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To: MEMBER OF THE PLANNING COMMITTEE  
Councillors Blackwell (Chair), C.White (Vice-Chair),  
Connolly, Duck, Farr, Gray, Lockwood, Mansfield, Moore,  
Morrow, Prew, Ridge and Shiner

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Substitute Councillors: Allen, Bloore, Botten and Mills

C.C. All Other Members of the Council

29 September 2021

Dear Sir/Madam

## **PLANNING COMMITTEE THURSDAY, 7TH OCTOBER, 2021 AT 7.00 PM**

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

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

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

Yours faithfully,

David Ford  
**Chief Executive**

### **AGENDA**

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

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

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

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

- 3. Minutes from the meeting held on 20 September 2021 (Pages 3 - 4)**  
To confirm as a correct record.
- 4. To deal with questions submitted under Standing Order 30**

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

5.1 2020/2041 - De Stafford School, Burntwood Lane, Caterham (Pages 15 - 34)

5.2 2021/522 - Land to the south of The Crescent, Bradenhurst Close, Caterham, CR3 6FG (Pages 35 - 56)

5.3 2021/886 - Arden Lodge, Pastens Road, Limpsfield, RH8 0RE (Pages 57 - 66)

5.4 2021/1162 - 66 High Street, Caterham, CR3 5UB (Pages 67 - 80)

5.5 2020/2074 - Sawmills, Green Lane, Outwood, RH1 5QP (Pages 81 - 100)

5.6 2021/428 - 268 Hillbury Road, Warlingham, CR6 9TP (Pages 101 - 122)

5.7 2021/1259 - 1 Carewell Cottages, St Piers Lane, Lingfield, RH7 6PN (Pages 123 - 132)

5.8 2021/1286 - 69 Harestone Lane, Caterham, CR3 6AL (Pages 133 - 142)

**6. Planning applications submitted by the Council (Pages 143 - 146)**

**7. Recent appeal decisions received**

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

**8. Any other business which the Chairman is of the opinion should be considered at the meeting as a matter of urgency**

## 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 20 September 2021.

**PRESENT:** Councillors Blackwell (Chair), C.White (Vice-Chair), Duck, Farr, Gray, Lockwood, Mansfield, Moore, Morrow, Prew and Shiner

**ALSO PRESENT:** Councillors Black, Crane, Hammond and Swann

**APOLOGIES FOR ABSENCE:** Councillor Connolly

#### 109. DECLARATIONS OF INTEREST

Councillor Farr stated that he had received a number of representations via email. He made it clear that he would be considering the application afresh and with an open mind.

#### 110. MINUTES FROM THE MEETING HELD ON THE 2 SEPTEMBER 2021

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

#### Committee Decisions (Under Powers delegated to the Committee)

#### 111. 2021/1040 - NUTFIELD GREEN PARK, THE FORMER LAPORTE WORKS, NUTFIELD ROAD, NUTFIELD, SURREY

The Committee considered an application for the construction and operation of Nutfield Green Park with access from Nutfield Road and Nutfield Marsh Road. The application was comprised of the construction of an outdoor activity park using imported inert materials, the operation of an outdoor activity park, the construction and operation of an associated wellbeing centre (including a GP surgery, pharmacy, community diagnostic hub, community shop, restaurant/cafe, creche, office hub, event space, indoor and outdoor gyms together with ancillary uses such as 2 staff accommodation units, treatment rooms and storage) together with a development of up to 239 residential units, a 70 bedroom rehabilitation and respite care facility with up to an associated 100 extra care units and staff accommodation for up to 21 staff together with infrastructure, landscaping and open space (Outline for Access and Layout).

The Officer recommendation was to refuse.

Ms Liz Ramsay attending on behalf of the Nutfield Conservation Society spoke against the recommendation.

Councillor Jon Dadswell of Nutfield Parish Council spoke against the application.

Ms Sophie Serdetschniy, the applicant's agent, spoke in favour of the recommendation.

**RESOLVED**– that planning permission be refused.

Rising 8.18 pm

## REPORT TO THE PLANNING COMMITTEE ON 7 OCTOBER 2021

### AGENDA ITEM 5 APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

To consider the application detailed in item 5.1 to 5.8

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 – 7 OCTOBER 2021 – RECOMMENDATIONS

| ITEM NO. | APPLICATION NO. | SITE ADDRESS  | APPLICATION DETAILS  | RECOMMENDATION                      |
|----------|-----------------|---|--|-------------------------------------|
| 5.1      | 2020/2041       | De Stafford School, Burntwood Lane, Caterham, CR3 5YX                           | Demolition of existing bungalow and erection of 7 dwellings (located land South-West of de Stafford School) to facilitate a new external Artificial Grass Pitch, associated car parking fencing and lighting for the school and local community.   | <b>REFUSE</b>                       |
| 5.2      | 2021/522        | Land to the south of The Crescent, Bradenhurst Close, Caterham, Surrey, CR3 6FG | Erection of part 3-storey, part 4-storey building comprising of 5 apartments on site of plots 18/19 Bradenhurst Close (as previously consented under TA/2017/2351) with associated access, parking, cycle storage and amenity space.   | <b>PERMIT subject to conditions</b> |
| 5.3      | 2021/886        | Arden Lodge, Pastens Road, Limpsfield, Oxted, Surrey, RH8 0RE                   | Demolition of existing porch and single storey side extension. Erection of single storey rear extension, two storey side extension, new porch and associated alterations.  | <b>PERMIT subject to conditions</b> |
| 5.4      | 2021/1162       | 66 High Street, Caterham CR3 5UB  | Demolition of existing ground floor rear extension and partial demolition of existing rear outrigger. Erection of a new ground floor, first floor and loft extensions. Change of use of part of front ground floor and rear from A1 to sui generis (large house in multiple occupation). Change of use of first floor from C3 to sui generis (large house in multiple occupation). | <b>PERMIT subject to conditions</b> |
| 5.5      | 2020/2074       | Sawmills, Green Lane, Outwood RH1 5QP   | Change of use of land and buildings to Class E(g)(i) Offices, B2 General Industrial and B8 Storage and Distribution uses, retention of sawmill use (B2), re-siting of Ryall Edwards sales building and widening of the access road.  | <b>PERMIT subject to conditions</b> |
| 5.6      | 2020/428        | 268 Hillbury Road, Warlingham, CR6 9TP  | Demolition of the existing dwelling and the erection of 10 flats with associated access, parking and landscaping (outline).  | <b>PERMIT subject to conditions</b> |
| 5.7      | 2021/1259       | 1 Carewell Cottages, St Piers Lane, Lingfield, Surrey, RH7 6PN                  | Erection of two storey side and single storey rear extensions.   | <b>REFUSE</b>                       |

|     |           |  |  |                                     |
|-----|-----------|--|--|-------------------------------------|
| 5.8 | 2021/1286 | 69 Harestone Lane, Caterham, Surrey, CR3 6AL | Erection of single storey side extension and rear single storey extension to create separate annexe for relative and erection of further two storey side extension to provide utility study and bedroom space to the main house. | <b>PERMIT subject to conditions</b> |
|-----|-----------|--|--|-------------------------------------|

## 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.

## ITEM 5.1

**Application:** 2020/2041

**Location:** De Stafford School, Burntwood Lane, Caterham, CR3 5YX

**Proposal:** Demolition of existing bungalow and erection of 7 dwellings (located land South-West of de Stafford School) to facilitate a new external Artificial Grass Pitch, associated car parking fencing and lighting for the school and local community.

**Ward:** Caterham on the Hill

### Decision Level: Planning Committee

*Constraints - GB, Legal Land Terrier (15/543), TPO site (9/2016/TAN), AWOOD within 500m, Class 'D' Road (Burntwood Lane), Biggin Hill Safeguarding (91.4m), 1 in 30, 1 in 100 and 1 in 1000-year surface water flood risk area, Source Protection Zones 2 & 3, Gas pipeline within 175m*

### RECOMMENDATION:

**REFUSE**

This application is reported to Committee as it has been referred to the Committee by Cllr Botten.

### Summary

1. The proposal is for the demolition of the existing caretaker's bungalow and the erection of 7 dwellings (located land South-West of de Stafford School) to generate necessary funds to facilitate a new external Artificial Grass Pitch, associated car parking, fencing and lighting for the school and local community. The erection of the 7 dwellings on Green Belt land would be considered inappropriate development in the Green Belt. Insufficient 'very special circumstances' have been demonstrated to outweigh the resulting harm to Green Belt openness. The proposed flood lighting columns are considered excessive in size and unduly detrimental to the landscape character of the area and the application is therefore recommended for refusal in this instance.

### Site Description

2. The site consists of two sections; the site for the 7 dwellings is located within the grounds of the existing caretaker's bungalow and the area for the new external Artificial Grass Pitch, car parking, fencing and lighting is located on land to the west and north east of the main De Stafford School building. The whole site which is within the Metropolitan Green Belt with rural character to the north and east and urban characteristics to the south and west of the school site.

### Relevant History

3. PA/2017/1103 – Erection of 20 dwellings – No advice appears to have been given on this submission

### Key Issues

4. The property lies outside of the built-up area and the Category 1 Settlement of Caterham. The site is within the Metropolitan Green Belt. The key issue is whether the proposed development would constitute inappropriate

development in the Green Belt and, if so, whether 'very special circumstances' would exist in this case to outweigh the resulting harm to Green Belt openness.

5. Other issues are therefore also whether the proposal would be appropriate with regard to the impact on the character of the area, impact on the adjoining properties, highways, trees, ecology and renewable energy provision.

## **Proposal**

6. It is proposed to demolish the existing caretaker's bungalow and erect 7 dwellings (2-storey 3-bed homes) comprising of 3 x pairs of semi-detached dwellings and 1 x detached dwelling to the west of the main school building. The dwellings will have hipped roofs with front gable features with rear gardens, integral garaging (for 1 vehicle per dwelling) with additional parking and turning space to the frontage of the dwellings.
7. The sale of the site of the proposed dwellings (which has already been arranged with Simco Homes subject to planning permission being granted) would enable sufficient funds to facilitate the formation of an artificial grass pitch (AGP) to the north east of the main school building. The AGP would measure 70 metres wide and 106 metres long and would occupy land to the north of existing car park which is currently open grass land. The AGP would include perimeter fencing which would be 4.5 metres high and floodlight columns which will measure approximately 13 metres in height. The rugby field to the north of the proposed artificial grass pitch would be levelled and slightly enlarged as a result of this development.
8. The funds generated from the sale of the site to be development for residential use would also facilitate the formation of an additional 60 parking spaces to the south of the AGP with 8 metre high lighting columns. It would also enable the formation of a triple jump/long jump pit close to the AGP and the refurbishment of the tennis courts. The proposed works will incorporate security fencing (approximately 2 metres high) between the car park and the AGP and a pedestrian pathway with 4 metre high lighting columns.

## **Development Plan Policy**

9. Tandridge District Core Strategy 2008 – Policies CSP1, CSP2, CSP3, CSP4, CSP7, CSP11, CSP12, CSP13, CSP14, CSP15, CSP17, CSP18, CSP19 and CSP21
10. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP9, DP10, DP13, DP18, DP19, DP21 and DP22
11. Woldingham Neighbourhood Plan 2016 – Not applicable
12. Limpsfield Neighbourhood Plan 2019 – Not applicable
13. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Policies CCW1, CCW2, CCW3, CCW4, CCW5, CCW6, CCW9, CCW14, CCW18
14. Emerging Tandridge District Local Plan (2033) – Policies TLP01, TLP02, TLP03, TLP04, TLP05, TLP06, TLP10, TLP11, TLP12, TLP17, TLP18, TLP19, TLP23, TLP28, TLP30, TLP32, TLP35, TLP37, TLP38, TLP39, TLP44, TLP45, TLP46, TLP47, TLP48, TLP49



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

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

### **National Advice**

18. National Planning Policy Framework (NPPF) (2021)
19. Planning Practice Guidance (PPG)
20. National Design Guide (2019)

### **Statutory Consultation Responses**

21. County Highway Authority – The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the proposed development would not have a material impact on the safety and operation of the adjoining public highway, subject to conditions relating to access/egress into the new dwellings site (including a highway agreement under Section 278), visibility splays, vehicular spaces, Electric Vehicle Charging Points (EVCPs) and the implementation of a Construction Traffic Management Plan (CTMP).
22. Caterham on the Hill Parish Council – Objection: Inappropriate development harmful to Green Belt openness (both the dwellings and the AGP); failing to prevent countryside encroachment; impact upon highway safety of new access to dwellings being close to road junction and traffic congestion from the existing school access; harm to/loss of trees; insufficient community benefit to outweigh harm; increased surface water flooding and contamination of the aquifer; light pollution; contrary to Policy CCW18 of the CCW 2021 (outdoor sports facilities on Green Belt land)
23. Whyteleafe Village Council – Objection: Would result in inappropriate development in the Green Belt; insufficient justification to allow 7 dwellings to be built in the Green Belt; impact upon surface water flood risk
24. Environment Agency – No objection but request a number of conditions to be secured for the development to be considered acceptable

### **Non-statutory Consultation responses**

25. Sport England – Originally raised concerns however the applicant has sought to clarify matters and Sport England have now withdrawn their objection
26. Surrey Wildlife Trust – No comments received
27. Lead Local Flood Authority – No objection but request a number of conditions to be secured for the development to be considered acceptable

## TDC Advice

28. Environmental Health Officer – No objection subject to conditions relating to hours of operation for noisy works during the construction phase, the lighting specification adhered to so that the lighting complies with the Institute of Lighting Professionals guidance notes for the reduction of obtrusive light and restrictions regarding a lighting curfew.

## Other Representations

29. Third Party Comments: The main issues raised are as follows:
- Inappropriate development in the Green Belt – insufficient ‘very special circumstances’ exist [OFFICER COMMENT: This is considered in Paragraphs 40-43 and 74-76]
  - Visually prominent development [OFFICER COMMENT: This is considered in Paragraphs 44-51]
  - Overbearing and dominant form [OFFICER COMMENT: This is considered in Paragraphs 44-51]
  - Negative impact upon the street scene [OFFICER COMMENT: This is considered in Paragraphs 44-51]
  - Dwellings out of keeping with the adjacent properties in Burntwood Lane [OFFICER COMMENT: This is considered in Paragraphs 44-51]
  - Loss of land associated with the school premises – would result in an under provision of educational land in the future [OFFICER COMMENT: This is considered in Paragraphs 75 and 76]
  - Loss of natural undeveloped land between the school and residential properties [OFFICER COMMENT: This is considered in Paragraphs 40-43]
  - Proposed dwellings overlook the school grounds [OFFICER COMMENT: This is considered in Paragraphs 52-58]
  - AGP too large resulting in significant impact upon Green Belt openness [OFFICER COMMENT: This is considered in Paragraphs 40-51]
  - AGP over dominant and significantly detrimental to the character of the area [OFFICER COMMENT: This is considered in Paragraphs 44-51]
  - Increased light disturbance from external flood lighting [OFFICER COMMENT: This is considered in Paragraphs 52-58]
  - Increased noise and disturbance from increased use [OFFICER COMMENT: This is considered in Paragraphs 52-58]
  - Overlooking/loss of privacy to neighbours from AGP [OFFICER COMMENT: This is considered in Paragraphs 52-58]
  - Increased traffic and road congestion [OFFICER COMMENT: This is considered in Paragraphs 61-64]
  - Pedestrian and highway safety compromised given the location of the accesses [OFFICER COMMENT: This is considered in Paragraphs 61-64]
  - Inadequate access to car park and AGP area given the single-track nature [OFFICER COMMENT: This is considered in Paragraph 61-64]
  - Concern over access for emergency vehicles [OFFICER COMMENT: This is considered in Paragraph 61-64]
  - Loss of trees and significant harm would result to those to be retained [OFFICER COMMENT: This is considered in Paragraphs 65-67]
  - Loss of natural screening between residential use and the school grounds [OFFICER COMMENT: This is considered in Paragraphs 65-67]
  - Increased flood risk given the geological conditions and impermeable nature [OFFICER COMMENT: This is considered in Paragraphs 69 and 70]

- Potential contamination of the aquifer [OFFICER COMMENT: This is considered in Paragraphs 69 and 70]
- Land to be sold off could be used as an outdoor classroom area [OFFICER COMMENT: This is considered in Paragraphs 75 and 76]
- No identified need for the facilities given the presence of others in the local area (in particular, Caterham School and Warlingham School) [OFFICER COMMENT: This is considered in Paragraphs 36-39]
- Encouraging anti-social behaviour by opening up the premises into the evening [OFFICER COMMENT: This is considered in Paragraph 57]
- Increased litter from those using the school premises [OFFICER COMMENT: This is considered in Paragraph 57]
- 3G pitches are not environmentally friendly or biodegradable [OFFICER COMMENT: Not a material planning consideration]
- Concern over precedent/the loss of more school land if this scheme was allowed to proceed – OFFICER COMMENT: Not a material planning consideration
- Loss of property value – OFFICER COMMENT: Not a material planning consideration
- Proposal goes against land covenants – OFFICER COMMENT: Not a material planning consideration

30. A number of letters of support have been submitted with the following comments made:

- Provides much needed housing
- Well-designed housing – not overdeveloped
- Dwellings will facilitate funds to enhance the facilities within the school grounds which is supported
- Will benefit the school and the local community, including existing sports teams and organisations that could utilise the facilities
- Health and wellbeing benefits
- Would allow use of facilities all year round
- Would enhance the PE curriculum
- Shortfall of 2 x AGPs identified by TDC's Playing Pitch Strategy
- No such facilities in the local area
- Additional parking will reduce traffic congestion at pick-up and drop-off times
- Booking of AGP by third parties would increase school revenue
- On-site facilities would reduce the need to travel to other AGP locations – reducing carbon footprint

## **Assessment**

### Principle and location of development

31. Tandridge District Core Strategy 2008 Policy CSP1 identifies Caterham as a built-up area and a Category 1 Settlement where development should take place in order to promote sustainable patterns of travel and in order to make the best use of previously developed land and where there is a choice of mode of transport available and where the distance to travel to services is minimised. However, the site itself does not fall within the Settlement Area and forms part of the Metropolitan Green Belt and, as such, the proposal must conform to the provisions of the local and national Green Belt policy to be considered acceptable in principle.

32. Policy CSP4 of the Tandridge District Core Strategy 2004 would require affordable housing to be provided on a site which is in excess of 1 hectare. The application site area is in the region of 3 hectares, which would ordinarily attract an affordable housing contribution. However, the area that is allocated for residential dwellings has a site area of 0.378 hectares and, had it been presented on its own, then it would not require an affordable housing contribution. In this case, as the residential element of the scheme does not meet the threshold contained within Core Strategy Policy CSP4, no affordable housing contribution is necessary in this case.

### Housing and Economic Land Availability Assessment (HELAA) and the emerging Local Plan 2033

33. The proposed site plan shows the proposed residential development to be located in the south-western part of the site. This area was also submitted to the Council as part of its Housing and Economic Land Availability Assessment (HELAA), referenced as CAT 078. Through the HELAA process, CAT 078 was assessed as being deliverable and developable (see HELAA 2017-2018 Appendix 3). As part of the emerging Local Plan process, some sites that were considered for allocation in the Local Plan also went through ecology and landscape assessments. CAT 078 was one of these sites assessed. The site-based ecology assessment (2017) summarised CAT 078 as being ecologically sensitive with point of access issues only. The assessment makes comments on the potential yield of the site, as follows: "If the ecologically suitable area of 0.24ha is considered, at a typical density of 30dph for family housing, a yield of 7 units is possible. However, given the adjoining college land uses, an apartment style of development may be appropriate giving higher yields. Some tree losses could be feasible to optimise layout and yields, providing a tree canopy corridor is maintained".
34. In addition to this, CAT 078 was assessed in its landscape through Landscape Capacity and Sensitivity Study (2017). The study states the following in the assessment of CAT 078: "*With moderate sensitivity and value, site CAT078 is judged to have a medium landscape capacity for housing development. The site would potentially be suitable in landscape terms for limited development proposals but would need to take into account the adjacent settlement pattern and existing recreational uses. Other evidence relevant to the site's suitability for development should also be considered*". CAT 078 was assessed as part of the Green Belt Assessment Part 3: Exceptional Circumstances (2018). The site is measured on whether development would outweigh harm to the Green Belt and justify Green Belt release and it was concluded that the site was open Green Belt land and its retention would prevent sprawl and encroachment into the existing Green Belt boundary currently provided by Burntwood Lane and Whyteleafe Road. The site currently acts as an effective and robust defensible buffer in the long term which would protect the existing urban settlement from encroaching upon Green Belt land. It was considered, as a matter of planning judgement, that this site did not justify the exceptional circumstances necessary to recommend amendment of the Green Belt boundary.
35. With regards to the current position of the emerging Local Plan, Paragraph 48 of the NPPF 2021 sets out the weight that decision-takers may give to relevant policies in emerging plans according to their stage of preparation. To date, we have received the Inspector's preliminary conclusions and advice where they raise questions as to the soundness of the Plan. Work has been progressing on the emerging Local Plan however, at this stage, it is the Council's view the

that limited weight can be afforded to the emerging Local Plan due to the stage that the Local Plan Examination process is at.

### Community, Sport and Recreation Facilities and Services

36. Core Strategy 'Policy CSP13 – Community, Sport and Recreation Facilities and Services' sets out what may be required with respect to open space, play areas or other accessible green space. The Council has drawn up an extensive evidence base which has fed into the emerging policies but which also serves as a material consideration in relation to current policies. Our Local Plan contains the following policies: TLP38: Play and Open Space Policy. This sets out that all applications for development should accord with the Council's most up-to-date Open Space Assessment and Corporate Open Space Strategy. TLP39: Providing Playing Pitches and Built Leisure Facilities. This sets out that playing pitches will be protected for their current use unless they are appropriately replaced in a suitable location or where demonstrated they are surplus to requirement. It further states that all applications for development must be in accordance with the Council's most up to date 'Playing Pitch Strategy'. With respect to new facilities it states that proposals will be supported where they contribute positively to the well-being and social cohesion of local communities, particularly in locations of identified deficiencies and areas of known deprivation, and that regard will be had to the District's evidence base for requirements in relation to playing pitch and indoor sports provision. Specifically, TLP39 supports the proposal of a new 3G pitch, particularly one that is World Rugby compliant. Finally, it states that within the Green Belt, outdoor sports facilities will be supported where development does not have a harmful impact on the openness of the Green Belt and does not conflict with the purposes of including land within it.
37. An audit of existing facilities and an analysis of deficiencies and surpluses has taken place under the 'Tandridge Open Space, Sport and Recreation Facilities Assessment: Open Space Study 2017 and Tandridge Playing Pitch Strategy and Action Plan'. Part of this evidence identifies shortfalls in relation to parks and recreation grounds and play space (youth) within Caterham on the Hill Parish. It also identifies a shortfall of 3G artificial grass pitches (AGP). The Playing Pitch Strategy recommends that De Stafford School "Retain [open space] for curricular and extra-curricular use and explore community use options in order to reduce future shortfalls". It is noted in the various reports above, that many schools and colleges have open space and facilities but that public access to these spaces is often restricted. Across the district it is recognised that if schools that do not currently offer community use were to do so, securing long-term access to such sites would alleviate current and future shortfalls. As such, if long-term access of this site could be secured, it would help contribute to the supply of parks and recreation grounds, play space (youth) and 3G AGPs, to the benefit of the local community in a parish with an identified deficit.
38. The submitted Design and Access Statement with Planning Statement confirms that "*a community use agreement with key partners will be established and managed on a formal basis*" (page 27). The Strategy Team supports this proposal to secure the use of the proposed facilities to also be accessed and utilised for community use. Please note that the Council is also developing its Open Space Strategy 2021-2025. Action plans by parish are set out in this document to identify specific actions to improve open spaces in a particular parish. De Stafford School features as one of the open spaces in Caterham on the Hill that would benefit from improvement to the existing use of the site.

Although the proposed application is not listed as a priority action for this site, the open space and playing pitches would benefit from such a proposal. Many third party comments have referred to the need for such facilities to serve the wider community (mainly local sports teams) and the school have submitted further documentation to justify the need for the facilities and the benefit that the proposed works would have. This resulting benefit, however, would need to be weighed up in the planning balance and the weight attached to the emerging Local Plan and its evidence base would also need to be accounted for within the balancing exercise.

39. The Playing Pitch Strategy is a technical evidence document that forms part of the evidence-base that informs the Local Plan and the adopted Open Space Strategy. However, as the emerging plan is afforded limited weight at this stage (as discussed in Paragraph 35), the evidence base (which includes the Playing Pitch Strategy) can only be afforded limited weight too in the planning balance.

### Impact upon the Green Belt

40. Paragraph 147 of the NPPF 2021 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149(b) of the NPPF 2021 states that exceptions to this includes the *'provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.'* In addition, paragraph 149(d) of the NPPF 2021 states *'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'* is also one of the exceptions to inappropriate development in the Green Belt. Local Plan Policies DP10 and DP13 also seek to preserve Green Belt openness and the exceptions detailed above are reiterated within Local Plan Policy DP13.
41. With regards to the proposed AGP, the proposal would provide a 3G pitch for which a need has been identified within the emerging Local Plan within the district and would also provide facilities for outdoor sport and recreation which is supported by Green Belt Policy. However, in order to fully conform with the aims and objectives of the Green Belt policy, the facilities would need to ensure that Green Belt openness is preserved and there are no other detrimental impacts resulting from the development.
42. The proposal includes 4.5 metre high fencing to enclose the AGP itself as well as 2 metre high fencing to the car park area. The proposal seeks to include 13 metre high floodlights, 8 metre high lighting to the car park, 4 metre high lighting to the footpath as well as an increased hardstanding area for additional car parking. Such aspects would result in additional built form within the site which would fail to preserve Green Belt openness. Although the additional paraphernalia are considered essential to the AGP provision, the resulting impact upon the Green Belt would weigh heavily in the planning balance. It is considered that the resulting development of the AGP, fencing, lighting and extended parking area would constitute inappropriate development in the Green Belt, contrary to Policies DP10 and DP13 of the Tandridge District Local Plan: Part 2 – Detailed Policies 2014 and the NPPF 2021. As such, very special circumstances (VSCs) would need to be demonstrated to outweigh any resulting harm and these will be considered later in this report.

43. Turning attention to the proposed dwellings, the proposed built form would be on land which is currently occupied by the caretaker's bungalow. The existing bungalow measuring approximately 125 sqm and the total footprint of the proposed dwellings exceeds 1400 sqm. The built form to replace the existing bungalow is significantly materially larger than the existing built form and this is not contested by the applicant. In addition, although the proposed artificial grass pitch would be used for purposes associated with outdoor sport and recreation, the AGP would have a 4.5 metre enclosure around the perimeter of and would incorporate 13 metre high flood light columns. The nature and scale of the AGP, in addition to the hard landscaping associated with the car park extension, the footpath and its proposed lighting columns (which are 8 metres and 4 metres high respectively) would not preserve the openness of the Green Belt and no part of this scheme would fall within any of the exceptions to Green Belt policy within the Local Plan or those within the NPPF 2021. As such, the proposed dwellings would also constitute inappropriate development in the Green Belt and, as such, VSCs would need to be demonstrated to outweigh the resulting harm which, again, will be considered later in this report.

#### Impact upon the character and appearance of the area

44. Paragraph 126 of the National Planning Policy Framework (NPPF) 2021 states that sustainable development is a key aspect of the development process, seeking to create high quality buildings and places and creating better places in which to live and work and helps make development acceptable to communities. Even though Core Policy CSP18 predates the national policy, it is based on the same principles of sustainable development requiring that new development, within town centres, built up areas, the villages and the countryside be of a high standard of design that reflects and respects 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.
45. This is further expanded by Detailed Policy DP7 which expects development to be of a high-quality design, integrating effectively with its surroundings, reinforcing local distinctiveness and landscape character and does not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing density and design. Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 seek to further reinforce these design objectives.
46. With regards to the proposed tennis court remediation works, car park extension and associated fencing and lighting to the car park and footpath, these would be over 100 metres from Burntwood Lane, over 300 metres from Whyteleafe Road to the west and approximately 35 metres west of the boundary with Robin Hill, Portley Wood Road (directly east). The scale and nature of the tennis court and car park fencing and lighting elements would be seen against the backdrop of the main school buildings and the existing car park to the south of the proposed car park extension. Given the scale and nature of these elements combined with the separation distances, these elements would not be easily visible from the public domain. It is not considered that the 4 and 8 metre high lighting columns or the 2 metre high perimeter fencing would have a significant impact upon the character or appearance of the area to sufficient warrant a reason for refusal alone.

47. Turning attention to the AGP and associated fencing and lighting, the AGP itself would be set back beyond the proposed car park extension by approximately 50 metres into the largely undeveloped part of the existing school site which is currently an open playing field and somewhat detached from the main school buildings and parking area. The AGP itself would be approximately 190 metres from Burntwood Lane to the south, approximately 240 metres from Whyteleafe Road to the west and approximately 15 metres from the boundary with no.9 Portley Wood Road (directly to the east). The AGP would provide outdoor facilities typically associated with the main school and it is not considered that the AGP itself, nor its 4.5 metre high perimeter fencing, would have a significant impact upon the character or appearance of the area as its height above ground level would not be easily visible from the public domain. However, the proposed flood lighting columns to the AGP would be approximately 13 metres high, given this height, would be highly visible from the majority of the surrounding public roads however would be most prominent from Portley Wood Road to the east of the school site. The submission seeks to justify the columns within the Planning Statement which states that these are the optimum height to provide sufficient lighting to enable the pitch to be lit for use. However, having regard to the rural Green Belt location, the highly prominent columns would have a detrimental impact upon the character and appearance of the area and would fail to preserve the landscape character. No Landscape Visual Impact Assessment (LVIA) has been carried out or submitted with this proposal and therefore no evidence has been provided to the contrary of this conclusion. The land to the east is on a lower land level than the application site, particularly further towards the north east within Manor Park. It is therefore considered that the proposal would fail to preserve the landscape character of the surrounding area contrary to the provisions of Policy CSP18 of the Core Strategy, Policy DP7 of the Local Plan and Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021.
48. Turning attention to the proposed dwellings within the south western section of the site, the site is to be divided into seven separate plots and the proposed dwellings would occupy the majority of the site width. The dwellings would be of 2-storey nature and the seven resulting plot widths would be similar to the plot widths of the properties within Burntwood Lane and in Whyteleafe Road to the west. It is noted that the properties on the southern side of Burntwood Lane adjacent to the dwellings site are dwellings with roof space level accommodation (at first floor level) and road facing catslide roofs. However, the properties further eastwards on Burntwood Lane and those on Whyteleafe Road are of a more traditional 2-storey nature with gabled elements to the building of frontage. The proposed buildings have traditional features and similar characteristics to the 2-storey dwellings in the locality and they would also be screened from the main road by the existing tree lines of which the majority are to be retained along the site frontage. The massing, form and juxtaposition of the proposed dwellings would not appear as an incongruous feature within the street scene. The height and massing of the built form would be representative of the massing of the built form within the surrounding area and would not appear excessive.
49. The site would provide 2 parking spaces per dwelling and a turning/access area to the front of the dwellings. There would be a number of trees removed from the site and the Council's Tree Officer has confirmed that several large BS5837 'B' category trees and numerous 'C' category trees within groups will need to be removed to accommodate the proposal. Although this would have an impact upon the character of the site, it is not considered that a reason for refusal could be sustained in this case on the loss of tree coverage alone given that the



provision of additional soft landscaping to compensate for the tree loss is possible within the development site.

