2. - (1) In this Order “the authority” means the Tandridge District Council.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. - (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

**THE COMMON SEAL of
THE DISTRICT COUNCIL OF TANDRIDGE**

Was hereunto affixed to this Order on the 10th day of November 2023.

11761



In the presence of:

A handwritten signature in black ink, appearing to read 'D. Amis'.

Authorised signatory

A handwritten signature in blue ink, appearing to read 'D. Bell'.

Witness

CONFIRMATION OF ORDER

This Order was confirmed by the Tandridge District Council without modification on the day of

OR

This Order was confirmed by the Tandridge District Council subject to the modifications indicated by the modified plan and schedule on the day of

.....
Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by Tandridge District Council on the day of

.....

Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by Tandridge District Council on the day of

.....

Authorised by the Council to sign in that behalf]

REVOCATION OF ORDER

This Order was revoked by Tandridge District Council on the day of

.....

Authorised by the Council to sign in that behalf]

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|---|
| T1 | Oak | Land south of Honeypot Farm, Honeypot Lane |
| T2 | Oak | Land at Galleyswood, Honeypot Lane |

Trees specified by reference to an area (within a dotted black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
|-------------------------|--------------------|------------------|

None

Groups of trees (within a broken black line on the map)

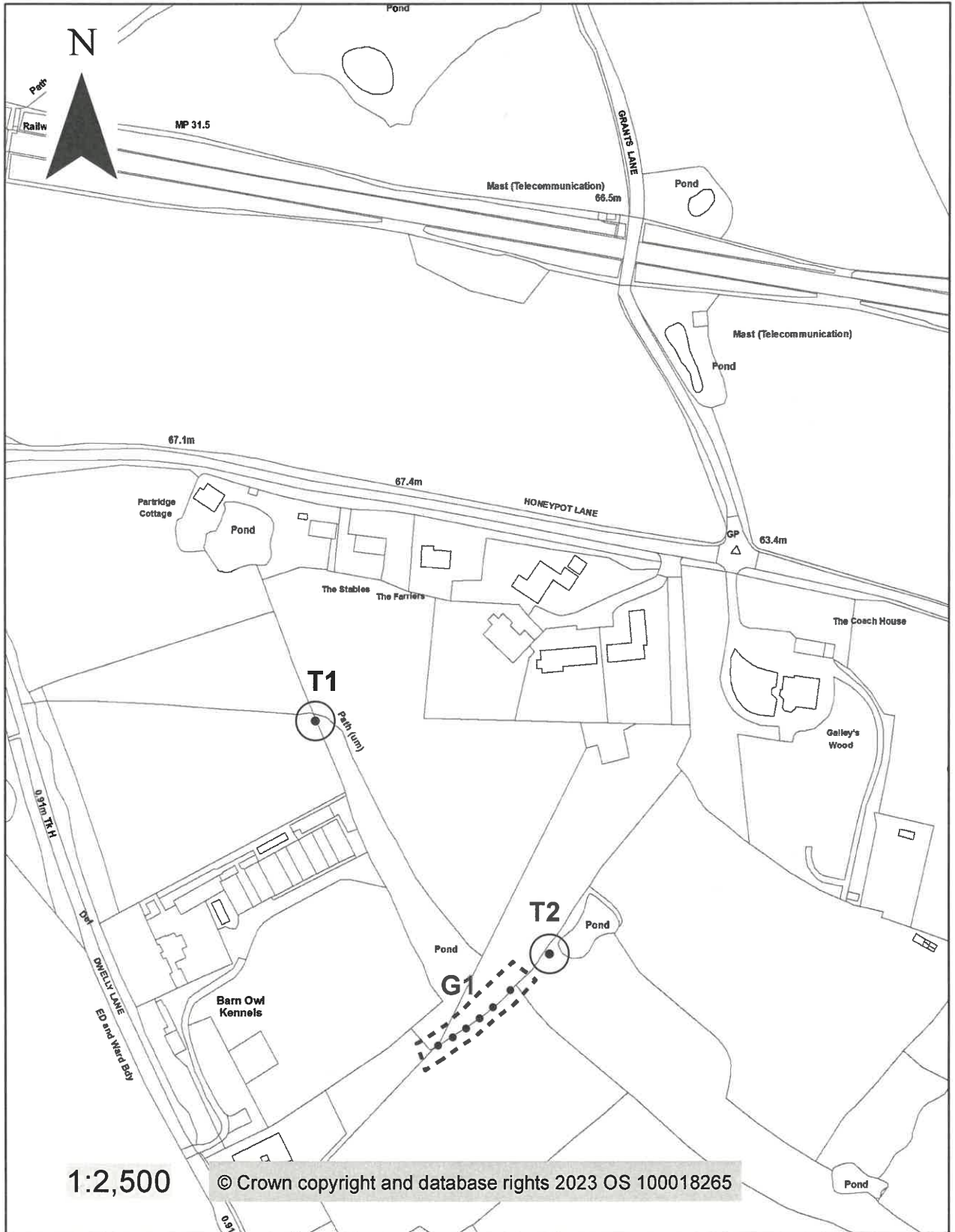
| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
|-------------------------|--------------------|------------------|

| | | |
|-----------|--------------------|---|
| G1 | 6 Oak trees | Land south of Honeypot Farm, Honeypot Lane |
|-----------|--------------------|---|

