

Application: 2024/412

Location: Hillbury Cottage, 246 Hillbury Road, Warlingham, Surrey, CR6 9TP

Proposal: Variation of Condition 2 (Plans), Condition 5 (arboricultural details) and Condition 6 (hard and soft landscaping information) of planning permission ref: 2017/1563 (Demolition of garage and shed. Erection of garage to serve existing dwelling. Erection of 2 dwellings and garages, associated access road, amenity and parking) to revise the design of Plot C. (Additional plans and change of description)

Ward: Warlingham West

Decision Level: Planning Committee

Constraints

Ancient woodland(s) within 500m, Biggin Hill Safeguarding 91.4, Road_local D - Hillbury Close, Road_local D - Hillbury Gardens, Road_local D – Bayards, Road_local B - Hillbury Road, Risk of flooding from surface water – 1000, Source_Protection_Zones 2 and 3, Urban area(s)

RECOMMENDATION:

APPROVE, subject to conditions

1. This application is reported to the Planning Committee following the request of Councillor Prew as he has concerns relating to Plot C resulting in an overbearing impact on No 12 Hillbury Gardens as well as the size of the dwelling being too large for the plot.
2. The application was reviewed by the Planning Committee at their meeting held on 3rd October 2024, but determination was deferred to allow for the carrying out of a Member Site Visit.
3. The meeting will take place on 1st November 2024 and the Committee will be updated on any issues raised.

Summary

4. This application seeks a variation of Variation of Condition 2 (Plans), Condition 5 (arboricultural details) and Condition 6 (hard and soft landscaping information) of planning permission ref: 2017/1563 (Demolition of garage and shed. Erection of garage to serve existing dwelling. Erection of 2 dwellings and garages, associated access road, amenity and parking) to revise the design of Plot C. It is considered that the proposal would not result in overdevelopment of the site nor result in significant harm to the character and appearance of the surrounding area. The proposal would not result in a significantly harmful impact on neighbouring occupiers in Hillbury Road, Hillbury Close and Bayards. There are no objections to the landscaping and trees proposed subject to the provision of conditions. The application is acceptable with regard to highway safety and parking, ecology and the provision of renewables on the site.

Site Description

5. The site is located on the south-east side of Hillbury Road within the urban area of Warlingham. The area is residential in character with a variety of dwelling types and designs. A key feature is the significant changes in land levels. The application site is relatively large, and it is set back from the highway accessed via a single lane track running between Nos. 244b and 248 Hillbury Road. The

dwelling is located midway along the plot and is a detached 'L' shaped chalet. The land slopes downwards in a south-westerly direction.

6. To the south-west is number 242 a detached 2-storey dwelling which has been extended along its north-eastern flank. It is at an angle to the dwelling on the application site and at a lower level. The boundary treatment between the dwellings comprises close boarded fencing 1.9 metres in height which is at a lower level than the land immediately surrounding the dwelling on the application site.
7. Dwellings to the north-west are numbered 244a and 244b and these are both bungalows within relatively small plots and which are positioned at a lower level. To the south is another bungalow, number 11 Bayards. The boundary treatment between this property and the application site comprises relatively dense foliage. The rear gardens to numbers 12 and 13 Hillbury Gardens are sited along the northeast of the site.

Relevant History

8. CAT/5811 – Detached dwelling Approved 25/10/1963
9. CAT/5811A – Detached chalet bungalow, carport and garage Approved
8. 2000/504 – Outline permission for the erection of 3 dwellings was refused in June 2000 for the following reasons:
 1. Backland development and a cramped layout,
 2. Inadequate highway visibility prejudicial to highway safety
9. 2002/1382 - Retention of replacement 1.8m high front boundary fence. Approved (full) 13/01/2003
10. 2015/1636 – Realignment of Hillbury Road nearest to the kerb line Approved 29/12/2015
11. 2016/475 – Demolition of garage and shed, erection of garage to serve existing dwelling, erection of 2 dwellings and garages, formation of associated access road, amenity space and parking was refused by the Planning Committee for the following reason(s):
 1. Cramped and overcrowded development,
 2. Tandem, in-depth and cul-de-sac development out of keeping with the area,
 3. Overbearing and overshadowing effect on neighbouring amenities. The corresponding appeal was dismissed for the following reason(s):
 4. Overbearing and overshadowing effect on No. 12 Hillbury Gardens due to the siting, height and massing of proposed Plot C.