50. The rear gardens of the proposed units would provide similar size amenity spaces to other properties in the immediate locality and would allow sufficient spacing between the built form of the surrounding properties. The proposed form and design would be of traditional styling and features and the buildings would be constructed using contrasting brick and flint detailing with clay pin roof tiles and stone cills. Subject to material details being secured by condition, the proposed development would not be out of keeping with the prevailing area and the proposed materiality would integrate within the locality.
51. Based on the above assessment, it is not considered that the proposed scale, massing and positioning of the built form would result in a development which is unduly cramped or overdeveloped of the site. The design and materiality of the dwellings would also respect the character and appearance of the area however this would not outweigh the resulting impact of the AGP floodlighting assessed under paragraph 47 of this report.

#### Impact upon neighbouring amenity

52. Policy CSP18 of the Core Strategy seeks to ensure that development does not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect. Policy DP7 of the Local Plan reflects the objectives of the Core Strategy but also includes privacy distances of 22 metres between habitable room windows of properties in direct alignment and, in most circumstances, 14 metres between principal windows of existing dwellings and the walls of new buildings without windows.
53. With regards to the proposed tennis court remediation works, these would be a significant distance from any adjoining properties to result in any significant harm to neighbouring amenity. With regards to the car park extension, this will be approximately 35 metres from the boundary with Robin Hill, Portley Wood Road and this separation distance between the car park and the boundary this site would be significant in the Council's view. Given that vehicle movements would not take place after the AGP use would cease (which is a similar time to the closure of the existing De Stafford Sports Centre) and given the activity within the existing car park area which is fairly close to the boundary, it is not considered that this extension would result in significant further harm to neighbouring amenity to warrant the refusal of permission.
54. With regards to the AGP, it would be positioned approximately 15 metres from the site boundary with no.9 Portley Wood Road and directly east of Sunnydown School (which does not require amenity protection in the same respect as residential properties). The AGP would be used from 8am until 10pm on Monday to Friday and 8am until 9pm Saturday, Sunday and Bank Holidays and the AGP would be a further 40 metres from the dwelling itself. The flood lighting columns would have the light directed onto the pitch itself and they would include shrouds on the light column heads to ensure that light spill is restricted from the columns and directed away from neighbouring properties. The submission has been assessed by the Environmental Health Team who consider that, subject to the technical specification being secured, the proposal would be acceptable from their perspective. The Council consider that the separation distances from neighbouring properties combined with the lighting positioning and the proposed hours of use would ensure that the proposed AGP

would not result in significant impact upon neighbouring properties to warrant the refusal of permission on these grounds.

55. The proposed dwellings would be approximately 40 metres from the properties on the other side of Burntwood Lane and would there would be a separation distance of over 30 metres between the dwellings on the western side of Whyteleafe Road and the closest proposed dwelling to this boundary. The rear garden spaces of the proposed dwellings would adjoin part of De Stafford School's grounds and the proposed rear facing windows of the dwellings would not overlook any surrounding properties. The separation distances combined with the scale, massing and juxtaposition of the built form will prevent the development from having any significant overbearing or overshadowing impact upon the neighbouring properties.
56. There are no flank windows proposed within the proposed dwellings as all habitable rooms will be front and rear (north and south) facing. The upper floor front and rear facing windows of the dwellings will serve bedrooms however the windows would be in excess of 22 metres of any habitable windows of the surrounding properties; with particular regard to the fenestration serving the neighbouring properties in Burntwood Lane and Whyteleafe Road. The orientation of the windows would provide views which are a significant distance away from neighbouring properties given the juxtaposition of the dwellings. It is considered that proposed window placements combined with the juxtaposition of the dwellings and the existence of the tree lined boundary treatments would prevent any undue overlooking or loss of privacy to the detriment of any of the surrounding properties.
57. With regards to third party comments, there is concern over potential anti-social behaviour and increased litter from those using the facilities; particularly in the evening. The use would cease by 10pm during weekdays and by 9pm on weekends and bank holidays. It is not considered that the use being introduced would result in an exponential increase in anti-social behaviour or littering; particularly given the use of the adjacent De Stafford Sports Centre at these times. It is also unlikely to cause significant additional noise and disturbance to the existing surrounding occupiers.
58. As a result of the above assessment, it is considered that the separation distances combined with the overall size, scale, design and juxtaposition of the proposed built form would not result in significant amenity impact upon any of the adjacent properties with regards to overbearing or overshadowing impact, overlooking, loss of privacy or noise and disturbance and would conform to the provisions of Core Strategy Policy CSP18 and Local Plan Policy DP7 in this regard. This would not, however, outweigh the concerns outlined earlier in this report.

#### Living conditions of future occupiers

59. The 4-bed, seven person units would have a gross internal floor space (GIA) of approximately 167.8sqm and the 4-bed, eight person unit would have a gross internal floor space (GIA) of approximately 246.8sqm. The space associated with the dwellings would exceed the required space standards contained within the Nationally Described Space Standards with regards to internal floor space. The fenestration arrangements of all of the dwellings would be sufficient to provide natural light and adequate outlook for the all rooms, associated with all of the proposed units. All of the rooms within all seven units would provide

suitable space for them to be used by future occupants for their intended purpose.

60. In addition, all seven units being proposed would have individual private garden spaces and this would therefore result in suitable living conditions for future occupiers of the dwellings. As such, it is considered that the proposal would provide satisfactory living conditions for future occupants and would conform to the provisions of Local Plan Policy DP7 in this regard.

#### Parking, access, cycle and refuse storage

61. The proposal will involve the provision of at least three parking spaces to serve each of the seven dwellings (including a garage space for each dwelling) and a further 60 parking spaces within the school grounds as part of the AGP provision. The parking arrangements and associated turning spaces would meet the size standards contained within the Council's Parking Standards SPD and would also comply with the 'Manual for Streets'. The site is located within an area which is well served by public transport options and, as such, the parking provision being proposed is considered sufficient to serve the proposed development. The access arrangements to the site have been assessed by County Highway Authority who, having initially objected to the development and requested further clarification and amendments, are now satisfied with the proposal and have confirmed that they have no objection in this regard as the proposal would not lead to unacceptable harm or unacceptable levels of demand for on-street parking in the surrounding area. They have, however, requested a number of conditions to be secured in relation to the safe ingress and egress of construction vehicles being laid out and agree as part of a Section 278 Agreement, visibility splays for the new access to the residential properties, space for vehicles to turn so that they may enter and leave the site in forward gear, the parking spaces being implemented with Electric Vehicle Charging Points (EVCPs) and they have also requested that a Construction Transport Management Plan is submitted and approved.
62. All of the new units would have access to rear gardens which could adequately provide storage for cycles and thus encourage sustainable modes of transport. There is adequate space within the site for refuse stores to be provided within the curtilage of each property and the positioning, size and design of these stores could be secured by an appropriate and detailed hard and soft landscaping scheme. Such details could be secured as part of a planning condition. The application submission includes a drawing showing turning space within the site which would be suitable for use by refuse collection vehicles, emergency vehicles and delivery vehicles.
63. Third party comments raised the narrow nature of the existing access which serves De Stafford School and the leisure centre to the west. However, this access already serves both De Stafford School and De Stafford Sports Centre and, although quite narrow, it is not considered that the additional traffic associated with the additional facilities within the site would result in significant further congestion and undue highway safety concerns to sufficiently warrant the refusal of permission.
64. Subject to relevant conditions being secured, there are no objections raised with regards to Policies CSP12 and CSP18 of the Core Strategy and Policies DP5 and DP7 of the Local Plan with regarding to highways safety, parking, cycle or refuse storage. However, this would not outweigh the concerns raised on other matters within this report.

## Trees

65. The proposed scheme requires the removal of several large BS5837 'B' category trees and numerous 'C' category trees within groups to accommodate the proposal. The Council's Tree Officer has confirmed that these include a Horse chestnut tree protected by TPO (T18 of the submitted AIA plan), the removal of which is required for the formation of the new access, and several 'A' category trees that are affected by encroachment into their respective Root protection Area (RPA) for Plot 1 of the proposed dwellings and the associated parking/turning area.
66. The Council's Tree Officer considers that the submitted Tree Survey Plan is quite rudimentary insofar as it purports to be an impact assessment, but it does not indicate the trees to be removed. There also appears to be another layout which has been layered into the plan, but it is not at all clear what this entails. The Arboricultural Method Statement is in the form of a 'Heads of Terms', and as voided piled foundations are described and there are multiple RPA encroachments the Council's Tree Officer considers that it will be necessary for a much more detailed Arboricultural Method Statement to be supplied under condition should consent be granted.
67. The Council's Tree Officer has confirmed that there is scope within the site for replacement planting, but only because that space is being created by tree removals. No soft landscape strategy has been submitted, which again makes thorough assessment difficult. However, despite the Council's concerns over tree retention and landscape layout design, the LPA raises no objections on Arboricultural grounds, but this would be with reservation and provided that no further tree works occur during construction and soft landscaping is sought to be enhanced within the site, with strict control over species. The Tree Officer has also requested that a detailed Arboricultural Method Statement, Tree Protection Plan, and an Arboricultural Supervision programme are secured by planning condition if this development was to be deemed acceptable. However, this would not outweigh the concerns raised on other matters within this report.

## Renewable Energy

68. Policy CSP14 requires the reduction of carbon dioxide (CO<sub>2</sub>) emissions by means of on-site renewable energy technology. The Energy Statement submitted with this application confirms that the new buildings will be served by a combination of solar hot water heating panels and solar photovoltaic panels on the roof slope. Such provision would be sufficient to exceed the 10% carbon emissions reduction target set out in Policy CSP14. As such, the implementation of this renewable energy technology would be considered acceptable in this instance and the design of a suitably integrated panel system could be secured by planning condition if this scheme was to be considered acceptable on all other grounds.

## Flooding

69. The site is within an area at 'low' risk of surface water flooding (within Flood Zone 1) and there is no water course in close proximity of the site. The application is accompanied by a Flood Risk Assessment which confirms that, as surface water run-off rates would be greater than the existing arrangement, SuDS would be required in this case. It is proposed to discharge surface water into the public sewer with a restricted flow of 4 litres per second from the site

as a whole. The surface water drainage would be subject of a separate agreement with Thames Water which is a matter which falls outside of the determination of this application. It is also proposed to utilise SuDS such as rainwater harvesting 'as appropriate' however such details are yet to be submitted at this stage. Such an approach should prevent any potential contamination to the aquifer.

70. The Lead Local Flood Authority (LLFA) were consulted on the submission and have confirmed that they are satisfied with this approach provided that a SuDS scheme is properly implemented and maintained throughout the lifetime of the development. It is recommended by the LLFA that suitably worded conditions should be applied to any grant of permission to ensure that this is the case and this would ensure that the development conforms to the provisions of Core Strategy Policy CSP15 and Local Plan Policies DP21 and DP22.

### Ecology and Biodiversity

71. 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.
72. Policy DP19 of the Local Plan Part 2: Detailed Policies advises that planning permission for development directly or indirectly affecting protected or Priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.
73. A Land Use Survey for Bats has been submitted in support of the application however Surrey Wildlife Trust have not provided comments on the submission. Nevertheless, having looked at these assessments, the Council consider that the findings of this report is appropriate in scope. The Land Use Survey for Bats confirms that there is the presence of bats within 2km of the site however the relevant species are light tolerant due to the built-up nature of the surrounding area. There is activity in the more rural areas to the east of the AGP site however there are no roosting opportunities within the site itself and lux levels from the proposed floodlighting would be below 1 lux at the site boundaries. As such, it is not considered that there would be any undue harm to foraging bats resulting from this proposal. With regards to migrating or foraging birds and mammals, they consider the grassland to be developed to be of low conservation value and the development would not result in undue biodiversity harm. With regards to the presence of foraging badgers and hedgehogs, the report recommends mitigation measures referred to under Section 6.2 of the Land Use Assessment for Bats are adhered to and this could be secured by condition. In addition, soft landscaping areas would be required to be enhanced through a soft landscaping condition being secured to ensure that the proposed development conforms with the provisions of Core Strategy Policy CSP17 and Local Plan Policy DP19.

### Very Special Circumstances

74. Paragraph 148 of the NPPF 2021 states: *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist*

*unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

75. The applicant (namely De Stafford School) were contacted and asked to provide a 'Needs Assessment' for the AGP and the associated facilities and this assessment. The Needs Assessment appraisal looks at financial viability of the AGP through the enabling development of providing land for seven houses to be constructed however it is not considered that the Needs Assessment fully addresses an identifiable 'need'. Whilst the facilities have been considered needed by the school, such provision has not been required as part of an Ofsted review nor has it been a requirement by any independent sporting or schooling body. De Stafford School have submitted further documentation which states the need would facilitate the existing PE curriculum of the school as well as good physical and mental health. It would allow the opportunity to experience a range of activities on a high-quality surface and facilitate sport rather than a less than satisfactory surface to serve the community and meet a strategic need for pitches in the local area. The school have also provided a statement which confirms the avenues explored for funding the AGP, which include contacting Tandridge and Surrey County Councils and various foundations, exploring the option of lottery funding and applying for grants which were unsuccessful. This was mainly due to lack of funds available to facilitate the provisions given that the site is not within a deprived area where funding is generally allocated.

76. Although the enhanced school facilities would contribute positively to the well-being and social cohesion of local communities, the resulting harm to the Green Belt from the development of 7 dwellings and the very limited weight attributed to the emerging Local Plan at this stage would weight against the proposal. The provision of seven dwellings to enable funds to facilitate the AGP and associated facilities would have a demonstrable impact upon Green Belt openness. Allowing the school to sell off land to a private developer to enable funding for the AGP is an argument that could be replicated elsewhere within the Green Belt, particularly given that there is no strict identified 'need' for the AGP facilities in the Council's view. If this same approach was used in the future should a further need for school facilities arise, it may result in an under provision of educational land within the site and could jeopardise future educational needs. It is considered that insufficient 'VSCs' exist in this case to outweigh the resulting demonstrable harm that would result to Green Belt openness in this case and the development remains contrary to Policies DP10 and DP13 of the Tandridge District Local Plan: Part 2 – Detailed Policies 2014 and the NPPF 2021.

#### Community Infrastructure Levy (CIL)

77. This development would be CIL liable if this development was to be recommended for approval or if approved by the Planning Inspectorate.

78. In addition to CIL the development proposed will attract New Homes Bonus payments and as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) these are local financial considerations which must be taken into account, as far as they are material to the application, in reaching a decision. It has been concluded that the proposal fails to accord with the Development Plan and the provisions of the Development Plan are not overridden by other material considerations. The implementation and completion of the development will result in a local financial

benefit, but it is considered that this benefit is insufficient to outweigh other conclusions reached.

## **Conclusion**

79. The proposal is for the demolition of the existing caretaker's bungalow and the erection of 7 dwellings (located land South-West of de Stafford School) to generate necessary funds to facilitate a new external Artificial Grass Pitch, associated car parking, fencing and lighting for the school and local community. The erection of the 7 dwellings on Green Belt land would be considered inappropriate development in the Green Belt. Insufficient 'very special circumstances' have been demonstrated to outweigh the resulting harm to Green Belt openness. The proposed flood lighting columns are considered excessive in size and unduly detrimental to the landscape character of the area. It is therefore recommended that the application is refused planning permission for the reasons set out below.
80. 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 of the NPPF 2021. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
81. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

## **RECOMMENDATION:**

## **REFUSE**

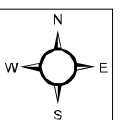
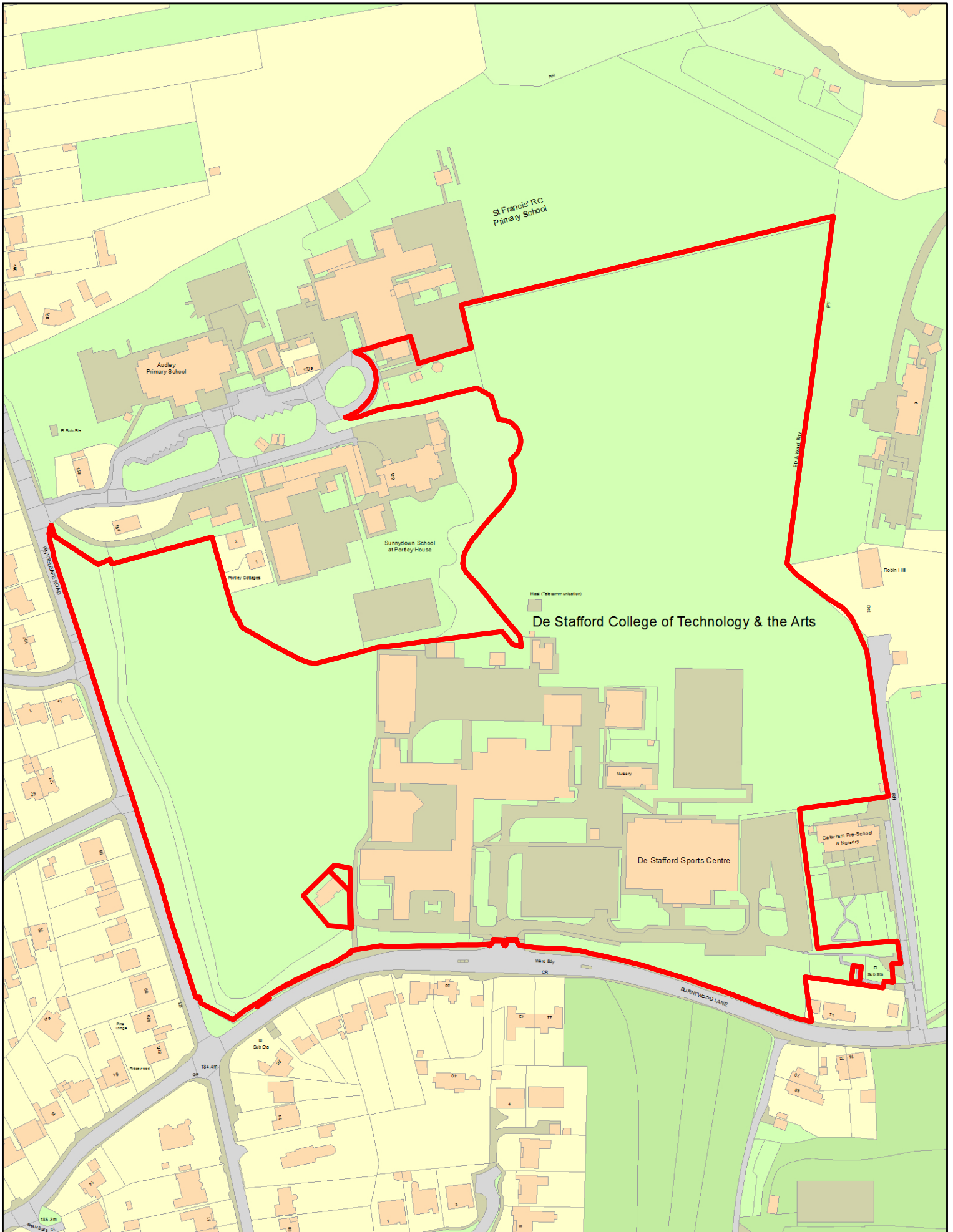
### Reasons:

1. The proposal constitutes inappropriate development in the Green Belt and would result in substantial harm to openness. It is considered that insufficient very special circumstances exist which clearly outweigh the harm by reason of inappropriateness or any other harm, including harm to the Green Belt openness, to justify such development. The proposal is therefore contrary to Policies DP10 and DP13 of the Tandridge Local Plan Part 2: Detailed Policies and to the provisions of the NPPF 2021.
2. The proposed development, with particular regard to the size and scale of the floodlighting to serve the artificial grass pitch, would be inappropriate to the surrounding area and cause significant harm to local landscape character and distinctiveness, contrary to Policies CSP18 and CSP21 of the Tandridge District Core Strategy (2008), Policy DP7 of the Tandridge District Local Plan: Part 2 - Detailed Policies (2014), Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 and the National Planning Policy Framework 2021.

This decision refers to drawings numbered TL-4290-20-1, TL-4290-20-1A, TL-4290-20-2, TL-4290-20-3, TL-4290-20-4, TL-4290-20-5, TL-4290-20-6, 01, 02, 03, 04 and 05 scanned in on 07 December 2020, drawing numbered 02 Rev C scanned in on 07 July 2021 and drawings numbered 06 Rev 01 and 07 Rev 01 scanned in on 17 September 2021.

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## ITEM 5.2

**Application:** 2021/522

**Location:** Land to the south of The Crescent, Bradenhurst Close, Caterham, Surrey, CR3 6FG

**Proposal:** Erection of part 3-storey, part 4-storey building comprising of 5 apartments on site of plots 18/19 Bradenhurst Close (as previously consented under TA/2017/2351) with associated access, parking, cycle storage and amenity space.

**Ward:** Harestone

### **Decision Level: Planning Committee**

*Constraints - Urban, SRCA (Harestone), TPO (21/2006/TAN), AWOOD within 500m, Class 'D' Road (The Crescent), Public Bridleway (no.21), Biggin Hill Safeguarding (91.4m), 1 in 1000 surface water flood area, Source Protection Zone 3*

**RECOMMENDATION:** **PERMIT subject to conditions**

This application is reported to Committee as the application has been referred by Cllr Connolly.

### **Summary**

1. The proposal is for the erection of a part 3-storey, part 4-storey building comprising of 5 apartments on the site of plots 18/19 Bradenhurst Close which were previously granted planning permission under various applications; the most recent being 2017/2351. The proposal includes an associated access, parking and cycle storage provision and amenity space to serve future residents. The site is located within the Category 1 Settlement of Caterham where there is no objection in principle to new development. The proposal would respect the character and appearance of the prevailing area, its setting and local context and there would be no significant harm to neighbouring amenities. Furthermore, there would be no significant impact upon the wider highway network and the renewable energy provision could be secured by planning condition. It is therefore recommended that this application is granted planning permission.

### **Site Description**

2. The site is located on land to the south of The Crescent off Bradenhurst Close and to the west of nos. 122 - 134 Harestone Hill. The access to the site is located to the south of plot 17, The Crescent and the prevailing properties within The Crescent consist of 2-storey residential buildings with dual pitched roofs with roof space accommodation (three storeys overall). The buildings in the immediate locality are predominantly of similar architectural detailing and design and are in residential use.
3. The site is located within the urban area of Caterham and forms part of the site granted permission for redevelopment under application 2017/2351. It appears that the foundations have been laid for the previously approved building however works appear to have now ceased on site. The western boundary of the site is treated with a number of trees and the southern boundary of the site with public bridleway no.21 is treated with a number of trees and chain link fencing.

## **Relevant History**

4. 2017/2351 – Erection of 8no. semi-detached dwellings with associated access, parking and landscaping – Permission granted
5. 2014/1907 – Variation of condition 10 of planning permission TA/2013/1196 to enable commencement of development of plots 9-14 – Permission granted
6. Permission was granted at committee under reference TA/2013/1196 for the erection of 14 dwellings with access from Bradenhurst Close (comprising 10 x 3 bed semi-detached dwellings, 2 x 5/6 bed dwellings, 1 x 6 bed detached dwelling and 1 x 3 bed detached dwelling).
7. Planning permission was refused for an additional dwelling under reference TA/2013/1783 but this scheme was subsequently allowed at appeal.

## **Key Issues**

8. The property lies within the built-up area and Category 1 Settlement of Caterham where development will take place in order to promote sustainable patterns of travel and in order to make the best use of previously developed land and where there is a choice of mode of transport available and where the distance to travel to services is minimised.
9. The key issues are therefore also whether the proposal would be appropriate with regard to the impact on the character of the area, impact on the adjoining properties, highways, trees, ecology and renewable energy provision.

## **Proposal**

10. It is proposed to erect a part 3-storey, part 4-storey building comprising of 5 apartments on the site of approved plots of 18/19 Bradenhurst Close (as previously consented under TA/2017/2351). The building would appear as 4-storeys when viewed from the rear (west) due to the steep slope in land and as 3-storeys when viewed from the 'The Crescent' to the east of the site. The building would have an overall ridge height of approximately 10 metres when viewed from the road and approximately 14.8 metres when viewed from the rear which is the same height above ground level as plots 16 and 17 The Crescent to the north. The building would have an overall width of approximately 13.2 metres which is approximately 3 metres wider than the built for of plots 16 and 17 The Crescent.
11. The five resulting units would have a total of nine car parking spaces to serve the development with five linear spaces to the eastern side of plots 11 to 13 The Crescent and a further four parking spaces to the east of the proposed building. There would be a turning area provided as well as cycle and refuse storage close to the access road and parking spaces. Four of the five units would have either a private terrace space or a balcony to serve as outdoor space. The flat within the roof space would not have a directly accessible private garden space however there would be a communal garden space to the rear (west) of the main building.

## **Development Plan Policy**

12. Tandridge District Core Strategy 2008 – Policies CSP1, CSP2, CSP3, CSP4, CSP7, CSP11, CSP12, CSP14, CSP15, CSP17, CSP18 and CSP19

13. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP8, DP9, DP19, DP21 and DP22
14. Woldingham Neighbourhood Plan 2016 – Not applicable
15. Limsfield Neighbourhood Plan 2019 – Not applicable
16. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Policies CCW1, CCW2, CCW3, CCW4, CCW5, CCW6
17. Emerging Tandridge District Local Plan (2033) – Policies TLP01, TLP02, TLP06, TLP10, TLP11, TLP18, TLP19, TLP30, TLP35, TLP37, TLP44, TLP45, TLP47, TLP48, TLP49, TLP50

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

18. Tandridge Parking Standards SPD (2012)
19. Tandridge Trees and Soft Landscaping SPD (2017)
20. Surrey Design Guide (2002)

**National Advice**

21. National Planning Policy Framework (NPPF) (2021)
22. Planning Practice Guidance (PPG)
23. National Design Guide (2019)

**Statutory Consultation Responses**

24. County Highway Authority – The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the proposed development would not have a material impact on the safety and operation of the adjoining public highway, subject to conditions.
25. Caterham on the Hill Parish Council – *The Parish Council objects to this application.*

*The current development has a stop notice issued with regard to the development due to the non-payment of CIL funds which would have contributed to the infrastructure deficit in Caterham. The Parish Council can in no way support the progression of this planning application whilst the developer has not paid funds owed to the local authorities. The Parish Council cannot understand how a planning application has been drawn up and submitted when no work should have happened on site with regard to the development until the CIL money owed has been paid.*

*It should also be noted that 2008 outline planning permission for flatted development was refused. This was in part because of the impact on character. Village developments in their submission for the full application, which was approved, did highlight that flatted development in this location would have a*

*detrimental impact on character. It is not clear what has changed in their thinking from that application to this one.*

*The Parish Council also objects to the proposed development on the following grounds:*

*CSP19 – This site is 0.02 hectare. CSP 19 states a residential density of maximum 55 units outside the town centre. On this basis, this allows for 1.1 units on this site so 5 units is overdevelopment.*

*DP5 - Highway Safety – Bradenhurst Close is narrow road. Adding an additional 3 dwellings to the road will result in an increasing in vehicle movements. Consideration should also be given to the road condition. Construction traffic had resulted in a deterioration of the road surface in places. Harestone Hill is an unadopted road with no pavements. Additional cars park there, particularly in winter, because of the steep incline on Bradenhurst Close and we have concerns that this development will cause further issues. The parking separated from the development by the turning hammer head could result in parking in the hammerhead, impacting the ability of vehicles including refuse collections to turn.*

*DP7 - Character and Layout – The new development has a change to the frontage compared to the neighbouring dwellings. It has smaller windows due to the addition of a stairwell to the front of the property. The street scene has been designed with a series of semi-detached houses. The new proposal is bigger than the other building blocks along the road. It should also be noted that the topography of the site means this property will dominate the street scene given its location on a topographic high spot.*

*The prevailing design on the buildings moves from semi-detached properties with a gabled roof finish to one on this proposal for a mansard finish with a flat roof element. It is not clear what the pitch of the roof would be in this plan and if it is in keeping with the prevailing street finish which has a more standard design.*

*Harestone Design Guide L4 – Forms of development must respect their location, the size of the site and the character of the area. This proposal does not do that. The area needs semi-detached houses for families and not flats. Built Form – The scale is larger than any of the other developments on the road. The built form is completely out of keeping with the rest of the road. Parking – Whilst there are 4 spaces located outside the development, the remaining spaces are remote to the dwelling and a distance along the crescent. This will potentially lead to conflict between existing residents. It should also be noted that based on the number of spaces, if approved, a condition should be included where all spaces are to be unallocated.*

*Amenity – There are low levels of natural light to 2 of the habitable rooms in the 4-person basement flat. The principal bedroom has light only from an easterly facing light well. The addition of the stairwell to the front of the property will create a shadow over the light well for most of the day and will result in poor living conditions for the residents in this flat.*

*The second bedroom in the basement 4-person flat has a small high-level window which is North facing and obscured by the neighbouring property. This will mean that limited to no natural daylight will get into this room. The location of the stairs alongside this flat will mean that all residents using the stairs to*

*access the communal gardens will have visibility directly into the bedroom resulting in no privacy to the future residents.*

*It should also be noted that there will be limited head room in the top floor flat with >50% of some rooms below the ideal level. This creates unusable space within the top floor flat resulting in cramped conditions. The minimum acceptable ceiling height is 2.3m. Building regulations require at least 75% of the GIA to meet this height. There is nothing in the submitted drawings that confirms the top floor flat meets the minimum requirements.*

*Finally, the height of the building increases. However, the current plans do not show the changes in the building height before and after. It is possible to extrapolate from the cross section that there is a significant increase in height. However, it is not possible from the drawings to assess accurately what the height difference is. This increase in height will result in impact on the amenity of neighbouring residents. It could result in overlooking and loss of light. The total quantum of the change needs to be assessed prior to any decision being issued.*

