

ITEM 5.2

Application: 2021/637

Location: Garage Court, Windmill Close, Caterham, CR3 5QW

Proposal: Demolition of existing garages, Erection of 2 x 2-storey semi-detached dwellings and 1 x single storey detached dwelling with associated landscaping, parking and external works.

Ward: Westway

Decision Level: Planning Committee

Constraints - Urban, Legal Land Terrier (15/61, 15/64 and 15/65), Class 'D' Road (Windmill Close), Biggin Hill Safeguarding (91.4m), Source Protection Zones 2 & 3

RECOMMENDATION: **PERMIT subject to conditions
(RESOLUTION SUBJECT TO FULL COUNCIL)**

This application is reported to Committee as the applicant is Tandridge District Council.

Summary

1. The proposal is for the demolition of existing garages and the erection of three residential dwellings of a single storey and 2-storey nature located within the Category 1 Settlement of Caterham where there is no objection in principle to new development. The proposal would respect the character and appearance of the prevailing area, its setting and local context and there would be no significant harm to neighbouring amenities. Furthermore, there would be no significant impact upon the wider highway network and the renewable energy provision would be acceptable. It is therefore recommended that this application is granted planning permission.

Site Description

2. The site is located on land north of Windmill Close and west of nos.44 to 56 Cromwell Road. The access to the site is located between nos.5 and 6 Windmill Close with properties in Windmill Close and Cromwell Road consists of 2-storey residential buildings with dual pitched roofs. The buildings in the immediate locality are predominantly of similar architectural detailing and design and in residential use.
3. The site is located within the urban area of Caterham and currently consists of a linear block of 14 garages with associated forecourt to the east of the garages and a green space directly to the north of the site. The western boundary of the site is treated with a number of trees and close boarded fencing and the north eastern boundary with the properties in Cromwell Road is treated with close boarded fencing.

Relevant History

4. PA/2020/185 – Erection of three dwellings – Advice given
5. CAT/7728 – Demolition of existing buildings and erect 20 terraced houses with garages – Approved 25th September 1967

Key Issues

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

Proposal

8. It is proposed to remove the linear garage block (14 garages in total) and a number of trees which currently separate the garaging area from the green space to the north of the site. This would allow for the erection of a pair of semi-detached, 2-storey dwellings (2 x 3-bed houses) with dual pitched roofs and gable ends to both sides of the pair of dwellings. The eaves height of the dwellings would be approximately 5 metres high and the dwellings would have an overall ridge height of approximately 8.7 metres. It is also proposed to erect 1 x 2-bed bungalow to the east of the semi-detached dwellings which will also have gable ended elements to both sides. The eaves height of the dwellings would be approximately 2.5 metres high and the dwellings would have an overall ridge height of approximately 5.3 metres.
9. The units would have a total of six car parking spaces (two spaces per unit) with two covered by a car port. To the north of the north car port, there would be a turning area and these elements would all exist within the location of the existing garage and forecourt area. There is an existing substation which will be retained on the site. All three units would contain a shed within their respective gardens to provide storage. Each rear garden space would be adequately sized ranging between 92sqm and 108sqm.

Development Plan Policy

10. Tandridge District Core Strategy 2008 – Policies CSP1, CSP2, CSP3, CSP4, CSP7, CSP11, CSP12, CSP14, CSP15, CSP17, CSP18 and CSP19
11. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP8, DP9, DP19, DP21 and DP22
12. Woldingham Neighbourhood Plan 2016 – Not applicable
13. Limsfield Neighbourhood Plan 2019 – Not applicable
14. Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 – Policies CCW1, CCW2, CCW3, CCW4, CCW5, CCW6
15. Emerging Tandridge District Local Plan (2033) – Policies TLP01, TLP02, TLP06, TLP10, TLP11, TLP18, TLP19, TLP30, TLP35, TLP37, TLP44, TLP45, TLP47

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

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

National Advice

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

Statutory Consultation Responses

22. County Highway Authority – The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the proposed development would not have a material impact on the safety and operation of the adjoining public highway, subject to conditions.
23. Caterham on the Hill Parish Council – Objection: loss of trees, soft landscaping enhancements required, no environmental gain from the scheme, lack of ecological enhancements, flood risk concern, incorrect geological facts, concern over drainage calculations and infiltration rates, insufficient flooding information provided

