

ITEM 4.2

Application: 2022/267

Location: Former Shelton Sports Club, Shelton Avenue And Land Adjacent To 267 Hillbury Road, Warlingham, Surrey, CR6 9TL

Proposal: Outline planning application with all matters reserved except access, for a residential development of 150 dwellings including 45% affordable housing with vehicular access from Hillbury Road, provision of public open space and associated ancillary works.

Ward: Warlingham West

Decision Level: Planning Committee

Constraints – Article4, ASAC, Ancient woodland(s) within 500m, Bigginhill safeguarding, Green Belt, Road_local t - townpath - shelton avenue, Road_local x - shelton close, Road_local d - shelton avenue, Road_local b - hillbury road, Risk of flooding from surface water –30/100/1000, Rights_of_way_fp 110 & 50, Source_protection_zones 2 & 3

RECOMMENDATION: Approve subject to conditions and:

1. The application being referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021; and the application then not being called-in by the Secretary of State for determination; and
2. The completion of a Section 106 agreement to secure the following matters:
 - A. The delivery of 45% of the approved dwellings as affordable housing (up to 67 dwellings). The mix and tenure of Affordable Housing will be in line with the table below:

Unit Type & Size	Shared Ownership	Affordable Rent	Discount Market Sale	Total
3 bed house	4	6	2	12
2 bed house	9	2	8	19
2 bed flat	0	15	5	20
1 bed flat	0	15	1	16
	13	38	16	67

- B. The provision of On-Site Open Space, in broad accordance with the Illustrative Masterplan submitted with the outline application, and the appropriate use and management thereof for the lifetime of the development.
 - C. To secure the provision of a Play Area within the Development.
 - D. The enhancement of off-site sporting facilities including the transfer of the Off-Site Sports Pitch Land to Warlingham Rugby Football Club, financial contributions towards local sports facilities of £500,000 (five hundred thousand pounds) towards the laying out of the Off-Site Sports Pitch Land and/or the improvement of existing pitches and facilities at Warlingham Rugby Football Club and £150,000 (one hundred and fifty thousand pounds) towards the provision of an Artificial Grass Pitch or Multisport

surface games area at Warlingham Sports Club, or such other improvements at Warlingham Sports Club

- E. To secure the carrying out of the Enhancement Strategy, maintenance and management of Off-Site Biodiversity Land in accordance with the report by LC Ecological Services (dated 30 October 2023)**
 - F. To secure the provision for the reimbursement of reasonable fees incurred by the County Council in drafting, promoting, consulting upon and implementing a Traffic Regulation Order (TRO) in respect of proposed parking restrictions on Shelton Close**
 - G. To secure the provision of 2No. bus stops on Westhall Road (as indicated on drawing 2006038-07) through an agreement under Section 278 of the Highways Act 1980 (as amended)**
 - H. To secure the submission and approval of a Final Travel Plan for the Development and reasonable Travel Plan Monitoring Fee, payable to the County Council.**
1. This application is reported to Committee as a departure from the Development Plan. Where the officer recommendation is for approval contrary to policy in the Development Plan, Neighbourhood Plans, DPD or other adopted guidance to an application that is subject to representations that object to the grant of planning permission, the application should be considered at Planning Committee.
 2. Please note that the requirement to refer the application is applicable as a result of the Town and Country Planning (Consultation) (England) Direction 2021 which states that, where a Local Planning Authority does not intend to refuse inappropriate development in the Green Belt of the scale that is hereby proposed, it shall refer the application to the Secretary of State who may wish to issue a direction with respect to the proposed development.

Summary

3. Outline planning permission (with all matters reserved other than access) is sought for the provision of up to 150 residential units.
4. The site is within the Green Belt and, as such, the proposal constitutes inappropriate development in the Green Belt. The proposal would also cause harm to openness and conflict with the purposes of the Green Belt. However, Very Special Circumstances exist in terms of a significant benefit to housing supply (including affordable housing). Even affording substantial weight to the harm to the Green Belt, the Very Special Circumstances collectively outweigh that harm.
5. Other than the principle of development, the only other matter to be determined is that of access. The proposal is considered to be acceptable in this respect.
6. Noting that the layout, appearance, scale and landscaping of the development and all associated impacts of those elements of the proposal would be considered at reserved matters stage, it is considered that the proposal should be found acceptable in outline form and, as such, outline planning permission should be granted.

Site Description

7. The application site consists of the land forming part of the former Shelton Sports Club as well as amenity land to the side and rear of 267 Hillbury Road. The site covers a total of 6.06ha.
8. The site is located within the Green Belt and borders the urban area of Warlingham to the east of the site. Public footpath no 50 runs along part of the southern boundary of the site with footpath no 110 running adjacent to the north-east corner. An area designated as ancient woodland lies some 260m west of the site. The site would be bordered by residential properties at Shelton Avenue and Shelton Close to the east and Hillbury Road and the eastern side of Hillbury Close to the south.
9. The site at present is split into two parts, the first being the former Shelton Sports Club land and the other being that to the side/rear of 267 Hillbury Road. The former Shelton Sports Club land is currently left to rough grass and is being used to graze horses. Some elements of hard standing and a storage building from its former use remain on the site. The land adjacent to Hillbury Road is undeveloped. The sports facilities have not been used for 17 years and have remained redundant since then.

Relevant History

10. Relevant history is as follows:

CAT/1410- Sports ground & pavilion- Approved 15/10/1953

CAT/1685- Sports pavilion- Approved 12/06/1954

CAT/3414- Car park & 35 lock up garages - Refuse 17/10/1958

CAT/4810- Use as office accommodation - Refuse 06/10/1961

CAT/5647- Extension to sports pavilion - Approved 05/07/1963

CAT/7206- Block of 3 garages for storage of equipment - Approved 18/08/1966

80/72- Erection of two squash courts, changing rooms, lounge extension and new equipment store- Approved (full) 13/03/1980

2009/901 - Enlargement and refurbishment of existing sports courts including associated fencing and floodlighting- Approved (full) 19/11/2009

2009/1198 - Demolition of existing link between pavilion and squash courts. erection of two storey extension & alterations to redundant squash court- Approved (full) 25/11/2009

Key Issues

11. This is an outline application with only details in relation to the proposed access being considered at this stage.
12. The primary key issue is whether the development would be inappropriate development in the Green Belt and whether any harm caused to the Green Belt and any other harm would be outweighed by very special circumstances. Other

primary issues to be considered at this stage would be the principle of development in all other respects including delivery of housing, housing balance and affordable housing, character and appearance, amenity, trees, ecology, flood risk, heritage, renewable energy, contamination sports provision and any effects of the development on the local highway network and highway safety.

13. As the application is in outline form, the precise details of the proposal are not set. However, in generic terms, it is still reasonable and necessary to undertake a preliminary assessment of the proposal in terms of various secondary key issues including character and appearance, highway safety, neighbouring amenity, trees and woodland, heritage and archaeology, sports provision, renewable energy, flood risk and surface water drainage, contamination and ecology.

Proposal

17. This application seeks outline planning consent for a residential development of 150 dwellings including 45% affordable housing. It includes a vehicular access from Hillbury Road, provision of public open space and associated ancillary works.
18. With this being an outline application, the principle of development is the key planning consideration along with access, which is not a reserved matter. The Reserved Matters are those relating to appearance, landscaping, layout, and scale and these are not to be considered under this application.
19. The mix of dwellings has not been established at this outline stage but will comprise a mix of 1, 2-, 3-, 4- and 5-bedroom properties. The application proposes that 45% of the homes would be affordable the mix of which is stated and would be as follows:

Affordable Rent	No.
1 bed flat	15
2 bed flat	15
2 bed house	2
3 bed house	6

Shared Ownership	No.
2 bed house	9
3 bed house	4

Discounted Market Sale	No.
1 bed flat	1
2 bed flat	5
2 bed house	8
3 bed house	2

20. Vehicular access is proposed to be gained via Hillbury Road with an emergency access point onto Shelton Close. The access onto Hillbury Road would be a new priority T-junction. The proposed vehicular access would be 5.5m wide with two 2m wide pedestrian footways on either side of the carriageway.

21. The application includes contributions to off-site sports provision including the gifting of 1.22ha of land for a sports pitch and financial contributions to enhancement of local sports facilities.
22. Whilst a layout plan has been provided this is purely indicative and the layout, scale and appearance of the development would be considered under a subsequent reserved matters application.

Development Plan Policy

23. Tandridge District Core Strategy 2008 – Policies CSP1, CSP2, CSP4, CSP7, CSP11, CSP12, CSP14, CSP15, CSP17, CSP18, CSP19, CSP21
24. Tandridge Local Plan Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP10, DP13, DP19, DP20, DP21, DP22
25. Woldingham Neighbourhood Plan 2016 – Not applicable
26. Limpsfield Neighbourhood Plan 2019 – Not applicable
27. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021– Not applicable

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

28. Tandridge Parking Standards SPD (2012)
29. Tandridge Trees and Soft Landscaping SPD (2017)
30. Surrey Design Guide (2002)
31. Surrey Vehicular and Cycle Parking Guidance (2018)
32. Tandridge Landscape Capacity and Sensitivity Study (2016)
33. The Interim Policy Statement for Housing Delivery (September 2022)

The Emerging Tandridge Local Plan

34. See comments below – no weight can be afforded to this plan.

National Advice

35. National Planning Policy Framework (NPPF) (2023)
36. Planning Practice Guidance (PPG)
37. National Design Guide (2019)

Consultation Responses

38. Statutory Consultee responses as follows:

Consultee:	Warlingham Parish Council	Date received:	14 April 2022
Summary of comments:	<p>Warlingham Parish Council strongly objects to this outline planning proposal for 150 dwellings on Green Belt designated land between Hillbury Road and Shelton Avenue.</p> <p>Councillors reviewed this application at the planning committee meeting of 12th April (2022) and raised objections as follows;</p> <ul style="list-style-type: none"> • Any development of this area of green space would be contrary to its Green Belt designation. This site currently serves its designated purpose preventing the unrestricted sprawl of the settlement of Warlingham and assist in safeguarding the open countryside from encroachment and harm. • Councillors can find no exceptional, or special circumstances that would justify the release of this land from its current Green Belt designation • The proposed development would harm the Green Belt by virtue of removing open green space and altering its character to a built environment of relatively high density housing, built infrastructure of roads and hard landscaping- contrary to DP10. • There is insufficient information about drainage- the comments from the Surrey County Council Flood Risk team also refer- and so there would appear to be an unresolved potential for harm in this respect which cannot be accepted. • Councillors notes that some of the properties would be three storey which brings into question issues of over-development. These significant features would be 'out-of-character' and unacceptable in terms of density and scaler. • A development of this size would have a negative impact on the local road network. For example, there would be issues of parking (and a need to ensure adequate on-site parking) and fundamental safety concerns around access with Hillbury Road given the high numbers of vehicle movements to and from the site in an average day. • The likelihood of ecological harm given the heavy reliance on marginal areas and edges and the proposed buffer zone. These would require permanent and robust protection measures along with adequately funded long-term management plans using specialist contractors. <p>As a result of all of the above, the Parish Council ask, and fully expects, you to refuse this application.</p>		
Officer Response:	These comments are addressed in the context of the officer's report.		