*Privacy - The steps that run down the northern elevation of the property will result in a loss of privacy for the basement level 4-person flat. Given the height the steps descend from, there will be full visibility into both the kitchen and second bedroom of the basement flat. This appears to be the main access to the communal garden from the flats. The only way to ensure privacy in these flats would be either obscure glazing or windows coverings which will further reduce natural light into the north facing dark and dank rooms.*

*The scale and increase in height of the development will impact the privacy of adjacent neighbour properties through overlooking. This will impact the residents below in Caterham School, plus the increase in height will directly overlook 134 Harestone Hill.*

*The development is of poor design and goes against the policy CCW4 in the Caterham, Chaldon and Whyteleafe Neighbourhood Plan (CCWNP). This is a poorly designed property attempting to shoe horn a number of units into the existing footprint and failing to do so. The development had a resulting poor design because of the addition of a stairwell to the front of the development which is blocky and inadequately designed.*

*The development also impacts locally significant views. The view across the Valley has been identified in the CCWNP. CAV11 in Policy CCW10 of the CCWNP identifies the importance of the view.*

*The Harestone Valley Design Guide identifies the importance of lower density development at the edge of the built-up area to transition from the more urban spaces to green spaces. This site is on the boundary of the greenbelt and the increase in density at this location would not support the "gentle transition from urban to rural patterns in the green belt".*

*CSP18 should also be considered and the protection of wooded hillsides. Whilst there has been an approval in principle for development in this location, any increase in scale or density will adversely impact the character of the area. The development at the end of the chain of properties will end at the Greenbelt boundary and in the wooded hillside will be bigger in scale and massing. It will dominate the development and impact the overall appearance of the wooded hillside.*

*Harestone Design Guide L2 - There should be high levels of privacy in relation to character and not unduly impact on the amenity of neighbours, Caterham School have mentioned this in their objection in relation to the staff accommodation in their grounds. The school also have concerns about the closeness to the adjacent footpath which is used by the school*

*Tree Protection - Since the building is now closer to boundary, the Parish Council would request that a tree survey of those trees close to boundary on the other side is undertaken.*

*Refuse / Recycling – We are unable to see the refuse / recycling area for the flats in this proposal. Is there one and is it large enough for size of the development.*

*Safety by design – The development by nature of size and scale impacts the safety of the adjacent bridleway. The massing will create a darkened footpath and encourage crime. The Parish Council requests that the police review the proposal of the increased scale and the impact it will have on the adjacent footpath.*

*Biodiversity – The current proposal identified several protected species on the site that were relocated. Given the work has stopped for several years, rewilding has taken place on the site. There is now evidence of a return of these protected species such as Bats, Badgers, Slow Worms and Grass Snakes. An updated ecology report is required to be completed and appropriate mitigation put in place to protect these.*

### **Non-statutory Consultation responses**

26. None requested or received.

### **TDC Advice**

27. None requested or received.

### **Other Representations**

28. Third Party Comments: The main issues raised are as follows:

- No identified need for flats in this location based on Housing Need Survey [OFFICER COMMENT: This is considered in Paragraphs 29-30]
- Flats should be located closer to the Town Centre (as per Harestone Valley Design Guide 2011 Paragraph 4.12) [OFFICER COMMENT: This is considered in Paragraphs 29-33]
- Cramped form/overdevelopment of the site [OFFICER COMMENT: This is considered in Paragraphs 34-40]
- Unacceptable increase in density – 250 dwelling per hectare (dph) as opposed to the 30-55 dph required by policy and guidance [OFFICER COMMENT: This is considered in Paragraphs 29-33]
- Out of keeping with the area – fails to retain the spacious character of surrounding properties and mansard roof not characteristic of the area [OFFICER COMMENT: This is considered in Paragraphs 34-40]
- Flatted development inappropriate and out of keeping for the Harestone Valley setting a precedent [OFFICER COMMENT: This is considered in Paragraphs 29-40]



- Design and approach contrary to Harestone Valley Design Guide and Harestone Special Character Area appraisal [OFFICER COMMENT: This is considered in Paragraphs 34-40]
- Development dominates the hillside [OFFICER COMMENT: This is considered in Paragraph 38]
- Fails to maintain transition between the urban and Green Belt area which adjoins the site [OFFICER COMMENT: This is considered in Paragraph 38]
- Plot width appears to be unable to accommodate proposed building when compared to previous approval [OFFICER COMMENT: This is considered in Paragraphs 34-40]
- Overlooking/loss of privacy to neighbours (including school facilities) [OFFICER COMMENT: This is considered in Paragraphs 41-48]
- Tunnelling effect to footpath give proximity of building to the boundary [OFFICER COMMENT: This is considered in Paragraph 42]
- Poor quality of accommodation for future occupiers – not compliant with National Housing Space Standards [OFFICER COMMENT: This does not form part of the adopted Development Plan and is not a material consideration]
- Increased noise and disturbance to neighbouring properties [OFFICER COMMENT: This is considered in Paragraph 47]
- Harestone Hill not adopted by Surrey County Council [OFFICER COMMENT: OFFICER COMMENT: The parking capacity and wider highway impact are considered under Paragraphs 52-56]
- Increased pollution for additional vehicles [OFFICER COMMENT: This is considered in Paragraph 55]
- Insufficient parking to serve the development as a whole (no visitor spaces) [OFFICER COMMENT: This is considered in Paragraphs 52-56]
- Concern over parking space management [OFFICER COMMENT: This is considered in Paragraph 55]
- Increased parking stress and congestion within The Crescent, Bradenhurst Close and Harestone Hill [OFFICER COMMENT: This is considered in Paragraph 52]
- Pedestrian and highway safety compromised (lack of pedestrian footways and lighting on Harestone Hill) and poor visibility from Bradenhurst Close [OFFICER COMMENT: This is considered in Paragraphs 52-56]
- Compromised/lack of refuse collection and emergency access [OFFICER COMMENT: This is considered in Paragraph 52]
- Access road not wide enough to meet the requirements of the Council's Parking Standards SPD 2012 [OFFICER COMMENT: This is considered in Paragraph 52]
- Negative impact upon the elderly/lack of disabled access [OFFICER COMMENT: This is considered in Paragraph 54]
- Concern over access due to steep slope of the land [OFFICER COMMENT: This is considered in Paragraph 54]
- No clear refuse storage area [OFFICER COMMENT: The drawings have been amended throughout the application process to clarify the refuse store location]
- Refuse storage an eyesore [OFFICER COMMENT: This is considered in Paragraph 39]
- Loss of trees [OFFICER COMMENT: This is considered in Paragraphs 57-58]
- Limited space/usability of communal area given fall of the land [OFFICER COMMENT: This is considered in Paragraph 51]

- Limited scope for additional landscaping [OFFICER COMMENT: This is considered in Paragraphs 57-58]
- Impact upon adjacent Ancient Woodland [OFFICER COMMENT: This is considered in Paragraphs 57-58]
- Lack of services (schools, GPs and other community services) to serve the development – heavy reliance on a private vehicle [OFFICER COMMENT: This is considered in Paragraph 47 and Paragraphs 52-56]
- Impact upon local biodiversity (wildlife including protected species) [OFFICER COMMENT: This is considered in Paragraph 62]
- Drawings not clear – no measurements shown [OFFICER COMMENT: The drawings provided were drawn to scale and there is no requirement to include measurements in addition to this]
- No affordable housing provision [OFFICER COMMENT: This is not a requirement for a scheme of less than 10 units]
- Potential property damage from construction [OFFICER COMMENT: This is a civil matter and not a material planning consideration]
- Loss of property value [OFFICER COMMENT: Not a material planning consideration]
- Potential damage to third party property/vehicles [OFFICER COMMENT: This is an assumption and, nevertheless, a civil matter. Not a material planning consideration]
- Loss of a view [OFFICER COMMENT: Not a material planning consideration]
- High turnover of residents from flats reducing community cohesion/contribution [OFFICER COMMENT: This is an assumption and not a material planning consideration]
- Concern over previous CIL payments outstanding [OFFICER COMMENT: Not a material planning consideration under this submission]
- Concern over delay that has ensued to previously granted permission [OFFICER COMMENT: This is not a material planning consideration as the Council have no control over how long a development takes to implement once commenced]
- Assumptions of developers' financial position [OFFICER COMMENT: Not a material planning consideration under this submission]
- Unauthorised tree works taken place on site [OFFICER COMMENT: Any investigation carried out does not form part of this application consideration]

## **Assessment**

### Principle and location of development

29. Tandridge District Core Strategy 2008 Policy CSP1 identifies Caterham as a built-up area and a Category 1 Settlement where development should take place in order to promote sustainable patterns of travel and in order to make the best use of previously developed land and where there is a choice of mode of transport available and where the distance to travel to services is minimised. Paragraph 6.7 of this Policy states that *“Within the built up areas it will be important to ensure that new development is of a high standard of design and that the character of the areas is protected.”* These matters are addressed further in this report under paragraphs 37-40 and 62 and, subject to conformity with this, there would be no objection in principle to the location of the development and Core Strategy Policy CSP1 in this regard.

30. Regarding the housing need and the mix being proposed, the scheme proposes 4 x 2-bed, four person and 1 x 2-bed three person flats. The Council's Housing Need

Survey states that there is a need for 35% 3-bed and 28% 4-bed properties. Third party comments refer to Turley's report where it has been concluded that *'less than 5% of housing should be flats'*.

31. Tandridge District Core Strategy Policy CSP 19 states that *'Within the lower density areas the council will resist densities above the specified ranges unless it can be demonstrated that proposals will not harm the character of the area and the quality of the environment and provided that the site is in an area that is within 0.5km or approximately a 5 minute safe and level walk from frequent public transport and a town, village or other centre containing convenience shopping.'*
32. The proposed development site is approximately 0.02 hectare and Core Strategy Policy CSP 19 states that a residential density of maximum 55 units outside the town centre. On the basis, this allows for approximately 1.1 units on the site however, when assessing this proposal, regard must be had to the balance of benefit and harm that the development would have. The proposal would provide 5 new homes within the District; at least 4 of these units could be considered family sized accommodation which would increase the housing stock within the District, particularly in a built-up area where development should be encouraged as per Core Strategy Policy CSP1. If the development is not considered to result in significant harm, the NPPF 2021 encourages the Local Planning Authority to approve development without delay which comply with an up-to-date Local Plan. The Core Strategy targets were written around 10 years ago and therefore it could be argued that the density requirements contained within the plan are now 'out of date'. There is a block of six flats opposite the junction of Bradenhurst Close and Harestone Hill (namely Linton House no.101 Harestone Hill) and a further block of seven flats to the north of the junction with Bradenhurst Close (namely no.84). Although these are on slightly larger plots, it demonstrates that flatted development is not out of keeping with the area and that higher densities would be acceptable in this location.
33. The Harestone Valley Design Guidance states, under Principle L4 that *'forms of development must respect their location, the size of the site and the character of the area.'* It further states under the sub paragraph that *'flatted development is generally more appropriate closer to the town centre where development is close to public transport and services.'* This proposal seeks to provide 100% flats under this submission however this would represent a much lower percentage when considering the presence of the properties in Bradenhurst Close and The Crescent; all of which appear to consist of at least 3-bed or larger dwellings. Both 2-bed four person and 2-bed three person flats could be considered sufficient to accommodate small families and would provide much needed housing within the District. As such, although the proposed development which consists solely of flats, the wording of the guidance (which is *'generally more appropriate'*) does not completely preclude flatted development in the Harestone Ward. Other flatted development has been approved elsewhere within the Harestone Ward (namely at 84 and 101 Harestone Hill and at The Hut, 1 Harestone Drive) and, as such, it is not considered that the principle of a flatted development in principle would be unacceptable in this location. The principle of the development would not be contrary to Principle L4 or any other part of the Harestone Valley Design Guidance or any aspect of the Harestone Valley Character Assessment.

#### Impact upon the character and appearance of the area

34. Paragraph 126 of the National Planning Policy Framework (NPPF) 2021 states that sustainable development is a key aspect of the development process, seeking to create high quality buildings and places and creating better places in which to live

and work and helps make development acceptable to communities. Even though Core Policy CSP18 predates the national policy, it is based on the same principles of sustainable development requiring that new development, within town centres, built up areas, the villages and the countryside be of a high standard of design that reflects and respects 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.

35. This is further expanded by Detailed Policy DP7 which expects development to be of a high-quality design, integrating effectively with its surroundings, reinforcing local distinctiveness and landscape character and does not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing density and design. Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 seek to further reinforce these design objectives.
36. Tandridge District Core Strategy Policy CSP 19 states that *'Within the lower density areas the council will resist densities above the specified ranges unless it can be demonstrated that proposals will not harm the character of the area and the quality of the environment and provided that the site is in an area that is within 0.5km or approximately a 5 minute safe and level walk from frequent public transport and a town, village or other centre containing convenience shopping.'* In addition, the Harestone Valley Design Guidance 2011: 4.12 states that *'flatted development is generally more appropriate closer to the town centre where development is close to public transport and services'*.
37. The plots for the proposed flatted development is in the same location at plots 17 and 18 permitted under application 2017/2351; albeit with a wider overall footprint of built form. Third party comments refer to the development failing to retain the spacious character of surrounding properties with particular regard to the proximity of the built form to the site boundaries. Under application reference 2008/369, the report concluded that *'the scale, size and prominence of the flats would fail to respect the sylvan character and appearance of the locality'*. When considered at appeal by the Planning Inspector, they concluded that *'the scale of proposed flats would be out of keeping with predominantly traditional buildings nearby'*. When comparing this proposal to the previously refused scheme in 2008, the proposed flatted development would not be in the same location and would not result in the same design of flatted built form. This proposal is in a less prominent location to the southern end of The Crescent and has been designed with the same overall height as the semi-detached dwellings to the north of the proposed building. Although its footprint is wider in comparison to the previously approved pair of semis, the resulting built form would maintain a degree of separation from the site boundaries with plot 16 The Crescent (approximately 1.6 metres) which is similar to the spacing between the other buildings approved under application 2017/2351 and would be constructed in the southernmost part of the site adjacent to public bridleway no.21. The building would be approximately 14 metres from the rear garden boundaries with nos.132 and 134 Harestone Hill at its closest point with the built form at least a further 50 metres away from other surrounding properties.
38. Although it would be closer to the public bridleway (no.21) to the south than the previous approval, it would not result in development which is significantly cramped or overdeveloped to sufficiently warrant the refusal of permission. The massing, form and juxtaposition of the building has respected the site constraints and, although slightly wider than the previously approved buildings, the building would not appear either unduly squat or overly dominant in the street scene. The building

would generally be representative of the massing of the built form within the surrounding area and would not appear excessive despite the presence of the stair core on the front elevation which is required to access the flats. The Council consider that the design approach would not be unduly dominant within the hillside, would not result in an unacceptable transition between the urban and Green Belt areas nor would it be significantly out of keeping with the surrounding built form. It would not appear unduly incongruous or out of keeping with the surrounding area and would respect the character and appearance of the immediate locality.

39. The balconies of the proposed units would provide suitable outdoor amenity space given the site constraints. A communal rear garden is proposed and this would be of a similar depth to the gardens serving the resulting plots within Bradenhurst Close. The building would be constructed using contrasting brick, render and tile hanging to the external walls with roof tiles with a similar appearance to those approved under application 2017/2351. Subject to the materials being secured by planning condition, the proposed development would not be out of keeping with the prevailing area and the materiality would integrate within the locality. The reuse and cycle stores are located at the front of the site and the location is considered acceptable from a practicality perspective. The materials and appearance could be secured by planning condition to ensure they are acceptable from a character and appearance perspective.
40. Based on the above assessment, it is not considered that the proposed scale, massing and positioning of the built form would result in a development which is unduly cramped or overdeveloped in the surrounding context. The design and materiality would also respect the character and appearance of the area and would conform to the provisions of Policy CSP18 of the Core Strategy, Policy DP7 of the Local Plan and Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021.

#### Impact upon neighbouring amenity

41. Policy CSP18 of the Core Strategy seeks to ensure that development does not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect. Policy DP7 of the Local Plan reflects the objectives of the Core Strategy but also includes privacy distances of 22 metres between habitable room windows of properties in direct alignment and, in most circumstances, 14 metres between principal windows of existing dwellings and the walls of new buildings without windows.
42. The proposed building would be approximately 14 metres from the rear garden boundary with nos.132 and 134 Harestone Hill and the 'window to window' separation between these properties would be over 50 metres. The built form of the flatted development would maintain a separation distance of approximately 21 metres from the western boundary of the site with Burns House, School Lane. The separation distances combined with the scale, massing and juxtaposition of the built form will prevent the development from having any significant overbearing or overshadowing impact upon the neighbouring properties. The building would be located close to the southern boundary with public bridleway no.21 and third party comments have referred to a tunnelling effect that would result to the bridleway given proximity of building to the boundary. Although it would be closer than the building approved under 2017/2351, the building would at least 1 metre from the boundary and tapers further away (up to 1.5 metres) as it continues towards the front of the site. There are trees which overhang the bridleway and there is already a degree of overshadowing as a result. However, the building, at approximately 13

metres in depth, would not be so elongated to cause an undue tunnelling effect for a considerable distance of the bridleway, particular given that the building is located to the north of the bridleway and would therefore have the benefit of southern aspect lighting for the majority of the day.

43. There are flank windows proposed within the proposed flatted building however those from ground level and above would serve kitchens and en0suites which are not considered to be primary living accommodation. It would be reasonable to include a restrictive condition upon the grant of permission to incorporate obscure glazing and for those windows to be fixed shut below 1.7 metres from finished floor level to ensure that no undue overlooking or loss of privacy would result.
44. All habitable rooms, other than the kitchens and one bedroom window at lower ground level, will be front and rear (east and west) facing. The upper floor front and rear facing windows of the flats will serve either studies or bedrooms however the windows would be in excess of 22 metres of any habitable windows of the surrounding properties; with particular regard to the fenestration serving the neighbouring properties in Harestone Hill. The orientation of the windows would provide views east and west and, other than the rearmost part of the garden, the dwellings in Harestone Hill would be afforded privacy and would not be directly overlooked given the juxtaposition of the built form and the sloping land level.
45. The west facing windows would be approximately 21 metres from the boundary with Burns House on School Lane. The dwelling (Burns House) is set further northwards and therefore not in direct alignment with the proposed building. The build is on a higher land level as is the proposed communal garden however, given the juxtaposition of the built form it is not considered that the development would result in undue overlooking or loss of privacy to the detriment of this property or any of the surrounding properties.
46. With regards to third party comments, there is concern over noise and disturbance from future occupiers. Although the density would increase based on the previous approval, the site was always designated for residential use and therefore it not considered that the proposed five flats, as opposed to two family dwellings, would result in significant further noise and disturbance to warrant the refusal of permission on these grounds. Further comments raise the possibility of anti-social behaviour however it is considered that the presence of the flatted development, with at least 5 separate occupants, would offer a degree of natural surveillance which would act as a deterrent to anti-social behaviour.
47. Third party comments also raise the impact of additional residents upon school places, doctor's surgery appointments and other community facilities. Again, it is not considered that the five additional flats in this location would have a significantly detrimental impact upon school places, doctor's surgery appointment availability or any other community facility availability to sufficiently warrant the refusal of permission on these grounds.
48. As a result of the above assessment, it is considered that the separation distances combined with the overall size, scale, design and juxtaposition of the proposed built form would not result in significant amenity impact upon any of the adjacent properties with regards to overbearing or overshadowing impact, overlooking, loss of privacy or noise and disturbance and would conform to the provisions of Core Strategy Policy CSP18 and Local Plan Policy DP7 in this regard.

Living conditions of future occupiers

49. The 2-bed, four-person units would have a gross internal floor space (GIA) of between 76sqm and 142sqm and the 2-bed, three person unit would have a gross internal floor space (GIA) of approximately 62.5sqm. The space associated with the units would exceed the required space standards contained within the Nationally Described Space Standards with regards to internal floor space standards. However, this document is simply guidance and does not form part of the development plan and therefore an assessment on future living conditions for future occupiers must be assessed. The fenestration arrangements of all five dwellings have been assessed and the upper floor units would be sufficient to provide natural light and adequate outlook for the all rooms, associated with all of the proposed units. The lower ground floor unit has a bedroom and kitchen window which adjoins the side access to the communal rear garden. However, this area is only accessed by those using the communal area which would not involve frequent trips past the windows in question. As such, it is not considered that this arrangement would be unduly unacceptable to future occupants.
50. The retaining walls to the front and side of the building would restrict natural light and outlook to the 2-bed, four person lower ground floor unit as well as the presence of the projecting front stair core which would be close to the proposed lightwells. However, the rear (west) facing fenestration would be of a high quality and would allow high levels of natural light and outlook into the remainder of the unit. On balance, it is considered that the quality of accommodation to this unit, and all of the other units within the proposed building would be of sufficient quality to serve future occupants for their intended purpose.
51. Four of the five units being proposed would have individual directly accessible private balconies. The upper floor flat would not have directly accessible outdoor space however there is a communal garden proposed and this would provide a large outdoor space. Despite the slope of the communal space, it would still serve as a suitable space to serve future occupants and would be a similar arrangement to the dwellings previously approved in The Crescent/Bradenhurst Close. In addition, the upper floor flat would be significantly larger than the NHSS and, on balance, it is considered that the development would result in suitable living conditions for future occupiers of the proposed flats. As such, the proposal would conform to the provisions of Local Plan Policy DP7 in this regard.

#### Parking, access, cycle and refuse storage

52. The parking arrangements on the site would provide space for nine vehicles within the site (at a ratio of almost 2 per dwelling). This number of spaces per unit, and the size of the spaces being provided, would be slightly under the number of spaces and size standards contained within the Council's Parking Standards SPD. However, the site is located within a built-up area there are 8 cycle spaces for 5 apartments in addition to the parking provision (9 parking spaces). The County Highway Authority (CHA) were consulted on this proposal and consider the overall provision to be acceptable from a highway safety and capacity perspective to serve the proposed development and would not require any additional spaces for visitors. It is noted that Harestone Hill is not controlled by the CHA however they do not consider that additional parking provision would be required as it is unlikely that this would have a significant overspill of parking onto Harestone Hill or any other surrounding roads. The access arrangements to the site have also been assessed by CHA who have confirmed that refuse collection vehicles, emergency vehicles and delivery vehicles would be able to turn within the site and exit in forwards gear. The access road was considered to be wide enough to meet the requirements of the CHA under the previous applications and the CHA therefore have no objection in this regard as they consider that the proposal would not lead to unacceptable

harm or unacceptable levels of demand for on-street parking in the surrounding area. They have, however, requested a number of conditions to be secured in relation to parking spaces being provided as shown on the submitted drawings, Electric Vehicle Charging Points (EVCPs) being provided and they have also requested that a Construction Transport Management Plan is submitted and approved.

53. The new units would have access to a cycle storage shed at the front of the site which can provide storage for cycles and thus encourage sustainable modes of transport. There is adequate space within the site for a communal refuse store to also be provided at the front of the site and the positioning, size and design of these stores could be secured by an appropriate and detailed hard and soft landscaping which could be secured as part of a planning condition.
54. There is a pedestrian footpath included to the site and this would be a similar arrangement to that approved under previous applications on the site. As such, it is not considered that pedestrian and highway safety, including disabled or elderly access, would be compromised. The lack of pedestrian footways and lighting on Harestone Hill and visibility from Bradenhurst Close is something that was considered acceptable under previous submissions, as was the access to the site despite the steep slope in land.
55. With regards to third party comments, it is not considered that the vehicles associated with new development would result in a significant increase in vehicle pollution; particularly given that the spaces are to require EVCPs. There is also concern over parking space management however this would be a matter for the developer to address outside of the planning application process.
56. Subject to relevant conditions being secured, there are no objections raised with regards to Policies CSP12 and CSP18 of the Core Strategy and Policies DP5 and DP7 of the Local Plan with regarding to highways safety, parking, cycle or refuse storage.

### Trees

57. The proposed scheme requires the removal of a significant area of soft landscaping which was secured under the previous planning application to make way for the additional parking spaces. It also seeks to reposition a previously proposed semi mature beech tree that was to replace a previously removed TPO beech tree. The Council's Tree Officer has confirmed that there will now be far less space for this replacement tree to establish than would have been the case with the previously permitted scheme, which showed a smaller species tree to be planted in this location. The proposal would result in a dominance of hard standing and built form that is already a feature of this development however the Council's Tree Officer has confirmed that he does not wish to raise specific arboricultural objections and has not raised any concerns over the impact of the development upon the ancient wood land to the south of bridleway no.21, particularly with regards to the footprint and massing of the previous approval. Any overhanging branches which encroach into the site and require pruning to facilitate the development can be removed under common law without causing substantial harm to the trees in question.
58. The proposed development would allow for a large communal space where replacement planting is possible. In addition, the large garage previously approved at the southern end of the development under 2017/2351 is no longer required and therefore the Council consider that, visually, there is no significant material difference with regards to the loss of the previously approved, low scale planting.



There is potential to include additional planting in the area next to the 4 'P' parking spaces where the large tree and a degree of hedging is being proposed. As replacement trees and additional soft landscaping could be secured by condition and, the Council raise no objection on arboricultural grounds and conclude that the development would conform to the provisions of Core Strategy Policy CSP18 and Local Plan Policy DP7 subject to a condition securing the implementation of additional soft landscaping.

### Renewable Energy

59. Policy CSP14 requires the reduction of carbon dioxide (CO<sub>2</sub>) emissions by means of on-site renewable energy technology. The application submission includes an Energy Statement which states that energy efficient measures, including an energy efficient gas boiler, would be sufficient to achieve the 10% carbon emissions reduction. However, Policy CSP14 explicitly refers to the use of 'renewable energy technologies' to achieve a 10% CO<sub>2</sub> emissions reduction. As a result, the use of this renewable energy technologies would be required and, having looked at the renewable energy statement, these were discounted due to financial implications. However, in order for the development to be acceptable, some form of renewable energy technology would, and could, be implemented and such provision would be secured by planning condition in order to conform to the provisions of Core Strategy CSP14.

### Ecology and Biodiversity

60. 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.

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

62. Under application 2013/1196, details were approved by condition requiring any necessary protective or mitigation measures detailed within protected species survey details to be implemented. Under 2014/1907/COND1, re-colonisation and land management measures were approved and the development subsequently commenced on site. Third party comments refer to potential re-migration of protected species into the site as development has ceased in recent years. However, the development previously permitted has commenced and foundations have been laid for all plots except plots 17 and 18. There is nothing to prevent the developer from fully implementing the extant permissions on site if they wish without the submission of further ecological information. The proposed development would not result in significant additional built form footprint being created based on the extant permissions and, in addition, the site currently has the appearance of a building site with very little scope or biodiversity value. Having taken all of the above into account and given that additional soft landscaping could be required by condition, it is considered that the proposed development would conform to the provisions of Core Strategy Policy CSP17 and Local Plan Policy DP19.

### Community Infrastructure Levy (CIL)

63. This development would be CIL liable, although the exact amount would be determined and collected after the grant of planning permission. It should be noted that the Community Infrastructure Levy (CIL) is a financial charge which the Council is entitled (but not obliged) to charge on development in an area. The fact that the applicant has previous CIL liability on another application is not a material consideration for this specific application.
64. In addition to CIL the development proposed will attract New Homes Bonus payments and as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) these are local financial considerations which must be taken into account, as far as they are material to the application, in reaching a decision. It has been concluded that the proposal accords with the Development Plan and whilst the implementation and completion of the development will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.

### **Conclusion**

65. It is proposed to erect a part 3-storey, part 4-storey building comprising of 5 apartments on the site of plots 18/19 Bradenhurst Close which were previously granted planning permission under various applications; the most recent being 2017/2351. The proposal includes an associated access, parking and cycle storage provision and amenity space to serve future residents. The site is located within the Category 1 Settlement of Caterham where there is no objection in principle to new development. The proposal would respect the character and appearance of the prevailing area, its setting and local context and there would be no significant harm to neighbouring amenities. Furthermore, there would be no significant impact upon the wider highway network and the renewable energy provision could be secured by planning condition. Subject to this being secured, the development would be considered acceptable and it is therefore recommended that the application is granted planning permission subject to the conditions and informatives set out below.
66. 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 219 of the NPPF 2021. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
67. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

### **RECOMMENDATION: PERMIT subject to the following conditions**

1. The development hereby permitted shall be begun 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 the drawings numbered 885/2100 and 8852150 scanned in on 08 June 2021 and drawing numbered 885/2000 Rev A scanned in on 01 September 2021. The development shall be carried out in accordance with

these approved drawings. There shall be no variations from these approved drawings.

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

3. **Prior to any works taking place above ground level**, particulars and/or samples of materials to be used on the external faces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

4. **a) No development shall take place above ground level** until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- proposed finished levels or contours
- means of enclosure
- car parking layouts
- other vehicle and pedestrian access and circulation areas
- hard surfacing materials
- minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- tree and native hedgerow planting as compensation for those elements being removed.

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

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

**Reason:** To maintain and enhance the visual amenities of the development in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 and DP9 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

5. **a) No further trees or hedges shall be pruned, felled or uprooted** during site preparation, construction and landscaping works [except as shown on the documents and plans hereby approved] without the prior written consent of the Local Planning Authority.

b) Any retained trees or hedges which are removed, or which within a period of 5 years from the completion of the development die are removed, or, in the opinion of the Local Planning Authority, are dying, becoming diseased or damaged shall be replaced by plants of such size and species as may be agreed in writing with the Local Planning Authority.

**Reason:** To prevent damage to trees in the interest of the visual amenities of the area 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 upper floor and roof windows in the north and south facing elevations of the development hereby permitted shall be obscurely glazed and fixed shut below 1.7m from finished floor level and shall be retained as such for as long as the development remains in existence. No additional windows shall be inserted into the north or south facing elevations without express permission from the Local Planning Authority.

**Reason:** To prevent any significant overlooking or loss of privacy to the neighbouring 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.

7. **Prior to the occupation of the development hereby permitted**, details of the renewable energy technologies to be used on the proposed building shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the renewable energy technologies shall be installed and retained for as long as the development remains in existence.

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

8. The development shall be carried out wholly in accordance with the protective or mitigation measures detailed within protected species survey details approved under application 2013/1196/COND1 on 05 November 2014 and wholly in accordance with the re-colonisation and land management measures approved under application 2014/1907/COND1.

