

Application: 2022/1556
Location: Tennis Pavilion, Manor Park, Burntwood Lane, Caterham, Surrey, CR3 6TB
Proposal: Installation of floodlights to the existing tennis club.
Ward: Whyteleafe

Decision Level: Planning Committee

Constraints – Ancient Woodland within 500m, Gas Pipeline (+high pressure) within 175m, Green Belt Area, Tandridge land - managed by TDC (ref: SY746281. Packet No.18/15), Surface Water Flooding Risk – 1000, SNCI, SPZs 2 and 3

RECOMMENDATION: **APPROVE, subject to conditions**

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

Summary

2. Planning permission is sought for the installation of floodlights to the existing tennis club.
3. The benefits of the proposal – which would be of community benefit and would improve the outdoor sport and recreation facilities for users and enhance the facilities in the District are considered to amount to Very Special Circumstances (VSC's) and these would outweigh the identified harms to the local environment. For these reasons the proposal would therefore not result in inappropriate development within the Green Belt. The proposal would be acceptable with regards to character, appearance, and residential amenity. Subject to conditions to include ecology condition as recommended the proposal would comply with the aims of the NPPF December 2023 and the Policies in the Development Plan.

Site Description

4. The subject site is located to the north of Burntwood Lane in the Green Belt area of Whyteleafe. It is accessed via The Avenue which is an unmade track leading to the car parking areas and courts within the wooded area, formerly The Manor kitchen gardens and immediately east of and adjacent to a Site of Nature Conservation Importance (SNCI). The site comprises a set of three tennis courts, a clubhouse and grounds sited on the eastern side of the street, in the north-eastern corner of Manor Park. The site adjoins a pathway and railway track to its east, whilst the dwellinghouse at Little Manor is located to the north.

Relevant History and Key Issues

5. The relevant planning history for the site is as follows:
 - 77/298 - Extension to clubhouse - Approved with Conditions - Approved 06/05/1977.
 - 83/631 – Erection of portable toilet - Approved 26/09/1983.

6. The key issues for this application are:
 - the principle of development within the Green Belt,
 - acceptability in terms of character and appearance,
 - impact on neighbouring amenity,
 - impact on ecology,
 - community facility.

Proposal

7. Planning permission is sought for the Installation of floodlights to three existing tennis courts. The works entail:
 - Installation of AVA Asymmetric LED 300w Flood Lights – 10 sets of dual masts around the perimeter of the tennis courts and two quad lights to be located in the centre of the three courts. The plan also shows a sentry light for the entrance to the court.
 - The flood lights would be mounted on 6m high poles with a heavy-duty powder coated finish, supplied with a mounting bracket enabling 270° rotation and would be placed inside the perimeter fence to ensure adequate luminance levels.
 - Cabling would be run at ground level 600mm along the edge of the court.

Development Plan Policy

8. Tandridge District Core Strategy 2008 – Policies CSP1, CSP11, CSP13, CSP15, CSP17, CSP18 and CSP21
9. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP7, DP10, DP13, DP18, and DP19
10. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – CCW4, CCW5

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

11. Tandridge Trees and Soft Landscaping SPD (2017)

National Advice

12. National Planning Policy Framework (NPPF) (December 2023)
13. National Planning Practice Guidance (NPPG)
14. National Design Guide (2019)

Statutory Consultation Responses

15. Whyteleafe Village Council – in favour of the proposal. Noted that measures have been included (including latest technology/choice of design) to minimise light pollution.
16. Surrey Wildlife Trust – initial comments dated 26.04.23: No ecological survey submitted. Needs ecology assessment prior to determination due to the impact

on the biodiversity value of the site and the adjacent woodland habitat of principal importance and Manor Park Site of Nature Conservation Importance.