Consultee:	SCC Highways	Date received:	22 November 2023
Summary of comments:	Following the provision of further information submitted by the applicant, the proposed development has been re-considered by the County Highway Authority (CHA) who having assessed the		

	application on safety, capacity and policy grounds, recommends the following conditions be imposed in any permission granted:
Officer Response:	

Consultee:	SCC Countryside Access Officer	Date received:	N/A
Summary of comments:	No representations received		

Consultee:	SCC Education	Date received:	N/A
Summary of comments:	No representations received		

Consultee:	SCC Flood Risk (LLFA)	Date received:	10 October 2022
Summary of comments:	<p>We are satisfied the proposed drainage scheme meets the requirements set out in documents and are content with the development proposed, subject to advice below.</p> <p>Our advice would be that, should planning permission be granted suitably worded conditions are applied to ensure the SUDS scheme is properly implemented and maintained throughout the lifetime of the development.</p>		
Officer Response:	Conditions are reasonable and will be imposed as requested.		

Consultee:	Surrey Wildlife Trust	Date received:	8 November 2023
Summary of comments:	<p>Designated Sites-</p> <p>Given Paragraph 180 of the NPPF (2021) and Tandridge District Council Local Plan Part 2: Detailed Policies 2014-2029 Policy DP19, we would advise that it is imperative that the LPA seeks consultation with Natural England as part of the determination of the planning application on the potential impact upon statutory designated sites.</p> <p>Protected Species- Bats</p> <p>We would advise that if this outline application is granted, then the Applicant is required to submit an updated bat activity survey report, impact assessment and mitigation strategy as part of reserved matters. We would advise that the submission includes a full suite of bat activity transect and static monitoring surveys in line with good practice guidelines for bat surveys. If the LPA accepts the use of the condition based on the reserved matters application and tree removal being over a long period of time, then we would advise that as part of the reserved matters, the Applicant is required to submit a bat presence/likely absence survey, impact assessment and mitigation strategy report.</p> <p>Protected Species- Reptiles</p> <p>We would advise that if this outline application is granted, then the Applicant is required to submit an updated reptile survey, impact assessment and mitigation report, as part of reserved matters.</p>		

	<p>Protected Species – Hazel Dormouse</p> <p>Given the time between the 2021 surveys and the reserved matters application, we would advise that the Applicant’s ecologist reviews whether updated hazel dormouse presence/likely absence surveys should be carried out as part of reserved matters if the application is granted.</p> <p>Biodiversity Net Gain</p> <p>Should the LPA be minded to grant planning permission for this proposed development, we recommend that the LPA requires the development to be implemented in accordance with an appropriately detailed Biodiversity Gain Plan.</p> <p>Construction Environmental Management Plan (CEMP)</p> <p>Should the LPA be minded to grant permission for the proposal the applicant should be required to implement the development only in accordance with an appropriately detailed CEMP. This document will need to be submitted to and approved by the LPA in writing, prior to the commencement of the development.</p> <p>Sensitive Lighting</p> <p>We advise that compliance with this best practice guidance is secured through a Sensitive Lighting Management Plan submitted to the LPA for approval in writing prior to commencement of development. This should be informed by the bat activity survey report and bat presence/likely absence survey report.</p>
<p>Officer Response:</p>	<p>The advice given by Surrey Wildlife Trust generally accepts the surveys and mitigation measures outlined relating to protected species however suggest that further surveys are requested at reserved matters stage and securing BNG and ecological mitigation through condition.</p> <p>Within their response they suggest advice is sought from Natural England with regards to impact on a designated site, namely the SSSI, some 2km from the application site. Natural England were consulted but did not give advice on the designated site within their response.</p>

<p>Consultee:</p>	<p>The Woodland Trust</p>	<p>Date received:</p>	<p>28 June 2023</p>
<p>Summary of comments:</p>	<p>We note the applicant’s investigation into the possible presence of unmapped ancient woodland (‘ancient woodland letter report’ dated 22nd July 2023). It is not clear whether Natural England has been consulted on the findings of the report. We therefore maintain our position on this application and request that a decision is delayed until Natural England has been consulted for its opinion on the findings of the report, the antiquity of the woodlands and the likely impact of the proposals.</p>		
<p>Officer Response:</p>	<p>Natural England’s view has been sought to provide clarity on their concerns</p>		

Consultee:	Natural England	Date received:	6 November 2023
Summary of comments:	<p>Having taken a look at the proposal and our internal mapping system which includes areas of ancient semi natural woodland this shows that the nearest block of ancient woodland (AW) is ~260m to the west of the site boundary and not adjacent the site as far as we're aware.</p> <p>Unless there is a survey that proves the woodland nearer the site is AW then we wouldn't be in a position to comment any further as we're only able to go by what our system has mapped.</p> <p>Should there be concerns then ensuring the proposal allows the minimum 15m clearance from adjoining gardens around the woodland on its periphery would help to ensure that impacts are minimised.</p> <p>Our only other comment would be regarding dormice in the area and the requirement for the local authority to be satisfied with the survey effort carried out as part of the proposals to ensure they wouldn't be impacted.</p>		
Officer Response:	<p>No evidence has been presented to conclude that the site contains or is adjacent to ancient woodland. The report produced by HW & Co dated 19th July 2022, provided by the applicant advised that in their opinion the adjacent trees would not be considered ancient woodland.</p>		

Consultee:	London Bigginhill Airport	Date received:	N/A
Summary of comments:	No representation received.		

Consultee:	SCC Archaeological Officer	Date received:	27 October 2022
Summary of comments:	<p>The assessment considers the proposed development site to have a moderate potential for archaeological remains of prehistoric date and a high potential for archaeological remains of medieval and post-medieval date, particularly relating to the ancient ditch and bank boundary features within the woodland shaw within the sites western boundary. A lack of previous archaeological fieldwork in the site means that unknown archaeological heritage assets relating to occupation of all periods may be present, especially in those areas identified as have escaped truncation by previous sports buildings and facilities. I agree with the conclusions of the assessment that in order to clarify the presence or absence of any heritage assets or archaeological significance, further archaeological work is required.</p> <p>The assessment suggests that remains of national significance worthy preservation in situ are unlikely to be present, it is reasonable and proportionate to secure the evaluation, and any subsequent mitigation measures by condition.</p>		
Officer Response:			

Consultee:	Environment Agency	Date received:	28 September 2022
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Summary of comments:	No comments to make.
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Consultee:	Sports England	Date received:	15 November 2023
Summary of comments:	<p>We are responding to the application under our non-statutory consultee role, as the playing field has not been used as playing field land within the last 5 years.</p> <p>While we consider there are potential sporting benefits to the proposed mitigation which responds to current issues it is not compliant with Sport England's playing fields policy and specifically our E4 exception relating to suitable replacement provision. On that basis, Sport England wishes to maintain an objection under our non-statutory role.</p>		
Officer Response:	<p>Sports England are not a statutory consultee however highlight a potential conflict with their policy E4 which requires lost sporting facilities to be replaced of an equal or greater quality. Planning permission has not been sought for replacement off site facilities however the applicant has provided a proposed package of sports provision which has been drawn forward into the S106 heads of terms.</p>		

TDC advice

Consultee:	TDC Housing	Date received:	14 November 2023																
Summary of comments:	<p>The applicant is proposing a residential development of up to 150 dwellings including 45% affordable housing. This gives rise to an onsite affordable housing contribution of up to 34% (51 dwellings) in accordance with CSP4. The applicant is proposing to deliver in excess of the policy requirement and provide an onsite contribution to affordable housing of a total of 67 dwellings. The policy compliant amount of affordable housing will be split between 75% rented and 25% shared ownership, as per current policy. The additional contribution to affordable housing will be in the form of Discounted Market Sale (DMS) – a form of low cost home ownership whereby the properties are sold to first time buyers, with a joint household income of no greater than £80k, at a minimum discount to open market value of 20%. The discount is secured in perpetuity through a restriction on title.</p> <p>The mix proposed is as follows:</p> <table border="1" data-bbox="461 1617 823 1800"> <thead> <tr> <th>Affordable Rent</th> <th>No.</th> </tr> </thead> <tbody> <tr> <td>1 bed flat</td> <td>15</td> </tr> <tr> <td>2 bed flat</td> <td>15</td> </tr> <tr> <td>2 bed house</td> <td>2</td> </tr> <tr> <td>3 bed house</td> <td>6</td> </tr> </tbody> </table> <table border="1" data-bbox="461 1839 823 1982"> <thead> <tr> <th>Shared Ownership</th> <th>No.</th> </tr> </thead> <tbody> <tr> <td>2 bed house</td> <td>9</td> </tr> <tr> <td>3 bed house</td> <td>4</td> </tr> </tbody> </table>			Affordable Rent	No.	1 bed flat	15	2 bed flat	15	2 bed house	2	3 bed house	6	Shared Ownership	No.	2 bed house	9	3 bed house	4
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	Discounted Market Sale	No.	
	1 bed flat	1	
	2 bed flat	5	
	2 bed house	8	
	3 bed house	2	
	The mix above will be secured by way of a S106 agreement and will require a mechanism that secures the additional affordable housing so that should the applicant be unable to sell the DMS units in accordance with the Council's Allocation Mechanism, they will revert to traditional affordable housing tenure – shared ownership or affordable rent, rather than be sold on the open market.		
Officer Response:	Affordable housing provision would be secured by S106 agreement.		

Consultee:	TDC Locality	Date received:	13 April 2022
Summary of comments:	No comments to make		
Officer Response:			

Consultee:	Principal Tree Officer	Date received:	14 November 2023
Summary of comments:	I am now satisfied that sufficient information has been provided to demonstrate that the principle of an arboriculturally sound development can be achieved, and no further objections are raised to this outline application on that basis. However, there will be substantial issues to address at reserved matters stage and a detailed Arboricultural Impact Assessment would be required, together with an Arboricultural Method Statement and Tree Protection Plan.		
Officer Response:			

Other representations

Third Party Comments (Neighbours, Site and Press Notice): Comments received as follows (where relevant);

- Green Belt- Inappropriate, harmful no very special circumstances, urban sprawl/encroachment
- Impact on Infrastructure/ services- Schools, Doctors, public transport
- Highways- Additional traffic, impact on Hillbury Road, insufficient parking, highway safety
- Character- impact on countryside, density (over development), impact on village
- Impact on Woodland (Ancient), felling of trees
- Residential Amenity- noise, pollution, air quality
- Flood risk- surface water, land currently waterlogged
- Ecology- impact on habitats/ Wildlife, impact on adjacent land, encroachment into 15m buffer zone
- Biodiversity net gain- not demonstrated
- Community Facilities- loss of sports Pitches, loss of needed local facilities
- Rights of way- impact on

- Cumulative impact by neighbouring proposed development
- Additional houses required

Assessment

Procedural note

39. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2023. However, paragraph 219 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF document. Instead, due weight should be given to them in accordance to the degree of consistency with the current NPPF.
40. The NPPF imposes a presumption in favour of sustainable development (paragraph 11). For decision making, this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
 - i. the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.
41. However, with regard to paragraph 11 (d) (i), footnote 7 explains that areas or assets of particular importance include land within the Green Belt and development that effect designated heritage asset. It is therefore necessary to assess whether the proposal would be in conflict with Green Belt policy or harm the significance of the nearby listed buildings before deciding whether the presumption in favour applies in this case. The final assessment on this will be undertaken at the end of this report.