Non-statutory Consultation responses

24. Surrey Wildlife Trust – No objection, subject to the mitigation measures detailed in the Preliminary Ecology Appraisal being secured
25. Lead Local Flood Authority – Request a number of conditions to be secured for the development to be considered acceptable

TDC Advice

26. Environmental Health (Contaminated Land) Officer – No objection subject to conditions

Other Representations

27. Third Party Comments: The main issues raised are as follows:
 - Overlooking/loss of privacy/loss of natural light to properties in Cromwell Road – lack of space to mitigate against this through planting [OFFICER COMMENT: This is considered in Paragraphs 34, 40-42]
 - Cramped form/overdevelopment of the site [OFFICER COMMENT: This is considered in Paragraphs 34-38]
 - Out of keeping with the area [OFFICER COMMENT: This is considered in Paragraphs 34-38]

- Loss of garaging/parking provision and inadequate provision to replace garaging [OFFICER COMMENT: This is considered in Paragraphs 50-53]
- Loss of access to rear gardens of Cromwell Road [OFFICER COMMENT: This is considered in Paragraph 45]
- Increased parking stress [OFFICER COMMENT: This is considered in Paragraphs 50-53]
- Increased traffic [OFFICER COMMENT: This is considered in Paragraphs 50-53]
- Pedestrian and highway safety compromised [OFFICER COMMENT: This is considered in Paragraphs 50-53]
- Lack of refuse collection and emergency access [OFFICER COMMENT: This is considered in Paragraph 52]
- Noise and disturbance from construction & impact on mental health [OFFICER COMMENT: This is considered in Paragraph 43]
- Loss of trees [OFFICER COMMENT: This is considered in Paragraphs 54-58]
- Increased flood risk [OFFICER COMMENT: This is considered in Paragraphs 60-63]
- Lack of services (schools, GPs and other community services) to serve the development [OFFICER COMMENT: This is considered in Paragraph 44]
- Impact upon local biodiversity (wildlife including protected species) [OFFICER COMMENT: This is considered in Paragraph 66]
- Loss of green space used as a play area [OFFICER COMMENT: This is considered in Paragraph 31]
- Potential property damage from construction – OFFICER COMMENT: This is a civil matter and not a material planning consideration
- Loss of property value – OFFICER COMMENT: Not a material planning consideration
- Loss of a view – OFFICER COMMENT: Not a material planning consideration
- Proposal goes against land covenants – OFFICER COMMENT: Not a material planning consideration

A petition has been received with 82 signatures objecting to the development.

Assessment

Principle and location of development

28. Tandridge District Core Strategy 2008 Policy CSP1 identifies Caterham as a built-up area and a Category 1 Settlement where development should take place in order to promote sustainable patterns of travel and in order to make the best use of previously developed land and where there is a choice of mode of transport available and where the distance to travel to services is minimised. As such, there is no objection in principle to the location of the development and Core Strategy Policy CSP1 in this regard.
29. The proposed development seeks to provide all proposed units as affordable housing on an affordable rented tenure to those who are on the Council's Housing Register waiting list. Given the significant need for affordable housing within the District, the principle of affordable housing by the District Council is supported.
30. Whilst the proposal provides affordable housing, the development is under the threshold for requiring such units or contributions as set out in Policy CSP4 of

the Tandridge District Core Strategy 2004. As such, a legal agreement cannot be reasonably entered into but the intention of the applicant, who is Tandridge District Council, is noted.

31. The site is currently a garage block and there is risk of land contamination. Details have been provided relating to potential contamination of the site and the Council's Environmental Health (Contaminated Land) Officer has confirmed they have no objection subject to conditions being secured in relation to a site investigation, a scheme for decontamination, suitable soft landscaping and validation (based on the recommendations of the submitted Ground Investigation Report). The grassed area to the northernmost part of the site is not afforded any statutory protection or other protection under the development plan and the loss of this space, regardless of it being used by the community, cannot be attributed any significant weight as the loss of this space would be acceptable in principle. Subject to suitable conditions being secured, the principle of the development would be acceptable subject to all other matters below being considered.