17. Surrey Wildlife Trust – subsequent comments dated 28.03.24 – had previously recommended ecological information however the Mitigation Strategy is incomplete and refers to bat activity survey being undertaken in August and September 2023 though no detailed information is supplied. Bat ecologist needs to review the proposed lighting to assess potential impacts and ensure these comply with recommendations.
18. Following on from the above comments the case officer requested the Mitigation Strategy from the applicant. This was received on 24th June 2024 and a further consultation with Surrey Wildlife Trust was carried out.

Surrey Wildlife further comments received 05.08.24 - In review of the below two documents, we have the following comments:

Statement of Mitigation for Bats & Strategy for Lighting (Ecology & Land Management, June 2024).

Bat Activity Survey (Ecology & Land Management, December 2023). Ground Level Tree Roost & Building Assessment

Both of these documents provide the recommendation for the completion of an assessment of the bat roost potential of the trees within the surrounding woodland and an assessment of the buildings behind the club house for the potential to support bats, although the recommendation is made more specifically for serotine within the Statement of Mitigation for Bats & Strategy for Lighting (Ecology & Land Management, June 2024). For example, Section 5.4 of the Bat Activity Survey (Ecology & Land Management, December 2023) states:

Lighting can have an impact on adjacent habitats, particularly if a roost is present. It is recommended to conduct a ground level tree roost assessment (GLTA) of the trees within the surrounding woodland. A further assessment of the potential roost behind the club house is also recommended. This would enable further information to be gained as to the potential for bats to be roosting within the light impact zone. This would then further inform the plans for the lighting and enable potential measures to be implemented (limited light cone spill into adjacent woodland, for example). In the review of the submission, we have not found this assessment and the associated reporting. Therefore, the impact assessment and mitigation strategy for bats is not completed, and therefore we have insufficient and incomplete information to advise the LPA.

Methodology of the Activity Surveys:

Section 1.2 of the Bat Activity Survey (Ecology & Land Management, December 2023) states that: The survey work used the guidance detailed within Bat Surveys Guidelines for Professional Ecologists Good Practice Guidelines (BCT2016&2023) and the Interim Guidance Note on Surveys and Night Vision Equipment (BCT 2022) as the basis to the survey methodology. A bat activity transect survey was carried out in August and September 2023. However, this compliance is unclear for the following reasons:

Neither of the reports have categorised the suitability of the habitat (to include adjacent) for bats, in line with either 2016 or 2023 guidelines. The methodology to inform the impact assessment and mitigation strategy does not include any

automated/static surveys. The limitation(s) of only carrying out transect surveys is well detailed in both the 2016 and 2023 guidelines. Given the potential for lighting to influence the local behaviour of bats, the lack of any automated/static surveys to further inform what is already a limited survey dataset is very unclear. Neither of the reports have acknowledge and accounted for the limited survey dataset which only considers August and September, and thereby presenting no information on how bats may be use the application site (and adjacent habitat) in the early season period and/or mid-season period. Therefore, we would conclude that there is no analysis of the survey design and therefore on the robust-ness of the data to inform the mitigation strategy.

In addition to the above, we note from Figure 2 of the Bat Activity Survey (Ecology & Land Management, December 2023) that the Surveyor 2 Route appears to be within the court and does not include any sampling or survey within the woodland habitat to the west of the court, where it could be assumed that there would be more bat activity.

Implementation of the Bat Mitigation

Section 3.10 Statement of Mitigation for Bats & Strategy for Lighting (Ecology & Land Management, June 2024) details recommendations for the use of the lighting, as cited below:

In order to avoid sensitive times of year for bats it is recommended a timing restraint is put in place, which focuses on allowing lights during October to April only, with restrictions on timing specific to the season as follows:

April – this is a sensitive time of the year when bats are establishing maternity roost. There should be no lighting after 21.00.

May/June/July/August/September - this is the peak season for bat activity. There should be no lighting.

October -this is a sensitive time of year for swarming and mating. There should be no lighting after 19.00.

The rest of the year there should be no lighting beyond 22.00 hours to limit impact on other nocturnal fauna. .