**Reason:** To ensure that protected species are adequately protected and biodiversity impact is suitably mitigated against in accordance with Policy CSP17 of the Tandridge District Core Strategy 2008 and Policy DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

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

**Reason:** To ensure that the development provides adequate vehicular and pedestrian access in the interest of highway safety nor cause inconvenience to

other highway users to accord with the objectives of the NPPF (2019), and to satisfy Policy CSP12 of the Tandridge District Core Strategy 2008 and Policy DP5 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

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

**Reason:** To ensure that the development provides adequate vehicular and pedestrian access in the interest of highway safety nor cause inconvenience to other highway users to accord with the objectives of the NPPF (2019), and to satisfy Policy CSP12 of the Tandridge District Core Strategy 2008 and Policy DP5 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

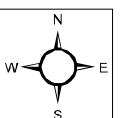
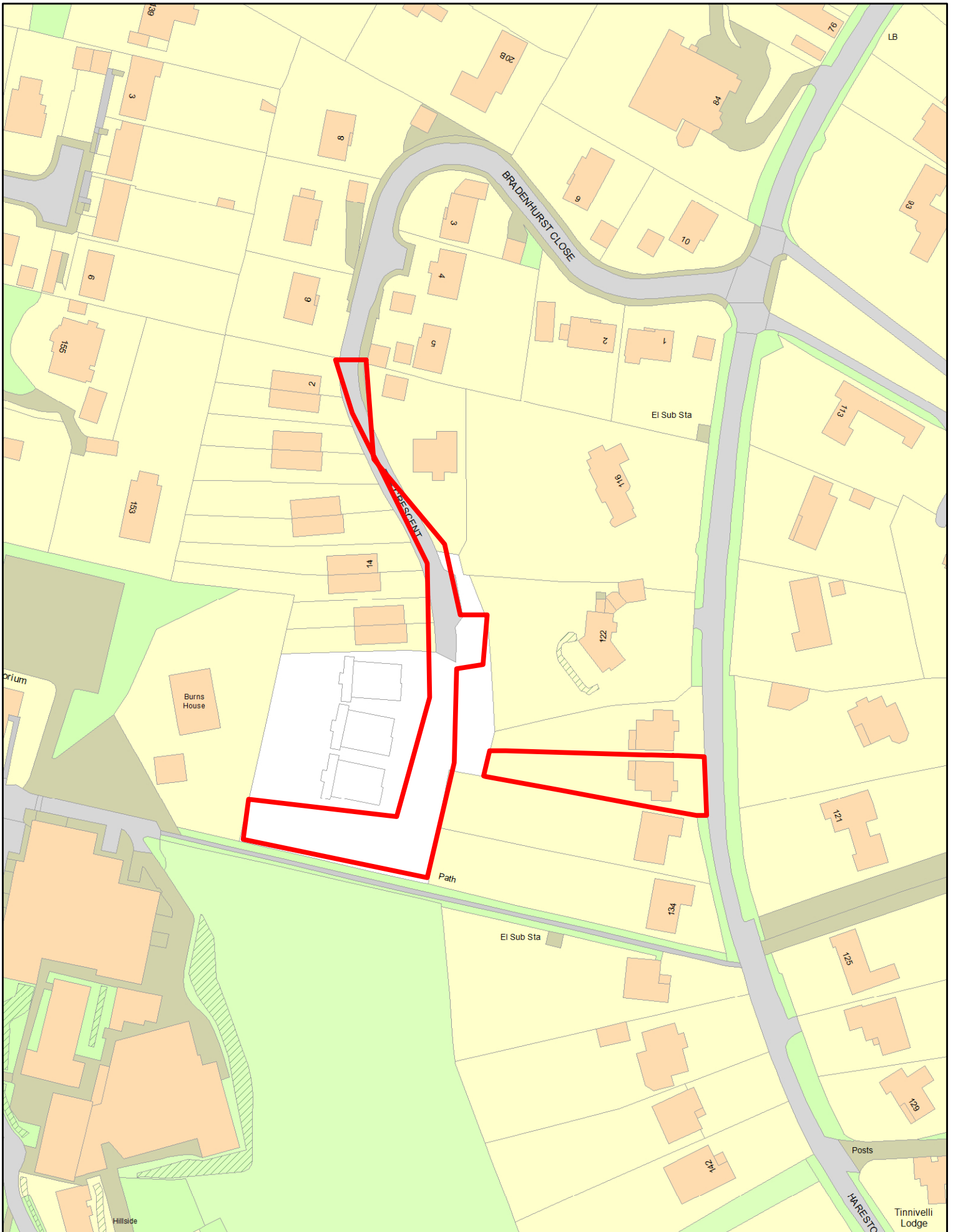
11. No development shall commence until a Construction Transport Management Plan, to include details of:
  - (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) measures to prevent the deposit of materials on the highway

**Reason:** To ensure that the development provides adequate vehicular and pedestrian access in the interest of highway safety nor cause inconvenience to other highway users to accord with the objectives of the NPPF (2021), and to satisfy Policy CSP12 of the Tandridge District Core Strategy 2008 and Policy DP5 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

#### Informatives:

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.
2. The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued. It is important that you ensure that the requirements of the CIL Regulations are met to ensure that you avoid any unnecessary surcharges and that any relevant relief or exemption is applied.
3. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

4. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
5. The applicant is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
6. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.



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## ITEM 5.3

**Application:** 2021/886

**Location:** Arden Lodge, Pastens Road, Limpsfield, Oxted, Surrey, RH8 0RE

**Proposal:** Demolition of existing porch and single storey side extension.  
Erection of single storey rear extension, two storey side extension,  
new porch and associated alterations.

**Ward:** Limpsfield

*Constraints - GB, AGLV, AWOOD within 500m, Biggin Hill Safeguarding (91.4m),  
Source Protection Zones 2 & 3*

**Decision level: Planning Committee**

This application is reported to Committee as it has been referred to the Committee by Cllr Davies.

**RECOMMENDATION: PERMIT subject to conditions**

### Summary

1. The proposed extensions and alterations would not be considered a progressive or disproportionate addition to the original building as it stood in 1968 and it would therefore not constitute inappropriate development in the Green Belt. The nature of the proposal would not result in significant harm to the character and appearance of the area nor would it have any undue impact upon the residential amenities of the existing occupiers. The proposal would utilise existing parking provision and no harm has been identified. It is considered that the development would accord with the appropriate policies and it is therefore recommended that planning permission is granted, subject to conditions.

### Site Description

2. The site, Arden Lodge, comprises of a detached, 2-storey dwelling at the south eastern end of Pastens Road. The site also has a garage building located to the south east of the dwelling and a further outbuilding to the south which is the subject of this application. The site is within the Green Belt area of Limpsfield and there are trees and planting on the northern and eastern boundaries of the site.

### Relevant History

3. 2021/1410 – Erection of single storey rear extension (Lawful Development Certificate) – Lawful Development Certificate issued but works not yet implemented
4. 2020/2206 – Internal and external alterations to existing outbuilding – Permission granted
5. PA/2020/219 – Swimming pool and plant store – Advice given
6. 2012/358 – Demolition of existing side extension and erection of two storey side extension and a single storey rear extension – Permission granted 14/05/2012

7. 93/39 - Permission was granted on 23 February 1993 for the demolition of a car port and single storey extension and for the addition of a new family room and WC, construction of a new dormer in the front roof slope and for the erection of a detached double garage.
8. 78/331 - Permission was granted on 23 May 1978 for the erection of car port and hay store.
9. GOR/2923 - Permission was granted on 3 May 1957 for the erection of a garage and internal alterations.

### **Key Issues**

10. The site is located within the Green Belt and a key consideration is whether the proposal would constitute inappropriate development and, if so, whether very special circumstances exist that would clearly outweigh the harm by reason of inappropriateness and any other harm. Other key considerations are the impact of the proposal upon the character and appearance of the surrounding area, the amenities of neighbouring residents, biodiversity, highways/parking provisions and flooding.

### **Proposal**

11. The application seeks to demolish the existing porch and single storey side extension and erect a single storey rear extension, a 2-storey side extension to the south east facing elevation, a new front entrance porch with associated alterations.

### **Development Plan Policy**

12. Tandridge District Core Strategy 2008 – Policies CSP1, CSP12, CSP18, CSP20, CSP21
13. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13
14. Woldingham Neighbourhood Plan 2016 – Not applicable
15. Limpsfield Neighbourhood Plan 2019 – Policies LNP1, LNP3, LNP5
16. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Not applicable
17. Emerging Tandridge Local Plan 2033 - Policies TLP03, TLP08, TLP18, TLP32, TLP34, TLP47

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

18. Tandridge Parking Standards SPD (2012)
19. Tandridge Trees and Soft Landscaping SPD (2017)
20. Surrey Design Guide (2002)

## **National Advice**

21. National Planning Policy Framework (NPPF) (2021)
22. Planning Practice Guidance (PPG)
23. National Design Guide (2019)

## **Statutory Consultation Responses**

24. County Highway Authority – The County Highway Authority consider that the proposed development would not have material impact on the safety and operation of the adjoining highway given that any additional parking demand would be minimal.
25. Limpsfield Parish Council – Objection: Substantial extension which detracts from the openness of the Green Belt; detracts from the original character and ‘arts and crafts;’ styling; Parish Council recommend reduction in scale and submission of Design Statement. Development is contrary to the Limpsfield Neighbourhood Plan.

## **Non-statutory Advice Received**

26. None received

## **TDC advice**

27. No advice sought or received

## **Other Representations**

28. Third Party Comments – The main issues raised are as follows:
  - Impact upon the Green Belt [OFFICER COMMENT: Addressed in Paragraphs 31-33]
  - Impact upon AGLV and would be highly visible from public vantage points [OFFICER COMMENT: Addressed in Paragraphs 36]
  - Design out of character with the original building [OFFICER COMMENT: Addressed in Paragraphs 37-38]
  - Modern extension out of keeping/out of proportion with original building [OFFICER COMMENT: Addressed in Paragraphs 37-38]
  - Contrary to the Limpsfield Neighbourhood Plan (LNP) with regards to design [OFFICER COMMENT: Addressed in Paragraphs 37-38]
  - Loss of valued feature to the village, contrary to LNP [OFFICER COMMENT: Addressed in Paragraphs 37-38]
  - Does not ‘blend’ with the main building as required by LNP3 [OFFICER COMMENT: Addressed in Paragraphs 37-38]
  - Contrary to AONB Policy – Core Strategy Policy CSP20 [OFFICER COMMENT: Addressed in Paragraphs 36]
  - Contrary to LNP3 – removes visual gaps to the open countryside [OFFICER COMMENT: Addressed in Paragraphs 37-38]
  - Tile hanging replaced by timber cladding incongruous contrary to LNP Paragraph 4 [OFFICER COMMENT: Addressed in Paragraphs 38]
  - Lack of clarity over materials [OFFICER COMMENT: Addressed in Paragraphs 38]

- Balcony missing from drawings (which adds bulk to the extension) [OFFICER COMMENT: The balcony is shown on the latest set of drawings]
  - No permitted development fallback position as principal elevation is to the rear [OFFICER COMMENT: The development is assessed on its own merits as no fallback position has been established as the time of writing this report]
  - Submission in 2012 adds to the volume as it is linked to the main house [OFFICER COMMENT: Not part of the considerations under this application]
  - Impact upon neighbours (overlooking/loss of privacy) [OFFICER COMMENT: Addressed in Paragraphs 40]
  - No Design Statement submitted [OFFICER COMMENT: Not a requirement under this type of application submission]
  - Impact upon the view [OFFICER COMMENT: Not a material planning consideration]
29. There is one letter of support which considers that the proposal would have a positive impact upon the living conditions of future occupiers and the modern design would not detract from the original character of the building.

## Assessment

### Procedural note

30. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2021. However, paragraph 213 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.

### Impact upon the Green Belt

31. The pertinent issues to consider in determination of the proposed development is Paragraph 147 of the NPPF which advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 provides that such circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Paragraph 149 of the NPPF sets out a number of exceptions with the construction of new buildings in the Green Belt being regarded as inappropriate however, under criterion c), the extension or alteration of a building may be considered acceptable provided it does not result in disproportionate additions over and above the size of the original building. Policies DP10 and DP13 reiterate this requirement for any enlargement of a building in the Green Belt to meet this criteria in order to be considered acceptable.
32. The proposal would involve the erection of a 2-storey side extension with balcony to a property within the Green Belt. The following calculation is based on the estimated volume increase of the original property:

|                                  |                       |
|----------------------------------|-----------------------|
| Estimated volume (cubic metres): |                       |
| Original                         | 808.75m <sup>3</sup>  |
| Proposed                         | 335.59m <sup>3</sup>  |
| <b>Total</b>                     | <b>41.5% increase</b> |

33. The proposed additions would be of a moderate scale resulting in an increase of approximately 41.5%. Such an increase in the Green Belt would be considered mathematically acceptable although a further visual assessment of the extensions will be required to be carried out to ensure that the character of the dwelling and the surrounding area are not unduly affected and the development does not further impact upon the openness of the area by reason of the additional bulk. Having assessed the size of the extension against the size of the original building and the resulting impact on the openness of the Green Belt, the development would not add a significant amount of bulk in comparison to the original dwelling. The extension would be subservient in height and scale to the original form of the dwelling and its scale and massing would not result in a visually or mathematically progressive or disproportionate addition to a building within the Green Belt as it stood in 1968. As such, it is not considered that the proposal would result in significant harm to Green Belt openness and would be acceptable from a Green Belt impact perspective. The proposal would not constitute inappropriate development and would conform to the provisions of Tandridge Local Plan Policies DP10 and DP13 and the NPPF 2021.

#### Character and Appearance

34. 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.
35. 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.
36. The site is within an Area of Great Landscape Value and as such, the proposal must meet the requirements of Core Strategy Policy CSP20 which seeks to preserve the special landscape character, distinctiveness or sense of place of the locality. The proposed extensions would not appear unduly prominent in the skyline. The side extension is located on sloping land which is shrouded by boundary trees and is therefore less visible from public viewpoints. The extension has been designed to a high standard in the Council's view and would therefore not be detrimental to the surrounding AGLV.
37. The building in question is not within a Conservation Area nor is it protected by any statutory designation and, although it may have been designed by a popular local architect, this does not afford it any protection from being extended provided it retains the characteristics of the original dwelling. In the Council's view the proposed extensions would represent a well-designed modern addition and would allow for a more user-friendly dwelling than the existing. The resulting additions would not be unduly detrimental to its character and would not be out of keeping with the design and architectural style of the original dwelling despite it being a modern addition. It would retain the original characteristics of the 'arts and crafts' style dwelling and the extensions would clearly differentiate the original building from the proposed additions. The site would sufficiently accommodate the extensions without appearing unduly

cramped or overdeveloped and the scale and positioning of the development would ensure that there would be no undue impact upon street scene.

38. The proposal would respect and contribute to the distinctive character and amenity of the area, would not have a detrimental impact upon the landscape/streetscape and would not result in the overdevelopment of the site. Third party comments refer to views of the countryside being lost as a result of this development however the scale of the extensions would be proportionate to the main dwelling and would not result in significantly cramped form which would substantially restrict views of the open countryside from public vantage points to sufficiently warrant the refusal of planning permission. The materials to be used include timber boards which, although not used on the original building, could help to differentiate the proposed extension from the original building therefore retaining the original design of the existing property. As the site is outside of the Conservation Area and the building is not a statutorily Listed Building, it is not considered that the chosen materiality would be significantly harmful to the character of the building or the surrounding area and the submission of appropriate materials can be controlled by planning condition. It is considered that the proposal would therefore conform to Core Strategy Policies CSP18 and CSP21, Local Plan Policy DP7 and Limpsfield Neighbourhood Plan Policies LNP3 and LNP5 from a character and appearance perspective.

#### Residential Amenity

39. Policy CSP18 of the Core Strategy requires that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any adverse effect. Criteria 6 – 9 (inclusive) of Policy DP7 of the Local Plan Part 2: Detailed Policies 2014 seeks to safeguard amenities of neighbouring properties, including minimum distances that will be sought between existing and proposed buildings.
40. The properties to the south and south west, namely Headland Cottage and Highstead, are in excess of 22 metres from the proposed extensions. The property to the north east, namely Pastens Cottage, has a number of large trees between the proposed extension and the property itself. The separation distance from the extensions and the Pastens Cottage would again exceed 22 metres which would prevent the extension from appearing overbearing or from overshadowing this property. The additional windows at first floor level would not directly overlook either Headland Cottage or Pastens Cottage due to the boundary treatment and the window orientation which face north east and south west. The the first floor windows would face the end of the rear garden of Pastens Cottage with there being an access road between Pastens Cottage and Arden Lodge and, given the separation distances from the neighbouring properties, there would be no resulting harm to neighbouring amenity with regards to overbearing or overshadowing impact, overlooking or loss of privacy. The development would not result in significant harm to the amenities of the surrounding properties and therefore the proposal would conform to Core Strategy Policy CSP18 and Local Plan Policy DP7.

#### Parking, Access and Highway safety

41. 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.

42. The proposal would not involve any alterations to the existing vehicular access/crossover and, although the proposal seeks to provide additional living accommodation, it is not considered that this would result in a significant increase in vehicles entering or leaving the site and therefore would not have a significant impact upon the highway network. There is ample parking on site to serve the resulting dwelling and therefore the development would conform to Core Strategy Policy CSP12 and Local Plan Policy DP5.

#### Trees

43. No trees are required to be felled as part of this proposal. The development would occupy an area of existing hardstanding and built form which is sufficiently distant from existing important trees to prevent adverse harm to their health and future preservation. As a result, there would be no objection raised in this regard.

#### Other matters

44. Given the positioning and scale of the proposed built form, it is not considered that the development would have a significant impact upon ecology or biodiversity on the site. The site is not within an area which is at risk of surface water flooding and the scale of development proposed, given the site characteristics, is unlikely to increase of on-site or off-site flooding. The proposal would not give rise to any other impacts.

#### **Conclusion**

45. The proposed extensions and alterations would not be considered a progressive or disproportionate addition to the original building as it stood in 1968 and it would therefore not constitute inappropriate development in the Green Belt. The nature of the proposal would not result in significant harm to the character and appearance of the area nor would it have any undue impact upon the residential amenities of the existing occupiers. The proposal would utilise existing parking provision and no other impact harm has been identified. It is considered that the development would accord with the appropriate policies and it is therefore recommended that planning permission is granted, subject to the conditions outlined below.

#### CIL

46. This proposal is CIL not liable as the extensions would not exceed 100 square metres.
47. All other material considerations, including comments raised by third parties, have been considered but none are considered sufficient to change the recommendation.

#### **RECOMMENDATION:**

**PERMIT subject to the following 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 the drawings numbered 01 Rev A, 02 Rev A, 03 Rev A, 04 Rev A, 05 Rev A and 06 Rev A scanned in on 22 July 2021. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

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

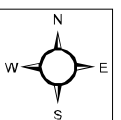
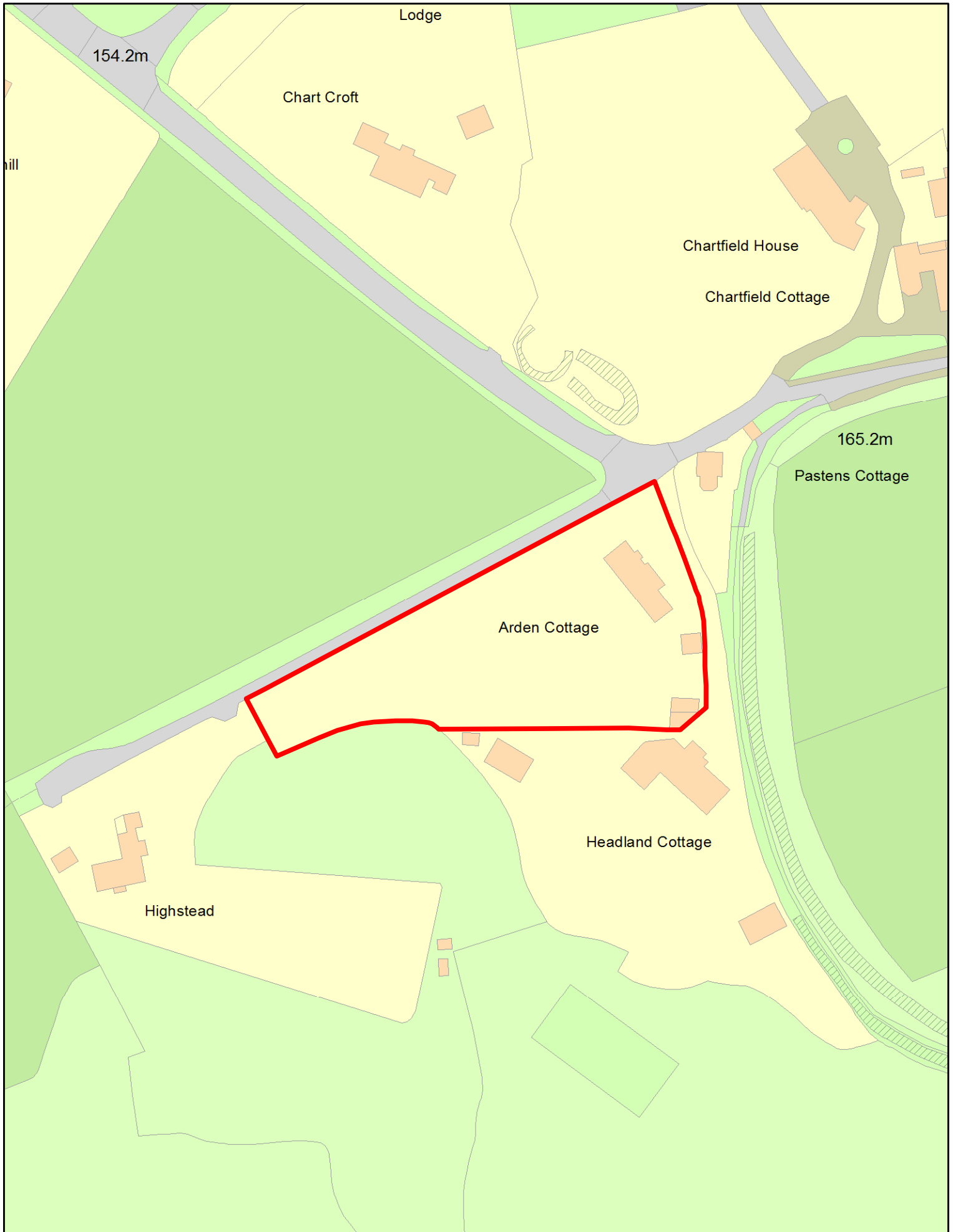
3. **No development shall take place above ground level** until details of the materials (including physical samples) to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason: To enable the Local Planning Authority to exercise control over the type and colour of materials, so as to enhance the development are appropriate to the character of the building and surrounding area 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.





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## ITEM 5.4

**Application:** 2021/1162

**Location:** 66 High Street, Caterham CR3 5UB

**Proposal:** Demolition of existing ground floor rear extension and partial demolition of existing rear outrigger. Erection of a new ground floor, first floor and loft extensions. Change of use of part of front ground floor and rear from A1 to sui generis (large house in multiple occupation). Change of use of first floor from C3 to sui generis (large house in multiple occupation).

**Ward:** Queens Park

**Decision Level:** Planning Committee

*Constraints – Urban, B and D Roads, AHAP, CSAI, Local Centre (Caterham Hill), Biggin Hill Height Zone*

**RECOMMENDATION:** **PERMIT subject to conditions**

This application is reported to Committee as the application has been referred to Planning Committee by Cllr Duck.

### Summary

1. The proposed layout be considered to have an acceptable internal configuration of a typical house of multiple occupation (HMO) and would ensure that the viability of the retail unit would remain acceptable despite the small reduction in floor space. The proposed alterations would be acceptable from a character and appearance perspective and would not have a significant impact upon the amenities of neighbouring properties. Subject to conditions relating bicycle provision and renewable energy, the proposed development would be acceptable and inconformity with the Development Plan. As such, it is recommended that this application is granted planning permission.

### Site Description

2. The site consists of an “L” shaped plot of land which contains a two-storey building on the western side of the road. The building is mid-terraced, within a commercial parade of buildings with varying designs. Behind the site is Poplar Walk, which provides access to the rear of the commercial parade which the site forms part of.
3. At ground floor is a retail premises (A1 use class), with a residential unit (C3 use class) above. The subject building has a two-storey outrigger with a rear staircase that provide a direct external access to the first floor, and a single storey rear extension behind this.

### Relevant History

4. CAT/5070 – New shopfront – Permission granted
5. CAT/5071 – Alterations and additions – Permission granted
6. 2020/647 – Demolition of existing ground floor rear extension. Change of use of ground floor rear from A1 (retail) and first floor from C3 (residential) to Sui Generis (large house in multiple occupation) with associated ground floor, first

floor and loft extensions including rear dormer and 2 No. rooflights in front roofslope – Permission granted

7. 2020/1326/NC – Change of use of the front ground floor portion of the premises to form 2x studio flats. Associated works to the interior and works to the front elevation to provide one entrance per flat. – Permission refused
8. 2020/1339 – Demolition of existing ground floor rear extension. Change of use of ground floor rear from A1 (retail) and first floor from C3 (residential) to Sui Generis (large house in multiple occupation) with associated ground floor, first floor and loft extensions including rear dormer and 2 No. rooflights in front roofslope – Permission granted
9. 2021/260 – Demolition of existing ground floor rear extension. Erection of part single/part first floor rear extension and rear dormer in association with conversion of loft space to habitable accommodation. Changes to fenestration including removal/installation of doors and windows. Change of use of part of front ground floor and rear from A1 to sui generis (large house in multiple occupation). Change of use of first floor from C3 to sui generis (large house in multiple occupation). – Permission refused on the grounds that the proposal failed to provide satisfactory living conditions for future occupants given that the size and configuration went beyond what was expected for a HMO.

### **Key Issues**

10. The key issues for this application are whether the development is acceptable in regard to the principle and location of the development, housing mix, town centre impacts, character and appearance, residential amenities (including noise and the amenities of future occupiers), transport issues and highway safety (including parking, cycle and refuse/recycling storage provision), archaeology and renewable energy provision.

### **Proposal**

11. The application proposes the change of use of the ground floor rear area from A1 (retail) and first floor from C3 (residential) to a Sui Generis (large house in multiple occupation) (LHMO).
12. Associated with this would be changes to the fenestration including the removal/installation of doors and windows as well as ground floor, first floor and loft extensions including a rear dormer and rooflights in front roofslope. The existing ground floor rear extension and its associated external staircase would be demolished to accommodate the new rear extension.

### **Development Plan Policy**

13. Tandridge District Core Strategy 2008 – Policies CSP 1, CSP 2, CSP 3, CSP 7, CSP 11, CSP 12, CSP 13, CSP 14, CSP 18, CSP 23
14. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP3, DP5, DP7, DP18
15. Woldingham Neighbourhood Plan 2016 – Not applicable
16. Limpsfield Neighbourhood Plan 2019 – Not applicable

17. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Policies CCW1, CCW2, CCW4, CCW5, CCW6
18. Emerging Tandridge Local Plan 2033 – Policies TLP01, TLP02, TLP04, TLP06, TLP10, TLP11, TLP17, TLP18, TLP19, TLP20, TLP26, TLP28, TLP38, TLP45, TLP49, TLP50

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

19. Tandridge Parking Standards SPD (2012)
20. Caterham Masterplan SPD (2018)
21. Surrey Design Guide (2002)

### **National Advice**

22. National Planning Policy Framework (NPPF) (2021)
23. Planning Practice Guidance (PPG)
24. National Design Guide (2019)

### **Statutory Consultation Responses**

25. County Highway Authority – Concern over lack of parking however they advise that a condition requiring bicycle parking is added to any grant of permission.
26. Caterham on the Hill Parish Council – Objection: Loss of retail floor space detrimental to the viability retail unit within High Street
27. Environment agency – No objection under previous application 2020/1339

### **Non-statutory Advice Received**

28. Surrey County Council Archaeological Officer – No objection

### **TDC advice**

29. Chief Community Services Officer (Environmental Health) – No objections subject to the scheme complying with Building Regulations sound insulation standards. In addition, smoke alarms, fire protection and emergency lighting would be required.
30. Policy Team – No objection subject to the retail unit being retained under previous application 2021/260.

### **Other Representations**

31. Third Party Comments – No comments received

## Assessment

32. This submission is for a change of use of a dwelling into a house in multiple occupation (HMO) which can be defined in simple terms as a shared residential property where a certain number of occupants are not related to each other and they share basic amenities such as kitchen areas and bathroom facilities. For planning purposes, small HMOs fall within use class C4, which are defined as: “*small shared houses or flats occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.*”. Larger HMOs, occupied by more than six unrelated individuals, fall within the sui generis use class (meaning of their own kind). Planning permission has always been required for proposals for large HMOs (sui generis use), whether this be purpose-built accommodation or the change of use of an existing property. HMOs are also guided by separate legislation under the Housing Act 2004. This sets out the definition of HMOs and controls the standard and safety of accommodation. Internal requirements for room sizes and cooking/washing facilities are outside of the control of the planning system, but these matters fall under Housing Regulations. There are previously approved planning applications references 2020/647 and 2020/1339 which remain extant. Under these permissions, the principle of a HMO on this site has been established as acceptable by this Local Planning Authority.

### The principle of the development

33. Paragraph 8 of the NPPF advises that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These are economic, social and environmental objectives.

34. Paragraph 9 of the NPPF states that:

*These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*

35. The proposal involves the conversion of a C3 residential unit into a Sui Generis House of Multiple Occupation (HMO) and alternations to the ground floor retail unit. Whilst there are no policies that specifically cover this, there is a general policy assumption in favour of protecting existing housing stock. However, as both of these uses are a type of housing, it is considered that there would not be a conflict with this policy aim. As such, the proposal is considered to be acceptable in principle.

### The location of the development

36. Tandridge District Council Core Strategy Policy CSP 1 focuses on managing the location of development by steering it to existing built-up areas or Category 1 settlements which promotes the use of sustainable patterns of travel and

there is a choice of travel modes. The Core Strategy predates the NPPF but Policy CSP 1 is consistent with the need to promote sustainable development which is central to the NPPF.

37. Tandridge Local Plan: Part 2 – Detailed Policies 2014 expand on the provisions of the Core Policies. Local Plan Policy DP1 urges a presumption in favour of sustainable development contained within the NPPF and espoused by Core Policy CSP1 and suggests that development which accords with the Local Plan should be approved without delay.

38. Chapter 11 of the NPPF sets out the government's objectives regarding making effective use of land. This chapter places great emphasis on achieving optimal densities, with Paragraph 122 stating that:

*Planning policies and decisions should support development that makes efficient use of land, taking into account:*

- a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) *local market conditions and viability;*
- c) *the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) *the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) *the importance of securing well-designed, attractive and healthy places.*

39. The site is located within the existing built-up area of the Category 1 settlement of Caterham. Furthermore, the site is within close proximity of bus stops and an approximately 14-minute walk of Caterham Train Station and the services at Caterham town centre. As such, the location of the proposal is considered to be acceptable.