Impact upon the character and appearance of the area

32. Paragraph 124 of the National Planning Policy Framework (NPPF) 2019 states that sustainable development is a key aspect of the development process, seeking to create high quality buildings and places and creating better places in which to live and work and helps make development acceptable to communities. Even though Core Policy CSP18 predates the national policy, it is based on the same principles of sustainable development requiring that new development, within town centres, built up areas, the villages and the countryside be of a high standard of design that reflects and respects the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.
33. This is further expanded by Detailed Policy DP7 which expects development to be of a high-quality design, integrating effectively with its surroundings, reinforcing local distinctiveness and landscape character and does not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing density and design. Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 seek to further reinforce these design objectives.
34. The three separate plots for the proposed dwellings are currently a pocket of green space to the north of the existing garages. The site would provide 6 parking spaces (2 covered by a car port) and a turning area in the location of the existing garages. There would be a number of trees removed from the site (seven individual trees and one group of semi mature trees) between the existing garage block and the green space however the majority of the trees to the western boundary would be retained. The proposal seeks to provide additional soft landscaping to compensate for the tree loss within the development site.
35. The proposed dwellings would be constructed in the northernmost part of the site with the bungalow approximately 1.2 metres from the rear garden boundaries with nos.50 and 52 Cromwell Road at its closest point. The 2-storey dwellings would be approximately 5 metres from the rear garden boundaries of nos.52 and 52a Cromwell Road at their closest point with the built form further

away from other surrounding properties. The form of the semi-detached dwellings would be of a 2-storey, gable ended nature which would reflect the massing of the built form in the immediate locality.

36. The bungalow would align with the east facing wall of the proposed semi-detached dwellings and would be approximately 1.35 metres from this wall. Although the proposed bungalow would be quite close to the proposed semi-detached dwellings, it would ensure that spacing between the built form within the site is of a satisfactory nature to prevent it from appearing unduly cramped or overdeveloped. The massing, form and juxtaposition of the bungalow has responded to the site constraints. As the three proposed dwellings are set back from the road itself and within a back-land site, the proposed dwellings would not appear as an incongruous feature within the street scene. The height and massing of the built form would be representative of the massing of the built form within the surrounding area and would not appear excessive.
37. The rear gardens of the proposed units would provide similar size amenity spaces to other properties in the immediate locality and, although an irregular shape given the site constraints, would allow sufficient spacing between the built form of the surrounding properties. The proposed form and design would be of traditional styling and features with a soldier course around the building. The building would be constructed using contrasting bricks with plain roof tiles, white uPVC casements, black rainwater goods and integrated solar panels on the roof. Initially, concern was raised over the large expanse of panels to the floor frontage however it has been clarified that these would be an integrated solar array rather than a 'hooked on' surface mounted arrangement. Subject to the implementation of an integrated system, the proposed development would not be out of keeping with the prevailing area and the proposed materiality would integrate within the locality.
38. Based on the above assessment, it is not considered that the proposed scale, massing and positioning of the built form would result in a development which is unduly cramped or overdeveloped in this urban and built-up context. The design and materiality would also respect the character and appearance of the area and would conform to the provisions of Policy CSP18 of the Core Strategy, Policy DP7 of the Local Plan and Policies CCW4 and CCW5 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021.

Impact upon neighbouring amenity

39. Policy CSP18 of the Core Strategy seeks to ensure that development does not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect. Policy DP7 of the Local Plan reflects the objectives of the Core Strategy but also includes privacy distances of 22 metres between habitable room windows of properties in direct alignment and, in most circumstances, 14 metres between principal windows of existing dwellings and the walls of new buildings without windows.
40. The proposed semi-detached dwellings would be approximately 5 metres from the rear garden boundary with nos.52 and 52a Cromwell Road however the 'window to window' separation between these properties would be over 25 metres and would be orientated away from each other. The built form of the semi-detached dwellings would maintain a separation distance of approximately 9.5 metres from the boundary with the rear gardens of no.54 Cromwell Road and approximately 14.35 metres from the boundary with the

rear gardens of no.56 Cromwell Road. The dwellings serving the plots of nos. 54 and 56 Cromwell Road would be over 31 metres from the proposed dwellings when taking into account the rear garden spaces which separate their respective dwellings.