The Statement to Support Planning Application for Floodlighting at Caterham and Whyteleafe Tennis Club states that (in relation to use of the lights):

Because of this we are proposing that the floodlights would not be used at all between the months of May and September inclusive.

Secondly, the club is proposing that there would be a limit to the latest that the lights could be switched on. This would be no later than 10pm, further reducing effects on the local fauna and any possible nuisance to local residents.

The above recommendations in the Statement of Mitigation for Bats & Strategy for Lighting (Ecology & Land Management, June 2024) would require amendments to the originally proposed use. However, we have not found evidence of this amended strategy. For example, no lighting after 21.00 in April and no lighting after 19.00 in October. Please note however, that the preliminary survey of trees and building should be required before this use and timing is finalised, as advised by the Applicant s ecological consultant.

It would also be beneficial for confirmation that the 6m shielded option in Figure 3 Vertical light spillage, of the Statement of Mitigation for Bats & Strategy for Lighting (Ecology & Land Management, June 2024) will be implemented.

Manor Park Site of Nature Conservation Importance:

The application site is adjacent to Manor Park Site of Nature Conservation, which is noted in Section 2.1 of the Statement of Mitigation for Bats & Strategy for Lighting (Ecology & Land Management, June 2024). However, there is no further consideration for the SNCI. Whilst the mitigation measures recommended by Ecology & Land Management for bats are all noted we would advise that the LPA has confirmation from Ecology & Land Management that they have assessed the proposal against the Manor Park Site of Nature Conservation Importance.

Following on from receipt of the above discussions were held with officers, whereupon SWT submitted the below comments.

19. Surrey Wildlife Trust – comments dated 29.10.24 noting:

Applicant's ecologist recommended a ground level tree assessment (GLTA) - this is a survey which is based on the potential of trees to support bat roosts and other species. This has not been completed and SWT have therefore treated this as outstanding information. The applicant's ecologist has undertaken a programme of bat activity surveys that do not comply with good practice guidelines and queries were raised regarding the methodology...

The recommendation for a GLTA is in Section 5.1 of the Statement of Mitigation for Bats and Strategy for Lighting (Ecology and Land Management June 2024) and the December 2023 report. Therefore, the applicants have had a number of months to carry out the survey. The recommendation from SWT dated 5th August 2024 is clear and we noted a difference in proposed lighting between different submission documents. We have not seen confirmation that the lighting restrictions in Section 3.10 of the Statement of Mitigation for Bats will be implemented.

However, if the LPA is minded to recommend approval then the application should be required to proceed in line with the Statement of Mitigation for Bats and Strategy for Lighting (Ecology and Land Management, June 2024).

In response to this the applicant's ecologist has submitted the following supporting statement received 20th November 2024.

Bat Survey Methodology

Two transect surveys were carried out in August and September 2023 in suitable weather conditions. A route was walked over the course of a 2-hour period, starting close to sunset. Handheld detectors and visual observations were used to gather data to provide sufficient information on bat activity in the context of the proposed project. This was deemed acceptable to provide sufficient data to assess the area of the tennis courts for bat activity and species present. The two surveys were comprehensive and provided good coverage of the site for the summer and autumn periods. Following on from the findings of the surveys, there was no indication that carrying out additional surveys would have provided any data that would have altered the overall conclusions given the type of activity and species of bat present. Therefore, the surveys

conducted met the objectives of the assessment, ensuring a robust understanding of the bat population dynamics and activity at the site.

Bat activity within the vicinity of the tennis courts was mainly limited to the periphery of the site, around the woodland edges. A potential roost assessment of a tree behind the club house was recommended due to this tree having features that exhibited potential for roosting bats. Monitoring surveys during the months of October for the first two years of operation of the floodlighting was also recommended.

Mitigation Strategy

A mitigation strategy has been produced so the lighting proposals have minimal impact on the bat activity at the site, which also enhances the surrounding woodland for roosting bats by improving the available bat roosting opportunities at this location.