Emerging Local Plans and Interim Housing Delivery Policy Statement

42. Tandridge District Council submitted its emerging Local Plan “Our Local Plan 2033” for independent examination in January 2019 and is currently still at examination. Following a procedural meeting between the Local Plan Inspector and the District Council on 27th July 2023, the Inspector wrote to the District Council in August 2023 (see ID26 available in the Local Plan examination documents), recommending the Local Plan should not be adopted. The Inspector reached his decision following concerns that significant soundness issues in the emerging Local Plan could not be addressed by way of Main Modifications to the plan.
43. In his letter, the Inspector presented two options to the District Council I:
 - The Inspector can write a report on the Examination in which he would summarise his concerns on the soundness of the plan, recommending that the plan should not be adopted. This report would effectively end the Examination.
 - The District Council can decide to withdraw its Local Plan. This option may be taken at any time prior to the Inspector issuing his report.

44. The Inspector asked that the District Council I should write back to him, advising which course of action it has chosen.
45. It was decided at Full Council meeting (19th October 2023) to request a report on the Examination of the Local Plan. It is anticipated that the report will be published in early 2024.
46. Until either the Inspector issues his report, or the emerging Local Plan is withdrawn, the emerging Local Plan technically remains under examination. However, in the interim, no weight can be given to policies in the emerging Local Plan due to the Inspector's findings that the emerging Local Plan cannot be made sound. Therefore, the adopted development plan remains the Tandridge District Council Core Strategy 2008, the Tandridge Local Plan Part 2: Detailed Policies 2014-2029, the Caterham, Chaldon & Whyteleafe Neighbourhood Plan, the Limpsfield Neighbourhood Plan and the Woldingham Neighbourhood Plan.
47. It is also worth noting that the main soundness issues identified by the Inspector precluded the Examination from progressing to a further stage. Therefore, even policies from the Regulation 19 draft Local Plan which were not found 'unsound' by the Inspector during Examination cannot be regarded as sound. Should the Examination have continued, changes to these policies may have become necessary to make the whole plan sound.
48. The evidence base published as part of the emerging Local Plan will remain public until the end of the Examination. The evidence base is published to help the Inspector in his examination of the Plan and does not form part of the proposed Development Plan. The eventual non-adoption of the emerging Local Plan does not place more or less weight on the emerging Local Plan evidence base than on any other evidence base published by the Council. Until such time that evidence base studies are withdrawn, they remain capable of being a material consideration for planning applications.
49. The District Council has prepared an Interim Policy Statement for Housing Delivery which will be an important material consideration in the determination of planning applications. This comprises sites that are coming forward on brownfield land and Green Belt sites from the emerging Local Plan which have been through two regulation 18 consultations and a regulation 19 consultation and have been rigorously assessed via the HELAA and Green Belt assessments. The District Council will continue to assess planning applications against the adopted Core Strategy (2008) and Local Plan Part 2 – Detailed Policies (2014), unless material considerations indicate otherwise (NPPF Paragraph 47).
50. The Interim Policy Statement for Housing Delivery states that applications will be invited to come forward that meet the following criteria and are in accordance with the District Council's development plan and with the National Planning Policy NPPF (NPPF) and with national planning guidance:
 - i) Provide for the re-development of previously developed land in the urban areas and the Green Belt;
 - ii) Housing sites included in the emerging Local Plan where the Examiner did not raise concerns (see Appendix A);
 - iii) Sites allocated for housing development in adopted Neighbourhood Plans which will make a contribution to the overall delivery of housing in the District;

- v) Provide for the release of infill or re-development sites in settlements washed over by the Green Belt where this would not conflict with maintaining the openness of the Green Belt;
 - vi) Constitute enabling development (for charitable development or heritage asset conservation purposes) (See Appendix B);
 - vii) Housing development meeting a recognised local community need or realising local community aspirations including affordable housing and the bringing forward of rural exception schemes in appropriate locations;
 - viii) Sites that deliver flood mitigation measures for already identified areas of the District at serious risk of flooding;
51. The application site subject to this Outline application comprises one of the sites included within the Emerging Local Plan (Ref. HSG18) and therefore falls within criterion ii).
52. Any such sites identified according to the above criteria must be deliverable and viable, having regard to the provision of any necessary on-site and off-site infrastructure, affordable housing requirements and payment of the Community Infrastructure Levy. All development proposals will be expected to comply with the requirements of the NPPF and the policies of adopted development plan, that is the Core Strategy (15th October 2008), Tandridge Local Plan Part 2: Detailed Policies 2014-2029 (July 2014), all adopted Neighbourhood Plans and Supplementary Planning Guidance where relevant.
53. Although no weight can be afforded to policy HOU18 (see comments above about the Emerging Local Plan) the following extract from that plan provides useful context:
- Development would need to conserve and enhance the setting of the Grade II* listed vicarage to the south-east of the site. All development proposals must be accompanied by a detailed heritage assessment.
 - Development would need to mitigate ecological impacts through appropriate buffer zones New Defensible Boundaries
 - Design and layout should actively seek to create and preserve, clear and defensible boundaries between the edge of the site and the Green Belt to which it is adjacent Flooding/water-related matters
 - Proposals should respond to the medium risk of surface water flooding and the site's location within a Groundwater Source Protection Zone 2 and 3, and 'Major Aquifer High' Groundwater Vulnerability Zone. Public Rights of Way
 - Any Public Right of Way within or abutting the site should be retained in liaison with Surrey County Council and TLP31.
 - Redevelopment of this site would result in a loss of playing pitch provision. Permission will only be granted where replacement provision is provided to an equal or better standard quantity and quality...Loss of space and subsequent re-provision, including location, will need to be determined in liaison with any users, Sport England and any relevant National Governing Bodies. Replacement space will need to be provided ahead of development
 - Financial contribution to/onsite provision of the following infrastructure are relevant to the development of this site and will be a requirement of any proposal:

- Relocation and expansion of Warlingham Village Primary School to provide an 3FE primary school
- Traffic calming at Hillbury Road
- Re-provision of high-quality and suitably located playing pitches
- Pedestrian crossing between Warlingham Green and Trenham Drive
- Kerb improvements and informal crossing point at Tithepit Shaw Lane
- Cycle route from Warlingham Green to Upper Warlingham Station

Green Belt

54. The proposal site is located within the Green Belt and the NPPF (NPPF) 2023 advises that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence and, to this end, paragraph 147 of the NPPF says that new development in this area would be considered as inappropriate and therefore harmful and should not be approved except in 'very special circumstances' (VSC). Further to this Paragraph 148 adds that such circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
55. Paragraph 149 and 150 of the NPPF sets out a number of exceptions for the construction of new buildings in the Green Belt none of which apply to the proposed development.
56. Policy DP10 of the Local Plan reflects paragraphs 147-151 of the NPPF in setting out that inappropriate development in the Green Belt is, by definition, harmful and that substantial weight must be attributed to this harm. Permission should only be granted where very special circumstances can be demonstrated to outweigh the harm by reason of inappropriateness and any other harm identified.
57. Policy DP13 states that unless very special circumstances can be clearly demonstrated, the District Council will regard the construction of new buildings as inappropriate in the Green Belt. Policy DP13 sets out the exceptions to this, one of which (Part G) the limited infilling or the partial or complete redevelopment of previously developed (brownfield) sites in the Green Belt, 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.
58. In order to consider the acceptability of the proposal in regards to its impact on the Green Belt, it is necessary to refer to the following key questions:
 1. Whether the proposals constitute inappropriate development in the Green Belt;
 2. The effect of the proposals on the open nature of the Green Belt and the purposes of including land within it; and
 3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances (VSC) necessary to justify inappropriate development.
59. The application site consists of the former Shelton Sports Club which as a recreation ground would be excluded from the definition of previously developed land as set out within Annex 2 of the NPPF. This use has since been abandoned with horses currently being kept on the land however no formal change of use

has been sought. Given the last lawful use the site would not be considered previously developed land the proposal cannot be considered under the exception of Policy DP13 (G). Notwithstanding this even if recent activity was to establish an alternative use that fell within the definition of previously developed land the scale of development proposed to provide 150 dwellings and associated infrastructure would undoubtedly result in a greater impact on openness to fail to comply with that policy. No other exceptions are considered to apply to this development.

60. In light of the above the proposed development of the site is not considered to comply with any of the exceptions to inappropriate development within the Green Belt either listed in local or national policy. The development is therefore inappropriate within the Green Belt. Paragraph 147 of the NPPF 2023 makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 continues that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
61. It therefore remains to consider the effect of the proposals on the open nature of the Green Belt and the purposes before concluding on whether or not very special circumstances would apply in this case. This report will therefore first of all consider the effect on openness before assessing other matters and considering and concluding on a case of very special circumstances at the end of the report.

Green Belt purposes and Openness

62. As noted above, Paragraph 147 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being described as their openness and their permanence.
63. Planning Practice Guidance provides further clarification about the definition of openness and specifies that ‘openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume’. Furthermore, ‘the degree of activity likely to be generated, such as traffic generation’ can also be considered.
64. The District Councils Green Belt Assessment (Part 3): Exceptional Circumstances and Insetting (June 2018) seeks to establish the function of the application site within the Green Belt as part of its consideration as an emerging allocation. The examination inspector for the emerging local plan did not raise concerns with the assessment of WAR 019 (later put forward as allocation HSG18) and therefore the assessment is considered to remain relevant. The report highlights the finding of the Part 1 and Part 2 Green Belt assessments which considers that the southern section of the site to have a sense of enclosure, being bordered by development on three sides. It continues that whilst the Green Belt has served to prevent development of the site, given the layout of the surrounding urban areas the site does not serve to prevent sprawl, encroachment or merging of settlements and therefore does not serve the purposes of the Green Belt. It also notes that the potential development of the site would fill a gap in the built-up area with limited harm to openness as the site is well contained by built development and dense woodland aligning the boundaries.

65. The application has been submitted in outline with all matters reserved except for access. The applicant has provided a red line site boundary plan as well as a parameter plan. An indicative site layout has also been provided as an example of how the development could be laid out however the matter of layout is reserved and therefore it can only be considered as an indicative example in the consideration of this application.