41. The semi-detached dwellings would be over 22 metres from the rear wall of no.16 Thomas Avenue and over 19 metres from the rear walls of nos.16 and 29 Cromwell Grove. The separation distances combined with the scale, massing and juxtaposition of the built form will prevent the development from having any significant overbearing or overshadowing impact upon the neighbouring properties.
42. There are no flank windows proposed within the proposed semi-detached dwellings as all habitable rooms will be front and rear (north east and south west) facing. The upper floor front and rear facing windows of the semi-detached dwellings will serve bedrooms however the windows would be in excess of 22 metres of any habitable windows of the surrounding properties; with particular regard to the fenestration serving the neighbouring properties in Cromwell Road. The orientation of the windows would provide views north east rather than east towards the rear window of the properties in Cromwell Road given the juxtaposition of the semi-detached dwellings. The rearmost part of the rear gardens would be within 22 metres of the upper floor windows however the area of the gardens of nos.54 and 56 Cromwell Road within 22 metres would be towards the rearmost part of the garden and the area closest to the dwellings would be afforded privacy and would not be directly overlooked given the juxtaposition of the built form. To prevent oblique views, the Council could impose a condition requiring privacy louvres to the sides of the bedroom windows or require obscure glazing up to 1.7 metres from finished floor level. No upper floor windows would be installed in the bungalow and the existing and proposed boundary treatments would prevent any undue overlooking or loss of privacy at ground floor level.
43. With regards to third party comments, there is concern over noise from the construction works taking place. It would not be reasonable to refuse planning permission for the development based on temporary disturbance during construction works as this is an argument that could be replicated for all future development within the District. The hours of construction are restricted by separate, non-planning related, legislation which would prevent undue noise and disturbance during unsociable hours. Nevertheless, it is not considered that the addition of three residential units on site would be likely to cause significant long-term noise and disturbance to the existing surrounding occupiers.
44. Third party comments also raise the impact of additional residents upon school places, doctor's surgery appointments and other community facilities. Again, it is not considered that three additional family homes in this location would have a significantly detrimental impact upon school places, doctor's surgery appointment availability or any other community facility availability to sufficiently warrant the refusal of permission on these grounds.
45. Third party comments also raise the loss of the rear garden access to the existing properties in Cromwell Road. The applicant's agent has since confirmed that there is nothing on record to indicate that the Council has ever granted rights of way over the triangular area of land to the properties on Cromwell Road and therefore any property owner who has installed rear access has done so without permission. As a result, the loss of this access

cannot be afforded any weight in the consideration for planning permission and this would be a matter to be addressed by the concerned parties outside of the planning application process.

46. It is considered that any further enlargement of the proposed dwellings, given their positioning in relation to the adjacent and surrounding properties, would have the potential to result in an impact upon neighbouring amenity. As such, it would be prudent and reasonable in this case to restrict the permitted development rights of all three units with regards to further enlargement.
47. As a result of the above assessment, it is considered that the separation distances combined with the overall size, scale, design and juxtaposition of the proposed built form would not result in significant amenity impact upon any of the adjacent properties with regards to overbearing or overshadowing impact, overlooking, loss of privacy or noise and disturbance and would conform to the provisions of Core Strategy Policy CSP18 and Local Plan Policy DP7 in this regard.

Living conditions of future occupiers

48. The 3-bed, five person units would have a gross internal floor space (GIA) of approximately 97.5sqm and the 2-bed, four person unit would have a gross internal floor space (GIA) of approximately 64sqm. The space associated with the semi-detached dwellings would exceed the required space standards contained within the Nationally Described Space Standards with regards to internal floor space however the bungalow would be slightly below the required internal space standards. However, this document is simply guidance and does not form part of the development plan and therefore an assessment on future living conditions for future occupiers must be assessed. The fenestration arrangements of all three dwellings would be sufficient to provide natural light and adequate outlook for the all rooms, associated with all of the proposed units. All of the rooms within all three units would provide suitable space for them to be used by future occupants for their intended purpose.
49. In addition, all three units being proposed would have individual private garden spaces and this would therefore result in suitable living conditions for future occupiers of the dwellings. As such, it is considered that the proposal would provide satisfactory living conditions for future occupants and would conform to the provisions of Local Plan Policy DP7 in this regard.