As the appeal was being dismissed on the above ground the Inspector did not conclude on the matter of highway safety, although it is noted that the County Highway Authority raised no objection on highway safety grounds and the Council also did not refuse the planning application on this ground.

12. 2017/1563 - Demolition of garage and shed. Erection of garage to serve existing dwelling. Erection of 2 dwellings and garages, associated access road, amenity and parking. Approved 26/10/2017

13. 2018/2215 - Realignment of highway kerb Approved 02/01/2019
14. 2019/1267 - Erection of a two-storey building to consist of 5 x 2-bed self-contained flats with associated parking and amenity space involving demolition of existing dwelling Approved 07/05/2020
15. 2017/1563/Cond1 - Details pursuant to the discharge of Condition 3 (materials) and Condition 6 (landscaping) of planning permission ref: 2017/1563 dated 26th October 2017. (Demolition of garage and shed. Erection of garage to serve existing dwelling. Erection of 2 dwellings and garages, associated access road, amenity and parking) Approval of conditions details 11/05/2021
16. 2017/1563/Cond2 - Details pursuant to the discharge of Condition 6 (hard and soft landscape works - resubmission) of planning permission ref: 2017/1563 dated 26/10/2017 (Demolition of garage and shed. Erection of garage to serve existing dwelling. Erection of 2 dwellings and garages, associated access road, amenity and parking). Approval of conditions details 30/09/2021
17. PA/2019/1372 - Redevelopment proposals for 8 dwellings to replace approved 2 additional dwellings (total 3) Pre application response issued 26/04/2019

Key Issues

18. The application site is located within the urban area of Waringham where the principle of development is acceptable. The key issues are character and appearance, residential amenity (existing and future occupiers), trees and landscaping.

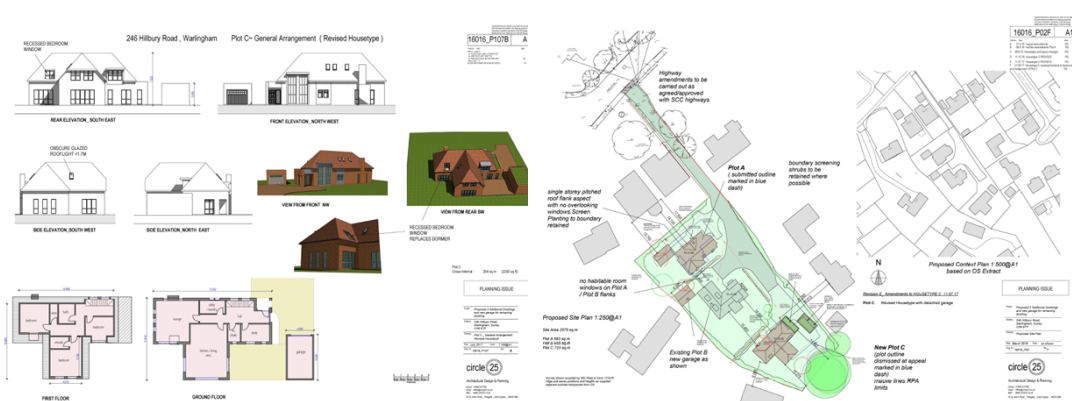
Proposal

19. This application seeks a variation of Variation of Condition 2 (Plans), Condition 5 (arboricultural details) and Condition 6 (hard and soft landscaping information) of planning permission ref: 2017/1563 (Demolition of garage and shed. Erection of garage to serve existing dwelling. Erection of 2 dwellings and garages, associated access road, amenity and parking) to revise the design of Plot C. Plot C would be located to the rear of the site. The proposal differs from the previous scheme as the siting and design of the rear dwelling Plot C has been amended.



Plot C 2016/475 (refused) – Appeal APP/M3645/W/16/3164713 dismissed.

20. In the Inspector's appeal decision he stated, (17.) 'The house on plot C would be positioned close to the boundary hedge and would have a ridge height in excess of 8m and a feature chimney facing Hillbury Gardens. The upper part of the building would be clearly visible above the boundary hedge from various positions within the dwellings and gardens at 12 and 13 Hillbury Gardens. A separation distance of just over 14m is shown between the rear wall of 12 Hillbury Gardens and the northeastern flank wall of the proposed house. Having regard to its siting, height and mass, the new house would appear as a prominent and close feature and would result in an overbearing relationship for the occupiers of 12 Hillbury Gardens. Given the orientation of the new building to the southwest of no. 12, there would also be some overshadowing of the rear garden.'
21. (18.) The development would result in harm to the living conditions of the occupiers of 12 Hillbury Gardens in view of the siting, height and massing of the house proposed on plot C. Having regard to this finding and to all other matters raised, I conclude that the appeal should be dismissed.'