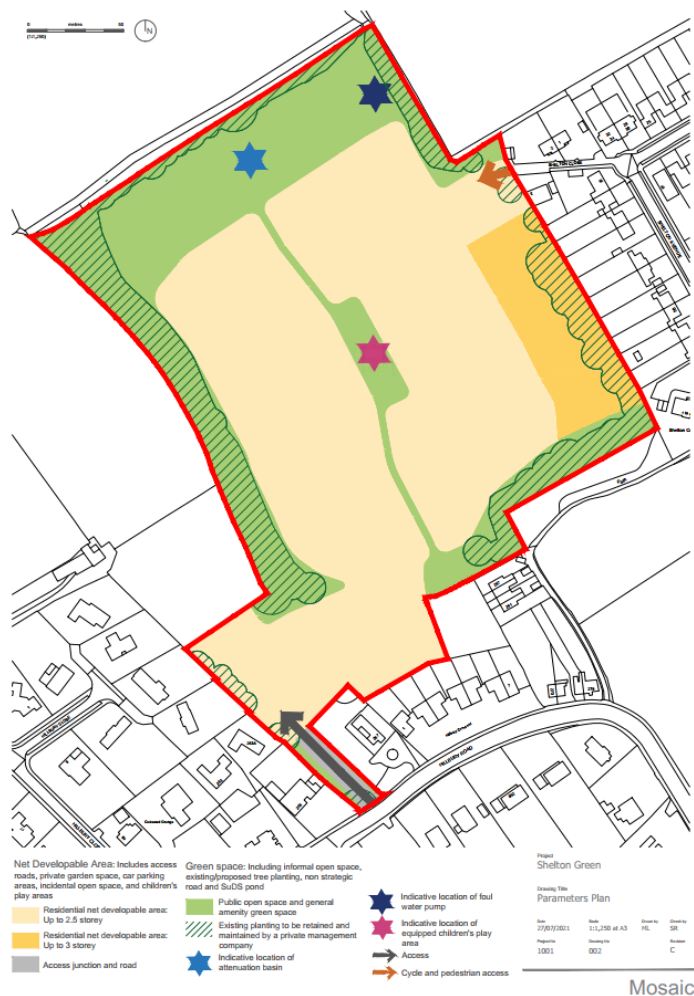


Fig 1: Parameter Plan

66. The parameter plan as shown above seeks to contain the development towards the centre of the site with green spaces/woodland buffers retained to the west, north and south-eastern boundaries of the site. The majority of the development would be up to 2.5 storeys in height with a section of 3-storey development (orange) to the east adjacent to the existing urban edge.
67. The site benefits from a modest level of containment with mature boundary treatment to the north, west and north-east boundaries, all of which are to be retained by this proposal. As also mentioned above the site borders existing development to the east, south and south-west and therefore for some part could be considered as an infill development. The northern extent of the site, which would encroach beyond the established line of built form, would be mostly given up to green/open space however it is acknowledged that the developable area does encroach north beyond the building line of Shelton Avenue/ Shelton Close. Taking this into account although the site remains predominantly open and undeveloped at this time and therefore a residential development of this scale

would undoubtedly impact on openness, the containment and infill nature of part of the development would mitigate the impact on openness to some degree. It is therefore considered the development would result in a moderate to limited impact on the openness of the Green Belt and as discussed above would not conflict with the purposes of the Green Belt. This harm will however need to be given substantial weight as required by Paragraph 148 of the NPPF.

Green Belt Summary

68. In summary, all built elements of the development represent inappropriate development in the Green Belt which is, by definition, harmful. The proposal would also cause limited to moderate harm to openness and cause moderate conflict with one of the purposes of the Green Belt. Substantial weight should be afforded to each of these elements of harm that have been identified and, as such, the development should not be approved unless very special circumstances exist. An assessment in this respect will be undertaken further below.

Wider Principle of Development / Locational Sustainability

69. Policy CSP1 of the Core Strategy sets out that in order to promote sustainable patterns of travel and in order to make the best use of previously developed land, development will take place within the existing built up areas of the District and be located where there is a choice of mode of transport available and where the distance to travel to services is minimised subject to the third paragraph of this policy. It continues that there will be no change in the Green Belt boundaries, unless it is not possible to find sufficient land within the existing built up areas and other settlements to deliver current and future housing allocations. Such changes will only take place at sustainable locations as set out in Policy CSP2 whilst having regard to the need to prevent built up areas from coalescing.
70. The application site lies within the Green Belt but borders the Category 1 settlement of Warlingham to the east which also runs to the south and south-west of the site but does not directly border. It would therefore be in proximity and have access to the infrastructure and services provided by this urban area. Policy CSP1 does not countenance the change of Green Belt boundaries by virtue of expansion of settlements into the Green Belt unless it is necessary to meet future demand. The draft allocation of the application site along with the current District Council's housing supply position highlights that there is a demand for housing with the application site forming what is considered to be a sustainable location with access to existing infrastructure. In light of this the proposal does conflict with the requirements of Policy CSP1.

Density

71. Core Strategy Policy CSP19 contains density ranges dependent on the location of development in the District. Within built up areas it advises an density of 30 to 55 dwellings per hectare, unless the design solution for such a density would conflict with the local character and distinctiveness of an area where a lower density is more appropriate; such character and distinctiveness may also be identified in Village Design Statements, Conservation Area Appraisals or Supplementary Planning Documents.
72. The NPPF has since taken the approach to place greater emphasis on the character and appearance consideration of development rather than compliance with density ranges.

73. The residential development area is approximately 4.02ha, which at 150 homes equates to a density of 37 dwellings per hectare however the site as a whole would measure 6.06ha with a density of 23 dwelling per hectare across the site as a whole. Whilst it is acknowledged that the site does not lie within a built up area it provides a density towards to the lower end of the policy position for the settlement it adjoins. Density across the site as a whole would be significantly less with the open area bordering the open land to the north and west. The proposal would therefore not conflict with Policy CSP19 of the Core Strategy.

Housing Supply

74. The Council accepts that it does not have a five-year housing land supply (5-YHLS). However, the local housing need figure is only the starting point for establishing the local housing requirement. The major policy constraints (including 94% Green Belt, two AONBs and flooding) and significant infrastructure capacity constraints (for example around the M25 J6) within the District can reasonably be expected to significantly reduce this requirement.
75. Nevertheless, as demonstrated in the work for the emerging Local Plan (currently awaiting final Inspector's report), the Council is committed to bringing forward sites in line with criteria set out in the Interim Housing Policy Statement as part of the Housing Delivery Test Action Plan.
76. A recent assessment of the District Council's Housing Land Supply situation was undertaken as part of an appeal in respect of application 2021/2178 at Land West of Limpsfield Road, Warlingham which is immediately adjacent to this site. The District Council's position (as set out within the Annual Monitoring Report) was set out to be that the housing land supply figure amounted to a 1.57 year provision. The inspector determining that appeal found that significant weight should be given to the capability of that development proposal to contribute to housing land supply.
77. With the above appeal being allowed those 100 houses would contribute to the supply of housing within the district but this would not be sufficient to significantly increase the housing land supply figure. The only other material change in circumstance since that decision is the no weight can now be afforded to the policies of Our Local Plan 2033. It is therefore considered that the above assessment of the District Council's Housing Supply position remains relevant. The appeal proposal sought outline consent for 100 dwellings with the current proposal seeking to provide up to 150, increasing the provision towards the housing supply. It is therefore considered that, consistent with the recent appeal decision, this factor should weigh significantly in favour of the proposal.
78. Similarly, it is relevant that the recent appeal (APP/M3645/W/23/3319/149) at Land at the Old Cottage, Station Road, Lingfield (the "Starfields appeal") found that "very significant weight" should be afforded to the benefit of providing 99 dwellings at that site. Although that appeal was dismissed, the shortcomings of the housing supply provision were repeated and the weight afforded to this matter aligns with the abovementioned appeal.

Housing Type and Mix

79. Policy CSP7 of the Core Strategy 2008 states that the District Council will require all housing developments of 5 units and above to contain an appropriate mix of

dwelling sizes in accordance with current identified needs for particular areas of the District, as set out in future Housing Need Surveys and Strategic Housing Market Assessments.

80. This application is submitted in outline form with the exact housing mix not specified. The developer has outlined within their planning statement that the development would incorporate a mix of 1, 2-, 3-, 4- and 5-bedroom properties. They have provided the following table at figure 3 of their planning statement which provides an anticipated board housing mix

Type/Size	Percentage
1 & 2 bed flat	At least 20%
2 Bed House	At least 20%
3 Bed House	At least 35%
4+ Bed House	Up to 25%

81. Overall, and in the context of the type of housing in the locality, the indicative mix would support 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 District Council's emerging Local Plan. Exact details would be determined at reserved matters stage.

Affordable Housing

82. Policy CSP4 of the Core Strategy requires that up to 34% of the units of development meeting the threshold of 15 units or above 0.5ha should be affordable with up to 75% of these being for social rent.
83. The applicant is proposing a residential development of up to 150 dwellings, including 45% affordable housing providing up to a maximum of 67 affordable dwellings. This exceeds the policy requirement of 34% (up to 51 dwellings). The proposed affordable housing will be split between 75% rented and 25% shared ownership, as set out within the policy. The additional contribution to affordable housing (beyond the 34%) will be in the form of Discounted Market Sale (DMS). The discount is secured in perpetuity through a restriction on title.
84. The applicant has provided a suggested mix for the affordable housing which is as follows:

Affordable Rent	No.
1 bed flat	15
2 bed flat	15
2 bed house	2
3 bed house	6

Shared Ownership	No.
2 bed house	9

3 bed house	4
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Discounted Market Sale	No.
1 bed flat	1
2 bed flat	5
2 bed house	8
3 bed house	2

85. The provision of affordable housing and its mix will be secured by way of a S106 agreement and will require a mechanism that secures the additional affordable housing so that should the applicant be unable to sell the DMS units in accordance with the District Council's Allocation Mechanism, they will revert to traditional affordable housing tenure – shared ownership or affordable rent, rather than be sold on the open market.
86. In light of the above the mix of affordable housing would meet the requirements of Policy CSP4 with the total provision exceeding policy requirement. This provision above policy compliance will provide a significant benefit in favour of the scheme.

Character and Appearance

87. The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It goes on to state that planning decisions should ensure that developments will function well, add to the overall quality of the area, be sympathetic to local character and history (whilst not discouraging innovation) and establish a strong sense of place. It also states that development that is not well designed should be refused.
88. 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.
89. 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.
90. Policy CSP19 of the Core Strategy states that within the NPPF for the character and design of density as set out in Policy CSP18, the density of new development within the built-up areas would be within a range of 30 to 55 dwellings per hectare, unless the design solution for such a density would conflict with the local character and distinctiveness of an area where a lower density is more appropriate.
91. 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.

92. The site consists of the land formally associated with the Shelton Sports Club as well as land to the side and rear of 267 Hillbury Road. Following the closure of the sports club the land has been left to rough grass with areas of hard surface and a single building retained on site which were formally used by the sports club. The land to the rear of 267 Hillbury Road was understood to formally be used as amenity space but remains undeveloped and left to grassland. The site overall benefits from mature and established tree screens which run to the north and western boundary of the site.
93. The proposal seeks outline planning permission for up to 150 dwellings on the site. The applicant has submitted a parameter plan which identifies areas of the site for development and the suggested scale of that development. The dwellings are predominantly proposed within the central area of the site with built form up to 2.5 stories. A small area of 3 storey development is proposed towards the eastern boundary of the site bordering the urban area of Warlingham and properties on Shelton Avenue. The northern extent of the site is suggested to provide public open space and will contain the attenuation features for the site. The applicant has also provided an indicative site layout plan to show how the development could be delivered in line with the parameter plan. This plan is indicative only and one example of how the proposed development could be delivered.