Parking, access, cycle and refuse storage

50. The proposal will involve the loss of 14 garages. Of these garages, the applicant has confirmed that six are occupied and that three of these occupiers live in excess of 1000 metres away. The distance from the garage site for these occupiers who mean that they would have to find alternative parking provision elsewhere however, as they reside more than 1000 metres from the site, it is unlikely that these tenants having to park elsewhere (closer to the place of residence) would have a significant impact upon local parking provision. The three remaining 'local' occupants will be offered an alternative garage in the block which exist between 10 and 11 Windmill Close. The remaining six garages have, until recently (according to the applicant) been offered for rent however there has been a lack of 'take up' as residents prefer to use on-street parking in the local area. As such, the loss of these garages would not have a significant impact upon parking stress in the local area in the Council's view.

51. The parking arrangements on the site would provide space for six vehicles within the site (2 per dwelling). This number of spaces per unit, and the size of the spaces being provided, would meet the size standards contained within the Council's Parking Standards SPD. The site is located within an area which is well served by public transport options and, as such, the parking provision being proposed is considered sufficient to serve the proposed development. The access arrangements to the site have been assessed by County Highway Authority who have confirmed that they have no objection in this regard as the proposal would not lead to unacceptable harm or unacceptable levels of demand for on-street parking in the surrounding area. They have, however, requested a number of conditions to be secured in relation to parking spaces being implemented with Electric Vehicle Charging Points (EVCPs) and have requested that a Construction Transport Management Plan is submitted and approved.
52. All of the new units would have access to a storage shed in the rear gardens which can provide storage for cycles and thus encourage sustainable modes of transport. There is adequate space within the site for refuse stores to be provided within the curtilage of each property and the positioning, size and design of these stores could be secured by an appropriate and detailed hard and soft landscaping scheme. Such details could be secured as part of a planning condition. The application submission includes a drawing showing turning space within the site which would be suitable for use by refuse collection vehicles, emergency vehicles and delivery vehicles.
53. Subject to relevant conditions being secured, there are no objections raised with regards to Policies CSP12 and CSP18 of the Core Strategy and Policies DP5 and DP7 of the Local Plan with regarding to highways safety, parking, cycle or refuse storage.

Trees

54. The proposed scheme requires the removal of seven individual trees and one group of semi mature trees, mainly to physically accommodate the dwellings but also in terms of providing a generally satisfactory spatial relationship between proposed built form and trees. Of the trees to be removed, T1 (Norway maple) is the most prominent and is a BS5837 'B' category. The Council's Tree Officer states that, whilst 'B' category trees should generally be retained, the position of T1 means that there is little that could be done in layout terms to accommodate it. The Council's Tree Officer agrees with the tree survey that the remaining trees to be removed are of relatively low quality 'C', or very low quality 'U' category. Nevertheless, their proposed removal does represent a loss of visual amenity, biodiversity value, rainwater interception and carbon storage, and that needs to be weighed within the planning balance, particularly considering that there is very little scope for compensatory planting.
55. It was noted there is no planting shown within gardens and, during the course of the application, additional planting has been shown within the gardens in the hope of enhancing the biodiversity of the site. A condition requiring native hedgerow planting and specifications of the garden planting for both amenity and biodiversity benefits could be secured by planning condition.
56. In terms of the access and parking layout, concerns were raised regarding the turning head, which passes very close to T11, which is a large 'B' category oak tree. This tree has substantial growth potential and the edge of the turning head

is shown approximately 250mm from the stem of the tree. British Standard BS5837 recommends that a buffer of at least 500mm should be left and, as a result, the turning head location has been adjusted away from the tree by a further 250mm. The Council's Tree officer confirmed that it will also be necessary for any edging to be non-invasive and the final design should account for this.

57. The above amendments have been considered and, provided the working methods described in the Arboricultural Method Statement are adhered to, the Council's Tree Officer is satisfied that the retained trees can be protected and accommodated within the scheme. The Council's Tree Officer is also satisfied that, although there may be some inconvenience caused by leaf and acorn fall over parking bays 2 & 3, this will be seasonal and is unlikely to result in significant pressure to undertake substantial tree works.
58. The tree protection measures, the working methods and soft landscaping could be secured by condition and, subject to this, the Council raise no objection on arboricultural grounds and conclude that the development would conform to the provisions of Core Strategy Policy CSP18 and Local Plan Policy DP7 Subject to conditions being secured in relation to tree protection measures, working methods and the implementation of additional soft landscaping.