#### Town Centre impacts

40. Chapter 7 of the NPPF sets out that town centres are recognised as being at the heart of local communities and the government urges local authorities to take a positive approach to their growth, management and adaptation. This, should be done by way of appropriate policies and other tools available to them.

41. Tandridge District Council Local Plan Policy DP3 states that:

*A. Within the defined local centres of Warlingham, Lingfield, Caterham Hill, and Whyteleafe, proposals involving the change of use or redevelopment of ground floor premises from use class A1 to A2, A3, A4 or A5 will be permitted only where:*

1. *No less than 50% of the local centre's total frontage width remains in retail (class A1) use; and*
2. *It can be shown that there is no demand for retail (class A1) use through an effective 12-month marketing exercise where the property has been offered for sale or letting on the open market at a realistic price and no reasonable offers have been refused\*.*

*B. Within the Local Centres, non A-class uses will not normally be permitted at ground floor level, although development for community uses and mixed uses with a strong retail element will be permitted provided that they meet criterion A(1) above.*

42. The proposal would result in a loss of retail space available at ground floor level. The existing retail unit is approximately 81sqm and the resulting retail unit would be approximately 57sqm. This loss is more than that shown under the previous submission. However, the frontage width of the unit which would be lost by this proposal would be approximately 1.7 metres and the overall retained space, measuring approximately 7.10m x 7.4m internally, is still considered viable for occupation by a business.
43. The Council's Policy Team assessed the proposal under application 2021/260 and highlighted that the A1 unit remains in place at ground floor level and the reduction in width is minimal. Although the frontage of the Caterham Hill Local Centre currently identifies 45% of A1 units that form the total frontage width (which is below the 50% threshold stated in DP3), the unit itself would remain within the Local Centre and the remaining frontage width and floor area would still be viable for Class A1 use. Although the frontage width of the Class A1 unit is to be reduced, it would not reduce the existing frontage width of units in the Caterham Hill Local Centre below 45%. It is considered, therefore, that the proposal would not be adversely detrimental to the viability and vitality of the Local Centre and would conform to the provisions of Local Plan Policy DP3.

#### Character and appearance

44. Paragraph 128 of the NPPF 2021 states that good design is a key aspect of sustainable development and paragraph 126 urges LPAs to take into account, when making decisions, the importance of securing well designed and attractive places.
45. This is also echoed within Core Strategy Policy CSP 18 stating that new development, within town centres, built up areas, the villages and the countryside would be required to 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. This is also reflected in the general policy of development, Policy DP7 of the Local Plan, which sets out the expectation of a high-quality design and that new development should respect and contribute to distinctiveness of the area in which it is located and to have a complementary building design and materials.
46. Paragraph 134 of the NPPF 2021 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Policy CCW4 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan requires development to preserve and enhance the character area and Policy CCW5 requires development to integrate well with their surroundings, meet the needs of residents and minimise the impact on the local environment provided they demonstrate a high quality of design.
47. The proposed extensions, rooflights and rear dormer are the same as those that were approved under application 2020/1339 which remains extant. It was considered that the proposal would be acceptable with regards to the impact upon the character and appearance of the area and this stance therefore remains the same.
48. The proposed bicycle and car parking, refuse and recycling storage are considered to be in an appropriate location which would also not detract from the character and appearance of the area and would therefore conform to Local



### Residential amenities

49. According to Core Strategy Policy CSP 18, new development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect. This is amplified by Local Plan Policy DP7 which seeks to promote high standards of residential amenity by ensuring that development does not result in general disturbance by maintaining reasonable separation distance between properties to guard against overshadowing and overbearing effects.
50. The proposed use, the extensions and additional fenestration was considered acceptable from a neighbouring amenity perspective under application 2020/1339. This stance remains the same under this submission as the majority of the external works remain as previously approved with the exception of the additional entrance to the front of the site from Caterham High Street. This additional entrance is not considered to have a significant impact upon the amenities of neighbouring properties with regards to overlooking, loss of privacy, noise or disturbance.

### Amenities of future occupants

51. Local Plan Policy DP7 also requires that new development provides a satisfactory environment for the occupants of new development. In addition to seeking a satisfactory living environment, Policy DP7 of the Local Plan 2014 also requires proposals to provide appropriate facilities for individual and communal use including amenity areas and garden areas, which should be proportionate to the size of the residential units and appropriate for the intended occupiers.
52. The proposal does not include garden space however it is noted that the HMO would replace a residential flat which also does not have garden space, and that it is within a town centre location where such a situation is quite common. It is a material consideration to note that this LPA previously considered that, as the site is within a 4-minute walk of Queens Park to the south, the absence of private amenity space was considered acceptable on balance.
53. On amenity grounds, the previous proposals were considered acceptable under 2020/647 and 2020/1339 as the upper floor units had kitchenettes which was acceptable based on distance to ground floor communal living room. Under application 2021/260, the submission sought to also have kitchenettes for the first floor units and therefore could have potentially allowed for all of the rooms within the HMO to be self-contained. Under the current submission, none of the first floor units are proposed to have kitchenettes and the Council consider that this arrangement would result in an acceptable layout for all 4 rooms. The residents of room 4 would be required to travel down two flights of stairs to access the communal area at ground floor level. Comments from Environmental Health are awaited but, from an officer's perspective, this is on balance considered acceptable and to provide a satisfactory living environment for future occupants.
54. Local Plan Policy DP7 allows the LPA to consider harm to future occupants resulting from a poor standard of accommodation. The rooms being proposed

would measure between 21.6sqm and 28.8sqm which, if sought to provide self-contained units, would result in unacceptable living accommodation for future occupiers. However, as these rooms would provide HMO accommodation and the scheme includes a communal space at ground floor level measuring approximately 32.8sqm, it would result in sufficient accommodation of future occupiers and would not go beyond the accepted internal configuration of a typical HMO. As such, it is considered that the proposal would conform to the provisions of Local Plan Policy DP7.

#### Transport issues and highway safety

55. Core Strategy Policy CSP 12 requires new development to have regard to adopted highway design standards and vehicle and other parking standards. Policy DP5 of the Tandridge Local Plan Part 2: Detailed Policies (2014) requires proposals to:
1. *comply with adopted highway design standards.*
  2. *Does not unnecessarily impede the free flow of traffic on the existing network or create hazards to that traffic and other road users;*
  3. *Retains or enhances existing footpaths and cycleway links;*
  4. *Provides safe and suitable access to the site which is achievable by all and promotes access by public transport, foot and bicycle to nearby residential, commercial, retail, educational, leisure and recreational areas where appropriate; and*
  5. *Fully funds where appropriate or contributes towards the costs of any measures required to cost effectively mitigate the significant impacts arising from the development.*
56. According to Local Plan Policy DP7, new development will be permitted so long that it has regard to the Council's adopted Parking Standards SPD (2012) or successor documents and does not result in additional on-street parking where this would cause congestion or harm to amenity or highway safety.
57. As the proposal is for 4 bedsits to form an HMO, the County Highway Authority has considered this as a single dwelling in accordance with residential parking requirements set out in 'SCC's 'Vehicular and Cycle Parking Guidance (2018). In accordance with Tandridge parking standards, 3 parking spaces would be required for a 4 + bedroom dwelling and therefore there would be a shortfall of 2 spaces. However, the site is within easy access of bus stops and within walking distance of Caterham railway station. There is a mixture of yellow line parking restrictions and controlled parking bays on the High Street and double yellow lines around junctions of side roads so it is not considered any inappropriate parking would take place. There is also a public car park on the High Street for any visitor parking. As a result, the provision of one parking space is considered acceptable in a town centre location.
58. Policy DP7 (General Policy for New Development) of the Local Plan (criterion 9) requires that proposals should incorporate bicycle storage and Policy DP5 of the Tandridge Local Plan Part 2: Detailed Policies (2014) requires proposals to provide safe and suitable access to the site which is achievable by all and promotes access by public transport, foot and bicycle.
59. It is noted that the applicant has proposed 3 cycle parking spaces however, as there are 4 bedsits proposed, the County Highway Authority have requested that a minimum of 4 cycle spaces are provided (one cycle space per unit) due

to the lack of parking provided. There is space within the site for such provision and could reasonably be secured by planning condition.

60. Policy DP7 (General Policy for New Development) of the Local Plan (criterion 9) requires that proposals provide *‘facilities for the storage and collection of refuse and recycling materials which are designed and sited in accordance with current Council standards, avoiding adverse impacts on the street scene and the amenities of the proposed and existing properties.’*
61. The proposal includes details of bicycle storage and provides facilities for the storage and collection of refuse and recycling materials, which are in a practical location and are considered to be adequate given the sustainable location of the proposal and the intensity of the use proposed and would conform to criterion 9 of Local Plan Policy DP7.

### Archaeology

62. Local Plan Policy DP20 (Heritage Assets) states in regard to County Sites of Archaeological Importance (CSAI) and Areas of High Archaeological Potential (AHAP):

*Any proposal or application which is considered likely to affect a County Site of Archaeological Importance, or an Area of High Archaeological Potential (AHAP), or is for a site larger than 0.4 hectares located outside these areas, must be accompanied by an archaeological desk-top assessment. Where the assessment indicates the possibility of significant archaeological remains on the site, or where archaeological deposits are evident below ground or on the surface, further archaeological work will be required. Evidence should be recorded to enhance understanding and where possible material should be preserved in-situ. In cases where the preservation of remains in-situ is not possible, a full archaeological investigation in accordance with a Council approved scheme of work will be required; the results of which should be made available for display at the East Surrey Museum or other suitable agreed location.*

63. The subject site is within the Caterham Historic Town Core AHAP and CSAI. Surrey County Council’s Archaeological Advisor has advised that the proposed extension is relatively small and within an area likely to have been subject to recent disturbance, and therefore has no concerns. Officers continue to concur with this view and it is considered that the proposal would have acceptable archaeological impacts.

### Renewable energy provision

64. One of the Objectives of Sustainable Development as set out in the NPPF is an environmental one, which encourages the protection and enhancement of our natural environment by mitigating and adapting to climate by moving to Low Carbon technologies. Core Strategy Policy CSP 14 promotes sustainable construction and it requires that all new small scale residential developments (1-9 dwellings) to incorporate onsite renewable energy resulting in a 10% reduction in Carbon Dioxide emissions.
65. The applicant has not submitted any details which show that the proposal could achieve the required reduction in Carbon Dioxide emissions. However, the proposal can feasibly achieve this target (for example through the provision of solar panels) and it was considered under application 2020/1339 that such

requirements could be secured by planning condition requiring a demonstration that a form of proposed renewable energy can be accommodated within the site to comply with Core Strategy Policy CSP14. The proposal would therefore be considered acceptable from a sustainability perspective.

## **Conclusion**

66. The proposed layout be considered to have an acceptable internal configuration of a typical house of multiple occupation (HMO) and would ensure that the viability of the retail unit would remain acceptable despite the small reduction in floor space. The proposed alterations would be acceptable from a character and appearance perspective and would not have a significant impact upon the amenities of neighbouring properties. Subject to conditions relating bicycle provision and renewable energy, the proposed development would be acceptable and inconformity with the Development Plan. As such, it is recommended that planning permission is refused in this instance for the reason set out below.
67. Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.
68. 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 213 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
69. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

## **RECOMMENDATION:**

**PERMIT 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 numbered TDP/PP/E01, TDP/PP/E02, TDP/PP/P01, TDP/PP/P02 and the 1:1250 red-edged site location plan, scanned on 19 July 2021. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

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

3. 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.

4. The development hereby permitted shall not be occupied until details demonstrating how the development would satisfy the 10% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed renewable energy provision shall be installed and operational before the development is occupied and retained in perpetuity in accordance with the approved details.

Reason: To ensure on-site renewable energy provision to enable the development to actively contribute to the reduction of carbon dioxide emissions in accordance with Policy CSP 14 of the Tandridge District Core Strategy 2008.

5. Before the development hereby approved is occupied the flank upper floor window shall be fitted with obscure glass and shall be non-opening unless the part of the window which can be opened is more than 1.7m above the floor of the room in which the window is installed and shall be permanently maintained as such.

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

6. The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To protect the amenities and privacy of occupiers of adjoining properties in accordance with Policy CSP 18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

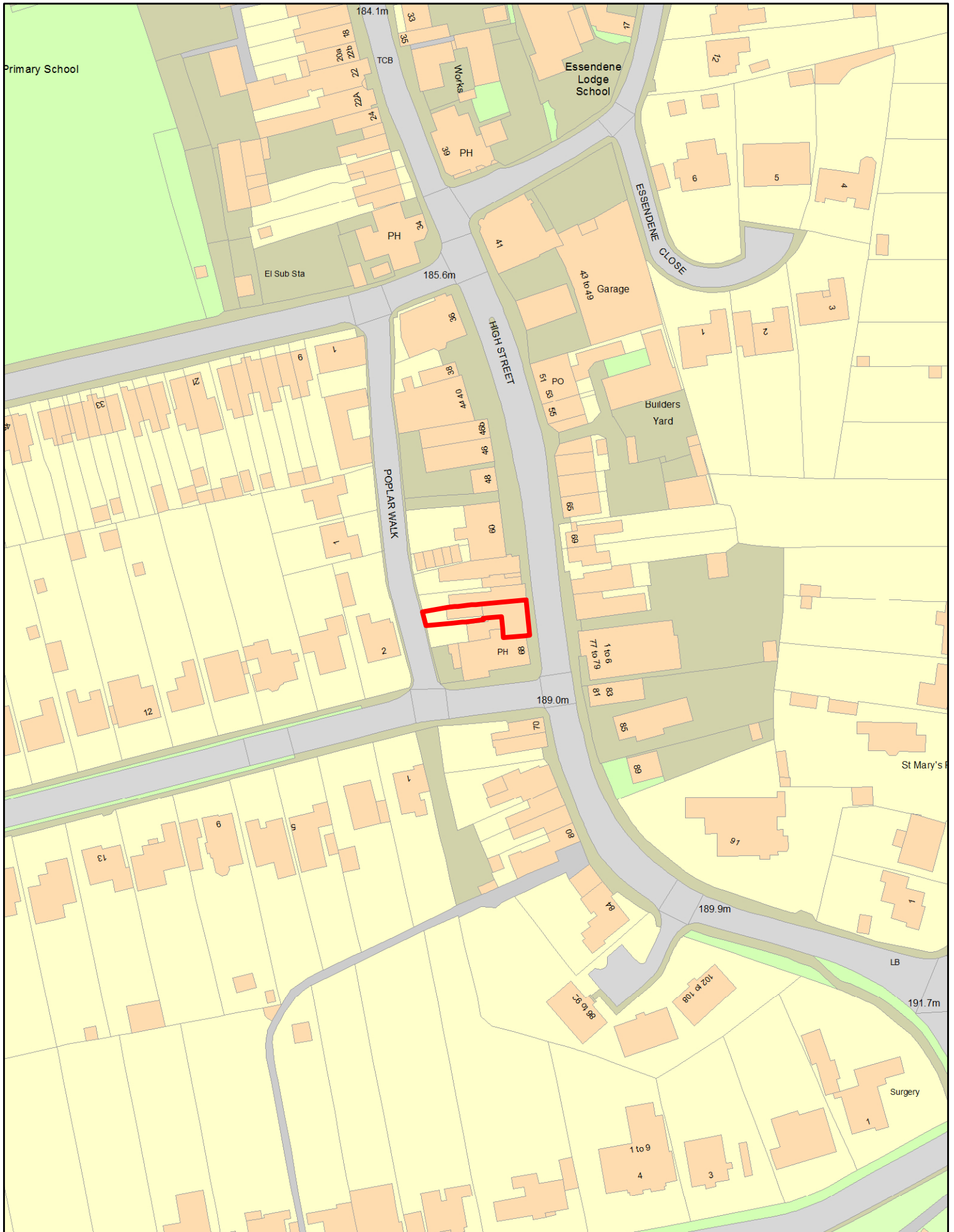
7. Before the development hereby approved is occupied, a scheme for a minimum of 4 bicycle parking spaces and refuse/recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Once approved, facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To protect the amenities of the future occupiers and the occupiers of adjoining properties in accordance with Policy CSP 18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 and to ensure the provision of sustainable transport options, in accordance with Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2021, Policy CSP 12 of the Tandridge District Core Strategy 2008 and Policies DP5 and 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.

The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP 1, CSP 2, CSP 3, CSP 7, CSP 11, CSP 12, CSP 13, CSP 14, CSP 18, CSP 23, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP2, DP5, DP7, DP18, 17, Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Policies CCW1, CCW2, CCW4, CCW5, CCW6 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.

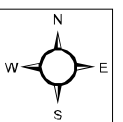


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## ITEM 5.5

**Application:** 2020/2074

**Location:** Sawmills, Green Lane, Outwood RH1 5QP

**Proposal:** Change of use of land and buildings to Class E(g)(i) Offices, B2 General Industrial and B8 Storage and Distribution uses, retention of sawmill use (B2), re-siting of Ryall Edwards sales building and widening of the access road.

**Ward:** Burstow, Horne & Outwood

**Decision level:** Planning Committee

*Constraints - Green Belt, TPO within 10m, C Road, AWOOD within 500m, ASAC, Gatwick Height Zone, Redhill Height Zone, Gatwick Bird Strike Zone, Article 4, Updated Flood Water Map for Surface Water - 1000*

**RECOMMENDATION:** **PERMIT subject to conditions**

This application is brought to the Planning Committee following a request by Cllr Colin White and Cllr Bourne.

### Summary

1. The proposal seeks a retrospective change of use of the site to a mixed use consisting of Class E(g)(i) Offices, B2 General Industrial (including the sawmill use) and B8 Storage and Distribution uses. The site is occupied by 'Tone Group Limited' comprising of Tone scaffolding, Media Structures (creating bespoke scaffolding structures for film and television events) and Austen Lewis (providing temporary seating associated with outdoor events, for example sports events), together with Ryall & Edwards Sawmill Timber Merchant. The development which is the subject of this application would not encroach beyond the recognised previously developed land which was established by the Lawful Development Certificate issued under reference 2020/1598. It is not considered that the development would result in a significantly harmful impact upon the openness of the Green Belt. The development does not result in significant harm to the rural character of the locality and would have regard to neighbouring amenities, the safety and operation of the highway and the site topography and trees of importance within the local landscape, including ancient woodland and trees. As such, it is recommended that planning permission is granted in this case.

### Site Description

2. The application site is located on the southern side of Green Lane to the west of M23 and would utilise an existing access road which historically served the Ryall and Edwards sawmill site. The site is now occupied by a variety of occupiers including Tone Group (the applicant) and is used for storage and distribution with ancillary offices and sales buildings. The site consists of a number of buildings, with associated hardstanding areas.
3. The site lies within the rural Green Belt area of Outwood, within a remote countryside location characterised by rural land and field enclosures. The site is to the west of the M23 (although there is no vehicular access at this point). There are sporadic groups of buildings in the locality; principally in residential use.

## Relevant History

4. 2020/1598 – Continued use of land falling within Class B2 (general industrial) use. (Application for a Certificate of Lawful Development for an Existing Use or Development) – Lawful Development Certificate issued
5. 2019/868 – Change of use of land and buildings to Class B1, B2 and B8 use, retention of sawmill use, retention of existing bunding (under power lines), retention of Ryall & Edwards sales building on current site and retention of welfare buildings on existing site, widening of access road – Refused – Appeal partly dismissed (under reference APP/M3645/W/19/33243745) insofar as it relates to the retention of existing bunding (under power lines), retention of Ryall & Edwards sales building on the current site and the retention of welfare buildings on existing site. The appeal was partly allowed insofar as it relates to the change of use and widening of the access road, the change of use of land and buildings to Class B1, B2 and B8 use, the retention of sawmill use and the widening of access road at Green Lane.
6. 2018/1429 – Retention of earth bunding – Refused – Appeal withdrawn. (APP/M3645/W/19/3228745)
7. 2018/1271 – Change of use of land and buildings from sawmill (sui generis) to mixed-use of sawmill (sui generis), Class B1 (Business), Class B2 (General Industrial) and Class B8 (Storage or distribution) (Retrospective) – Refused - Appeal withdrawn. (APP/M3645/W/19/3224563)
8. 2018/1025 – Erection of a storage building for timber for a temporary 3-year period (Retrospective) – Refused – Appeal Dismissed (APP/M3645/W/19/3221131)
9. 2018/1023 – Resurfacing and widening of existing site access road to Green Lane (part-retrospective) – Refused
10. The above developments have all been carried out without the benefit of planning permission, however, the timber storage building has since been removed following the appeal dismissal on application 2018/1025.
11. GOR/2860A - Development of a sawmill - Granted with 13 conditions attached. The following numbered conditions attached to the permission restrict the use of the land:
  - Condition 2. Any industrial building to be erected by the applicants in pursuance of the permission hereby granted shall be used for the purpose of sawing and planing timber only and for no other purpose within Class III or Class IV of The Town and Country Planning (Use Classes) Order 1950.*
  - Condition 3. No part of the land shown washed red on plan CP 61/1759 shall be used otherwise than for the sawing planing or storage of timber and the erection of such buildings in connection therewith as may be approved by the Local Planning Authority in accordance with condition (illegible).*
  - Condition 5. The areas beyond the confines of the area washed red on the plan C.P.61/1759 to be to be used for the storage and stacking of timber shall be submitted to the Local Planning Authority for approval. No other part of the land other than that so permitted shall be used for storage purposes without prior consent in writing of the Local Planning Authority.*
  - Condition 11. This permission shall be personal to the applicant Company.*

12. There have been a number of Enforcement Notices relating to the site, one of which has been complied with (Enforcement Notice No.10 (2019) relating to the unauthorised timber storage building which has been removed (noted above) and is not subject of this application.
13. Enforcement Notice No.9 (2019) – Without planning permission the widening of existing site access road onto Green Lane has been addressed at appeal considered under reference APP/M3645/W/19/3243745.
14. Enforcement Notice 11 (2019) – ‘Without planning permission the erection of earth bunding’ and Enforcement Notice 12 (2019) – ‘Without planning permission the formation of hardstandings’ are in the process of being addressed.
15. Enforcement Notice 8 (2019) – Without planning permission the change of use of land and buildings from sawmill (sui generis) to mixed-use of sawmill (sui generis), storage and distribution of scaffolding and storage and distribution of event staging, seating and associated equipment – Allowed at appeal under reference and Enforcement Notice quashed under reference APP/M3645/C/19/3231743.

### **Key Issues**

16. The key issue is whether the proposals would constitute inappropriate development within the Green Belt, and if so, whether there are any very special circumstances to justify permission and also, whether the proposal would be appropriate with regard to the impact on the character of the site, landscape, residential amenity, highways safety, trees and wildlife.

### **Proposal**

17. The application seeks planning permission for the retrospective change of use of the site to a mixed use consisting of Class E(g)(i) Offices, Class B2 General Industrial (including the sawmill use) and Class B8 Storage and Distribution use. The site is occupied by ‘Tone Group Limited’ comprising of Tone scaffolding, Media Structures (creating bespoke scaffolding structures for film and television events) and Austen Lewis (providing temporary seating associated with outdoor events, for example sports events), together with Ryall & Edwards Sawmill Timber Merchant.
18. It is stated that Tone Group Limited, given the nature of their business, respond to emergency call out requests for essential scaffolding requirements (such as Gatwick Airport, Heathrow Airport, Network Rail, Thames Water, Government Agencies and dangerous structures) requiring 24-hour operational use of the site to cater for emergencies. Vehicle movements are largely concentrated to early morning with vehicles leaving the site (pre-loaded from the previous day). They then generally return in the early afternoon before they are preloaded for the proceeding day.
19. Ryall & Edwards, who have historically traded from the site, would continue selling timber products both to trade and the public in the same way that they have done from the site for approximately 50 years.

### **Development Plan Policy**

20. Tandridge District Core Strategy 2008 – Policies CSP1, CSP11, CSP12, CSP15, CSP17, CSP18, CSP21, CSP22
21. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP4, DP5, DP7, DP10, DP13, DP19, DP22
22. Woldingham Neighbourhood Plan 2016 – Not applicable
23. Limsfield Neighbourhood Plan 2019 – Not applicable

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

24. Tandridge Parking Standards SPD (2012)
25. Tandridge Trees and Soft Landscaping SPD (2017)
26. Surrey Design Guide (2002)

**National Advice**

27. National Planning Policy Framework (NPPF) (2021)
28. Planning Practice Guidance (PPG)

**Statutory Consultation Responses**

29. Outwood Parish Council – Objection: Excessive overdevelopment in a rural area; inappropriate location for HGV operation; noise and light disturbance; HGV movements 24 hours a day, 7 days per week unacceptable. Inaccuracies or unreliable data in the Transport Survey. Inappropriate development in the Green Belt. Insufficient road network/infrastructure.
30. Horne Parish Council – Objection: shares the views of Outwood Parish Council.
31. Reigate and Banstead Borough Council – Objection: unsuitable for intensive commercial use; loss of neighbouring amity due to HGV movements.
32. Salfords and Sidlow Parish Council – Road network unsuitable for HGVs; inaccuracies in Transport Assessment data (in particular HGV movements); impact on Green Belt from previous works carried out; urbanising effect on local area; inappropriate location for such a use.
33. Environment Agency – Proposal was assessed under 2019/868 where it was concluded that the site is of a low environmental risk. The Environment Agency therefore had no comments to make.
34. Surrey County Highway Authority – The proposed development has been considered by the County Highway Authority who, having assessed the application on safety, capacity and policy grounds, recommends conditions be imposed relating to the modified access to the site from Green Lane being formed and retained, space being laid out within the site for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and secure parking for bicycles being provided within the site.

**Non-statutory Advice Received**

35. None requested or received.

### **TDC advice**

36. Environmental Health – No objection provided the applicant is willing to restrict operations on site, including loading, unloading and handling of scaffolding and other equipment, but not vehicle arrivals and departures to the following times:

*Monday to Friday      7am to 6pm*  
*Saturdays              7:30am to 1pm,*

*and at no time on Sundays or Bank/Public Holidays, then I have no objections on Environmental Health grounds.*

*These times will allow for emergency out of hours collection of pre-loaded trailers and hoarding, but not the loading and unloading of scaffolding.*

### **Other Representations**

37. Third Party Comments – The main issues raised are as follows:

- Overdevelopment of the site [OFFICER COMMENT: Addressed in Paragraph 55-59]
- Unacceptable location for an industrial use with 24/7 use – more appropriate in a designated industrial location [OFFICER COMMENT: Addressed in Paragraph 40-54]
- Harm to the Green Belt and rural setting [OFFICER COMMENT: Addressed in Paragraph 40-50]
- Impact on surrounding Conservation Area [OFFICER COMMENT: The site is over 1.75km from the Conservation Area so would have very limited impact]
- Harm to rural/local community [OFFICER COMMENT: Addressed in Paragraph 65]
- No sawmill remains on site [OFFICER COMMENT: The sales building which relates to Ryall and Edwards Timber remains the active timber related use]
- Air and light pollution from HGV movements and site activity [OFFICER COMMENT: Addressed in Paragraph 66]
- Noise and disturbance from scaffolding activities and HGV movements [OFFICER COMMENT: Addressed in Paragraph 60-66]
- Insufficient infrastructure in place to serve the activities [OFFICER COMMENT: Addressed in Paragraph 74-78]
- Pedestrian, cyclist and horse rider safety compromised by HGV movements to and from the site [OFFICER COMMENT: Addressed in Paragraph 74-78]
- Insufficient public footpaths and street lighting [OFFICER COMMENT: Addressed in Paragraph 74-78]
- Traffic congestion – emergency access to hospital compromised [OFFICER COMMENT: Addressed in Paragraph 74-78]
- HGV movement data incorrect in the submission and inaccuracies within the Transport Statement [OFFICER COMMENT: The submission has been assessed by the Planning Inspector and the County Highway Authority and are considered to be accurate – Addressed in Paragraph 74-78]
- Noise Assessment misleading [OFFICER COMMENT: Addressed in Paragraph 60-66]

- Damage to road network/verges/hedgerows from HGV movements [OFFICER COMMENT: If this arises it would be a matter to be addressed between the applicant and Surrey County Highways. It is not a material planning consideration under this submission]
- Harm to Ancient Woodland [OFFICER COMMENT: Addressed in Paragraph 67-73]
- Impact upon wildlife and biodiversity [OFFICER COMMENT: Addressed in Paragraph 67-73}
- Surface water increase from development [OFFICER COMMENT: The site is not within a surface water flood risk area and no additional built form is being proposed on site therefore no surface water increase is expected from this development]
- Loss of property value – OFFICER COMMENT: Not a material planning consideration
- Lawful Development Certificate issued under 2020/1698 should be revoked [OFFICER COMMENT: No legal challenge over the Council's decision was made and therefore the Lawful Development Certificate remains valid and a material planning consideration]

## **Assessment**

### Procedural Matters

38. This retrospective application relates to buildings and land within the red line marked on the site location plan. This land in question is considered to form the previously developed land (PDL) as considered and defined by the Lawful Development Certificate (LDC) issued under application reference 2020/1598. The land immediately to the west of the access road, formerly used as a landfill site and more recently for storage of materials, is excluded from this application site and is therefore not for consideration under this submission.
39. The recent planning appeal under 2019/868 (APP/M3645/W/19/3243745) considered that the retention of the existing bunding (under power lines), the retention of the Ryall & Edwards sales building and the retention of welfare buildings on the existing site was unacceptable as these were located outside of the PDL established by the LDC referred to above. The widening of the access road, the change of use of the land and buildings to Classes B1, B2 and B8 use, the retention of the sawmill use and widening of access road at Green Lane was considered acceptable by the Planning Inspector. This appeal is a material consideration when considering the acceptability of the scheme being proposed under this submission.