The mitigation strategy is divided into two elements:

Sensitive Lighting Scheme

- A lighting strategy has been developed to provide 12 lighting columns around the three tennis courts (Carbon8).
- The lighting scheme is based on reducing the impact of artificial lighting in particular on woodland habitat surrounding the courts.
- Lighting columns have been reduced to 6m in height to reduce the vertical light spillage, which is < 1 lux across the courts.
- Reducing lighting spill from individual columns and ensuring the lighting is directional projecting into the courts and towards the ground to reduce the spread of light through the use of back shields for the light fittings to further control beam angles.
- Use of standard white light emitting LED chips that do not contain UV light thereby substantially reducing the attraction of insects.
- Use of LED lights set at 3000 Kelvin to minimize impact on invertebrates and bats. Timing constraints: April – this is a sensitive time of year when bats are establishing maternity roost. There will be no lighting after 21.00. May/June/July/August/September – this is the peak season for bat activity. There should be no lighting. October – this is a sensitive time of year for swarming and mating. There will be no lighting after 19.00. The rest of the year there will be no lighting beyond 22.00 hours to limit impact on other nocturnal fauna.
- It is possible that lighting could be operated on a PIR usage basis with a 5-minute run time.

Installation of Species-Specific Bat Boxes

Enhancing the woodland edges for bats through installation of four high quality Woodstone Vivira Pro Multichamber bat boxes along the dark tree lines to the south and west.

- Two Vincent Pro bat boxes suitable for barbastelle, Leisler's, common pipistrelle, soprano pipistrelle, brown long-eared, Natterer's and whiskered bat would be installed on mature trees along the dark tree line to the south and west.

Installation of Insect Box

Installation of an insect box along the southwestern boundary will further enhance the site for biodiversity.

Creation of Enhanced Habitats

To further enhance the habitat suitability for bats around the tennis courts it is recommended that a selection of night-scented herbs are planted on the southeastern and southwestern boundaries of the club. As bats usually feed at dusk and dawn it is advantageous to use night-scented flowers and herbs, which will attract moths and other night-flying insects suitable as prey.

20. Surrey Wildlife Trust summarised final response – SWT have continued to query why the tree survey to be carried out at the land and tree rear of the clubhouse had yet to be surveyed. Given that the survey had yet to be carried out the suitability of it to support roosting bats is unknown. Therefore, it could not be advised that a survey is conditioned as there does not seem to be any evidence base to form the foundation of such a condition. It was further understood that the scheme would be approved without the data, therefore if the LPA wish to add the condition for the tree inspection, then that's the LPA's decision.
21. TDC Asset Management - As Landlords, we have no objections to the lighting proposals that have been put forward by Caterham & Whyteleafe Tennis Club. This forms part of the club's plans to improve their facilities and therefore enhance the offer that they can make to members and the local community. The Council is currently negotiating a 15-year lease with the Club so that they can access external funds for these and further improvements.
22. TDC Environmental Health – No objections.

Third Party Comments

23. Neighbour Letters and Site Notice- Site notice displayed in 2022. Neighbour letters - 50 letters of representations have been received.
 - Object: Parking and access – the end alongside the tennis courts is unmade and muddy. Gate does not stop pedestrians and parking is making surface worse. Proposal would extend hours of use after dusk which will entail access from north end through Manor Park which is tarmacked and lit.
 - Support – allowing floodlights will provide players of all ages an exercise place all year round and will promote skills, bring community together and improve health and wellbeing.
 - Support – tennis club coaches work with local schools.
 - Support - floodlights are low level and not intrusive to surrounding area.
 - Support - it is an asset to local community and should be preserved.