Renewable Energy

59. Policy CSP14 requires the reduction of carbon dioxide (CO₂) emissions by means of on-site renewable energy technology. The Energy Statement submitted with this application confirms that the new buildings will be served by a combination of Air Source Heat Pumps (ASHP) and large arrays of solar photovoltaic (PV) panels on the roof slope. Such provision would be sufficient to far exceed the 10% carbon emissions reduction target set out in Policy CSP14. Concern was raised during the application process over the number of PV panels on the roof slope however the integrated design of these has since been clarified and the need for carbon zero homes would weigh heavily in the planning balance. As such, the implementation of this renewable energy technology would be considered acceptable in this instance and the design of the integrated system could be secured by planning condition.

Flooding

60. The site is within an area at 'low' risk of surface water flooding (within Flood Zone 1) and there is no water course in close proximity of the site. The application is accompanied by a Flood Risk Assessment which confirms that, as surface water run-off rates would be greater than the existing arrangement, SuDS would be required in this case. It is proposed to retain and utilise the existing soakaway and it is also proposed to design additional 'cellular crate storage units' to safely accommodate storm flows to prevent on-site or off-site flooding given the flow rates expected. The Assessment states that it would be preferable for all new foul drainage to discharge into the public sewer however this will be subject to a capacity check on site. The surface water drainage would be subject of a separate agreement with Thames Water which is a matter which falls outside of the determination of this application.
61. The Lead Local Flood Authority (LLFA) were consulted on the submission and although there is a soakaway that currently manages the surface water runoff from the site which will be utilised for the proposed development, it is not known

what the infiltration rates are at the site. The LLFA confirm that evidence should be provided of infiltration in accordance with BRE Digest 365 and establishment of groundwater levels to ensure a 1 metre unsaturated zone between the base of the soakaway and the highest recorded groundwater level.

62. The LLFA also have concern that very little information has been provided on the condition of the existing soakaway and if it is fit for purpose. They would require it to be confirmed that the soakaway is of a satisfactory condition to manage the additional surface water runoff for the lifetime of the development. Confirmation of the size of the existing soakaway and whether it is sized correctly to manage the additional runoff should be provided and this could be secured by planning condition.
63. The LLFA further confirm that additional sustainable drainage elements could be included on the site such as permeable paving to the car park areas. This would increase water quality as well as attenuate surface water. As this stage the LLFA are not satisfied that the proposed drainage scheme meets the requirements set out in the aforementioned documents however, it is recommended that suitably worded conditions should be applied to any grant of permission to ensure that the SuDS scheme is properly implemented and maintained throughout the lifetime of the development. These conditions will ensure that the development conforms to the provisions of Core Strategy Policy CSP15 and Local Plan Policies DP21 and DP22.

Ecology and Biodiversity

64. 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.
65. Policy DP19 of the Local Plan Part 2: Detailed Policies advises that planning permission for development directly or indirectly affecting protected or Priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.
66. A Preliminary Ecological Appraisal and a Bat Emergence Survey have been submitted in support of the application which confirms that there is a likely absence of bats from the site and Surrey Wildlife Trust concur with these assessments; considering their findings to be appropriate in scope. In relation to breeding birds, Surrey Wildlife Trust have confirmed that clearance works should avoid March to August (inclusive) to prevent harm or disturbance to nesting areas. With regards to reptiles, the Surrey Wildlife Trust recommend a precautionary approach to the development. They recommend that the avoidance and mitigation measures referred to under Section 6 of the Preliminary Ecological Appraisal are adhered to and this could be secured by condition. In addition, soft landscaping areas is required to be enhanced through a soft landscaping condition being secured to ensure that the proposed development conforms with the provisions of Core Strategy Policy CSP17 and Local Plan Policy DP19.

Community Infrastructure Levy (CIL)

67. This development would be CIL liable, although the exact amount would be determined and collected after the grant of planning permission.