Woodlands (within a continuous black line on the map)

| <i>Reference on map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
|-------------------------|--------------------|------------------|

None



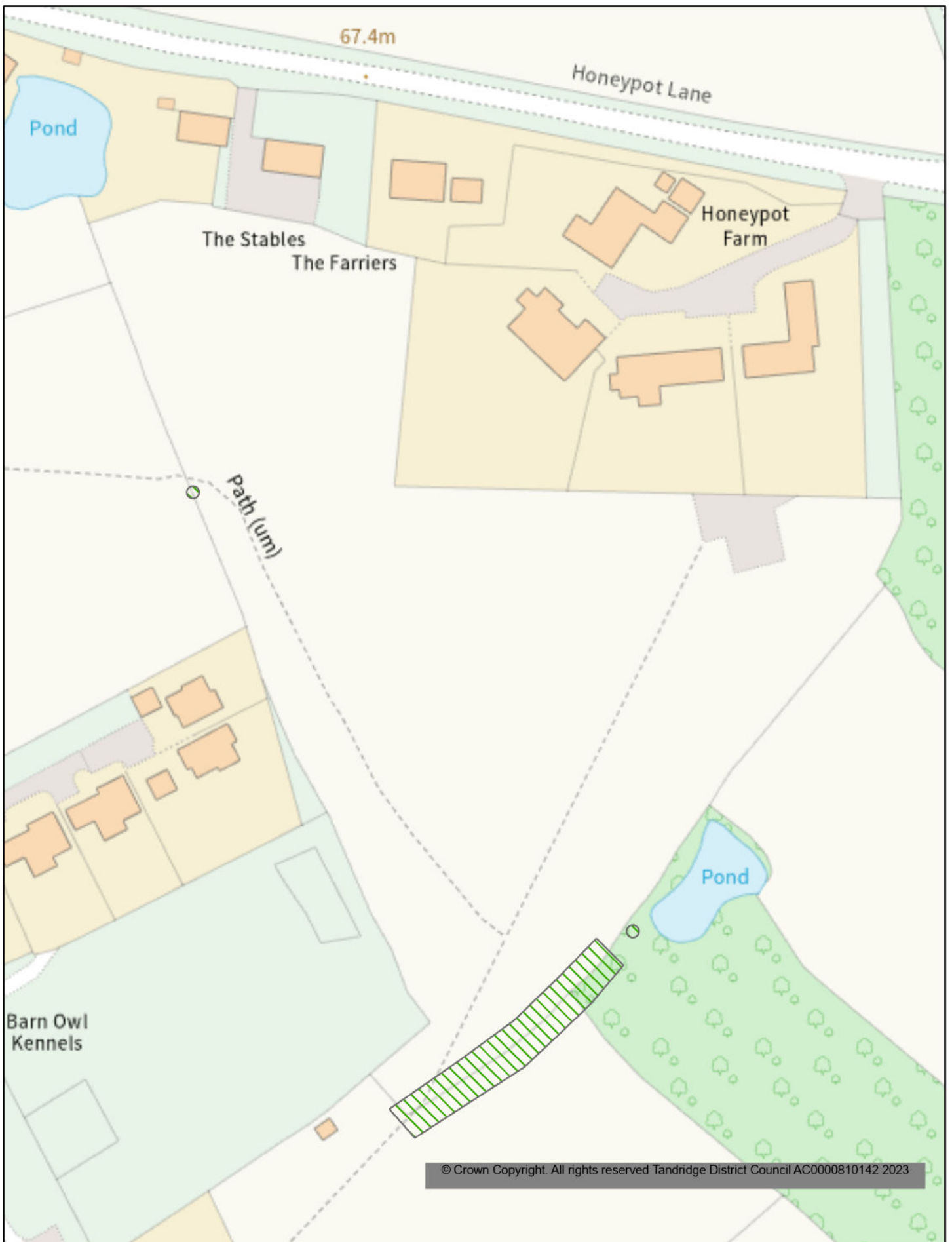
| | | |
|--|--|---|
| <p>Tandridge District Council TREE PRESERVATION ORDER NO: 9, 2023 (Tandridge)</p> | <p>DATE: 07/11/2023 GRID REF: 4169 4754 DRAWN: AD</p> | <p>Helen Murch Chief Planning Officer</p> |
| <p>SUBJECT: Land south of Honeypot Farm & Land at Galleyswood, Honeypot Lane Edenbridge TN8 6QH</p> | <p>SCHEDULE: T1 - Oak T2 - Oak G1 - 6 x Oak</p> | <p>TANDRIDGE DISTRICT COUNCIL PLANNING DEPARTMENT COUNCIL OFFICES STATION ROAD EAST OXTED, SURREY RH8 0BT (01883 722000)</p> |

11761

Handwritten signature

Dated 10th November 2023

The Tandridge District Council
Tree Preservation Order No.9, 2023 (Tandridge)



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