- Support - Tandridge have this wonderful asset located in a beautiful calm part of the borough which is underused in winter. The floodlights will ensure school age children can receive coaching after school on weekdays until 9pm.
- Support - LED lights are directional only and are not funded by Tandridge District Council but by club fundraising only.
- Support - Caterham and Whyteleafe Tennis Club provides an invaluable service to the community helping to prevent loneliness and isolation. Floodlights will ensure 25-30% more usage.
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Assessment

Status of Local Plan

24. The Tandridge Development Plan is formed of Tandridge District Core Strategy 2008, Tandridge Local Plan Part 2: Detailed Policies 2014-2029, Caterham, Chaldon & Whyteleafe Neighbourhood Plan 2021, Limpsfield Neighbourhood Plan 2019 and Woldingham Neighbourhood Plan 2016, Tatsfield Neighbourhood Plan 2024 as well as the Surrey Waste and Minerals Plans. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be taken in accordance with the Development Plan, unless there are material considerations that indicate otherwise.
25. The NPPF is a material consideration in planning decisions and its Policies have to be taken into account in dealing with applications from the day of its publication. It is important to note that even though the adopted Development Plan predates the publication of the most recent NPPF, the majority of Policies remain up to date. Policies will be given due weight in accordance with their degree of consistency with the NPPF (December 2023, paragraph 225).

Green Belt

26. The NPPF December 2023 supports the protection of Green Belts and the restriction of development within these designated areas. Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of the Green Belt being its openness and permanence.
27. Paragraph 154 of the NPPF states that the construction of new buildings in the Green Belt is inappropriate and lists a set of exceptions. Included in this is (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
28. Advice in the Government's Planning Practice Guidance states that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgement based on the circumstances of the case. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
 - the duration of the development, and its irremediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
 - the degree of activity likely to be generated, such as traffic generation.
29. Policy DP10 of the Local Plan reflects paragraphs 152-156 of the NPPF in setting out that inappropriate development in the Green Belt is, by definition, harmful and that substantial weight must be attributed to this harm. Permission should only be granted where very special circumstances can be demonstrated to clearly outweigh the harm by reason of inappropriateness and any other harm identified.
30. Policy DP13 states that unless very special circumstances can be clearly demonstrated, the Council will regard the construction of new buildings as inappropriate in the Green Belt. Policy DP13 sets out the exceptions to this, one of which (Part B) is the provision of appropriate facilities for outdoor sport and recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
31. In respect of the NPPF, the proposal seeks to install pole mounted floodlights around the perimeter of the three existing tennis courts for the Caterham and Whyteleafe Tennis Club. However, although the functioning of the Tennis Club could continue without the flood lights, these are required for the successful running of the Tennis Club, especially in the winter months as they would enable year-round use and enable players of all ages to use the courts in safety.
32. The proposal seeks to facilitate and improve the existing use of the site and would not conflict with the purposes of the Green Belt. Taking the above into account, it is considered that the proposal, to add structures in the Green Belt does not fall within any of the exceptions listed in the NPPF and does not fall within the 'certain other forms of development' as listed in the NPPF; it would constitute inappropriate development in the Green Belt. However, the benefits that the scheme would bring to the community would constitute Very Special Circumstances which outweigh the harms to the Green Belt. Therefore, to conclude this section of the report, the proposal is therefore not inappropriate within the Green Belt according with the requirements of Policy DP13 and the NPPF.

Character and Appearance

33. Paragraph 135 of the NPPF advises that planning Policies and decisions should ensure that developments will function well and add to the overall quality of the area, are sympathetic to local character and history, establish or maintain a strong sense of place and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
34. Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting

and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained. Inter alia Policy DP21 advises that the character and distinctiveness of the District's landscapes will be protected and that new development will be required to conserve and enhance landscape character.

35. Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
36. Contained in the pre-amble of the Caterham, Chaldon and Whyteleafe (CCW) Neighbourhood Plan (NP) is objective 1 which states 'Objective 1: To define and protect neighbourhood character areas and promote development within them that respects their integrity.'
37. CCW NP Policy CCW4 advises that development is expected to preserve and enhance the character area in which it is located and proposals in the defined character areas would be supported provided they 'exhibit design reflecting local context, character and vernacular of the area' and 'enhance the quality of the built form through innovation in design'.
38. Further to this is NP policy CCW5, this asserts that 'Development proposals, which integrate well with their surroundings, meet the needs of residents and minimise the impact on the local environment will be supported where they demonstrate a high quality of design'.
39. As discussed above the proposal is to install flood lighting on masts to be positioned around the perimeter of the tennis courts and two quad floodlights in the centre of the courts in this sylvan location. The plan also shows a sentry light to be located at the club entrance (S1) The flood light masts are shown in the submitted drawing 23002 and on the plan as below:

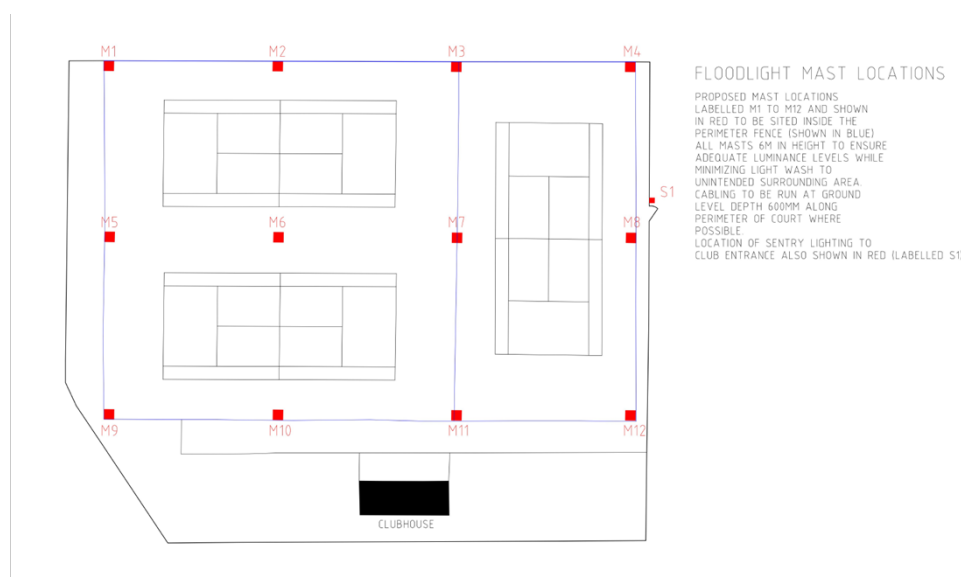


Figure 1 flood light mast location

40. The application has been accompanied with a Luminaire Data Sheet by Dialux which demonstrates that the flood light system would have a low lux level area of illumination would be limited to the court and not result in vertical light spillage outside the court area, the main area to be lit would be contained in the centre and immediate area surrounding the flood lights. As was noted at the site visit and referred to in the supporting statement, the established trees within the immediate vicinity though not protected nor part of Ancient Woodland, range from '12 to 15 metres in height above the courts and will dwarf the new floodlight masts'. It is acknowledged that the flood lights would alter the character of the site by virtue of the installation of the flood lights and their illumination in the hours of darkness. However, in terms of the physical presence of the 6m high floodlights set within the context of the tennis courts and within the foliage backdrop these are not considered to cause significant harm to the character of the site or the locale. Any visual impact resulting from the floodlights is not considered to result in significant harm to the character and appearance. In order to moderate any harm and restrict the hours of use and any visual impact the development could be satisfactorily mitigated via the implementation of suitably worded conditions.
41. It is therefore considered that the proposed development would be acceptable in terms of character and appearance and would therefore comply with the provisions of Policies DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies and Policy CSP18 of the Core Strategy and NDP Policy CCW4 and CCW5.