68. In addition to CIL the development proposed will attract New Homes Bonus payments and as set out in Section 70 of the Town and Country Planning Act (as amended by Section 143 of the Localism Act) these are local financial considerations which must be taken into account, as far as they are material to the application, in reaching a decision. It has been concluded that the proposal accords with the Development Plan and whilst the implementation and completion of the development will result in a local financial benefit this is not a matter that needs to be given significant weight in the determination of this application.

Conclusion

69. Due to the positioning, design, size and scale of the proposed development, it would not adversely affect the amenities of neighbouring occupiers nor would the proposal have a significantly detrimental impact upon the character and appearance of the surrounding area to sufficiently warrant the refusal of permission. There is requirement for additional planting to be provided to mitigate against the proposed tree loss, as well as the protection of existing trees, and this would be secured by appropriately worded conditions. There are no highway objections subject to appropriately worded conditions and, in addition, adequate renewable energy provision and flood risk prevention measures should be incorporated within the site to ensure that the development this acceptable. It is therefore recommended that the application is granted planning permission subject to the conditions and informatives set out below.

70. The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with paragraph 213 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.

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

RECOMMENDATION: PERMIT subject to the following conditions

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

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

2. This decision refers to the drawings numbered 006 Rev P01 and 008 Rev P01 scanned on 06 May 2021 and drawing numbered 007 Rev P04 scanned in on 22 June 2021. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

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

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

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

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

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

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

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

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

5. **a) No further trees or hedges shall be pruned, felled or uprooted** during site preparation, construction and landscaping works [except as shown on the

documents and plans hereby approved] without the prior written consent of the Local Planning Authority.

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

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

6. **No development shall commence** until the tree protection measures detailed within the approved David Archer Associates Tree Protection Plan (TPP01) and Arboricultural Method Statement dated March 2021 have been implemented. Thereafter these measures shall be retained and any specified arboricultural supervision or staging of works strictly adhered to throughout the course of development and shall not be varied without the written agreement of the Local Planning Authority.

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

(a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.

(b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees.

(c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.

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

7. Prior to the occupation of the development hereby permitted, detailed specification of the upper floor north facing windows of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the specification shall be retained for as long as the development remains in existence.

Reason: To prevent any significant overlooking or loss of privacy to the neighbouring properties in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

8. **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 Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.

- b) 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.
- c) Details of drainage management responsibilities and maintenance regimes for the drainage system.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with in accordance with Policy CSP15 of the Tandridge District Core Strategy 2004 and Policies DP21 and DP22 of the Tandridge District Local Plan – Part 2: Detailed Policies 2014.

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

Reason: To ensure the Drainage System is designed to the National Non-Statutory Technical Standards for SuDS in accordance with in accordance with Policy CSP15 of the Tandridge District Core Strategy 2004 and Policies DP21 and DP22 of the Tandridge District Local Plan – Part 2: Detailed Policies 2014.

10. **Prior commencement of development above ground level**, a scheme for decontamination, suitable soft landscaping and validation based on the recommendations of AP geotechnics ground investigation report 5242 dated 20th August 2020 shall be agreed in writing by the District Planning Authority and the scheme as approved shall be implemented before any part of the development hereby permitted is occupied.

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

11. **No development shall commence above ground level** until further details of the design, placement and fixing of the solar photovoltaic panels have been submitted to and approved in writing by the Local Planning Authority. The renewable energy provision shall thereafter be implemented and retained in accordance with the approved details.

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

12. The development shall be carried out wholly in accordance with the 'Recommendations' set out within the 'Preliminary Ecology Appraisal' created by Greenspace Ecological Solutions dated January 2020.

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

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

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

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

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

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

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

16. 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 buildings hereby permitted shall be carried out without the express permission of the District Planning Authority.

Reason: To control further development of the site 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 Policies DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

Informatives:

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether

a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

2. The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued. It is important that you ensure that the requirements of the CIL Regulations are met to ensure that you avoid any unnecessary surcharges and that any relevant relief or exemption is applied.
3. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
4. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
5. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
6. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.

The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP2, CSP3, CSP4, CSP7, CSP11, CSP12, CSP14, CSP15, CSP17, CSP18 and CSP19, Tandridge Local Plan: Part 2: Detailed Policies 2014 – Policies DP1, DP5, DP7, DP9, DP19, DP21 and DP22, Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 - Policies CCW1, CCW2, CCW3, CCW4, CCW5 and CCW6 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.