Plot C 2017/1563 Approved

22. Officer report extract:

'The proposed dwelling on Plot C would be positioned further away from the neighbouring dwelling at No. 12 Hillbury Gardens; the upper floor roof element would be positioned approximately 21m from the rear elevation of 12 Hillbury Gardens. Given the degree of separation between Plot C and 12 Hillbury Gardens and the design and orientation of the proposed dwelling and the absence of upper floor side facing windows it would not now have a significantly harmful impact on the neighbouring amities by reason of overshadowing, overbearing effect or overlooking.'



Plot C - Current application

23. The alterations proposed comprise the following:

- The dwelling would be extended upwards on the northeast (flank extension) with the pitched roof hipped in at the side, and back into the site by 6.1 metres.
- The extension would have a width of 6.3 metres along the rear of the property, extending 1 metre further back from the previously approved 'T' shape.
- The extension would increase the bulk and massing of the dwelling, bringing it 2 metres closer to the boundary with No 12 and reducing the distance to 19 metres.
- The rear roof of the extension would reflect that of the original design, with a pitched roof and half hip
- The distance of 9m from 11 Bayards would remain the same.
- A gablet has been added to the northwest (front) elevation, over the main entrance. It would extend forward of the main frontage of the property by 1 metre and the ridge would be set down from the main roof by 1.2 metres.

Development Plan Policy

24. Tandridge District Core Strategy 2008: CSP1, CSP11, CSP12, CSP14, CSP15, CSP17, CSP18, CSP19
25. Tandridge Local Plan: Part 2 – Detailed Policies 2014: DP1, DP5, DP7, DP8, DP9, DP19

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

26. Warlingham Village Design Statement
27. Woldingham Design Guidance SPD (2011) N/A
28. Woldingham Village Design Statement SPD (2005) N/A
29. Harestone Valley Design Guidance SPD (2011) N/A
30. Lingfield Village Design Statement (SPG) N/A
31. Caterham, Chaldon & Whyteleafe Neighbourhood Plan N/A
32. Bletchingley Conservation Area Appraisal (SPG) (2002) N/A
33. Tandridge Parking Standards SPD (2012)
34. Tandridge Trees and Soft Landscaping SPD (2017)
35. Surrey Design Guide (2002)

National Advice

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

Consultation Responses

39. Highways - As it is not considered that the likely net additional traffic generation, access arrangements and parking would have a material impact on the safety and operation of the public highway, the highway authority were not consulted on this application.
40. Warlingham Parish Council - Although Councillors have no comment in respect of the variation of plans, Councillors do wish to raise whether or not the original planning decision of 2017 remains extant given that there is no evidence, on site, that building work has actually commenced.

Public Representations/Comments

41. Third Party Comments - 5 letters of objection were received relating to the following issues:
 - Concern regarding trees on the southeastern boundary
 - Overbearance, overshadowing and overlooking issues
 - Previous permission has expired
 - Concerns regarding maintenance of northeastern boundary (rear of No 12 Hillbury Gardens)
 - Cramped overdevelopment, inappropriate size and scale

Section 73

42. This application is being considered under Section 73 of the Town and Country Planning Act, which states:

Determination of applications to develop land without compliance with conditions previously attached.

1. This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
2. On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and 1. if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and 2. if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Applicant's statement

43. The applicant has provided a statement with the application setting out the distances from the neighbours to the southeast within the dismissed appeal (14 metres between the two-storey property and the rear of No 12 Hillbury Gardens), the original application (19 metres flat roofed single storey element and 21 metres from the two-storey element with a pitched roof to the rear of No 12 Hillbury Gardens). The current application seeks to include an infill two-storey element at the rear of the proposed property and provide a two-storey element over the flat roofed single storey element. This would result in the bulk of the new building being 19 metres from the rear of No 12 Hillbury Gardens.

Character and appearance

44. The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments add to the overall quality of the area; respond to local character; reflect the identity of local surroundings and materials; are visually attractive as a result of good architecture and appropriate landscaping. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
45. 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.
46. 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.