### Green Belt impact

40. The site is located within the Green Belt. Great importance is attached to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. 'Inappropriate' development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. (Paragraph 147 of the National Planning Framework 2021 (NPPF)) Paragraph 148 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Furthermore, 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

41. Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. This includes: *'(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would,'* among other things, *'not have a greater impact on the openness of the Green Belt than the existing development'*. The buildings that are the subject of this application meet the requirement of being of a permanent and substantial construction and are used for purposes associated with the current occupants of the site for Class E(g)(i) Offices, B2 General Industrial (including the sawmill use) and B8 Storage and Distribution uses with the ancillary sales building associated with Ryall and Edwards. For the reasons given above, it is considered that the proposed development is not inappropriate development within the Green Belt and is in accordance with NPPF (2021) Green Belt policy.
42. Local Plan Policy DP13 states, inter alia, that unless very special circumstances can clearly be demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt. However, it then lists a number of exceptions to this which include:  
*(G) The limited infilling or the partial or complete redevelopment of previously developed (brownfield) sites in the Green Belt (outside the Defined Villages), whether redundant or in continuing use (excluding temporary buildings), where the proposal would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*  
*(H) The re-use of buildings within the Green Belt (outside the Defined Villages) for industrial, commercial, community or residential purposes, where:*
- 1. The proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
  - 2. The buildings are of permanent and substantial construction, are structurally sound and capable of re-use without major alterations, adaptations or reconstruction;*
  - 3. The proposed use can be wholly or substantially contained within the building identified for re-use;*
  - 4. The proposal is not likely to result in the need to construct additional agricultural buildings, unless it can be demonstrated that the building to be re-used is no longer suitable for an agricultural use.*
43. Annex 2 (Glossary) of the NPPF defines 'previously developed land' (PDL) as: *'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*
44. The former lawful use of the site is a timber sawmills business that was established in the early 1960's. Since approximately 2017, the site has been used for a mix of uses consisting of Class E(g)(i) Offices, Class B2 General Industrial (including the sawmill use) and Class B8 Storage and Distribution use. The site is occupied by 'Tone Group Limited' comprising of Tone scaffolding, Media Structures (creating bespoke scaffolding structures for film and television events) and Austen Lewis (providing temporary seating

associated with outdoor events, for example sports events), together with Ryall & Edwards Sawmill Timber Merchant.

45. When considering the recent appeal under application 2019/868, the Planning Inspector considered that *'the storage of scaffolding and event equipment [in association with the use that are operating from the site] would clearly reduce the openness of the Green Belt and encroach into the countryside were it to occur outside of the extent of the PDL. However, within the PDL area I consider the impact to be neutral when compared with the historic and lawful use of that area for industrial purposes including a timber yard with consent for timber stacking to 25 feet above ground level (GOR/222/70). Local character and appearance would also be preserved within the restricted area, for the same reasons.'* The Council concur with the Inspectors view in this regard and consider the uses which are operating from the site within the extent of the PDL area to be acceptable.
46. The application site, as annotated by the purple edging line on the masterplan drawing (drawing reference no.301 Rev I), purports to be the extent of the PDL which was granted a Lawful Development Certificate under application 2020/1598. Having regard to the granting of this LDC and the considerations by the Planning Inspector under 2019/868, it is now agreed that all of the present business uses, buildings and operations as shown on the current application submission would fall within the curtilage of the lawful PDL. As consideration of the effect of the development on the openness of the Green Belt is required by Local Plan Policy DP13 and the provisions of paragraph 149(g) of the NPPF.
47. The lawful built form within the PDL area equates to approximately 2900sqm and the proposal seeks to include the Ryall and Edwards sales building (labelled building 6) within the agreed PDL area. This building measures approximately 84sqm and this building is considered to be of a low key; particularly in comparison with the existing buildings within the site. The building is set further northward than the existing built form within the site as it allows for a degree of separation from the sales element and the industrial activities, in particular the HGV movements, taking place at the site. This is in the interest of public safety and also to delineate the varied activities taking place. Although the sales building would be sited further forward than the existing cluster of buildings within the site, its height of approximately 3.63 metres at its highest point would be read against the backdrop of the main buildings and would remain within the established PDL area.
48. In addition to the sales building, the welfare building (labelled building 10) and the cycle storage facility (labelled building 11) would be retained within the site to provide breakout space, toilet facilities and cycle storage facilities respectively to serve employees. The welfare building would measure approximately 173sqm and would be located close to building 9 which is used as workshop. The cycle storage building would measure approximately 12sqm and would be located close to the southern elevation of buildings 1-4. The welfare building would measure approximately 3 metres in height and the cycle building would measure approximately 1.62 metres in height. The low key height and scale of both buildings would also be read against the backdrop of the other buildings within the PDL area. This proposal seeks to ensure that the welfare and cycle buildings are also within the established PDL area and, in addition, enlargements to buildings within the site would be permitted under Paragraph 149(c) of the NPPF 2021 which allows for *'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.'* The additional built



form within the PDL area is modest and, as such, it is not considered that the buildings to be retained within the site would have a significant impact upon Green Belt openness.

49. In terms of re-use of buildings within the lawful PDL area, Paragraph 150 of the NPPF 2021 and Policy DP13 of the Local Plan confirm that the re-use of buildings within the Green Belt is not inappropriate. It is accepted that the buildings within the lawful PDL site are capable of such conversion and the mixed use operating from these buildings wholly within the lawful PDL site is considered acceptable and is not inappropriate development in the Green Belt by reason of definitional harm or actual harm. The widening of the access road which has been carried out on site was also assessed by the Planning Inspector under application 2019/868 who concluded that *'the impact upon the Green Belt (and character and appearance) by the widening of the access road within the PDL area is negligible in the context of the pre-existing access and lawful use.'* The Council concur with the Inspector's view on this matter and do not consider the widening of the access road to constitute inappropriate development in the Green Belt.
50. The large area to the west of the access road, formerly a tip for industrial waste, was 'open' and had no buildings or other paraphernalia on it. It was previously considered that this land had effectively assimilated back into the rural landscape. This area of the site is outside of the established PDL area and it is no longer proposed to be used for any purposes associated with the existing site operations. As a result of the above assessment, it is considered that this application conforms to the provisions of Local Plan Policies DP10 and DP13 and the Green Belt elements of the NPPF 2021.

### Employment

51. The NPPF states, inter alia, that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The first being the economic objective *'to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure'*.
52. Core Strategy Policy CSP22 seeks to develop a sustainable economy through a number of means including making best use of existing commercial and industrial sites. The previous application submission was considered to result in *'more local employment or benefit to the economy, with staff relocating from other sites at Croydon and Haversham Lane in Tandridge District.'* The application site has become the Tone Group 'headquarters' enabling the three linked companies of Tone Scaffolding Services, Media Structures and Austin Lewis to operate from a single base. The previous applications from 2018 and 2019 was considered to have the following benefits:
- *An increase in employment in Tandridge District. Tone Group will employ 65 people on site;*
  - *As a result of the move to Green Lane site 51 new staff have been employed;*
  - *14 (27%) staff are from the local area (a ten mile radius of the site) have been employed;*
  - *Two additional staff have been employed by Ryall & Edwards (both local).*

53. The applicant confirmed under 2019/868 that the recent purchase of the site by Tone Group has enabled Ryall and Edwards to remain on site and continue to trade. The applicant stated that the application provides support for the future success of Ryall & Edwards and the employment associated with that use. It was considered that sufficient evidence had been provided in support of the application to demonstrate that there had been an increase in local employment.
54. Under application 2019/868, the applicant provided a Transport Statement which provided an analysis of average daily HGV one way trips derived from the site. It stated that 5% of the total HGV movements flow along Green Lane (21 HGV's out of a total of 408 HGV's). The County Highway Authority, when assessing the proposal, considered that weight should be given to the fact that the site has been used for industrial purposes for the last 70 years, and that there was already an existing established timber yard business on site. The Inspector, when considering application 2019/868, confirmed that the use operating from the site creates *'continued long-term local employment on an existing industrial site in a location, which I have found, to be reasonably sustainable in terms of access. The appellant's business is able to be located within one base, which he also says results in fewer vehicle movements. There are also benefits to the local economy through the business purchasing goods and services. These are all benefits of significant weight.'* The Council have no reason to conclude otherwise and accept that the principle of the proposal to re-use existing buildings within the site would make best use of the existing site particularly given that there is already an established business use in operation. The proposal would therefore conform to the provisions of Core Strategy Policy CSP22.

#### Character and Appearance

55. 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.
56. 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.
57. Policy CSP21 of the Tandridge District Core Strategy 2008 advises that the character and distinctiveness of the District's landscapes and countryside will be protected for their own sake and that new development will be required to conserve and enhance landscape character.
58. As noted previously, the site area has been reduced following the refusal of application 2018/1271 and 2019/868 and now solely includes the PDL area established by the LDC granted under application reference 2020/1598. Under previous application 2018/1271 for the change of use to a mixed use, it was concluded that the change of use of land and buildings as set out in that application had failed to have any regard to the former character and appearance of the site and what is appropriate in the balance of a commercial

use and its location within the countryside. It was further concluded that the clearance of fields and more intensive use of the land had urbanised and formalised the site to create a use reflective of an industrial estate that this effect was exacerbated by the erection of buildings on land deemed to be outside the PDL. Under application 2019/868, the site area was reduced however Inspector concluded that 'the Ryall & Edwards sales building and the welfare buildings (4 interlinked portacabins) are situated outside of the extent of the PDL.'

59. Under this submission, the Ryall & Edwards sales building and the welfare buildings (4 interlinked portacabins), in addition to the proposed cycle storage facility, are now situated within the extent of the PDL. This has reduced the spread of built form and has ensured that the former tipping area to the west of the access road is now void of any development. Under application 2019/868, the Planning Inspector concluded that '*within the PDL area I consider the impact to be neutral when compared with the historic and lawful use of that area for industrial purposes including a timber yard with consent for timber stacking to 25 feet above ground level (GOR/222/70). Local character and appearance would also be preserved within the restricted area, for the same reasons.*' All of the built form is to be moved solely within the PDL area under the current submission and the sales building, welfare building and cycle storage facilities are of low key and seen against the backdrop of the main buildings. As such, the Council consider that having regard to the existence and use of the existing lawful buildings on site and the fact that the built form does not encroach beyond the recognised PDL area, there would be no significant adverse impact on the character or appearance of the area nor would there be an adversely detrimental impact upon the rural character of the locality. The proposal therefore conforms to the provisions of Core Strategy Policies CSP18 and CSP21 and Local Plan Policy DP7.

#### Residential Amenities

60. 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 other adverse effect. Policy DP7 of the Local Plan: Part 2 has the same objectives of protecting neighbouring amenity embodied in criteria 6-9. Policy DP22 of the Local Plan: Part 2 advises that the Council require noise generating forms of development or proposals that would affect noise-sensitive development to be accompanied by a statement detailing potential noise generation levels and any mitigation measures proposed to ensure that all noise is reduced to an acceptable level.
61. The Council's Environmental Health department, under application 2019/868, previously raised concerns over the noise from the site and how this would affect nearby residents, as the planning application sought the use of the site for 24-hours a day, seven days per week. However, this submission seeks to clarify the operations and frequency of 'out of hours' use. The application submission states that out of hours work would only take place twice a month (on average) and that pre-loaded HGV vehicles for serious incident responses and that minima loading would take place outside of normal 'core hours of operation (before 6am and after 6pm). The submission states that rarely do incidents require large scale mobilisation due to the pre-loading exercise.
62. The application submission includes a comprehensive 'Noise Assessment' carried out by Mayer Brown (dated February 2020) which confirms that an

environmental noise survey was undertaken at the site to determine existing ambient noise levels characterising the site. Detailed noise monitoring has also been undertaken to determine typical operational noise levels associated with the movement and maintenance of vehicles. The impact of proposed operations has been assessed in line with the assessment methodology of BS 4142:2014. The assessment of noise has been undertaken in accordance with relevant guidance promoted in Policy DP22 and the assessment concludes that the development will not have any significant adverse noise impact on neighbouring dwellings and is therefore compliant with Policy DP7. The Council's Environmental Health department has confirmed that the noise report in support of the application is sufficiently detailed to allow reaching the conclusions of the consultation response. However, Environmental Health have requested that if permission is granted, to preserve the residential amenity of the area, a condition is recommended restricting operations on site, including loading, unloading and handling of scaffolding and other equipment, but not vehicle arrivals and departures.

63. Since the application submission, the appeal under application 2019/868 has been determined and the Planning Inspector concluded that *' the "night-time" (23.00 to 07.00) impact of the site has been predicated on the stated practice by the appellant of "pre-loading" trailers so that emergency out-of-hours collections do not create the "metallic 'clang' of scaffold poles" which were noted to "subjectively generate the highest sound levels"6 during the day. Therefore, in taking the concerns of neighbours into account and the need to protect their living conditions, I will impose a condition on each permission (agreed by the main parties) which restricts the loading, unloading and handling of scaffolding and other equipment to within specified hours during the day and with tighter restrictions on weekends and Bank Holidays. With this condition, I find that there would be no material harm to living conditions ...'*
64. Given the findings of the Inspector, it would be reasonable to conclude that activities can be restricted through the implementation of an appropriately worded condition which reflects the findings of the Inspector. The wording has been agreed as follows:
- 'The loading, unloading and handling of scaffolding and other equipment (excluding vehicle arrivals and departures to allow for emergency out of hours collection of pre-loaded trailers and hoarding at any time) shall be restricted to the following hours:  
0700 - 1730 Mondays - Fridays  
0730 - 1300 Saturdays  
and shall not be operated at any time on Sundays or on Bank or Public Holidays.'*
65. Based on the hours of operation proposed and the wording of the condition, it is considered that the restriction would still allow for the business needs and would allow for the operations to continue within the site without resulting in an unacceptable level of harm to the amenities of local residents through noise disturbance. In addition, and with regards to third party comments, the activities associated with the resulting use of the site are not considered to have a detrimental impact upon the local community.
66. With regards to third party comments, light and air pollution concerns have been raised by local residents. However, under application 2019/868, the Inspector concluded that they had *'seen very limited substantive evidence of the light and air pollution concerns raised by local residents and accordingly do*

*not find that the developments cause any material harm in these regards.* The development would therefore conform to the relevant provisions of Core Strategy Policy CSP18 and Local Plan Policies DP7 and DP22.

### Trees

67. Policy CSP18 of the Core Strategy requires development to 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 Local Plan Policy DP7 requires that where trees are present on a proposed development site, a landscaping scheme should be submitted alongside the planning application which makes provision for the retention of existing trees that are important by virtue of their significance within the local landscape.
68. The Tandridge Trees and Soft Landscaping SPD (2017) outlines the importance of landscaping which applies to urban and rural areas and advises that it is *‘essential that the design of the spaces around buildings is given the same level of consideration from the outset as the design of the buildings themselves’*. Trees are not only a landscape and environmental benefit but, as the SPD outlines, a health benefit for people which enhances their environment.
69. The main area of concern from an arboricultural perspective under the previous submission was the soil bund that extends into an area of land designated as Ancient Semi Natural Woodland. This submission does not include any such bunding and the Council’s Tree Officer has confirmed that, under application 2019/868, he considered there to be little long term harm caused by the widening of the access road, and that *“any harm can be mitigated and compensated for, by the planting of native tree and shrub species either side of the access, as proposed within the submitted details.”*
70. In respect of the above there are no changes within this current application that would affect the Council’s Tree Officer’s previous comments. As the access has already been constructed, he is satisfied that no further tree protection is required, but a detailed soft landscaping scheme is needed to ensure that the brief landscape proposal given in the design and access statement are properly implemented. Such a requirement could be reasonably secured by planning condition to ensure that the development conforms to Core Strategy Policy CSP18, Local Plan Policy DP7 and the Council’s Trees and Soft Landscaping SPD.

### Ecology

71. 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.
72. Policy DP19 of the Local Plan Part 2: Detailed Policies advises that planning permission for development directly or indirectly affecting protected or Priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.

73. The site is in a very rural location and some of it is considered to constitute 'previously developed land' (PDL) as defined by the NPPF 2021 and the Local Plan. There is no demolition proposed and this application is predominantly retrospective. A site walkover by Wychwood Environmental has been carried out and a letter submitted with this application. The ecologist considered that the areas to the southeast of the site already cleared and levelled could have supported potentially suitable habitat for reptiles and that the pond has a 'poor' rating for supporting Great Crested Newts such that their likely presence is 'negligible'. Wychwood Environmental consider that all of the vegetated areas within the site have the potential to support nesting birds between April – August (inclusive) and this is the 'major constraint within the vegetated area that is planned for clearance, to the east of the area that has already been levelled'. The buildings are considered to be of negligible importance for roosting bats. The Walkover report identified potential impacts on biodiversity and opportunities for ecological enhancements. It is considered that a condition could be imposed, including requiring further details of bio diversity enhancement and for the recommendations of Wychwood Environmental to be implemented to ensure compliance with Core Strategy Policy CSP17 and Local Policy DP19.

#### Highways

74. Policy CSP12 of the Core Strategy advises that new development proposals should have regard to adopted highway design standards and vehicle/other parking standards. Policy DP5 of the Local Plan contains Highway Safety & Design criteria for new development and Criterion 3 of Policy DP7 of the Local Plan also requires new development to have regard to adopted parking standards.
75. When application 2018/1271 was under consideration, the County Highway Authority (CHA) raised concerns about the unsustainable location of the site, the intensification of use by HGVs, and the impact of the development upon road safety. However, under 2019/868, a Transport Statement (TS) was submitted which provided more detailed information on staff travel modes, traffic generation and HGV movements, and personal injury accidents, which enabled the CHA to fully assess the impact of the proposed development on the surrounding highway network. The CHA considered that a refusal on grounds of sustainability and highway safety could not be sustained. In addition, the CHA acknowledged that the development would generate an increase in HGV movements along the access routes to the site. However, the overall number of HGV movements associated with the site was considered to be relatively small compared with the total number of HGVs already on Green Lane and the surrounding network. They considered that the additional HGV movements generated by from the site would not lead to an unacceptable impact on highway safety, or to a 'severe' cumulative impact on the immediate and surrounding highway network.
76. Under the appeal decision for application 2019/868, the Planning Inspector confirmed that *'The Travel Plan indicates that less than half of the workforce drives to work by private car, there is an element of car-sharing in place, and over a third of the workforce either cycles to work or is transported by a company-owned shuttle bus from the train station. I agree with the HA [Highway Authority] that this represents a variety of transport modes in accordance with the Framework, and in order to support continuing bicycle use as supported by the Framework I am attaching a condition for their secure parking. The Council confirmed it was not necessary to attach a condition requiring the appellant to*

*submit any further Travel Plan and given the existing evidence of sustainable transport modes, I agree.'*

77. Having further regard to the Inspectors comments on the County Highway Authority's findings under application 2019/868 where they consider that the HGV movement increase associated with the site *'is small compared with existing HGV movements on the local network including Green Lane.'* It was inferred by the Inspector that *'despite third party concerns the HA finds that the local roads, including their widths, are suitable for HGV traffic. Further, it finds that the recent 5-year accident record shows that there have been a low number of accidents and very few involving HGVs, all which occurred at least 1.5km from the sites and cannot be determined to be associated with them. Also, notwithstanding the concerns of the Parish Council and local residents, none of the casualties involved pedestrians or cyclists. I find the HA's reasoned professional opinions on these matters to carry significant weight, and while I acknowledge the concerns of interested third parties, I am not persuaded taking all into account that the developments are unacceptable as regards highways matters.'* Since the Insepctors decision, the Highway Authority have agreed to omit the Travel Plan condition as this was considered by the Planning Inspector at appeal not to be necessary as less than half of the workforce drive to work by car and a range of sustainable transport modes are used to travel to the site. It would be reasonable for the Council to arrive at the same conclusion as the Planning Inspector under this submission.

78. The modified vehicular access onto Green Lane was considered necessary to accommodate HGV turning movements and access into/egress from the site. The Inspector considered the retention and maintenance of the access road, as well as a condition ensuring vehicles enter and exit the site only in forward gear, should be secured. Subject to these conditions being secured, the development is considered to be in accordance with Core Strategy Policy CSP12, Local Plan Policies DP5 and DP7 and the NPPF 2021.

## **Conclusion**

79. The current application is a retrospective application and the Council is aware, that industrial and storage uses have been run from the site for several years, up to the current date. The Planning Officer for this application has visited the site times a couple of times over the last year, albeit outside of peak traffic hours, and saw a small number of vehicles (HGV lorries) entering in and out of the site. However, it is noted that some letters of objection have observed that levels of traffic along the track have increased in recent years.

80. It is considered that the development would not encroach beyond the recognised previously developed land which was established by the Lawful Development Certificate issued under reference 2020/1598. It is also considered that the development would not result in a significantly harmful impact upon the openness of the Green Belt. The development does not result in significant harm to the rural character of the locality and would have regard to neighbouring amenities, the safety and operation of the highway and the site topography and trees of importance within the local landscape, including ancient woodland and trees. As such, it is recommended that planning permission is granted in this case subject to the conditions set out below.

## **CIL**

81. This development is CIL liable.

82. 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 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
83. The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP11, CSP12, CSP15, CSP17, CSP18, CSP21 & CSP22, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP4, DP5, DP7, DP9, DP10, DP13, DP19 & DP22 and material considerations, including third party representations.
84. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

**RECOMMENDATION:**

**PERMIT subject to conditions**

Conditions:

1. The development shall be carried out in accordance with drawings numbered 300 Rev C, 304.1 Rev C, 304.2 Rev B, 306.1 Rev C, 306.2 Rev C, 307 Rev C and 308 Rev B scanned in on 19 November 2020, drawings numbered 301 Rev I, 302 Rev C, 303 Rev D and 307.2 Rev A scanned in on 08 February 2021 and drawing numbered 305 Rev C scanned in on 14 September 2021. There shall be no variation from these approved drawings unless agreed in writing by the Local Planning Authority.

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

2. The loading, unloading and handling of scaffolding and other equipment (excluding vehicle arrivals and departures to allow for emergency out of hours collection of pre-loaded trailers and hoarding at any time) shall be restricted to the following hours:  
0700 - 1730 Mondays - Fridays  
0730 - 1300 Saturdays  
and shall not be operated at any time on Sundays or on Bank or Public Holidays.

Reason: To safeguard the amenities of nearby residents 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.

3. The modified vehicular access to Green Lane and the cycle parking provision as shown on the approved drawings shall be retained and permanently maintained for as long as the development exists.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CSP12 of the Tandridge District Core Strategy 2008, Policy DP5 of the Tandridge Local Plan Part 2: Detailed Policies 2014 and the objectives of the National Planning Policy Framework 2021.



4. Within 3 months of the date of this decision, a scheme showing the layout of parking spaces and provision of turning areas so that all vehicles can enter the site and leave in forward gear shall be submitted and approved in writing by the Local Planning Authority. Once approved, the approved details shall be retained and permanently maintained for as long as the development exists.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CSP12 of the Tandridge District Core Strategy 2008, Policy DP5 of the Tandridge Local Plan Part 2: Detailed Policies 2014 and the objectives of the National Planning Policy Framework 2021.

5. Within 3 months of the date of this decision, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in accordance with the approved details.

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

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

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

6. Within 3 months of the date of this decision, an Ecological Appraisal (which includes details of any protected species which may exist within or close to the site, together with any identified biodiversity mitigation measures) shall be submitted in writing to the Local Planning Authority for approval. Upon implementation of the approved schemes and mitigation measures specified in this condition, those schemes and measures shall thereafter be maintained/retained/remain in use.

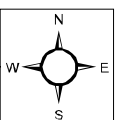
If the scheme and Ecological Appraisal are not approved within 6 months of the date of this decision, the use of the site shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as schemes and an Ecological Appraisal approved by the Local Planning Authority are implemented.

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

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 1 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, CSP11, CSP12, CSP15, CSP17, CSP18, CSP21 and CSP22, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP4, DP5, DP7, DP10, DP13, DP19 and DP22 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.



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## ITEM 5.6

**Application:** 2021/428

**Location:** 268 Hillbury Road, Warlingham, CR6 9TP

**Proposal:** Demolition of the existing dwelling and the erection of 10 flats with associated access, parking and landscaping (outline).

**Ward:** Warlingham West

*Constraints – Urban, Biggin Hill Safeguarding, AHAP, ASAC, AWOOD, Surface Water Flooding, Ground Water Protection.*

**RECOMMENDATION:** **PERMIT subject to conditions**

This application is reported to Committee following requests by Cllr Prew and Cllr Morrow

### Summary

1. Outline planning permission is sought for the demolition of the existing dwelling and the erection of a building comprising 10 flats with associated access, parking and landscaping. Matters to be determined are access, appearance, layout and scale. The sole reserved matter not for consideration at this stage is landscaping.
2. The site is within the urban area and in a location suitable for new development. Therefore, there is no objection in principle to new development on this site. It is considered that the development would not harm the character and appearance of the area, nor would it harm the amenities of nearby residents. Appropriate levels of parking and amenity areas are provided while replacement planting is indicatively shown (as it is not for consideration at this stage) but sufficiently demonstrates the level of planting that could be accommodated as part of the development. Measures to mitigate the effects of flooding and surface water runoff are considered acceptable by the Lead Local Flood Authority (LLFA), subject to the imposition of conditions while all other matters can be secured through the imposition of conditions. The proposal would provide new housing in the form of 10 x 2-bed units which would contribute towards housing need.
3. Given the benefits identified by the development and in the absence of demonstrable harm, it is recommended that planning permission is granted subject to conditions.

### Site Description

4. The site currently consists of a detached two storey dwelling set on a large plot and located on the eastern side of Hillbury Road, Warlingham, close to the junction with Westhall Road. The land is predominantly flat with boundaries marked by a mixture of approximately 1.8m high close boarded fencing, trees and vegetation. The area is characterised by detached two storey dwellings generally set within spacious grounds. Opposite the site are open fields and Green Belt.
5. The site is situated close to Warlingham Green which is a 5 minute walk to the north east and this contains various shops, services and facilities. There are numerous bus routes within walking distance of the site and Upper

Warlingham train station is approximately 1.1 miles to the north-west and accessible by public footpaths.

### **Relevant History**

6. 2017/1752- Demolition of existing dwelling. Erection of 2 dwellings with associated vehicular access, parking and amenity spaces. Granted- 4<sup>th</sup> December 2017
7. 2020/1704 - Demolition of existing dwelling. Erection of 2 dwellings with associated vehicular access, parking and amenity spaces. Granted- 4<sup>th</sup> December 2017

### **Key Issues**

8. The site is located in a Category 1 Settlement and built-up area where there is no objection in principle to the new development. The key issues relate to the impact on the character and appearance of the area, on the amenities of neighbouring properties and future occupants, impact on highway safety, parking, housing provision and housing mix, trees, ecology, sustainability issues and flooding.

### **Proposal**

9. The applicant seeks outline planning permission for the demolition of the existing dwelling and the erection of a building comprising 10 x 2-bedroom flats with associated access, parking and landscaping. Matters to be determined are access, appearance, layout and scale. Whilst the description of development states 'landscaping' at this stage, this is indicative only as it is a reserved matter.
10. The proposed development would result in a broadly rectangular shaped building fronting onto Hillbury Road. The parking area would be provided to the front of the site and split into two areas with vehicular access from Hillbury Road. Communal amenity space is provided to the rear while the drawings show that the site can accommodate soft landscaping to the front and periphery of the site though that detail would be addressed formally in a reserved matters application.
11. During the course of the application revised plans have been submitted and the parking area has been reconfigured and reduced from 15 to 13 spaces. This allows for more room to accommodate soft landscaping and reduce hardstanding.

### **Development Plan Policy**

12. Tandridge District Core Strategy 2008 – Policies CSP1, CSP2, CSP3, CSP7, CSP11, CSP12, CSP14, CSP17, CSP18, CSP19
13. Tandridge Local Plan Part 2: Detailed Policies 2014 – Policies DP1, DP5, DP7, DP8, DP19, DP21.
14. Woldingham Neighbourhood Plan 2016 – not applicable
15. Limpsfield Neighbourhood Plan 2019 – not applicable

16. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021- Policies CCW1, CCW2, CCW3, CCW4, CCW5 and CCW6.

17. Emerging Tandridge Local Plan 2033 – Policies TLP01, TLP02, TLP04, TLP06, TLP10, TLP18, TLP19, TLP35, TLP37, TLP45, TLP47, TLP49.

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

18. Tandridge Parking Standards SPD (2012)

19. Tandridge Trees and Soft Landscaping SPD (2017)

20. Surrey Design Guide (2002)

### **National Advice**

21. National Planning Policy Framework (NPPF) (2021)

22. Planning Practice Guidance (PPG)

23. National Design Guide (2019)

### **Statutory Consultation Responses**

24. **County Highway Authority** - The proposed development has been considered by THE COUNTY HIGHWAY AUTHORITY who having assessed the application on safety, capacity and policy grounds. There is no objection subject to conditions and informatives

25. **Warlingham (Parish) Council** – Object on the following grounds:

- Over development
- Intensification of site due to scale, form, bulk and height
- Height of the buildings would dominant in the area, be out of keeping and harm visual amenity
- Out of character
- Overlooking and loss of amenity to the rear property at 270 Hillbury Road
- Lack of parking which would lead to overflow parking causing loss of amenity and road safety hazards

26. **The Local Lead Flood Authority** –

There is no objection subject to conditions to ensure the SuDs scheme is properly implemented and maintained through the lifetime of the development.

27. **Environment Agency-**

There is no objection subject to conditions

### **Non-statutory Advice Received**

28. Surrey Wildlife Trust – No objection subject to conditions.

29. Thames Water- No objections subject to informatives.

30. SCC Historic Environment Planning: Archaeology- The proposed developemnt does not lie in an Area of High Archaeology Potential. As such there are no archaeology concerns.

#### **TDC advice**

31. Senior Tree Officer- no objection subject to conditions

#### **Other Representations**

32. Third Party Comments

- Loss of light [This is considered in paragraphs 50-53]
- Loss of privacy [This is considered in paragraphs 50-53]
- Loss of tranquillity and noise and disturbance [This is considered in paragraph 54]
- Lack of parking [This is considered in paragraphs 61 to 64]
- Highway safety concerns [This is considered in paragraphs 61 to 64]
- Out of keeping with area [This is considered in paragraphs 37 to 49]
- Density and overdevelopment [This is considered in paragraph 40]
- Impact on local services [This is considered in paragraph 81]
- Out of character with area [This is considered in paragraph 37 to 49]
- Exacerbate flooding [This is considered in paragraph 65 to 69]
- Quality of accommodation and amenity spaces [This is considered in paragraphs 56 to 60]
- Impact on trees [This is considered in paragraphs 70 to 73]
- Loss of outlook [This is considered in paragraphs 50 to 53]
- Loss of value of home [Officer comment: This is not a material planning consideration]
- Creation of precedent [Officer comment: This is not a material planning consideration]
- There is no need for 2 bedroom flats [This is considered in paragraphs 35 and 78 ]
- No letter of consultation [Officer comment: consultation was undertaken in line with statutory requirements and includes a site and press notice.

#### **Assessment**

##### Principle and location of development

33. Core Strategy Policy CSP1 identifies Warlingham as a built-up area and a Category 1 Settlement where development will take place in order to promote sustainable patterns of travel, in order to make the best use of previously developed land, where there is a choice of mode of transport available and where the distance to travel to services is minimised. The site is also within a reasonable distance of local shops and services, with public transport links and accessible to Warlingham Green and Upper Warlingham train station. As such, there is no in principle objection to this location of development in respect of Policy CSP1 of the Core Strategy 2008 and Policy DP1 of the Local Plan Part 2: Detailed Policies 2014 in this regard.