Figure 2: Indicative site layout plan

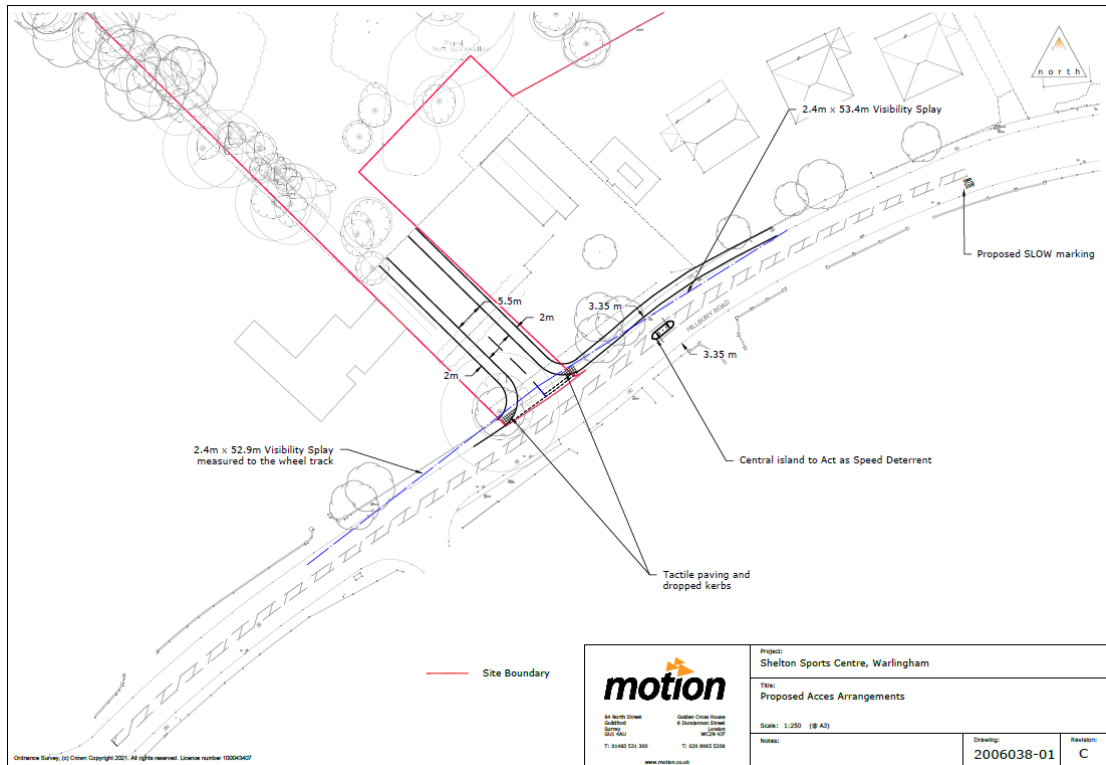
94. The residential development area is approximately 4.2ha, which at 150 homes equates to a density of 37 dwellings per hectare however the site as a whole would measure 6.06ha with a density of 23 dwelling per hectare.
95. Whilst matters of appearance and layout would be dealt with as a reserved matter and therefore not for consideration as part of this application the application would retain the mature tree screens to the boundary of the site. The taller three storey development would be located adjacent to the eastern boundary with the urban confines, with 2.5 storey buildings for the remainder of the site and no built form to the northern edge of the site. This would allow for a step down in height of built form towards the open land to the north with the northern open space and retention of existing tree screen providing a defensible boundary to the open land to the north. The three-storey development would not appear out of keeping adjacent to urban edge of Warlingham subject to the overall height of the buildings being appropriate to the area which would be considered at the reserved matters stage.
96. In terms of the landscape impact, the applicant has provided a Landscape and Visual Impact Assessment prepared by Hill-Wood & Co dated October 2021. Similar to what was discussed above the assessment noted the proximity of the existing built form and likely impact on the PROW. It notes that the proposal would retain the established boundaries to the site and that, where vegetation needs to be removed on the southern boundary, mitigation planting would be proposed. They highlight that in their view the proposed development will have a moderate to high impact during construction, with a moderate impact once built and a moderate to low impact within 10 years, with several viewpoints having a neutral impact within 5 to 10 years. The report makes the following recommendation to mitigate the visual impact of the development;
- During construction - construction machinery on site, scaffolding, diggers etc... these are often taller than the proposals, are mechanical and have moving parts which are more noticeable in an otherwise stationary landscape.
 - Once built - the retained landscape across the boundaries of the site and within the surrounding properties gardens will obscure views of the proposed development.
 - 5 - 10 years - the mitigation planting and enhancement of the existing landscape will have matured and created an appropriate landscape to reflect the surroundings on the site. The native trees and shrubs chosen will reflect the existing landscape character and will create additional screening across the site.
97. Overall the development would provide a residential scheme of a density to reflect the urban confines it lies adjacent to. The development would alter the character of the site and viewpoints from the public right of way which runs directly adjacent to the site however through the provision of the open space to the north, and retention of the visual boundary to the site the principle of a residential development on the site would not result in significant wider landscape harm. For these reasons it is considered that the various requirements of Local Plan Policy DP7 and Core Strategy Policy CSP18 as they relate to character and design can be met at the detailed stage, and no objection is therefore raised in this regard.

Impact upon neighbouring amenity and amenity of future occupiers

98. 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.
99. The above policies reflect the guidance at Paragraph 130 of the NPPF, which seeks amongst other things to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users of development.
100. This application is for outline permission with all matters reserved except for access. In light of this a full assessment of the impact on amenity of the neighbours or the future occupants would not be possible until details of layout and scale are considered within the reserved matters. The parameter plan identifies the proposed area for residential development which would equate to a density of up to 37 dwellings per hectare. The residential area does extend up to the eastern, western and southern boundary with the closest residential neighbours however the proposal would be expected to comply with the relevant separation distances outlined within Policy DP7 when layout is considered at the reserved matters stage, and there is no reason at this time to consider this cannot be achieved. In light of this, whilst a full assessment of impact on amenity would be undertaken at the reserved matters stage based on the parameter plan it is not considered that the development as submitted no objection is raised with regards to Policy DP7, CSP18 or Paragraph 130.

Highways, Parking and Access

101. 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.
102. The NPPF acknowledges that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
103. The primary access to the development for vehicles is proposed to be via Hillbury Road. The new vehicular access will take the form of a priority 'give way' junction onto Hillbury Road. The applicant through the process of the application has sought to address comments that have been raised by the County Highway Authority with the most recent access arrangements shown on drawing number 2006038-01 Rev. C. This plan is show below;



104. The proposed access arrangement will include other highways improvement including kerb realignment and a central island proposed as a speed deterrent. A secondary access for emergency vehicles, pedestrians and cyclists is also proposed via Shelton Close, utilising the historic access to the now redundant sports ground but will not provide general vehicular access via this route.
105. As the scheme is in outline, parking provision cannot be fully assessed at this stage. However, the indicative layout is understood to have taken into account of the District Council's parking standards and as such provision in accordance with these standards should be achievable at the reserved matters stage to meet the requirements of Local Plan Policy DP7 in this regard.
106. Surrey Country Council through their role as County Highways Authority have reviewed the supporting highways information. They have assessed the application on safety, capacity and policy grounds and have not raised objection but have recommended a series of conditions be imposed as well as delivery of other matter through S106 agreement.
107. Taking the above into account and subject to the imposition of conditions and the Section 106, no objections are raised from a highways safety perspective. The proposal is therefore considered to comply with Core Strategy Policy CSP12 and Local Plan Policy DP5.

Trees and Ancient Woodland

108. Policy CSP18 of the Core Strategy requires 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 requires 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.

109. 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.
110. The application site has mature tree screens to the north, west and east of the former sports fields as well as between the sports land and that behind 267 Hillbury Road. The impact on these and other trees within the site need to be considered.
111. In support of the application on arboricultural grounds the applicant has provided an Arboricultural Impact Assessment produced by Canopy Consultancy. This report was updated through the consideration of the application with the latest Revision A dated September 2022. The report outlines that a total of fifty three individual trees, two groups of trees and part of four further groups of trees will be removed to enable the proposed development. The majority of the trees to be removed are within the 'C' category either because they are young and easily replaced or are of substandard physiological or structural condition. They suggest that once the detailed layout of the development has been confirmed, a full assessment of the impact of the development on the retained trees can be carried out and an arboricultural method statement produced. They however recommend that through the specified tree protection measures and construction methodology, it will be possible to minimise the impact of the proposed development on the retained trees.
112. The District Council's Principal Tree Officer has reviewed the submission and initially raised concerns that the extent of the impact on the trees were not fully established as well as comments on individual trees. Particular comment was made regarding the potential impact on T1 (Horse Chestnut) as a result of the position of the proposed access road as well as the impact on T91 and T95 which are large mature oak trees with a high amenity value. Following the comments the applicant revised the indicative layout and Arboricultural Impact Assessment to demonstrate that tree T91 and T95 can be retained. The applicant also proposed a no dig solution for the road to mitigate impact on T1. The Principal Tree Officer raised concern with this approach commenting that it would be highly unlikely that a fully no dig solution could be achieved whilst still transitioning to the required crossover level. He suggests that further investigatory works would need to be undertaken at the reserved matters stage to determine the location of roots and the extent of excavation required therefore fully understanding the impact on the tree. He continues that it is likely that the tree could be retained, but potentially with some unavoidable harm. Overall however his comments are that he is now satisfied that sufficient information has been provided to demonstrate that the principle of an arboriculturally sound development can be achieved, and no further objections are raised to this outline application on that basis. However, there will be issues to address at reserved matters stage and a detailed Arboricultural Impact Assessment would be required, together with an Arboricultural Method Statement and Tree Protection Plan.
113. The issues of the potential impact on ancient woodland have also been raised through the public consultation as well as that by the Woodland Trust. The closest area of mapped ancient woodland lies some 260m west of the site however suggestions have been made that the trees along the western

boundary, eastern boundary and within the location of the proposed access road could be unmapped ancient woodland. They are therefore objecting on the basis of the potential for direct loss or root encroachment on this unmapped woodland in addition to deterioration of this habitat through the proposed residential use of the site.