47. The increase in the bulk and massing at the rear of the new dwelling would be obscured from public vantage points by the footprint of the previously approved dwelling. There would be a first-floor addition at the side of the property which would have a pitched roof set down from the main roof by approximately 0.3 metres and hipped in on all sides.



Application 2017/1563

Current application

48. The front elevation would also differ in design with a small increase to the bulk and massing. However, this plot is set back from Hillbury Road by approximately 98 metres and, as such, any impact in terms of the character of the area would be minimised.
49. The information set out within the Warlingham Village Design Statement relating to design, density, scale and materials is noted. In particular, the density and scale are noted in light of neighbouring objections. However, although the application referenced 2016/475 cited cramped and overcrowded development as one of the reasons for refusal, this was not upheld at appeal. Furthermore, condition 3, relating to materials, was approved on 11.05.2021 and there is no proposed variation of that condition as part of this application.
50. For these reasons, the development proposal is considered acceptable and policy compliant in terms of national policies, Policy DP7 of the Tandridge Local Plan and Policy CSP18 of the Core Strategy.

Residential amenity – neighbours and occupiers of the properties

51. Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic, and any adverse effect. Criteria 6-9 of Policy DP7 of the Local Plan Part 2: Detailed Policies 2014 seek also to safeguard amenity, including minimum privacy distances that will be applied to new development proposals.
52. The alterations to the development proposal would be sited to the front, rear and side (northeast) of Plot C. The alterations to the front of the dwelling would be set in from the sides and, for this reason, any adverse impact would be negligible. The addition of the rear extension would result in an increase in bulk to the northeast, which would impact mainly on the occupants of 12 and 13 Hillbury Gardens. The bulk of the building would extend to a depth of 11.9 metres. However, the degree of separation between the flank wall and the rear of No 12 would be 19 metres with a flat roofed garage located between the buildings. Furthermore, the pitched roof would be hipped in on all sides which would help to minimise the bulk. This, in conjunction with the distance of the new dwelling from the neighbours, would alleviate the impact in terms of overshadowing and overbearing impact to the extent that it would not warrant a reason for refusal on

this ground. In terms of fenestration, officers note that no windows would be located on the northeast elevation and, as such, any issues with regard to overlooking would be minimised. The alterations to the frontage of the building would result in an increase to the height, bulk and massing of the dwelling but, as the gablet would be set in from the flank wall by 1.6 metres and the roof would be hipped in, any adverse impact on the amenities of the neighbours would be alleviated.

53. The distance of 9m from 11 Bayards would be retained as shown on the site plan, and the alterations proposed would be largely obscured from this neighbour by the previously approved dwelling thereby alleviating any issues regarding overshadowing and overbearing impact. Officers note the concern raised relating to windows on the southwest elevation. Any potential overlooking from the ground floor windows could be alleviated by boundary treatment which would not require planning permission up to 2 metres in height. A rooflight serving the bathroom would also be located on this elevation. However, the note on the drawing specifies that it would be over 1.7 metres in height above internal floor level and would be obscure glazed. For these reasons any issues regarding loss of privacy would be minimised.
54. All other neighbours would be a sufficient distance away for any impact relating to overshadowing, overbearing impact and overlooking to be minimised. For these reasons, the development proposal is considered acceptable in this regard and would comply with national policies as well as Policy CSP18 of the Core Strategy and Policy DP7 of the Tandridge Local Plan Part 2 Detailed Policies (2014).

Living conditions for future occupiers

55. Policy DP7 also requires that development provide acceptable living conditions for occupiers of the new dwellings. In terms of internal accommodation, the proposed dwellings would satisfy the minimum dwelling sizes set out in the Government's Nationally Described Space Standards.
56. The proposed dwelling (as shown on the submitted drawings) would conform to the required space standards contained within the Nationally Described Space Standards with regards to internal floor space. In addition, the fenestration arrangements would be sufficient to provide natural light and adequate outlook for all habitable rooms associated with the dwelling. There would also be sufficient external amenity space for future occupiers.
57. Overall, it is considered that the proposal would provide an acceptable standard of living accommodation for future occupiers of the proposed development in accordance with Policy DP7 of Tandridge Local Plan Part 2 – Detailed Policies (2014).