### Housing provision and balance

34. Policy CSP7 states that the Council will require all housing developments of 5 units or more to contain an appropriate mix of dwelling sizes in accordance with current identified needs.
35. The proposed development that would provide 10 x 2 bed flats. Overall, and in the context of the type of housing in the locality, this supports the District's requirements for small dwellings and mix, as identified in the document – 'Addressing the Needs of All Household Types – Updated Technical Paper for Tandridge District Council - June 2018' Prepared by Turley in support of the Council's emerging Local Plan.
36. With regards to affordable housing, the site is within the built-up area, but does not exceed 0.5ha area or 15 units or more threshold that would trigger the need for such a contribution. Therefore, affordable housing is not required by Core Strategy Policy CSP4.

### Character and appearance

37. Policy CSP18 of the Core Strategy 2008 requires new development to 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.
38. Policy DP7 of the Local Plan 2014 provides the Council's general policy for new development and requires proposals to respect and contribute to distinctiveness of the area in which it is located and to have a complementary building design and materials.
39. Policy CSP19 of the Core Strategy sets out that for new development within built-up areas schemes within the range of 30 to 55 dpha will be expected unless the design solution for such a density would be in conflict with the local character and distinctiveness of an area where a lower density would instead be more appropriate.
40. The site has an approximate area of 0.25ha which, for a development of 10 units, would result in a density of 40dph. This falls within the range of Policy CSP19. However, since national guidance changed with the original adoption of the NPPF, there has been greater emphasis placed on character assessment of new development.
41. The application site sits on the eastern side of Hillbury Road close to the junction with Westhall Road. Opposite the site is field and Green Belt. The site lies within a short distance of Warlingham Village Green.
42. The proposed development would consist of the erection of a broadly rectangular 2 storey building with accommodation in the roofspace fronting onto Hillbury Road. Parking is provided for 13 cars to the front, accessed via Hillbury Road.
43. The replacement building would be undeniably larger than the building it replaces. However, it is considered that the site is large by comparison to many of the neighbouring plots and has the scope to be redeveloped to make more efficient use of the land. The siting of the development respects the

pattern of development locally, reflecting the front building line of Hillbury Road and with the building's front projecting gable features. Such architectural features are not alien or incongruous in the locality and would not result in demonstrable harm to the established building line.

44. It is important to note that the proposed scheme layout follows the same general arrangement principles to that of the consented layout (2020/1704) by splitting the buildings into two main elements (similar to the two house layout).



**Figure 1: Consented site layout for 2 houses under application 2020/1704**



**Figure 2: Proposed layout for 10 units**

45. The overall width of the proposal is narrower than that of the consented two houses. This balances its setting when viewed from the street scene so that the separation to the neighbouring properties is equal.
46. The parking area is provided to the front of the site and would provide a total of 13 parking spaces. The existing boundary treatments would be enhanced and made good in order to retain the character of the area. The boundary fencing, planting and feature trees (indicatively shown) would help soften and provide a buffer from the two new parking courtyards. Given the urban context of the site and the proposed landscaping, the parking layout would not result in demonstrate harm to the character and appearance of the area as the front could be well landscaped with soft planting and not dominated by hardstanding.
47. The form and scale of the existing building should not be used as a measure for the new development to comply with but should be assessed on its own merits. Most new development has a different scale and form and the key assessment is whether that would integrate well with its surroundings. In terms of the height and design of the building, the height of the building would appear larger than that presently on site but, importantly, would have a gradual height increase from the neighbouring properties and would be comparable with its neighbour at 266 Whyteleafe Hill and so integrate well with the streetscene.
48. The building has been thoughtfully designed to respond to both street frontages. The larger and more prominent gable features are sited facing Hillbury Road. The architectural style of the building uses traditional design elements and forms with materials to respect the local and wider context. By splitting the building into two blocks that are linked with a subservient glass structure that is set back from the main elevation, this ensures that the scheme reads as two building, similar to the consented scheme. This is further enhanced by giving each block a subtly different style and treatment. Given the urban nature of the site, the proposal would not be to detriment of the character of the area.



**Consented scheme**



**Proposed scheme**

**Figure 3: Comparison of sketch view of front elevation of consented scheme and proposed scheme**

49. For the reasons given above, the proposal is considered appropriate for the site and surrounding area and no harm would be caused in terms of character and appearance and would accord with the above policies.

#### Residential Amenity

50. 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 Local Plan Policy DP7 seek also to safeguard amenity, including minimum privacy distances that will be applied to new development proposals.
51. The proposed development would have a separation distance of over 7 metres between the flank walls of the development and No. 270 and over 10 metres with No. 266. A landscaping buffer would be provided along the shared boundary. There would only rooflights and ground floor windows in the flank elevations and this is secured through an appropriately worded condition. Given the above factors it is not considered that the proposal would result in significant harm to the residential amenities of Nos 266 and 270 Hillbury Road by virtue of visual intrusion or a loss of privacy to warrant a refusal of planning permission.
52. In terms of privacy, to the rear, there are balconies and habitable rooms facing the communal area. The building would have over 22 metre separation between the rear elevation and neighbouring properties in that direction, the nearest one being 4 Hillbury Grove. Intervening boundary planting in the rear garden would be subject to conditions to further mitigate any impact and to the dwellings on either side (Nos. 266 and 270).
53. The privacy distances contained in Policy DP7 of the Local Plan are 22m between habitable room windows in direct alignment and 14 metres between principal windows of existing dwellings and the walls of new buildings without windows. These minimum separation requirements would be met and, as a result of the generous separation distances the development is not considered to appear visually intrusive or overpowering.
54. Third parties have raised the issues of general noise and disturbance, in particular the carparking areas. The distances from the front parking areas to the surrounding neighbours, in particular, No. 266 and 270, are acceptable would not cause undue noise and disturbance. This is also an urban area.
55. Given the above conclusions the proposed development is not considered to harm the residential amenities of nearby properties and thus would accord with the above policies.

#### Living Condition of Future Occupiers

56. Local Plan Policy DP7 states that new development will be permitted subject to certain criteria which includes providing a satisfactory living environment for future occupants.
57. The Technical housing standards – nationally described space standard 2015 sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

58. Proposals should provide a satisfactory environment for the occupiers of both the existing and new development, and appropriate facilities should be provided for individual and communal use including bicycle storage, amenity areas and garden areas (proportionate to the size of the residential units and appropriate for the intended occupiers); as well as facilities for the storage and collection of refuse and recycling materials which are designed and sited in accordance with current Council standards, avoiding adverse impacts on the street scene and the amenities of the proposed and existing properties. Appropriate facilities have been provided for future occupiers of which full details would be secured at the condition stage.
59. All units would meet or exceed the minimum space standards as set out in the within Technical Housing Standards. Whilst not all units have access to private amenity space, a communal garden is provided to the rear. The size of the communal space is large and there would be good access through the building. A balance has been struck between housing need, parking and outdoor amenity space and it is a material consideration that there would also be private balconies.
60. Given the above conclusion the quality of the accommodation is considered acceptable.

#### Highways

61. 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 required new development to have regard to adopted parking standards and Policy DP5 seeks to ensure that development does not impact highway safety.
62. As a result of the proposal, there would be two accesses to Hillbury Road to serves two car parking areas. The CHA has not raised an objection to the accesses nor the level of parking proposed. The CHA commented that they assessed the application on safety, capacity and policy grounds, and recommended conditions. This includes construction vehicles which could be controlled through the imposition of a Construction Transport Management Plan (CTMP).
63. A development of this type would be required to provide a total of 15 parking spaces in accordance with the Tandridge Parking Standards 2012; the applicant proposes a total of 13 onsite parking spaces. Given the sites urban location, near bus connections and local amenities the level of onsite parking provision is considered acceptable. This is balanced against the space to the front of the site being landscaped which is beneficial to the character of the streetscene and setting of the new built form.
64. The proposed development would therefore be in accordance with the above policies and is acceptable in this respect.

#### Drainage and Flooding

65. One of the twelve land-use planning principles contained in the NPPF and to underpin plan-making and decision-taking relates to taking full account of flood risk. Paragraph 100 of the NPPF advises that; *'Inappropriate development in areas at risk of flooding should be avoided by directing development away*

*from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere’.*

66. Policy DP21 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 advises that proposals should seek to secure opportunities to reduce both the cause and impact of flooding. Development proposals within Flood Risk Zones 2 and 3 or on sites of 1 hectare or greater in zone 1 will only be permitted where, inter alia, the sequential test and, where appropriate, exception tests of the NPPF have been applied and passed and that it is demonstrated through a Flood Risk Assessment (FRA) that the proposal would, where practicable, reduce flood risk both to and from the development or at least be risk neutral.
67. The impact of climate change on the global environment is recognised and flooding from surface water runoff is one of the main consequences. The planning system is expected to play a critical role in combating the effects of climate change by pursuing sustainable development and use of Sustainable Urban Drainage Systems.
68. The LLFA have raised no objection to the proposed development subject to the imposition of appropriately worded conditions in relation the SuDS. The Environment Agency have also raised no objection subject to conditions.
69. Without an objection from the LLFA in this respect the suggested approach in the submitted Drainage Technical Note is considered acceptable in principle subject to the imposition of appropriately worded conditions. The proposal would comply with Core Strategy Policies CSP11, CSP15 and Local Plan Policy DP21.

#### Landscaping and Trees

70. 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.
71. 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.
72. It is important to note that landscaping is a reserved matter. The site benefits from mature boundaries but is not subject to a tree preservation order. It is acknowledged that there would be a loss of vegetation across the site to facilitate the development, however, replacement planting could be secured at the reserved matters and condition stage. The Council's Tree Officer states:

*The proposal required the removal of nine individual trees, a group of trees and part of two hedges to form the access. All of the trees to be removed are relatively low quality, category 'C' trees and the major parts of the hedges are to be retained, thereby preserving the existing frontage.*

*The layout does allow for compensatory planting both on the frontage and at the rear, and whilst the space available is not sufficient room for any sort of net gain in tree population, there is an opportunity for higher quality specimens to be provided.*

*The nearest ancient woodland is outside the influencing distance for a development of this limited scale.*

He goes on to state that:

*The amended plans are a definite improvement on the previously submitted proposals, and now allow for a feature tree to be planted in the mid frontage of the site, whilst still retaining the important frontage hedging to a large degree.*

73. Full details of the size and species of all soft landscaping could be secured at the condition stage, but Officers are satisfied that sufficient space exists to secure appropriate levels of soft landscaping. The proposal is considered acceptable in respect of the above policies.

#### Renewable energy

74. Policy CSP14 of the Core Strategy requires the installation of on-site renewable energy generation which would reduce the carbon dioxide emissions of the dwellings by a minimum of 20%. The Renewal Energy Appraisal proposes the installation of solar photovoltaic panels to the roofs of the development. As such, no objection would be raised in principle however detail of the installation would be secured through condition.

#### Biodiversity

75. 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.
76. Local Plan Policy DP19 advises that planning permission for development directly or indirectly affecting protected or Priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.
77. The presence of protected species is a material consideration when determining development proposals. The Preliminary Ecological Appraisal and Ecological Impact Assessment have been reviewed by Surrey Wildlife Trust. The Trust have found that subject to the imposition of appropriately worded conditions the proposal would safeguard ecological interests while the site has opportunities to provide biodiversity gains. The proposal would therefore comply with Policies CSP17 of the Core Strategy and Local Plan Policy DP19 as stated above.

#### Planning balance

78. The Council is currently unable to demonstrate a 5-year housing supply and as such, the NPPF becomes relevant. Of particular note is paragraph 11 where it sets out that planning permission in such circumstances should be granted

unless the harm of doing so with significantly outweigh the benefits when looking at the policy context broadly set out in the NPPF.

79. The proposal would contribute a net gain of 9 dwellings to the local housing supply. The proposal would represent sustainable development as set out in the NPPF and permission should be granted without delay.

## **Conclusion**

80. The proposal would not result in overdevelopment of the site nor would it harm the character of the area. The proposal would contribute positively to the Councils housing need within an urban and sustainable location. Highway matters and parking provisions are deemed acceptable by both the County Highway Authority and the Local Planning Authority while appropriate matters can be secured through condition. Principal matters such as flooding, and ecology can be dealt with via appropriately worded conditions. For the aforementioned reasons planning permission should be granted without delay.
81. It is noted third parties raised the issue of impact on local services, it is noted that this development is CIL liable. This is a charge that local authorities set on new development in order to raise funds to help fund the infrastructure facilities and services needed to support new homes.
82. In addition to CIL the development proposed will attract New Homes Bonus payments and as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) these are local financial considerations which must be taken into account, as far as they are material to the application, in reaching a decision. It has been concluded that the proposal fails to accord with the Development Plan and the provisions of the Development Plan are not overridden by other material considerations. The implementation and completion of the development will result in a local financial benefit, but it is considered that this benefit is insufficient to outweigh other conclusions reached.
83. 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 213 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
84. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.



**RECOMMENDATION: PERMIT subject to the following conditions**

1. The development hereby permitted shall start before the expiration of 3 years from the date of this permission or 2 years from the date of approval of “the last of the reserved matters” to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

2. Before any development hereby permitted starts, approval of the landscaping (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority. Detailed plans and particulars of the “reserved matters” shall be submitted in writing not later than 3 years from the date of this permission and shall be carried out as approved.

Reason: To comply with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 (or any order revoking and re-enacting that Order) and Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51(2) of the Planning and Compulsory Purchase Act 2004

3. This decision refers to drawings numbered:  
PL20-533-01A - Site Location Plan Existing Site Plan and Survey  
PL20-533-02A - Demo and Tree Removal drawing  
PL20-533-03D-Proposed Site Plan  
PL20-533-04D-Proposed Block Plan  
PL20-533-05A - Sketch Views 1  
PL20-533-06A - Sketch Views 2  
PL20-533-07A - Street Scene  
PL20-533-10A - Ground Floor GA Plan  
PL20-533-11A - First Floor GA Plan  
PL20-533-12A - Roof Space Floor GA Plan  
PL20-533-13A - Roof Plan  
PL20-533-14A - Front and Left Flank Elevation  
PL20-533-15A - Rear and Right Flank Elevation  
PL20-533-16A - Sections  
PL20-533-17A - Sketch Views – Front  
PL20-533-18A - Sketch Views – Rear

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.

4. No works above ground level shall commence until samples of the external facing materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason: To enable the Local Planning Authority to exercise control over the type and colour of materials, so as to enhance the development and to ensure that the new works harmonise with the existing building.

5. No part of the development shall be first occupied unless and until the proposed vehicular accesses to Hillbury Road have been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason: To meet the objectives of the NPPF (2021), and to satisfy Policy CSP12 of the Core Strategy DPDS (2008) and Policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).

6. A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of both accesses, the depth measured from the back of the footway (or verge) and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason: To meet the objectives of the NPPF (2021), and to satisfy Policy CSP12 of the Core Strategy DPDS (2008) and Policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).

7. The development hereby approved shall not be first commenced unless and until the existing access from the site to Hillbury Road has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: To meet the objectives of the NPPF (2021), and to satisfy Policy CSP12 of the Core Strategy DPDS (2008) and Policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).

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

Reason: To meet the objectives of the NPPF (2021), and to satisfy Policy CSP12 of the Core Strategy DPDS (2008) and Policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).

9. The development hereby approved shall not be occupied unless and until at least 3 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To meet the objectives of the NPPF (2021), and to satisfy Policy CSP12 of the Core Strategy DPDS (2008) and Policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).

10. The development hereby approved shall not be first occupied unless and until the secure parking of bicycles within the development site has been provided in accordance with the approved plans and thereafter retained and maintained to the satisfaction of the Local Planning Authority

Reason: To meet the objectives of the NPPF (2021), and to satisfy Policy CSP12 of the Core Strategy DPDS (2008) and Policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).

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

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) measures to prevent the deposit of materials on the highway
- (h) use of banksmen
- (i) no HGV movements to or from the site shall take place between the hours of 8.30 and 9.15am and 3.15 and 4.00pm nor shall the contractor permit any HGVs associated with the development at the site to be laid up, waiting, in Whyteleafe Hill and Hornchurch Hill during these times.

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: to ensure that the development would not prejudice highway safety nor cause inconvenience to other highway users and/or are required in recognition of Section 9 'Promoting Sustainable Transport' in the National Planning Policy Framework 2021.

12. 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) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate to be agreed with SCC as LLFA.
- 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 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.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

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.

13. Prior to the first occupation 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 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).

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

14. No works above ground level shall commence until details of the siting of the photovoltaics have been submitted to and approved in writing by the Local Planning Authority. The photovoltaics shall achieve a 20% reduction in carbon dioxide emissions. The renewable energy provision shall thereafter be implemented and retained in accordance with the approved details.

Reason: To ensure on-site renewable energy provision to enable the development to actively contribute to the reduction of carbon dioxide emissions

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

- proposed finished levels or contours
- means of enclosure
- car parking layouts and bollards
- other vehicle and pedestrian access and circulation areas
- hard surfacing materials
- minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.)
- tree and hedgerow planting as compensation for those elements being removed
- biodiversity enhancements

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

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

planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.

Reason: To maintain and enhance the visual amenities of the development

16. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out submitted ecology report.

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

17. No [further] trees or hedges shall be pruned, felled or uprooted during site preparation, construction and landscaping works [except as shown on the documents and plans hereby approved] without the prior written consent of the Local Planning Authority. Any retained trees or hedges which are removed, or which within a period of 5 years from the completion of the development die are removed, or, in the opinion of the Local Planning Authority, are dying, becoming diseased or damaged shall be replaced by plants of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: To prevent damage to trees in the interest of the visual amenities of the area 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.

18. No development shall start until the tree protection measures detailed within the approved Tree Protection Plan (20-1053-TPP-02-A dated 17.09.21) and Arboricultural Method Statement have been implemented. Thereafter these measures shall be retained and any specified arboricultural supervision or staging of works strictly adhered to throughout the course of development, and shall not be varied without the written agreement of the Local Planning Authority.

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

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

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

19. No windows shall be inserted in the south western or north eastern flank elevations of the buildings hereby permitted apart from those on the approved plans.

Reason: To protect the amenities and privacy of occupiers of adjoining properties in accordance with Policy CSP18 of the Tandridge District Core

20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

21. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

22. Piling or other foundation design using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. Piling and investigation borehole using penetrative methods can result in risks to potable supplies from, for examples, pollution/ turbidity, risks of mobilising contamination, drilling through different aquifers and creating preferential pathways

Informatives:

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.
2. The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued. It is important that you ensure that the requirements of the CIL Regulations are met to ensure that

you avoid any unnecessary surcharges and that any relevant relief or exemption is applied.

3. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, or verge to form a vehicle crossover to install dropped kerbs.

[www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs](http://www.surreycc.gov.uk/roads-and-transport/permits-and-licences/vehicle-crossovers-or-dropped-kerbs)

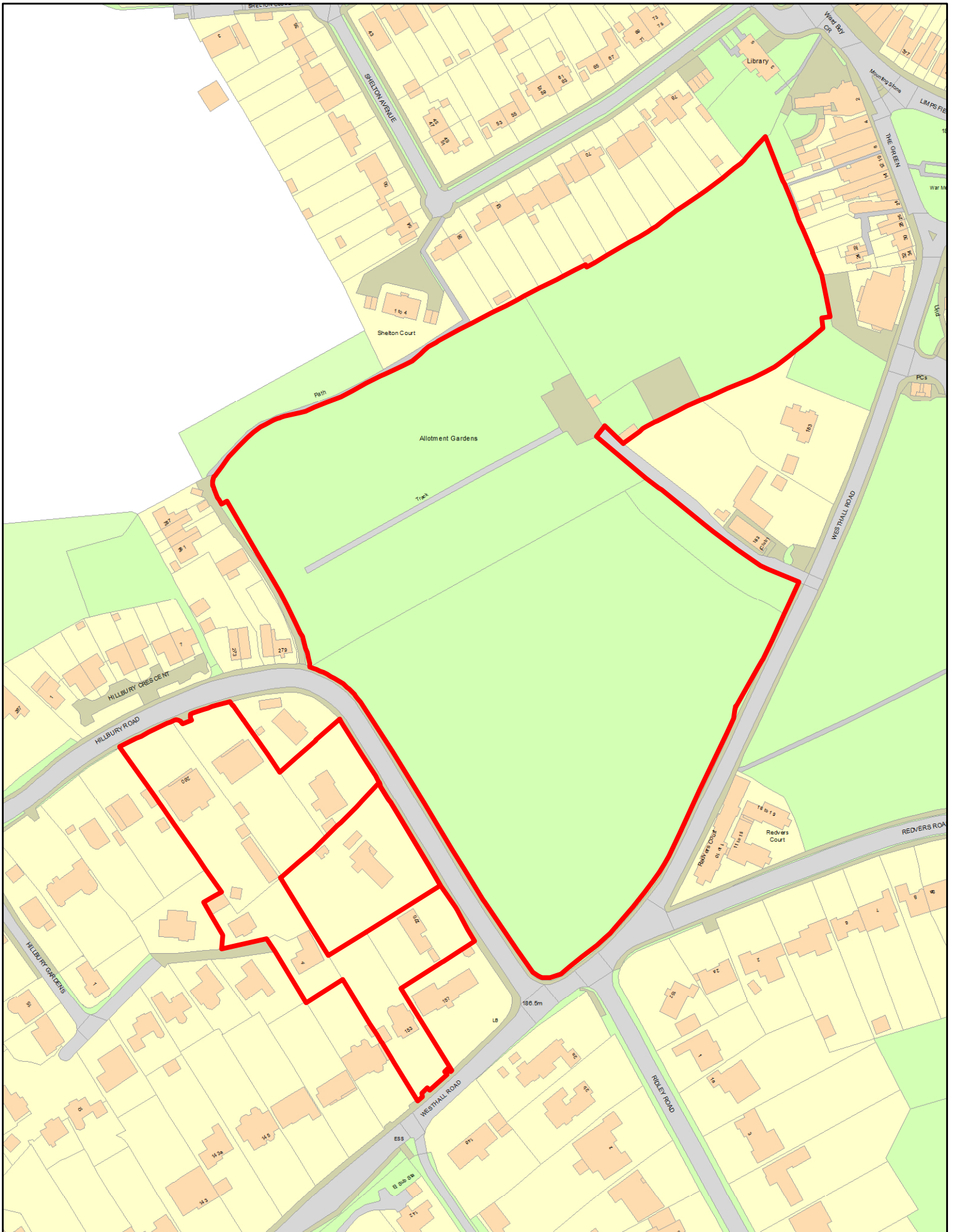
4. When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developers expense.
5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
6. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
7. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
8. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required.  
Please refer to:  
<http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
9. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
10. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

11. If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.
12. The developer must note the consultee response from Thames Water dated 8<sup>th</sup> April 2021.
13. The developer should ensure that development activities such as vegetation or site clearance are timed to avoid the bird nest season of early March to August inclusive.

If this is no possible and only small areas of dense vegetation are affected, the site could be inspected for active nests by an ecologist within 24 hours of any clearance works. If any active nests are found they should be left undisturbed with a buffer zone around them, until it can be confirmed by an ecologist that the nest is no longer in use.

14. The development offers opportunities to restore or enhance biodiversity and such measures will assist the Local Planning Authority in meeting the NPPF (2021) obligations and help offset any localised harm to biodiversity caused by the development process.
15. The developer must note the advice to the applicant from the Environment Agency consultee letter dated 19<sup>th</sup> April 2021.



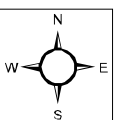


268 Hillbury Road,  
Warlingham, CR6 9TP

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## ITEM 5.7

**Application:** 2021/1259

**Location:** 1 Carewell Cottages, St Piers Lane, Lingfield, Surrey, RH7 6PN

**Proposal:** Erection of two storey side and single storey rear extensions.

**Ward:** Dormansland and Felcourt

**Decision Level:** Planning Committee

*Constraints – GB, ASAC, AWOOD within 500m, GAT\_BIRDSTRIKE, D Road Class, SPA, Gatwick safeguarding*

### **RECOMMENDATION:**

**REFUSE**

1. This application has been called to the Planning Committee at the request of Cllr Steeds.

### **Summary**

2. Planning permission is sought for the erection of a part single/part two storey side and rear extension to an existing residential dwelling. The proposal would not result in significant harm to neighbouring amenity; however, given the scale and bulk it is considered to result in harm to the character and appearance of the dwelling. Furthermore, the proposed extension would result in a disproportionate addition over and above the size of the original building on the site and, as such, would cause harm to the Green Belt with no very special circumstances present to clearly outweigh the harms identified, contrary to the NPPF and Policies DP10 and DP13 of the Tandridge District Local Plan Part 2: Detailed Policies. As such, it is recommended planning permission be refused.

### **Site Description**

3. The site comprises a two-storey semi-detached dwelling located on the eastern side of St Piers Lane within the Green Belt area of Lingfield. Residential properties are located sparsely within the local area with reasonably informal plot curtilages. The site features a deep front garden with space to the side and rear of the building to serve the occupants of the dwelling; this area is bounded by hedging and trees to offer screening from the highway which runs adjacent to the north western side. There is no allocated parking as far as can be identified and the site.

### **Relevant History**

4. 2018/2440 – Two storey side extension and single storey rear extension – Withdrawn 12/02/2019

2019/746 – Erection of two storey side extension and single storey rear extension -Refused 06/06/2019

2019/1280 – Erection of two storey side and single storey rear extensions – Refused 06/11/2019 and dismissed at appeal 01/07/2020

2020/1214 - Erection of two-storey side and single storey rear extensions – Refused 16/10/2020

There is no other relevant history associated with this site.

5. Whilst there is limited history with regards to enlargements, the single storey rear element is considered to be an addition based on the site plans from the neighbouring property under 89/1070 and 99/709. Furthermore, the attached “shed and coal bunker”, shown on the submitted existing plans would therefore not be considered as part of the original dwelling. This is consistent with the view taken by this Authority in previous formal decisions.

### **Key Issues**

6. The site is located in the Green Belt where the key issues are whether the proposal constitutes inappropriate development and, if so, whether very special circumstances are demonstrated that clearly outweigh the harm by definition and any other harm; and also impact on character and appearance and residential amenity.

### **Proposal**

7. Planning permission is sought for the erection of a two-storey side extension and single storey rear extension. The extension would provide a reception room and enlarged kitchen/dining room at ground floor level and a bedroom and bathroom at first floor level. The extension would be set down approximately 0.2m lower than the existing ridge height of the main dwelling and the width of the two-storey extension would measure 2.4m.

### **Development Plan Policy**

8. Tandridge District Core Strategy 2008 – Policies CSP1 and CSP18
9. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP7, DP10 and DP13
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. Emerging Tandridge Local Plan 2033 – Policies TLP01, TLP02, TLP03 and TLP18

### **National Advice**

14. National Planning Policy Framework (NPPF) (2021)
15. Planning Practice Guidance (PPG)

### **Statutory Consultation Responses**

16. *Dormansland Parish Council – “No objection subject to an assessment to ensure compliance with DP10 and DP13 in terms of increase in size relative to*

*the original building. If deemed compliant with those policies the increase in size appears to be very close to the maximum that would be permitted and therefore it is suggested that permitted development rights be removed to prevent further increase in size.”*

17. *County Highways 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.

## **Other Representations**

18. Third Party Comments – None received

## **Assessment**

### Green Belt

19. Paragraph 147 of the NPPF advises that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances with paragraph 148 adding that such circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. Paragraph 149 of the NPPF sets out a number of exceptions for the construction of new buildings in the Green Belt being regarded as inappropriate and, under criterion c), this includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building which applies to this proposal.
20. Local Plan Policy DP10 advises that within the Green Belt, planning permission for any inappropriate development which is, by definition, harmful to the Green Belt, will normally be refused and will only be permitted where ‘very special circumstances’ exist that clearly outweigh any potential harm to the Green Belt by reason of inappropriateness and any other harm.
21. Policy DP13 of the Local Plan lists exceptions to new buildings in the Green Belt being regarded as inappropriate development and includes an assessment for the extension/alteration of buildings and the re-use of buildings. In terms of extension/alteration proposals, these will be permitted where the proposal does not result in disproportionate additions over and above the size of the original building as it existed at 31 December 1968 (for residential dwelling) or if constructed after the relevant date, as it was built originally.
22. The proposal is similar to the previously refused schemes under application references 2019/746, 2019/1280 and 2020/1214; although the width of the two-storey side extension has been reduced as part of this submission which has thus also reduced the scale. In relation to the mathematical assessment, it is considered that the volume of the original building was approximately 259.9m<sup>3</sup>. The single storey rear element is considered to be an existing addition totalling approximately 14.1m<sup>3</sup> (based on neighbouring site applications site plans – application references 89/1070 and 99/709). It is not considered that the existing “shed and coal bunker”, shown on the submitted existing plans, formed part of the original dwelling. In the determination of this application a calculation of the volume of the whole building including the original, existing (noting which would be demolished as part of the proposal) and proposed additions has been

calculated to have a total volume of approximately 461.9m<sup>3</sup> which is 78% over the volume of the original building.

23. The submitted planning statement states;

*“The original building totals approximately 308 cubic metres. This comprises 275 cubic metres for the main two-storey dwelling and 33 cubic metres for the attached single storey rear shed and coal bunker. The Inspector did not dispute this.”*

24. However, in this regard, the Inspector actually stated within the appeal decision (in relation to application 2019/1280);

*“The Council has undertaken a mathematical assessment and calculates that the original building (including those parts to be demolished) along with the proposed additions would have a total volume of approximately 487.9 metres cubed, which it says equates to around a 87.7% increase over the volume of the original building. However, the appellant disputes the Council’s calculations. I note that the appellant has included the attached single storey rear shed and coal bunker within his calculations pertaining to the original building and has calculated the volume increase to be approximately 152 metres cubed, which is said to represent an approximate 49.1% increase over the size of the original building (taking account of a revised lower ridge height) ...*

*There is clearly a difference in opinion between parties as to what parts of the property at the site would constitute the original building. Corresponding to this, there is also difference between parties as to the resulting volume of the development that would take place. Taking the lesser of the two calculations, the addition would add 49.1% volume, this is, almost half the size of the existing property. This would represent a disproportionate addition over and above the size of the original building. As such, this would be inappropriate development that, by definition, would be harmful to the Green Belt and that would be contrary to the Framework and Policies DP10 and DP13 of the Local Plan.”*

25. The submitted supporting statement states;

*“The width of the two-storey side element has been reduced and the roof pitch to the ground floor rear section lowered such that the cumulative volume increase would be 120 cubic metres, which would represent an increase of some 38.9% over and above the original building.”*

26. These figures submitted by the applicant are disputed by the Council with limited evidence as to how the percentage increase has been calculated. The Council has therefore proceeded to make an assessment based on our calculated figures as above and conclude that the development would result in a mathematically disproportionate addition.