114. The applicant has sought to address these claims through the submission of a letter by HW & C which goes through historic mapping and the ecological features concluding, with advice from Darwin Ecology (appended to the letter), that the site would not contain ancient woodland. Specifically the Darwin Ecology report outlines that the site contains some ancient woodland indicator species, but not with great abundance to support its status as an ancient woodland at the time of survey. This letter and attached report was available for review and further comment was requested from Woodland Trust who retained their objection and requested the view of Natural England be sought. Natural England were consulted, and a response received on 6 November 2023. They comment that the closest mapped ancient woodland is ~260m to the west of the site boundary and not adjacent the site as far as we're aware. They continue that unless there is a survey that proves the woodland nearer the site is Ancient woodland then we wouldn't be in a position to comment any further as they are only able to go by what is mapped. They however comment that should there be concerns then ensuring the proposal allows the minimum 15m clearance from adjoining gardens around the woodland on its periphery it would help to ensure that impacts are minimised.
115. The comments that suggest the site may contain ancient woodland are noted. However, they are understood to be on a desk based assessment only. The submitted Darwin Ecology report provides an assessment of the potential for ancient woodland including a walkover of the site and concludes that the site would not contain ancient woodland. Natural England have indicated that the site has not been identified as ancient woodland and would not diverge from this view unless a survey suggests otherwise. Taking into account the Darwin Ecology report and without evidence to the contrary it would have to be concluded that the site does not constitute ancient woodland. Notwithstanding this, the parameter plan indicates that residential development is to be kept away from the western boundary of the site and adequate protection can be secured for these trees in line with the arboricultural impact assessment above.
116. Based on the details that can be considered under this outline application the submitted arboricultural impact assessment is sufficient to demonstrate that the development could in principle be undertaken without significant impact on trees or ancient woodland to accord with the requirements of Local Plan Policy DP7, Core Strategy Policy CSP18 and The Tandridge Trees and Soft landscaping SPD (2017). However further assessment will be required at the reserved matters stage once those matters are to be considered. This will be secured by way of condition.

Biodiversity & Ecology

117. 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.

118. Policy DP19 of the Local Plan Part 2: Detailed Policies 2014 advises that planning permission for development directly or indirectly affecting protected or Priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.
119. The applicant has undertaken a number of survey and ecological assessments of the application site and the potential impact of the development. A list of these surveys/reports are listed below and form a basis for the comments by Surrey Wildlife Trust.
- Hazel Dormouse Presence/Absence Survey Report (aLyne Ecology, November 2021)
 - Ecological Response Letter for Shelton Sports Club, Shelton Avenue, CR6 9TL (LC Ecological Services, July 2023).
 - Biodiversity Net Gain Response for Shelton Sports Club (LC Ecological Services, August 2023).
 - Ecological Response Letter (LC Ecological Services, 2nd October 2023).
 - Biodiversity Metric Calculation Tool 4.0 (LC Ecological Services, October 2023)
 - Ecological Response Letter (LC Ecological Services, 12th October 2023).
 - Email Correspondence (LC Ecological Services, 12th October 2023).
 - Off Site Biodiversity Net Gain Information Technical Note (LC Ecological Services, 30th October 2023)
120. The submitted documents outline the findings of onsite surveys and various potential mitigation measures to ensure no adverse impact on protected species. Surrey Wildlife Trust have acknowledged the recommendations within the submitted reports but suggest further surveys will be required at reserved matters stage and suggest conditions be imposed. These would be necessary and will be imposed as suggested.
121. With regards to biodiversity the applicant, through their net gain assessment has outlined that the development proposals would be capable of delivering a demonstrable net gain in biodiversity, meeting the 10% requirement anticipated through the implementation of the provisions in the Environment Act. This would not be achievable through on-site provision and therefore off-site biodiversity enhancements would be required. To support the feasibility of achieving a net gain the applicant has provided a biodiversity metric which would achieve a 11.99% increase. Surrey Wildlife Trust have reviewed the metric and supporting information and suggest that if the LPA be minded to grant planning permission for this proposed development the development should be implemented in accordance with an appropriately detailed Biodiversity Gain Plan. The applicant has highlighted the provision of the off-site biodiversity enhancements through a S106 agreement. Subject to the securing through the S106 agreement the development is considered to achieve a 10% biodiversity net gain.
122. Subject to the conditions discussed above and securing a biodiversity net gain the proposal is considered acceptable in relation to Core Strategy Policy CSP17 and Local Plan Policy DP19.

Flood Risk and Surface Water Drainage

123. The application site lies within flood zone 1 and is therefore at a low risk of flooding. The development is however a major development and consideration will need to be given to ensuring the development does not increase flood risk and to ensuring that surface water run-off is adequately mitigated.

124. One of the twelve land-use planning principles contained in the NPPF and to underpin plan-making and decision-taking relates to taking full account of flood risk. Paragraph 159 of the NPPF advises that; 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere'.
125. NPPF, paragraph 162 seeks to steer new development to areas with the lowest risk of flooding. NPPF, paragraph 167 requires development in areas at risk of flooding to demonstrate that the most vulnerable development is located in areas of lowest flood risk, that development is appropriately flood resistant/resilient, incorporates Sustainable Drainage Systems, and safely manages risk.
126. 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.
127. 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.
128. The applicant has sought to address the matter of flood risk by providing a flood risk assessment & drainage strategy prepared by Mayer Brown dated November 2021. The report considered the impact of the development on fluvial, tidal, ground water and flooding via infrastructure failure concluding that flood risk for each to be low with no mitigation required. Flood risk by surface water is indicated to be low-high.
129. With regards to surface water run-off from the proposed development the assessment outlines that this will be discharged to the ground via infiltration using piped drainage and SuDS systems. The SuDS features will ensure flood water over and above greenfield run-off will be safely contained within the site boundary up to and including the 1 in 100 year event plus 40% climate change. They comment that in the event the capacity of the proposed surface water drainage network is exceeded, the excess water will follow the topography of the ground and flow overland towards the northern boundary and into the soft landscaping at an unrestricted rate, leaving properties unaffected. The conclusion of this flood risk assessment is that in the author's opinion the development at the Former Shelton Sports Club in Warlingham can be safely carried out without increasing the risk of flooding to downstream/surrounding properties.
130. The Local Lead Flood Authority initially commented that they did not consider the submitted scheme was sufficient due to insufficient information regarding infiltration within the chalk bedrock. The applicant has addressed this through providing deep bore soakage test results (Ground and Environmental Services Limited dated 31st May 2022). Having reviewed this the Local Lead Flood Authority and have subsequently commented that they are now satisfied the

proposed drainage scheme meets the requirements set out in the relevant guidance documents and are content with the development proposed, subject to ensuring the SUDS scheme is properly implemented and maintained throughout the lifetime of the development through suitably worded conditions

131. On the basis of the advice, and subject to the imposition of conditions, the proposal is considered to meet the requirements of Core Strategy Policy CSP15 and Local Plan Policy DP21.

Archaeology and Heritage

132. The application site lies some 180m west of the Grade II* Vicarage and associated grade II listed barn as well within 500m of wider heritage assets around Warlingham Green. The impact on the heritage assets therefore needs to be considered.
133. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for a development which affects a listed building or its setting, the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
134. Policy DP20 of the Local Plan requires that new development protects, preserves and wherever possible enhance the history interest, cultural value, architectural character, visual appearance and setting of heritage assets and historic environment. Development should be sympathetic to the heritage asset and/or its setting in terms of quality of design and layout (scale, form, bulk, height, character and features and materials. As the site area comprises over 0.4ha, in order to comply with Local Plan Policy DP20 an archaeological desk-top assessment has been submitted by the applicant.
135. Paragraph 195 of the NPPF requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
136. Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
137. Paragraph 199 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

138. Paragraph 202 requires that when a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
139. In support of the application of heritage and archaeology grounds the applicant has provided an Archaeological Desk-Based Assessment (DBA) and Heritage Statement produced by PCA dated November 2021. This report is an updated following a previous report produced in January 2018. The content of this will be discussed below.
140. In starting with archaeology, the report outlines that the original DBA concluded that the site possesses moderate potential for prehistoric remains pertaining to the Palaeolithic, Neolithic and Iron Age, low potential for Roman and Saxon remains and high potential for medieval and post-medieval remains along the western flank of the site, where historic woodland and a land boundary extending back to the 12th century exist. Low potential for the post-medieval period characterises the rest of the site. They suggest that the proposed development should not impact significantly upon the medieval and later boundary features in the western side of the site and the ancient woodland of Upper Shepherd's Shaw. They recommend that a programme of archaeological trial trenching should also be undertaken given that the site has been relatively unaltered since it was cleared for arable farming in the medieval period.
141. Surrey County Councils Archaeological Officer has been consulted on the application and comments that they agree with the conclusions of the assessment that in order to clarify the presence or absence of any heritage assets or archaeological significance, further archaeological work is required. They comment that the assessment suggests that remains of national significance worthy preservation in situ are unlikely to be present, it is reasonable and proportionate to secure the evaluation, and any subsequent mitigation measures by condition. In light of this subject to the suggested conditions the development is not considered to result in a significant impact on archaeology.
142. With regards to designated heritage assets, as outlined above the application site lies some 180m west of the Grade II* Vicarage and associated grade II listed barn. The applicant's heritage statement identifies that both are of heritage value due to their historical and architectural interest. The Vicarage (and barn) also derive some significance from their setting within the Glebe, a piece of land serving as part of a clergyman's benefice and income. They note that there is currently no intervisibility between the two closest Listed Buildings and the Site mainly due to the dense tree line along the eastern half of the southern boundary of the site. This tree line will be retained as part of the proposed development. The heritage significance of the Grade II* Vicarage and Grade II barn on Westhall Road is expressed through their historical and architectural interest as well their setting within the Glebe. The applicant's heritage statement considers that this significance will not be affected by the proposed development due to lack of intervisibility between them and because the site lies outside of the Glebe.
143. The application site lies some 180m west of the closest heritage assets. The submitted parameter plan shows a 14m wide amenity space along the south-eastern boundary of the site with annotation to suggest the retention of the existing boundary trees. If this is to be retained through the reserved matters

stage the closest built form would be around 200m from the heritage assets and whilst it may not be fully obscured intervisibility to and from the heritage asset of the application site would be limited. The significance of the heritage asset lies in the buildings themselves and their immediate setting (The Glebe). Whilst the application site would have formed the wider setting of these buildings it is not known to have any clear link with the heritage assets to contribute to its significance. In light of this, and subject to ensuring the boundary trees are retained at reserved matters stage the proposed development is not considered to result in harm to the significance of the heritage asset.

144. The proposal would therefore accord with the requirements in paragraph 202/203 of the NPPF (2023) and Policy DP20 Heritage Assets of the Tandridge Local Plan Part 2 (2014).

Renewable Energy

145. 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%.
146. This application has not been provided with an energy statement however the applicant has sought to address this policy within their planning statement, setting out that whilst it would not be possible to provide specific details at this application stage they acknowledge the requirement to achieve a 20% reduction in CO2 suggesting this could be achieved through solar PV and air source heat pumps. Given the lack of details compliance with Policy CSP14 will be secured by condition.