Trees and landscaping

58. 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 required that where trees are present on a proposed development site, a landscaping scheme should be submitted alongside the planning application which makes the provision for retention of existing trees that are important by virtue of their significance within the local landscape.

59. 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.
60. During the course of the planning application, building works continued, the tree protection fencing was removed, and the site partially excavated, resulting in the loss of mature landscaping around the perimeter of the site. As a result, the description was altered to include conditions 5 (arboricultural details) and 6 (hard and soft landscaping information) in addition to condition 2 (plans).
61. The Principal Tree Officer assessed the development proposal and offered the following comments:
62. *'It is clear from the plans that a number of previously retained trees have been removed since planning permission was granted. This includes several category B trees. Furthermore, your site photos show that significant excavation has been undertaken within the root protection area of a group of beech trees in the eastern corner of the site. This has reduced their BS5837 category from 'C' to 'U' - i.e they should be removed irrespective of the proposal for arboricultural reasons. Of course, that is not ideal and means that the tree protection has necessarily been reduced - to which I have no objection in the circumstances.*
- The soft landscaping scheme indicates 10 new trees to be planted. However, these are all of relatively small species such as birch, cherry and Rowan. Unfortunately, other than in rear gardens there is very limited space available above and below ground for large species trees to mature. That said, it would be possible to plant tall fastigate trees such as fastigate oak or beech to the east of the central plot instead of the proposed cherry and Rowan. That would add much more structure to the landscaping and would go some way to compensate for the trees that have been removed. I leave it to you to decide if that is proportionate in terms of the acceptability of the development as a whole, but I would support a request for larger trees in that location.'* Update - 20/08/2024
63. The Principal Tree Officer also raised the question of whether the loss of the mature landscaping would have a negative impact on biodiversity. Government Guidance on Biodiversity Net Gain states that, 'Biodiversity net gain does not apply to Section 73 permissions where the original permission which the Section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024. Given that the original permission was granted on 26/10/2017 it is considered exempt. With this in mind, notwithstanding the amended landscaping plan received, a landscaping condition will be reintroduced in order to secure larger trees to mitigate the loss of the mature landscaping on the site. In addition, biodiversity enhancements will also be required for similar reasons.
64. On this basis, subject to the provision of conditions relating to landscaping and biodiversity enhancements, the development proposal would be considered acceptable and would comply with National Policies, Policy CSP18 of the Core Strategy and Policy DP7 of the Tandridge Local Plan.

Whether the original planning permission has expired

65. Concerns were raised that the commencement of development began outside the required time period; however, officers investigated this issue on receipt of the planning application and found that some footings have already been put in place. Under Section 93A of the Town and Country Planning Act 1990, unimplemented planning permissions with time limits for implementation which were due to lapse between 19 August 2020 (when the provisions came into force) and 31 December 2020 were extended to 1 May 2021. This happened automatically, with no requirement to obtain additional approval. Evidence that works had started on site were also submitted by way of confirmation from the Building Regulations Inspector dated 30.04.2021.
66. Pre-commencement conditions had also been submitted prior to the expiry date of the commencement although these were not approved until 11.05.2021. However, the previous officer's report did not emphasise a specific need for the conditions to be pre-commencement. No specific requirement was set out in the report that argued the details of the tree protection, landscaping and materials were of such great importance that no development should be commenced prior to their approval. As such, although it is acknowledged that works were carried out in breach of conditions, officers do not consider that those conditions related to the heart of the matter. This requirement is set out in a High Court Judgement dated 13.10.2023 (Case No. CO/4473/2022) between Malcom Jeffrey Barrett (Claimant) and the Welsh Ministers (Defendant) and Powys County Council (Interested party).
67. On this basis, officers consider that development had commenced under Section 56 of the Town and Country Planning Act 1990 within the requisite period.

Conclusion

68. It is considered that the amended proposal would not result in overdevelopment of the site nor result in significant harm to the character and appearance of the surrounding area. The proposal would not have a significantly harmful impact on neighbouring occupiers in Hillbury Road, Hillbury Close and Bayards. There are no objections to the landscaping and trees proposed subject to the provision of conditions. The application is considered to be acceptable with regard to highway safety and parking, ecology and the provision of renewables on the site.

CIL

This development is CIL liable.