Impact on neighbouring amenity

42. Policy CSP18 of the Core Strategy requires that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any adverse effect.
43. Criteria 6 – 9 (inclusive) of Policy DP7 of the Local Plan Part 2: Detailed Policies seeks to safeguard amenities of neighbouring properties, including minimum distances that will be sought between existing and proposed buildings.
44. The site is located in a wooded and well screened setting and is not bounded by properties to the south-east and south-west sides. To the northeast on Godstone Road properties are separated by the railway line and road and are screened by vegetation. To the north-west is Little Manor – this is shown on the plan as being 56m distance from the nearest floodlight mast. It is set within a generous plot and bounded by established planting.
45. The NPPF paragraph 193 inter alia states 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'
46. The WCTC has been on the current site since the end of the WW11 having moved from the previous site in Stafford Road. As such occupiers of the dwellings to northwest would have been aware of the Tennis Club activities on the site.

47. Although the floodlights would enable the use of the courts in the winter months the site is also adjacent to higher noise generators – the adjacent railway line and the main Godstone Road. Therefore, it is considered that the proposal would not lead to significant and objectionable noise as to warrant a refusal and that subject to conditions requiring the lighting to be switched off at 9pm would be acceptable.
48. Additionally, the Environmental Health officer was consulted during the life of the proposal and has not raised objections in respect of noise or additional disturbance would result from the floodlighting.
49. Therefore, and subject to the above condition no objections are raised in respect of neighbour amenity and the development would therefore comply with the provisions of Policy CSP18 of the Core Strategy and Policy DP7 of the Tandridge Local Plan: Part 2 - Detailed Policies and the NPPF.

Ecology

50. Amongst other things the NPPF paragraph 180 states ‘Planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;
51. 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.
52. Policy DP19 sets out that there will be a presumption in favour of development proposals which seek to:
 1. Protect, enhance or increase the provision of, and access to the network of multi-functional Green Infrastructure (GI);
 2. Promote nature conservation and management;
 3. Restore or create Priority Habitats; or
 4. Maximise opportunities for geological conservation.

It also sets out that planning permission for development directly or indirectly affecting protected or Priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.

53. As referred to earlier in the report, the application site lies immediately east of a Site of Nature Conservation Importance and in a wooded setting. The proposal is made following the submission of a pre-application which identified that given the nature of the proposal ‘there is concern about the potential impact of the illumination from the floodlighting on wildlife and their habitats/ecosystems. Artificial lighting can disturb feeding breeding and movement and impact populations. As such the scheme was accompanied by

an ecological appraisal. During the life of the proposal the views of the Council's ecologists - Surrey Wildlife Trust (SWT) were sought. Additional information was requested by SWT, and a dialogue commenced between officers and the Applicant and their Ecologist.

54. Concerns and questions were raised regarding the methodology used for the survey and the lighting, the questions included if the area behind the club house had been scoped as per the Ecology statement recommendation which states 'Lighting can have an impact on adjacent habitats, particularly if a roost is present. It is recommended to conduct a ground level tree roost assessment (GLTA) of the trees within the surrounding woodland. A further assessment of the potential roost behind the club house is also recommended.' SWT argued that as there was no evidence that this area had been assessed that ' In the review of the submission, we have not found this assessment and the associated reporting. Therefore, the impact assessment and mitigation strategy for bats is not completed, and therefore we have insufficient and incomplete information to advise the LPA.'
55. Further questions were raised regarding the methodology of the activity surveys and that the A bat activity transect survey was carried out in August and September 2023. However, this compliance is unclear for the following reasons: Neither of the reports have categorised the suitability of the habitat (to include adjacent) for bats, in line with either 2016 or 2023 guidelines' SWT further asserted that due to the potential for lighting to influence the behaviours of bats and the lack of static/automated surveys the limited dataset was unclear and lacked robustness; no sampling had been submitted.
56. In respect of mitigation and to avoid sensitive times of the year SWT recommended restraints – no lighting after 21.00 in May/June/July/August/September. In October SWT recommended no lighting after 19:00 and that the remainder of the year should not have lighting beyond 22:00 to limit impact on nocturnal fauna.
57. Therefore, SWT have recommended the floodlighting is not used at all between the months of May to September. SWT also recommend that the preliminary survey of trees and building should be required before this use and timing is finalised as per the applicant's ecologist.
58. SWT have finally stated that if the LPA are minded to approve that the application should be required to proceed in line with the Statement of Mitigation for Bats and Strategy for Lighting (Ecology and Land Management, June 2024).