Contamination

147. Policy DP22 of the Local Plan states that proposals for development on land that is or may be contaminated will be permitted provided that there will be no unacceptable risk to health or the environment and provided adequate remedial measures are proposed which would mitigate the effect of any contamination and render the site suitable for use. Where there is evidence of a high risk from residual contamination the applicant will be required to show as part of the application how decontamination will be undertaken.
148. A phase 1 contamination risk assessment report, produced by Ground and Environmental Services Limited dated May 2021 has been provided with the application. The report outlines that the application site lies above a Principal Aquifer within the bedrock chalk geology and a defined groundwater Source Protection Zone. No potential sources of significant contamination were identified on site during the historical map search and site walkover which was undertaken in May 2021. Whilst the potential for contamination on the site are considered to be low they recommend a watching brief be implemented on this site during enabling works and should any contamination or potentially contaminative sources be discovered during the proposed enabling works all site works would cease and suitably competent consultants/engineers will attend site.
149. The phase 1 assessment report considers the site to have a low potential for contamination however has not ruled out the potential for contamination sources being discovered during the proposed enabling works. Given the site lies above a principal aquifer it would be important to ensure any potential contamination is identified and appropriately addressed. This can be secured by way if condition.

Sports Provision

150. The application site consists of the former Shelton Sports Club's land. This sports use of the land ceased in 2006 when the site was considered (by the then owners) to be surplus to requirements and purchased by the current owners. Whilst the sports use of the land has long since ceased this remains the current lawful use of the land and therefore the impact on sports provision needs to be considered.
151. Policy CSP13 of the Core Strategy considers sports and community facilities and requires that existing community, recreational, sports facilities and services and open space will be safeguarded. The District Council will encourage the dual use of community and sports facilities. It continues that the loss of open space, sport and recreation facilities is dealt with in national planning policies.
152. Paragraph 99 of the NPPF considers sports facilities and open space more general and outlines that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
 - a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
153. Sports England's Playing Field Policy E4 outlines that the playing field or playing fields, which would be lost as a result of the proposed development, would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development'.
154. The District Councils Playing pitch strategy & action plan (June 2018) provides some guidance on current playing pitch provision within Tandridge. The sports pitches within the Shelton Sports Club site are identified within this document but noted as an unused facility. The document also acknowledges the emerging local plan allocation and the likely loss of those pitches. The recommended actions within that document are therefore to ensure the potential loss of the site meets Sport England's Playing Field Policy exceptions and is agreed upon by Sport England.
155. As discussed above the application site does not currently provide active playing pitches and has not done so for a number of years. As they have not been used for a period over 5 years Sports England are not a statutory consultee on the application but have provided advice to the District Council on a non-statutory basis. Whilst not currently used, the sports pitches have been identified within the District Council's playing pitch strategy and therefore remain as having potential to contribute. The actions within the playing pitch strategy suggest that replacement facilities should be provided and therefore, whilst currently unused, the requirement to replace the facilities outlined within the above policies remains to be considered.

156. To address the loss of the former sports pitches on the application site the applicant has provided a Proposed Package of Sports Provision and Contributions Statement dated January 2023. This statement sets out a number of compensatory measures proposed to offset the loss of the sports pitches from the application site. This includes the gift of 1.22ha of land at nil cost to Warlingham Rugby Football Club for use as a new sports pitch, a contribution to Warlingham Rugby Football Club (£500,000) to bring the new junior pitch into use as well as upgrading of their facilities and a contribution to Warlingham Sports Club (£150,000) to provide an Artificial Grass Pitch or Multisport surface. These contributions will be secured by way of S106 agreement with the contributions and the mechanism for delivery prior to commencement. Details of this are outlined within the draft heads of terms for the S106 agreement.
157. The proposal, subject to securing replacement facilities by way of S106 agreement, would provide compensatory facilities to offset those lost. Whilst the area of land provided for the sports pitches (1.22ha) would be less than the area being lost as a result of the redevelopment the proposed financial contribution would facilitate the upgrading and enhancement of local sporting facilities and therefore the provision overall could be said to be of an equal or greater quality than the facilities at present.
158. It is noted that the planning permission has not been granted for any of the alternative facilities at this time which has resulted in the comments of objection by Sports England which suggest a conflict with their policy Sports England's Playing Field Policy E4. The S106 heads of terms however indicate obtaining of planning permission will be sought prior to the commencement of development which can be secured by the S106 agreement.
159. In light of the above whilst the comments provided by Sports England are noted it is considered in this case that adequate replacement facilities will be provided to accord with the requirements of Policy CSP13 of the Core Strategy, Paragraph 99 of the NPPF and 143.

S106 & CIL

160. This is an outline application. The CIL regulations require that CIL liabilities are calculated when reserved matters applications are submitted as until the reserved matters stage, it is not necessarily clear what the exact level of CIL liable floor space will be.
161. In addition to the CIL contributions the applicant is agreeable to the entering into a S106 agreement. At the time of writing the agreement is being drafted however the heads of terms have been provided which include the securing of the following;
- Affordable Housing
 - Open space (On-site)
 - Play Area (On-site LEPA)
 - Sports Provision
 - Biodiversity
 - Travel Plan and monitoring

162. The above will be secured by way of S106 agreement and are considered to be necessary before the granting of planning permission. Members are asked to consider the application subject to securing the above.

Very Special Circumstances

163. As discussed above, it is considered that the proposed development would comprise inappropriate development within the Green Belt which would have a greater impact on openness than the existing situation.
164. Policy DP10 and Paragraph 147 of the NPPF both set out that development should therefore be refused unless there are very special circumstances to clearly outweigh the harms identified. For the purpose of this assessment the harms that have been identified in this application are definitional harm by virtue of inappropriate development within the Green Belt and moderate material harm to openness. Both of these are however required to be attributed substantial weight in line with Paragraph 148 of the NPPF.
165. The applicant within their planning statement has acknowledged the development would be inappropriate within the Green Belt and has sought to set out a number of factors to be considered towards a case of very special circumstances. These are;
- Provision of market housing
 - Provision of affordable housing
 - Failure of policy
 - Draft allocation in the Local Plan 2023
 - Investment in Local Sports Facilities and Widening Access to Sport
 - Economic benefits
 - Biodiversity net gain
166. The above factors will be discussed individually and weight attributed before an assessment of the case of very special circumstances as a whole.

Provision of market housing

167. The applicant's case in relation to a benefit through the provision of market housing is set around the District Council's housing supply position. They highlight the District Council's lack of a five year supply of housing and the housing delivery test result would suggest that the housing supply within the district would be critical and there acute shortfall in meeting local needs. They suggest that in this context of the above the provision of 82 market homes would positively and significantly boost local housing supply to meet market housing need which should attract substantial weight in favour of the scheme.
168. The latest 2022 Annual Monitoring Report for the District says there is 1.57 years supply.
169. The NPPF states that Government objective is to significantly boost the supply of housing. In the recent appeal decision (APP/M3645/W/22/3309334 – Warlingham and APP/M3645/W/23/3319149 - Lingfield), significant weight was afforded to the housing supply benefit by both Inspectors. It is considered that it is logical to apply the same weight to this benefit as was applied in the recent appeal decision i.e. significant weight.

Provision of affordable housing

170. In relation of affordable housing the applicant outlines that the proposal will offer an above-policy-compliant level of affordable housing (45%) as part of the proposals, resulting in the provision of 68 critically needed affordable homes which they suggest is a substantial benefit. They suggest the proposals will provide an important boost to affordable housing supply and should weigh significantly in favour of the proposals.
171. It is considered relevant to note that affordable housing offer with this application equates to 45% of the proposed units which exceeds the requirements of CSP4 by 17 units. At the time of writing a legal agreement has not been completed however the draft heads of terms confirm a commitment to this affordable housing permission with this secured before any permission would be granted. In the context of the overprovision of housing it would be appropriate in this case to afford this significant weight.

Failure of policy

172. The applicants case in relation to failure of policy is to outline that Policy CSP1 sets out that “there will be no change in the Green Belt boundaries, unless it is not possible to find sufficient land within the existing built-up areas and other settlements to deliver current and future housing allocations”. They continue that the Policy then sets out that, should such changes be required, they “will be made through a Site Allocations Development Plan Document and the accompanying Proposals Map”. Policy CSP2 then supports this, providing further direction that the District Council “will identify reserve sites in a Site Allocations DPD” in order to ensure that a supply of land can be maintained. They suggest that in the absence of a revised Site Allocations DPD or alternative there would be no cushion in supply as required by Policy CSP2 and therefore this demonstrates a failure of policy.
173. The consequences of the development plan not meeting the identified housing requirements are addressed elsewhere in the report. In itself, the age and alleged inadequacy of the development plan is not a matter to afford any weight. The status of the development plan is 'district wide' and, as such, is not a unique circumstance that is special to this case. From this basis, noting that the benefit of boosting housing supply is considered elsewhere' this status of the development plan should not be given more than limited weight.

Draft allocation in the Local Plan 2033

174. The applicant suggests that the status of the site as a draft allocation within the emerging Local Plan 2033 is considered to be an important consideration in favour of the application. They suggest that due to the plan being at an advanced stage, and no objection being raised to allocation HSG18 by the inspector the draft allocation weighs significantly in favour of the development.
175. At the time of writing, “Our Local Plan 2033” technically remains under examination. However, no weight can be given to policies in the emerging Local Plan due to the Inspector’s findings that the emerging Local Plan cannot be made sound. Although it is acknowledged that no objection was raised to the site allocation given the current status of the plan no weight can be given to the sites allocation. As discussed above the evidence base for the allocation remains relevant however the actual proposed draft allocation can be given no weight in this case

Investment in Local Sports Facilities and Widening Access to Sport

176. In relation to sports facilities the applicant seeks to demonstrate that the provision of the sports facilities would be a benefit in favour of the development which would be a significant benefit which adds further weight in favour of the proposal. They clarify this by suggesting the body of evidence supports that the previous sports provision was considered to be surplus to requirements becoming disused and therefore its loss without reprovision would be justified, resulting in a net benefit through the provision.
177. As was discussed within the relevant section above whilst the facility was considered to be surplus to requirements of the then owner the District Councils Playing pitch strategy & action plan, despite acknowledging the disused nature of the facility, does not remove it from the supply of land. In light of this it cannot be agreed that the current facility was surplus to requirements and therefore the provision to the proposed sports facilities would be considered compensation for the on-site loss. Notwithstanding, given the closure of the sports club and the unused nature of the site the current facility has not been contributing to sports provision locally. The provision of facilities which will be brought up to current standards and used by the community would therefore represent a benefit however this can only be given moderate weight.

Economic benefits

178. The economic benefits put forward for the scheme would be the jobs and employment creating during the construction process, supporting local building trades and investing in local supply chains as well as the expenditure and demand for services locally due to the additional household brought to the area. This would be a benefit in favour of the scheme but of moderate weight.

Biodiversity net gain

179. The applicant outlines that through adopting the measures and recommendations within the various ecological reports which accompany the application, as well as the specific proposals and landscaping recommendations within the Biodiversity Net Gain Assessment, the development will secure a measurable net gain in biodiversity. Furthermore they outline that by embedding much of this within public open space, the proposals will enhance public access to nature, particularly over and above the presently private nature of the development.
180. The NPPF states that development should provide net gains for biodiversity. In light of this whilst it is acknowledged that the applicant is providing a net gain for the development this is required by policy and would not provide significant enhancements above policy compliant. Therefore whilst this would be a benefit it can only be given moderate weight.