The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with the NPPF December 2023. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

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

RECOMMENDATION: APPROVE, subject to the following conditions

Conditions

1. This decision refers to drawings numbered 16016_P01, 16016_P04A and 16016_P103 scanned on 24 July 2017, and drawings numbered 16016_P107/D and 16016_P02/H scanned on 14 May 2024. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

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

2. The construction of the external surfaces of the dwellings shall be carried out in accordance with the materials as detailed within 2017/1563/Cond1 (approved on 11/05/2021).

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

3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows shall be inserted in the upper floor elevations or roof slopes of the dwellings hereby permitted apart from those expressly authorised as part of this permission. The upper floor southeast facing windows and roof light windows in Plot A and the upper floor roof light windows to the northeast and southwest roof slopes of Plot C shall be obscure glazed (to Pilkington Glass Level 3 or above, or equivalent) and non-opening unless the parts of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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

4. Prior to the construction of the first dwelling exceeding eaves height, details of both hard and soft landscape works shall be submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved. These details shall include:
 - Proposed finished levels or contours
 - Means of enclosure
 - Car parking layouts
 - Other vehicle and pedestrian access and circulation areas
 - The provision of three tall fastigiate trees to the east of the central plot
 - Biodiversity enhancements

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

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

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

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

5. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in Sections 4 and 5 of the Ecological Scoping Survey for 246 Hillbury Road, Warlingham by ASW Ecology dated March 2016 and scanned on 24 July 2017.

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.

6. The development hereby approved shall not be first occupied unless and until the proposed modified vehicular access to 246 Hillbury Road has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CSP12 of the Tandridge District Core Strategy 2008 and Policy DP5 of the Tandridge Local Plan Part 2: Detailed Policies 2014 and in recognition of Section 4 "Promoting Sustainable Transport" in the National Planning Policy Framework December 2023.

7. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles / cycles to be parked and for vehicles to turn so that they

may enter and leave the site in forward gear. Thereafter the parking / turning area shall be retained and maintained for their designated purpose.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy CSP12 of the Tandridge District Core Strategy 2008 and Policy DP5 of the Tandridge Local Plan Part 2: Detailed Policies 2014 and in recognition of Section 4 "Promoting Sustainable Transport" in the National Planning Policy Framework December 2023.

8. Before the development hereby approved is occupied the solar PV panel renewable energy technology as specified in the application details shall be installed and this system shall thereafter be retained in accordance with the approved details.

Reason: To ensure that the renewable energy resources are implemented to enable the development to actively contribute to the regional renewable resources target as sought by Policy CSP14 of the Core Strategy DPD 2008.

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

Reason: To retain control over the habitable accommodation at this property in the interests of the character of the area and amenities of nearby properties in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

10. No further trees, hedges or shrubs shall be pruned, felled or uprooted during site preparation and construction works except as detailed at section 3.2 of the submitted Arboricultural Impacts Assessment (Calibre Tree Consulting ref: CTC16201-AIA (rev b)) without the prior written consent of the District Planning Authority. Any retained trees hedges or shrubs which are removed, or, in the opinion of the District Planning Authority, are dying, becoming diseased or damaged shall be replaced by plants of such size and species as may be agreed in writing with the District Planning Authority.

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

Informatives

1. Condition 1 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990, and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 1 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss

whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

2. The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued. It is important that you ensure that the requirements of the CIL Regulations are met to ensure that you avoid any unnecessary surcharges, and that any relevant relief or exemption is applied.
3. Where details of materials are required, please provide these via a link to a website or in another electronic format. Please make sure if providing a link that it is clear which material(s) is/are being proposed for use. Samples should not be provided unless specifically requested by the case officer.
4. The developer is reminded of the comments of the Council's Refuse and Recycling Officer's comments on planning application 2017/1563 in respect of the provision of bin storage and collection facilities and the construction of the access track.
5. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-andtransport/road-permits-and-licences/the-traffic-management-permit-scheme> The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-andcommunity/emergency-planning-and-community-safety/floodingadvice
6. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
7. The developer is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to streetlights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
8. The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP11, CSP12, CSP14, CSP15, CSP17, CSP18, CSP19, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP5, DP7, DP8, DP9, DP19 and material considerations, including third party representations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan

and there are no other material considerations to justify a refusal of permission.

9. The Local Planning Authority has acted in a positive and proactive way in determining this application, as required by the NPPF (December 2023), and has assessed the proposal against all material considerations including the presumption in favour of sustainable development and that which improves the economic, social and environmental conditions of the area, planning policies and guidance and representations received.