27. Extensions in the Green Belt as stated within Local Plan Policy DP13 are also assessed for their visual impact. It is considered that the proposed extensions works would add significant bulk. The proposal, when considering its scale and previous additions, would result in a visually cumulatively disproportionate addition to the original dwelling. It therefore represents inappropriate development within the Green Belt and which would also reduce the openness of the site which amounts to demonstrable harm.

28. This proposal falls outside the range of new development that is stated to be acceptable within the Green Belt, paragraph 149 of the NPPF, and would comprise inappropriate development within the Green Belt by definition, contrary to Local Plan Policies DP10 and DP13. According to the NPPF, inappropriate development is by definition harmful and should not be approved except in very special circumstances. Very special circumstances will be discussed below.
29. A query has been raised by a Council Member in relation to the neighbouring property and the enlargement of this; however, no recent planning applications for enlargement to the dwelling have been received with regards to No.2 Carewell Cottages with the last one submitted in 1999 when policies were substantially different to present. As such no significant weight is given to the enlargement of that property and the development must be assessed on its own merits in line with the current adopted Development Plan.

### Character and Appearance

30. Policy CSP18 of the Core Strategy 2008 requires new development to 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. Policy DP7 of the Local Plan 2014 provides the Council's general policy for new development and requires proposals to respect and contribute to distinctiveness of the area in which it is located and to have a complementary building design and materials.
31. It is considered that, by reason of the scale and design of the proposed two storey side extension it would have a harmful impact upon the character and appearance of the existing building and surrounding area. Whilst it is recognised that the width and bulk of the extension has been reduced following the refusal of previous applications, it is not considered that this is sufficient to address the harm previously identified.
32. In relation to the impact of the two-storey side extension under application 2019/1280, within the appeal decision the Inspector stated;
- “Although the proposed two storey side extension would be stepped back from the frontage of the host dwelling and would have a lower ridge height, the extension would have a wider frontage than that of the existing dwelling. The width, combined with the overall size of the two storey side extension, would create an extension of larger appearance appended to the host property and would visually compete with the host building. As a result, it would not have the appearance of a subservient addition to the existing dwelling, despite being designed to match the appearance of the existing dwelling. Consequently, the side extension would not reflect or respect the character of the host property.”*
33. Whilst the width of the extension has been reduced and is no longer greater than the width of the existing dwelling, this is only by a small amount and would therefore continue to visually compete with the appearance of the dwelling. The development would therefore not remain subservient and detract from the distinctive character of the semi-detached property. The proposed materials would not harm existing building or surrounding area. However, overall the proposal would not respect or contribute to the distinctive character and appearance of the existing property. As such the proposal would not comply with the provisions of Local Plan Policy DP7 and Core Strategy CSP18.

### Residential Amenity

34. 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.
35. The design and scale of the proposed works would not result in unacceptable harm to neighbouring amenity whilst also considering the distance between the plots and location extension to the side elevation. There is a window proposed at first floor level to the side (north west) elevation; however, this would be located over 34m away from the nearest building forming part of Lingfield College, Le Clerc House, and would overlook St Piers Lane. As such it is not considered that adverse overlooking could occur in this case. The proposal would not result in an overbearing or overshadowing to neighbouring amenity. As such it is considered that the proposal would comply with Local Plan Policy DP7 and Core Strategy CSP18 with regards to the impact upon neighbouring amenity. However, this does not outweigh the harm to the Green Belt as discussed above.

### Very Special Circumstances

36. According to the NPPF, inappropriate development is by definition harmful and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, including its openness, are clearly outweighed by other considerations.
37. As stated above, the Council disputes the calculations provided within the application details and the development is therefore considered to be mathematically disproportionate based on the Council's figures. Furthermore, it is also considered that the proposal would result in visually disproportionate addition in the Green Belt. In this case, no justifications for other considerations accompany the application and therefore no very special circumstances are identified which clearly outweigh the harm to the Green Belt and also character.

### Other matters

38. The site is located within 500 metres of an Ancient Woodland. Given the distance to the designated area, it was not considered necessary to consult the Tree Officer. No objections are therefore raised and is therefore considered acceptable.

### Conclusion

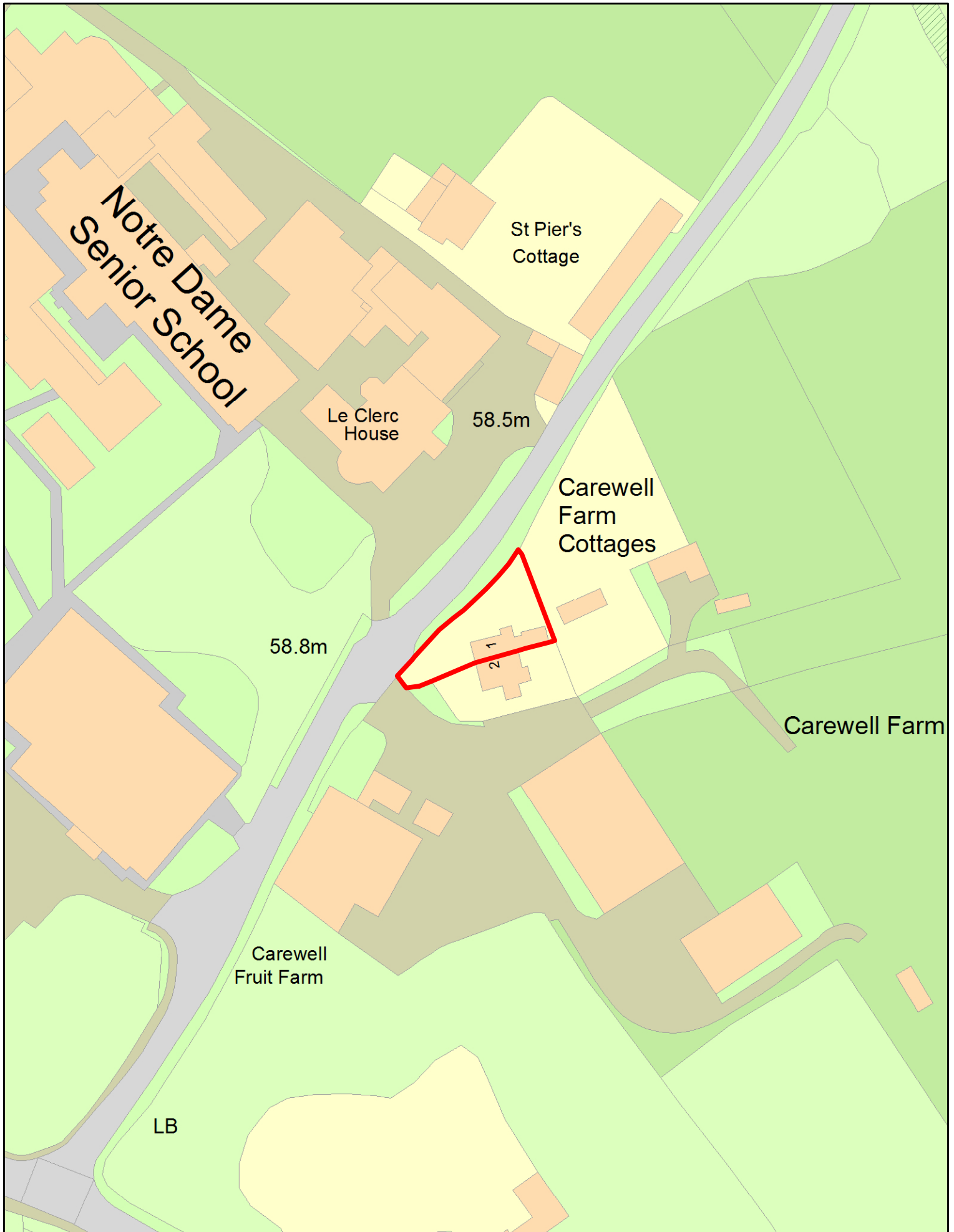
39. Although the impact to neighbouring amenity is minimal, the development would significantly impact the openness of the Green Belt and result in a mathematically and visually disproportionate dwelling which is by definition, harmful to the Green Belt. There is no Very Special Circumstances demonstrated. Furthermore, given the scale and bulk of the proposed additions the development would significantly harm the character and appearance of the existing dwelling. Therefore, it fails to comply with detailed Policies DP7, DP10 and DP13 and Core Strategy CSP18 and as such, recommended for refusal.



**RECOMMENDATION:****REFUSE**

1. The proposal would result in a disproportionate addition to the original building which would constitute inappropriate development in the Green Belt to which substantial harm must be attached. There are no very special circumstances present to clearly outweigh the harm by reason of inappropriateness and other harm such as to justify the proposal. As such, the development is contrary to the NPPF and Policies DP10 and DP13 of the Tandridge District Local Plan Part 2: Detailed Policies (2014).
2. The proposal, by reason of its scale, design and bulk, would fail to respect and reflect the character and appearance of the existing property resulting in significant harm, contrary to Policy CSP18 of the Tandridge District Core Strategy (2008) and Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies (2014).

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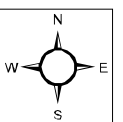


**1 Carewell Cottages,  
St Piers Lane,  
Lingfield, RH7 6PN**

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## ITEM 5.8

**Application:** 2021/1286

**Location:** 69 Harestone Lane, Caterham, Surrey, CR3 6AL

**Proposal:** Erection of single storey side extension and rear single storey extension to create separate annexe for relative and erection of further two storey side extension to provide utility study and bedroom space to the main house.

**Ward:** Chaldon

**Decision Level:** Planning Committee

*Constraints – UA, AWOOD within 500m, Biggin Hill Safeguarding, Local 'X' Road, Rights of Way Bridleway 158, Source Protection Zones 2 & 3, SRCA, TPO within 10m*

**RECOMMENDATION:** **PERMIT subject to conditions**

1. The planning application has been called to Planning Committee following a request from Cllr Groves.

### Summary

2. Planning permission is sought for the erection of a single storey side extension to the northern elevation, a rear single storey extension to the western elevation to create a separate annexe for a relative of the applicant and erection of a further two storey side extension to the southern elevation to provide a utility room, study and bedroom to the main house.
3. The design of the development would respect the character and appearance of the site and area and would not result in significant harm to neighbouring property amenities. There are no objections raised on any other ground and it is therefore recommended that planning permission be approved.

### Site Description

4. The site comprises a detached dwelling located on the western side of Harestone Lane within the urban area of Caterham. The property itself is regarded as a chalet bungalow, with accommodation at first floor level set within the roofspace and served by dormer windows and an off-set gable to the front and rear elevations. The site and surrounding land slopes up towards the west and down to the east. As such, the application site is set higher than road level. The site has a private driveway with off-street parking and landscaped gardens and is set in a residential area.

### Relevant History

5. The planning history of the site of relevance to this proposal is:
  - CAT/9995 – Covered car stand – Refused
  - 78/1035 – Erection of garage with greenhouse extension – Approved
  - 2016/403 – Demolition of existing bungalow and erection of detached house – Approved

- 2017/766 - Demolition of existing rear conservatory and chimneys. Erection of new roof over existing garage, hip to gable roof extension to north elevation incorporating first floor Juliet balcony, 2 dormer windows to front elevation and dormer to rear elevation in association with conversion of loft space and garage to habitable accommodation. Alterations to fenestration incorporating single storey side/rear extension – Approved
- 2017/1806 - Removal of condition 4 and condition 5 of planning application 2017/766 dated 9 June 2017 - Approved
- 2017/2499 – Demolition of existing rear conservatory and chimneys. Erection of new roof over existing garage, hip to gable roof extension to south and north elevations incorporating first floor Juliet balcony, two dormer windows to front elevation, dormer to rear elevation, raise in ridge height and single storey side/rear extension in association with conversion of loft space and garage to habitable accommodation. Changes to fenestration including Increase in eaves and fascia to suit new roof configuration and installation/removal of windows – Approved

### **Key Issues**

6. The site is located within the urban area of Caterham where the principle of development is acceptable. The key issues are the impact of the development on the character and appearance of the site and surrounding area and the impact on the residential amenities of neighbouring properties.

### **Proposal**

7. Planning permission is sought for the erection of a single storey side extension to the northern elevation, a rear single storey extension to the western elevation to create a separate annexe for a relative of the applicant and erection of a further part two storey/part single storey side extension to the southern elevation to provide a utility room, study and bedroom to the main house.
8. It is important to highlight that the two storey element of the proposal relates to the extensions to the side of the existing building which include the roofspace.

### **Development Plan Policy**

9. Tandridge District Core Strategy 2008 – Policies CSP1 and CSP18.
10. Tandridge Local Plan Part 2 – Detailed Policies 2014 – Policies DP1 and DP7.
11. Woldingham Neighbourhood Plan 2016 - not applicable
12. Limpsfield Neighbourhood Plan (2019) – not applicable
13. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Policies CCW4 and CCW5
14. Emerging Tandridge Local Plan 2033 – Policies TLP01, and TLP18.

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

15. Surrey Design Guide (2002)

### **National Advice**

16. National Planning Policy Framework (NPPF) (2021)

17. Planning Practice Guidance (PPG)

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. Chaldon Village Council – The Village Council considers that this extension will significantly enlarge the footprint of the property, reduce the gap between neighbouring houses and have a significant negative impact upon the neighbouring amenity.

### **Other Representations**

21. Third Party Comments –

- Overlooking to neighbouring amenity which is exacerbated in winter
- Direct loss of privacy to bedroom window
- Overbearing and dominant impact due to application site situated higher than neighbouring properties.
- Concern the dwelling would be multi-occupancy
- Overdevelopment of the site
- Object to increased parking area due to Harestone Lane having been tarmacked in 2020 resulting in surface water runoff into neighbouring gardens. Further areas of hard standing would result in further volume of water running down the hill into neighbouring gardens

### **Assessment**

#### Location and principle of development

22. The application site lies within an Urban Area within which Core Strategy Policy CSP1 identifies that development will take place in order to promote sustainable patterns of travel and in order to make the best use of previously developed land and where there is a choice of mode of transport available and where the distance to travel services is minimised.

23. 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.

24. Given the above and that this proposal seeks to enlarge and alter an existing dwelling, there is no objection in principle when assessed against Core Strategy Policy CSP1 and Local Plan Policy DP1.

### Character and Appearance

25. Policy CSP18 of the Core Strategy 2008 requires new development to 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. Policy DP7 of the Local Plan 2014 provides the Council's general policy for new development and requires proposals to respect and contribute to distinctiveness of the area in which it is located and to have a complementary building design and materials.
26. 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). Development proposals in the defined character areas will be supported which:
- i) exhibit design reflecting local context, character and vernacular of the area;
  - ii) demonstrably enhance the quality of the built form through innovation in design;
  - iii) make a positive contribution to the character area when viewed from the main highway approaches into the settlements;
  - iv) do not have a significantly detrimental impact on local views as set out in Policy CCW10; and
  - v) contribute to the conservation and enhancement of designated and non-designated heritage assets and respect their significance and context.
27. 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 by:
- a. Incorporating the principles of Building for Life (12), or successor design principles which would deliver a higher quality of design. Development proposals are encouraged to achieve the 'Built for Life' quality mark.
  - b. Incorporating as appropriate, the guidance contained within the Caterham, Chaldon and Whyteleafe Neighbourhood Plan Design Guidelines, and adopted supplementary planning documents and the Caterham Valley and Hill Town Design Statement.
  - c. Meeting the requirements of 'Secure by Design' and minimise the likelihood and fear of crime.
  - d. Providing off-road parking in accordance with the adopted Tandridge Parking Standards (2012).
  - e. Not adversely affecting vehicular and pedestrian safety due to traffic generations, access and parking design.
  - f. Providing appropriate Sustainable Drainage Systems (SuDS) on site, unless there are clear reasons why this is not possible, or necessary.
  - g. Ensuring that areas requiring service and maintenance including watercourses are accessible at all times.
28. The prevailing character of the area is detached dwellings set on modest sized plots of varying sizes and forms. Ground levels slope naturally up from east to



west. The site is located on the eastern side of Harestone Lane within the Stanstead Road Special Residential Character Area.

29. Planning permission is sought for the erection of a single storey side extension to the northern elevation, a rear single storey extension to the western elevation to create a separate annexe for a relative of the applicant and erection of a further part two storey, part single storey side extension to the southern elevation to provide a utility room, study and bedroom to the main house.
30. The proposed single storey side extension to the northern elevation would have a width of 1.5metres and continue the roofline of the existing property. It would be set back from the front elevation of the existing property and would be set off the boundary with neighbour property No. 67 Harestone Lane by between 1.7metres and 2.5metres. Due to the nature of the topography of the site, the proposal would be set down below the land level of No. 67 Harestone Lane. The proposed design of the side extension would integrate well with the existing dwelling, be set off the boundary allowing views through the site and its size would not result in a cramped or overdeveloped appearance.
31. The proposed rear single storey rear extension would extend approximately 4.0metres to the west of the rear elevation and would have a flat roof design. The proposal, being single storey in nature, would be considered subordinate in design to the existing dwelling and, being located to the rear of the property, would not result in an adverse impact on the character of the area or streetscene.
32. The proposed part two storey, part single storey side extension to the southern elevation would have a width of approximately 3.0metres and continue the roofline of the existing property. It would be set back from the front elevation of the existing property and would be set off the boundary with neighbour property No. 71 Harestone Lane by approximately 2.1metres. A pitched roof dormer window, to match the existing front dormer window, is proposed to the front elevation and a flat roofed dormer, to match the existing rear dormer, is proposed to the rear elevation. The proposed design of the side extension would integrate well with the existing dwelling, be set off the boundary allowing views through the site and its size would not result in a cramped or overdeveloped appearance.
33. An additional area of parking of approximately 19 square metres is proposed to the front of the existing building. This extension to the parking area would be in keeping with the existing parking and is not considered to adversely impact on the character of the existing dwelling or surrounding area.
34. The proposals would be set off the boundaries, maintaining views through the site and have been designed in keeping with the design of the existing dwelling. The proposed materials and detail of the design respects the existing building which would ensure that no element appears out of character with the existing setting. Whilst the combined enlargements would increase the bulk of the dwelling, the site is spacious and able to accommodate this without any adverse impact on the local environment. Furthermore, the enlargements and alterations would not be prominent or harmful to the streetscene.
35. For the above reasons the proposal would not have significant impacts 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

Residential Amenity

36. 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.
37. The site is located within an established residential area of Caterham where residential properties surround the plot.
38. In terms firstly of the single storey extension to the northern elevation and single storey rear extension, these would be set down from land levels at No. 67 Harestone Lane and would maintain a separation of between 1.7metres and 3.0metres to the boundary with No. 67 Harestone Lane. That boundary forms the side aspect of No. 67 Harestone Lane and the proposed layout and single storey nature, the extension would not be overpowering or have a harmful impact on either the property or garden of No. 67 Harestone Lane. Therefore, the proposal would not create unacceptable degrees of overlooking or loss of privacy for the residents of No. 67 Harestone Lane.
39. The proposed part single storey/part two storey extension to the southern elevation of the dwelling would be set off the boundary with neighbouring property No. 71 Harestone Lane by approximately 2.1metres. The extension would be sufficiently removed that from this boundary that it would not have an overbearing impact or loss of privacy for these adjoining neighbours.
40. With regard to adjoining properties to the west of the site on Stanstead Road, the proposals would be located approximately 40metres from the boundary with these properties. The extensions would be sufficiently removed such that they would not be considered to have an overbearing impact. Similarly, the distance is considered sufficient such that there would not be unacceptable degrees of overlooking or loss of privacy and this takes into account also the verdant setting.
41. Concern has been raised regarding the impact of the proposals, in terms of overbearing impact, overlooking and loss of privacy on the neighbouring properties to the east of the site, within Highwoods. Due to the natural topography of the area these properties are set much further down than the application site.
42. Neighbouring concerns regarding loss of privacy and overlooking relate to the impact of the proposed front dormer. This window would be located approximately 45metres from the building at No. 10 Highwoods, approximately 31metres from the building at No. 11 Highwoods, approximately 34metres from the building at 12 Highwoods and approximately 46metres from the building at 13 Highwoods.
43. Criteria 7 of policy DP7 of the Local Plan Part 2: Detailed Policies state "*where habitable rooms of properties would be in direct alignment, a minimum privacy distance of 22metres will be required...*" Due to the orientation of the existing building and the topography of the surrounding area, the distances between

buildings would exceed the minimum privacy distance set out within Policy DP7 and as the proposal would be set higher than the neighbouring properties views would be out onto the roofs of the neighbouring properties within Highwoods.

44. The existing first floor windows at the property were approved under application TA/2017/2499. Whilst there is the potential for perceived overlooking and overbearing impact upon neighbouring amenity with the proposal and additional dormer window, elements of the proposal would be visible along the road and from some aspects of neighbouring properties. However, that in itself is not harm which would be considered contrary to policies and guidance. Taking into account the existing boundary treatments, varying ground levels, separation and relationship to neighbouring properties, it is not considered that the proposal would result in overlooking, loss of privacy or overbearing impact for neighbouring properties within Highwoods.
45. 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).

#### Other Matters

46. The site is located within 10 metres of protected trees located in the grounds of properties within Highwoods. Given the distance to the protected trees, it was not considered necessary to consult the Tree Officer. No objections are therefore raised with regard to protected trees and is therefore considered acceptable.
47. Concern has been raised regarding the impact of the proposed parking area on surface water run-off. This proposed area of parking could be built under permitted development rights and, as such, would need to comply with the requirements of Class F, Part 1 of the GDPO (2015) for its construction to be made of porous materials or provision made for direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage. As the parking area forms part of the present application it is considered that a condition that aligns with the requirements of the GDPO (2015) would be appropriate and necessary to ensure no adverse impact in terms of surface water run-off on the surrounding area.

#### Conclusion

48. In conclusion, due to the positioning, size and scale of the development, the proposal would not adversely 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. No harm is identified in any other respect. As such, it is recommended that planning permission be granted subject to conditions.
49. 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, the Tandridge Local Plan: Part 2 – Detailed Policies 2014 and Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 in accordance with

paragraph 218 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

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

**RECOMMENDATION:**

**PERMIT subject to conditions**

1. The development hereby permitted shall be begun 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 KDA/21/69HL/P/01A, KDA/21/69HL/P02A and KDA/21/69HL/P03B scanned on 27<sup>th</sup> July 2021. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

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

3. 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.

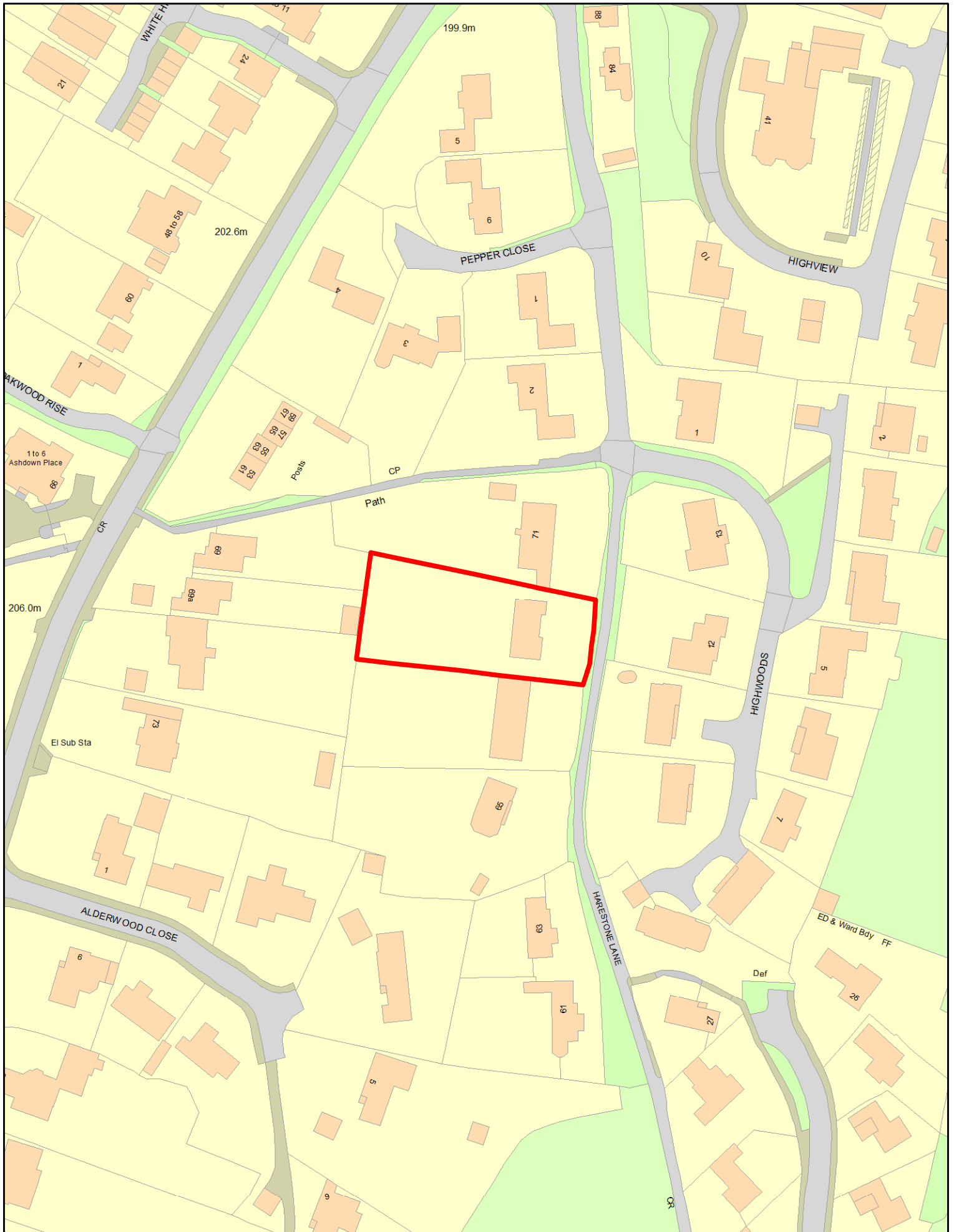
**Reason:** To ensure that the new works harmonise with the existing building to accord with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

4. The proposed parking area shall either be constructed of porous materials or provision should be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwellinghouse.

**Reason:** To ensure potential surface water run off from the proposed parking area does not result in adverse impact the surrounding area 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.

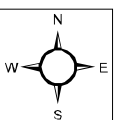


69 Harestone Lane,  
Caterham, CR3 6AL

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## **Planning applications submitted by the Council – Planning Committee – Thursday, 7<sup>th</sup> October 2021**

Report of: Head of Legal Services and Monitoring Officer

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Purpose: For recommendation to Full Council

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Publication status: Open

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Wards affected: All

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### **Executive summary**

This report enables the Committee to consider whether its delegated powers should be amended to enable it to resolve planning applications submitted by the Council.

At present, the determination of such applications is reserved for Full Council, based on recommendations from this Committee. This long-standing arrangement dates back to when the Council was formed.

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**This report supports the Council's priority of:** *"Building a better Council"*

**Contact officer** Vince Sharp (Democratic Specialist)  
vsharp@tandridge.gov.uk

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## Recommendation to Council

That the Committee's scheme of delegation be amended (as shown below) to enable it to resolve all planning applications referred to it, including those where the Council is the applicant:

### “TO RECOMMEND

- ~~(i)~~ Applications for planning permission by the Council itself.
- ~~(ii)~~ (i) Changes to the Committee's Terms of Reference.
- ~~(iii)~~ (ii) Other matters under the Committee's jurisdiction which, by virtue of statutory provision, must be determined by full Council.

### TO RESOLVE

- (i) Determination of **all** planning and related applications and enforcement action referred to the Committee by any Member of the Council and/or the Chief Planning Officer.
- (ii) Guidelines under which the Committee shall determine its level of involvement in individual planning, building control and enforcement decisions.
- (iii) Confirmation (or modification) of Tree Preservation Orders where there are unresolved objections.”

## Reason for the Recommendation

The requirement for Full Council to ratify planning applications is now deemed to be impracticable and, subject to any views Members may have to the contrary, should cease.

## Introduction and background

1. As far as this Council's governance arrangements are concerned, it has always been the case that its own planning applications have to be determined by Full Council.
2. Until recently, when these situations have arisen, the Full Council ratification stage has been regarded as a formality, akin to a rubber stamping exercise.



3. However, the previous two Council applications to be considered by the Committee have prompted concerns about the rationale for the process. For example, the following arrangements apply to Planning Committee meetings which, hitherto, have not been replicated at Full Council when planning related recommendations are considered:
  - (i) the Committee members sit in a quasi-judicial capacity and its members are required to undergo training before they can participate in meetings;
  - (ii) planning officers give detailed presentations;
  - (iii) applicants/agents, objectors and Parish Council representatives can make oral representations.
4. A recent canvass of neighbouring councils has not identified any other Surrey Borough or District which adopts the same practice as this Council (at the time of writing, 8 of the other 10 councils have confirmed that their planning committees are empowered to determine all planning applications, regardless of the whether the council is the applicant).
5. The current approach exposes risks associated with the Council overturning a recommendation from this Committee. Such decisions would have to be based on sound planning grounds which could be defended on appeal and the inconsistencies highlighted in paragraph 3 above raises the prospect of flawed decision making.
6. The only possible scenario whereby Full Council could base a decision on non-planning grounds is if it chose to:
  - withdraw an application (for whatever reason) in connection with a recommendation from the Committee to approve; or
  - vote against such a recommendation... in which case the Council's planning application in question would fall as distinct from being refused.
7. A higher risk scenario would be presented if Full Council decided to overturn recommendation to refuse.
8. While some of the examples above are hypothetical, the fact remains that the current delegation arrangements assume that recommendations from the Planning Committee will go through 'on the nod' at Full Council. This assumption should no longer be relied upon and the most logical approach would be for the Committee to be empowered to determine all planning applications. It would seem impracticable for Full Council to act as the local Planning Authority, which is what the current delegation arrangements potentially require.

## **Key implications**

### **Comments of the Head of Legal Services**

The recommendations put forward in this report have been considered by different Officers and there is no legal impediment should Members be minded to revise the Committee's scheme of delegation.

### **Equality**

This report contains no proposals that would disadvantage any particular minority groups.

### **Climate change**

This report contains no proposals that would impact on the Council's commitment to addressing climate change.

### **Appendices**

None

### **Background papers**

None