Community Facility

59. The NPPF paragraph 96 advises 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which: enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling. Paragraph 97 goes on to add in order 'to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local

services to enhance the sustainability of communities and residential environments;’.

60. The pre-ambule to Local Plan Policy DP18 sets out that ‘the Council acknowledges the importance of maintaining a diverse range of community facilities in the District and the contribution that these facilities can make to the residents’ quality of life.
61. Policy CSP13 of the Core Strategy safeguards community facilities and encourages new or improved facilities to meet the needs of all sections of the community.
62. As referenced earlier in the report, the Caterham and Whyteleafe Tennis Club (CWTC) is an established Community Sports facility. It has 140 members including 45 junior members and is run by volunteers, providing coaching for players of all ages and abilities and activities throughout the year. The Club ‘directs its efforts towards local people and especially people who are coming back to the sport, are new to tennis, are new to the area or just want to get out of the house for some exercise’.
63. During the winter months the activity has had to be reduced to less than half ‘despite the obvious enthusiasm and this has a negative effect on the health and well-being of the members’ and that the club becomes very quiet during the week and active at the weekends. It adds that although ‘tennis is played as a summer sport by many people, most clubs that have floodlights are able to maintain club practice and fun sessions training sessions competitive matches and considerable leisure usage throughout the winter.’
64. Thus, the proposal to add the floodlights will enable CWTC to be ‘taken to a new level, attracting more members, more junior coaching and all year-round tennis for members and plan to introduce pay and play for non-members, making it more accessible to a much wider section of the community’.
65. As discussed earlier in the report above the case set out by the applicant is considered to be Very Special Circumstances and that subject to conditions for the hours of lighting and adherence to the Ecology report the proposal is deemed to be acceptable.

Equality Duty

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

Conclusion

67. The proposal would be not inappropriate development within the Green Belt as Very Special Circumstances have been demonstrated which are considered to outweigh the identified harms. Subject to conditions, the proposal would be acceptable with regards to character and appearance, residential amenity, and ecology.
68. The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government’s Planning Practice Guidance (PPG).

It is considered that in respect of the assessment of this application significant weight has been given to Policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with the NPPF December 2023. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

RECOMMENDATION:

APPROVE subject to conditions

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

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

2. This decision refers to the location plan, plan numbered 23001, 23002, Caterham & Whyteleafe - Court 1, 2 & 3 - Low Lux Luminaire Data Sheet, Bat Activity Survey by Ecology and Land Management dated December 2023, Statement of Mitigation for Bats and Lighting Strategy Proposal dated June 2024. The development shall be carried out in accordance with these approved drawings and documents. There shall be no variations from these approved drawings and documents.

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

3. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in Statement of Mitigation for Bats and Lighting Strategy Proposal dated June 2024.

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.

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

4. The Floodlights hereby permitted shall only be illuminated after 21:00 from the months of April to September and from 19:00 in October.

Reason: To protect and limit impact on nocturnal fauna including bats and safeguard the amenities of nearby residents in accordance with Policy CSP17 and CSP18 of the Tandridge District Core Strategy 2008 and Policies DP7 and DP19 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

Informative

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990, and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the

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

2. The development has been assessed against Tandridge District Core Strategy 2008 – Policies CSP1, CSP11, CSP13, CSP15, CSP17, CSP18 and CSP21 Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP7, DP10, DP13, DP18 and DP19 DP22 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.
3. 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.