

ITEM 5.5

Application: 2020/2074

Location: Sawmills, Green Lane, Outwood RH1 5QP

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

Ward: Burstow, Horne & Outwood

Decision level: Planning Committee

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

RECOMMENDATION: **PERMIT subject to conditions**

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

Summary

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

Site Description

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

Relevant History

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

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

Key Issues

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

Proposal

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

Development Plan Policy

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

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

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

National Advice

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

Statutory Consultation Responses

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

Non-statutory Advice Received

35. None requested or received.

TDC advice

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

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

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

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

Other Representations

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

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

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

Assessment

Procedural Matters

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

Green Belt impact

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

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

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

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

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

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

Employment

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

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

Character and Appearance

55. Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.
56. Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
57. Policy CSP21 of the Tandridge District Core Strategy 2008 advises that the character and distinctiveness of the District's landscapes and countryside will be protected for their own sake and that new development will be required to conserve and enhance landscape character.
58. As noted previously, the site area has been reduced following the refusal of application 2018/1271 and 2019/868 and now solely includes the PDL area established by the LDC granted under application reference 2020/1598. Under previous application 2018/1271 for the change of use to a mixed use, it was concluded that the change of use of land and buildings as set out in that application had failed to have any regard to the former character and appearance of the site and what is appropriate in the balance of a commercial

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

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

Residential Amenities

60. Policy CSP18 of the Core Strategy advises that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any other adverse effect. Policy DP7 of the Local Plan: Part 2 has the same objectives of protecting neighbouring amenity embodied in criteria 6-9. Policy DP22 of the Local Plan: Part 2 advises that the Council require noise generating forms of development or proposals that would affect noise-sensitive development to be accompanied by a statement detailing potential noise generation levels and any mitigation measures proposed to ensure that all noise is reduced to an acceptable level.
61. The Council's Environmental Health department, under application 2019/868, previously raised concerns over the noise from the site and how this would affect nearby residents, as the planning application sought the use of the site for 24-hours a day, seven days per week. However, this submission seeks to clarify the operations and frequency of 'out of hours' use. The application submission states that out of hours work would only take place twice a month (on average) and that pre-loaded HGV vehicles for serious incident responses and that minima loading would take place outside of normal 'core hours of operation (before 6am and after 6pm). The submission states that rarely do incidents require large scale mobilisation due to the pre-loading exercise.
62. The application submission includes a comprehensive 'Noise Assessment' carried out by Mayer Brown (dated February 2020) which confirms that an

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

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

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

Trees

67. Policy CSP18 of the Core Strategy requires development to have regard to the topography of the site, important trees and groups of trees and other important features that need to be retained. Criterion 13 of Local Plan Policy DP7 requires that where trees are present on a proposed development site, a landscaping scheme should be submitted alongside the planning application which makes provision for the retention of existing trees that are important by virtue of their significance within the local landscape.
68. The Tandridge Trees and Soft Landscaping SPD (2017) outlines the importance of landscaping which applies to urban and rural areas and advises that it is *'essential that the design of the spaces around buildings is given the same level of consideration from the outset as the design of the buildings themselves'*. Trees are not only a landscape and environmental benefit but, as the SPD outlines, a health benefit for people which enhances their environment.
69. The main area of concern from an arboricultural perspective under the previous submission was the soil bund that extends into an area of land designated as Ancient Semi Natural Woodland. This submission does not include any such bunding and the Council's Tree Officer has confirmed that, under application 2019/868, he considered there to be little long term harm caused by the widening of the access road, and that *"any harm can be mitigated and compensated for, by the planting of native tree and shrub species either side of the access, as proposed within the submitted details."*
70. In respect of the above there are no changes within this current application that would affect the Council's Tree Officer's previous comments. As the access has already been constructed, he is satisfied that no further tree protection is required, but a detailed soft landscaping scheme is needed to ensure that the brief landscape proposal given in the design and access statement are properly implemented. Such a requirement could be reasonably secured by planning condition to ensure that the development conforms to Core Strategy Policy CSP18, Local Plan Policy DP7 and the Council's Trees and Soft Landscaping SPD.

Ecology

71. Policy CSP17 of the Core Strategy requires development proposals to protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife in accordance with the aims of the Surrey Biodiversity Action Plan.
72. Policy DP19 of the Local Plan Part 2: Detailed Policies advises that planning permission for development directly or indirectly affecting protected or Priority species will only be permitted where it can be demonstrated that the species involved will not be harmed or appropriate mitigation measures can be put in place.

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

Highways

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

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

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

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

Conclusion

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

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

CIL

81. This development is CIL liable.

82. The recommendation is made in light of the National Planning Policy Framework (NPPF) and the Government's Planning Practice Guidance (PPG). It is considered that in respect of the assessment of this application significant weight has been given to policies within the Council's Core Strategy 2008 and the Tandridge Local Plan: Part 2 – Detailed Policies 2014 in accordance with paragraph 218 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
83. The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP11, CSP12, CSP15, CSP17, CSP18, CSP21 & CSP22, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP4, DP5, DP7, DP9, DP10, DP13, DP19 & DP22 and material considerations, including third party representations.
84. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

RECOMMENDATION:

PERMIT subject to conditions

Conditions:

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

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

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

Reason: To safeguard the amenities of nearby residents in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014.

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

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

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

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

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

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

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

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

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

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

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

Informatives:

1. Condition 1 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 1 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council's web site.

The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP11, CSP12, CSP15, CSP17, CSP18, CSP21 and CSP22, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP4, DP5, DP7, DP10, DP13, DP19 and DP22 and material considerations. It has been concluded that the development, subject to the conditions imposed, would accord with the development plan and there are no other material considerations to justify a refusal of permission.