Overall Assessment of Very Special Circumstances and the Planning Balance

181. Taking into account the above, the application provides two significant benefits which combined with the other moderate benefits would as a whole clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness. Accordingly, the very special circumstances necessary to justify the development have been demonstrated and are considered sufficient to override

the presumption against inappropriate development in the Green Belt in Policy DP10 and DP13 of the Tandridge Local Plan, and Paragraph 148 of the NPPF

Conclusion

182. The proposal represents inappropriate development in the Green Belt, would cause harm to openness. Substantial weight is required to be afforded to each of these elements of harm. However, the identified harm is considered to be outweighed by the package of benefits brought by the proposal, most notably but not limited to those arising from the provision of up to 150 dwellings with 45% provision of affordable housing.
183. Overall, it is considered that other material considerations of sufficient weight exist to outweigh the harm caused to the Green Belt and all other harm. The Very Special Circumstances needed to allow inappropriate development in the Green Belt therefore exist and it is considered that planning permission for the development can reasonably be granted subject to the conditions and planning obligations that are set out below.
184. The recommendation is made in light of the National Planning Policy NPPF (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 District Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with the NPPF 2023. Due regard as a material consideration has been given to the Interim Policy for Housing Delivery 2033, the NPPF and PPG in reaching this recommendation.
185. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION: Authorise the Chief Planning Officer to Approve the planning application subject to the conditions set out at the end of this report and:

- 1. The application being referred to the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) Direction 2021; and the application then not being called-in by the Secretary of State for determination; and**
- 2. The completion of a Section 106 agreement to secure the matters set out at the beginning of this report.**

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 appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall

be obtained from the District Council. 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 the drawings outlined in the table below:

Drawing Title	Drawing Number	Dated
Site Boundary	002 Rev A	26/01/2022
Parameter Plan	002 Rev C	27/07/2021
Indicative Layout	001 Rev B	20/10/2021
Arboricultural Impact Assessment	20-1076-AIA-A	13/09/2022

The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

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

4. When the approval of the reserved matter of appearance is sought, the application shall be accompanied with details demonstrating how the development will satisfy a 20% reduction of carbon emissions through the use of renewable energy resources at the site, details of all installations required to achieve that reduction and a timetable for the implementation of all renewable energy installations. Subsequently, all installations that are specified within those details shall be implemented in accordance with approved timetable and retained thereafter.

Reason: To ensure on-site renewable energy provision to enable the development to actively contribute the reduction of carbon dioxide emissions in accordance with Policy CSP14 of the Tandridge District Core Strategy 2008 and to ensure that the associated installations are visually acceptable and incorporated into the appearance of the development in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge District Local Plan Part 2: Detailed Policies 2014 .

5. When the approval of the reserved matter of landscaping is sought, the application shall be accompanied with details setting out:

- 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 hedgerow planting as compensation for those elements being removed.
- Any earthworks/grassed areas
- The species, number and spacing of trees and shrubs

- A timetable for undertaking all of the proposed works of hard and soft landscaping.

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 hard and soft landscaping shall be undertaken in accordance with the approved timetable that forms part of the details required to be submitted and approved.

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 Council, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Council gives written consent to any variation.

Reason: To ensure that the landscape and visual impact of the development is acceptable in accordance with Policies CSP16, CSP18 and CSP21 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 Detailed Policies 2014 and the NPPF.

6. 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 District Council. The design must satisfy the SUDS Hierarchy and be compliant with the national Non-statutory Technical Standards for SUDS., NPPF, and Ministerial Statement on SUDS, The required drainage details shall include:
 - a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. Associated storage volumes shall be provided using a maximum combined total discharge rate of 13 litres/sec via deep board soakaways.
 - b) Detailed drainage design drawings and calculations to include; a finalised drainage layout detailing the location of drainage element, pipe diameters, levels, and log and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.) Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
 - c) A plan showing exceedance flows (i.e during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
 - d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

- e) 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.

- 7. 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 District Council. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

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

- 8. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the District Council. The CEMP should include, but not be limited to:
 - a) Map showing the location of all the ecological features
 - b) Risk assessment of the potentially damaging construction activities
 - c) Practical measures to avoid and reduce impacts during construction
 - d) Location and timing of works to avoid harm to biodiversity features
 - e) Responsible persons and lines of communication
 - f) Use of protective fences, exclusion barriers and warning signs.

Subsequently, the development shall only be undertaken in accordance with the approved CEMP, all measures set out within the approved CEMP shall be implemented prior to the first occupation of the dwellings (unless a phased implementation timetable has been agreed as part of the CEMP in which case the CEMP shall be fully implemented in full accordance with that phased implementation timetable) and retained at all times thereafter.

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.

- 9. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a scheme of investigation which has been submitted to and approved, in writing, by the District Council.

Reason: To safeguard the archaeological interests of the site in accordance with Policy DP20 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014

- 10. When the approval of the reserved matter of layout or landscaping is sought (whichever is the earlier if submitted separately), the application shall be accompanied with an Arboricultural Impact Assessment together with a Tree Protection Details. Thereafter, all works shall be carried out and constructed in

accordance with the approved details and shall not be varied without the written consent of the District Council .

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.

11. When the approval of the reserved matter of layout is sought, the application shall be accompanied with a scheme detailing the play area, specifically play equipment, boundary treatment and ground surface area treatment of the outdoor play spaces and a timetable for the implementation of these areas. Subsequently, all installations that are specified within those details shall be implemented in accordance with approved timetable and retained thereafter.

Reason: To ensure that the recreational provision of the development is acceptable in accordance with Policies CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 Detailed Policies 2014 and the NPPF.

12. Prior to the commencement of development (excluding demolition) a watching brief to identify, assess and remediate unforeseen contamination shall be submitted to and approved in writing by the District Council . In the event that additional contamination is discovered during development procedures set out within the watching brief shall be followed and any necessary modifications made to the remediation scheme shall be submitted to and approved in writing by the District Council . Before any part of the development hereby permitted is occupied written confirmation should be provided that all works were completed in accordance with the revised remediation scheme.

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

13. When the approval of the reserved matter of layout or landscaping is sought (whichever is the earlier if submitted separately), the application shall be accompanied with the following updated survey;
 - Bat preserve Survey
 - Reptile Survey
 - Dormouse Survey

Thereafter, all works shall be carried out in accordance with any recommendation or mitigation specified within those reports and shall not be varied without the written consent of the District Council .

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

14. No external lighting shall be installed at the site unless details of any external lighting; including details of the lighting units and light spread, shall be submitted to and approved by the District Council in writing prior to any such provision on the site. The details shall be accompanied by a Sensitive Lighting Management Plan which sets out the measures to be taken to minimise the impact of any lighting on the area.

Reason: To ensure that the provision of any lighting on site minimises the impact on the Green Belt and biodiversity in accordance with Policy CSP17 of the Tandridge District Core Strategy 2008 and Policies DP13 and DP19 of the Tandridge Local Plan; Part 2 – Detailed Policies 2014.

15. The development hereby approved shall not be first occupied unless and until the proposed access junction with Hilbury Road has been provided in accordance with a scheme to be submitted to and approved in writing by the District Council .

Reason: In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy NPPF 2023 and to accord with the Surrey Local Transport Plan 4 and Healthy Streets for Surrey Guidance.

16. The development hereby approved shall not be first occupied unless and until bus shelters have been provided for the two bus stops on Westhall Road, as indicated on drawing reference 2006038-07, in accordance with a scheme to be submitted to and approved in writing by the District Council .

Reason: In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy NPPF 2023 and to accord with the Surrey Local Transport Plan 4 and Healthy Streets for Surrey Guidance.

14. The development hereby approved shall not be first occupied unless and until a scheme of traffic calming measures has been delivered along Hilbury Road, in accordance with a scheme to be submitted to and approved in writing by the District Council .

Reason: In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy NPPF 2023 and to accord with the Surrey Local Transport Plan 4 and Healthy Streets for Surrey Guidance.

15. The development hereby approved shall not be first occupied unless and until the proposed emergency access route has been provided via Shelton Close, in accordance with the approved plans (drawing reference 2006038-TK03 A), including the provision of parking restrictions.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users to accord with the requirements of Core Strategy Policy CSP12, Local Plan Policy DP5 and National Planning Policy NPPF 2023.

16. The development hereby approved shall not be first occupied unless and until a scheme of traffic calming measures has been delivered along Hilbury Road, in accordance with a scheme to be submitted to and approved in writing by the District Council .

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users to accord with the requirements of Core Strategy Policy CSP12, Local Plan Policy DP5 and National Planning Policy NPPF 2023.

17. The development hereby approved shall not be first occupied unless and footpath 110 has been upgraded to a Bridleway with a suitable surface material

for cycling, in accordance with a scheme to be submitted to and approved in writing by the District Council .

Reason: In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy NPPF 2023 and to accord with the Surrey Local Transport Plan 4 and Healthy Streets for Surrey Guidance.

18. No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) vehicle routing
 - (h) measures to prevent the deposit of materials on the highway
 - (j) on-site turning for construction vehicles

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

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users to accord with the requirements of Core Strategy Policy CSP12, Local Plan Policy DP5 and National Planning Policy NPPF 2023.

19. Prior to the occupation of the development a Travel Plan shall be submitted for the written approval of the District Council in accordance with the sustainable development aims and objectives of the National Planning Policy NPPF, Surrey County Council's “Travel Plans Good Practice Guide”, and in general accordance with the 'Heads of Travel Plan' document. And then the approved Travel Plan shall be implemented ahead of first occupation of the development and for each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the District Council .

Reason: In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy NPPF 2023 and to accord with the Surrey Local Transport Plan 4 and Healthy Streets for Surrey Guidance.

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

Reason: In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy NPPF 2023 and to accord with the Surrey Local Transport Plan 4 and Healthy Streets for Surrey Guidance.

21. The internal site layout shall be designed in general accordance with the Healthy Streets for Surrey Guidance and include a cycle link between Hillbury Road and Shelton Close, in accordance with a scheme to be submitted to and approved in writing by the District Council .

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users to accord with the requirements of Core Strategy Policy CSP12, Local Plan Policy DP5 and National Planning Policy NPPF 2023.

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

Reason: In recognition of Section 9 “Promoting Sustainable Transport” in the National Planning Policy NPPF 2023 and to accord with the Surrey Local Transport Plan 4 and Healthy Streets for Surrey Guidance.

Informatives:

1. 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.

www.surreycc.gov.uk/roads-and-transport/permits-and-licences

It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. With regard to an e-bike socket in a domestic dwelling, the residence should have detection, and an official e-bike charger should be used.

Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises and BS 5839-1 the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.

It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Electric Vehicle Charging Points shall be provided in accordance with the Surrey County Council Vehicular, Cycle and Electric Vehicle Parking Guidance for New Development 2023.