

ITEM: 5.2

Application: 2021/1539

Location: Uplands, Eden Way, Warlingham, Surrey, CR6 9DP

Proposal: Variation of Condition 2 (Plans) of planning permission ref: 2018/649 (Demolition of existing sheltered accommodation, comprising of 2 storeys with 23 dwellings. Erection of replacement accommodation comprising of a terrace of 4 houses, 4 semi detached houses, and a 2- storey building with 13 bed flats and ancillary open space, car parking and landscaping) to allow for 5 additional car parking spaces (amended description and plan)

Ward: Warlingham East and Chelsham and Farleigh

Decision: Planning Committee

Constraints - ASAC, AWOOD, Biggin Hill Safeguarding, Commons, Source Protection Zones, Urban

RECOMMENDATION: **PERMIT subject to conditions**

This application is reported to Committee as the applicant is Tandridge District Council. In line with recent changes to determination procedures, this is a recommendation to grant full planning permission and not a resolution as referral to Full Council is no longer required.

Summary

1. Planning permission was granted on 29th October 2018 for the demolition of existing sheltered accommodation, comprising of 2 storeys with 23 dwellings. Erection of replacement accommodation comprising of a terrace of 4 houses, 4 semi detached houses, and a 2- storey building with 13 bed flats and ancillary open space, car parking and landscaping.
2. The principle of the development has been established under the previous and extant permission referenced above. The proposed development differs from the scheme above in terms of the number of car parking spaces to increase the number by 5. The parking changes are considered acceptable.

Site Description

3. The site comprises a broadly rectangular plot currently being developed under the 2018 permission. It forms part of a larger Council housing site which fronts onto Limpsfield Road, opposite the Sainsbury store in Warlingham.
4. The site is generally flat and the wider site accommodates 4 x two- storey blocks of flats set within communal gardens. Vehicular access is from Eden Way leading to a central parking area which lies to the rear of numbers 1 and 2 Eden Way sited between the blocks proposed for demolition.
5. The site is bounded along the eastern and southern boundaries by mature tree planting with several significant specimen trees fronting Limpsfield Road (these lie within the wider Council site, but outside the application site). It abuts the Green Belt along the eastern and southern boundaries. To the west lie the bungalows of Eden Way whilst to the north lie the two storey blocks of flats forming the remainder of this housing site. To the east lies a building in use as

a care home set within a large plot whilst to the south lies a set of stables with a detached house within the site grounds.

6. The character of the site and wider surrounding area is one of mixed use (retail food store on the opposite side of Limpsfield Road) and a mixed size of residential accommodation. The area accommodates a range of houses, bungalows and flats of a variety of ages and consequently a variety of styles, although the general character is one informed by a generally traditional design. The existing blocks are of a plain, but traditional design. The bungalows to the south, arranged in pairs around Eden Way, are of a traditional design with off street parking at the front and generally with relatively modest rear gardens. Some have been extended with rear conservatories or detached garaging facing onto the site. The rear gardens are bounded by 1.8m timber fencing.

Relevant History

7. 2018/1549: Demolition of existing sheltered accommodation, comprising of 2 storeys with 23 dwellings. Erection of replacement accommodation comprising of a terrace of 4 houses, 4 semi detached houses, and a 2- storey building with 13 bed flats and ancillary open space, car parking and landscaping. Permission was granted on 29th October 2018 and is currently being implemented. There have also been approval of conditions and non-material amendment applications further to the original grant of permission.

Key Issues

8. The principle of the development was agreed on this site by the 2018 planning permission and the issues therefore relate to consideration of the variations proposed. Key issues are whether the revised proposal would be appropriate with regards to the parking areas.

Proposal

9. The applicant seeks planning permission for the variation of Condition 2 (Plans) of planning permission ref: 2018/649 (Demolition of existing sheltered accommodation, comprising of 2 storeys with 23 dwellings. Erection of replacement accommodation comprising of a terrace of 4 houses, 4 semi-detached houses, and a 2- storey building with 13 bed flats and ancillary open space, car parking and landscaping) to allow for 5 additional car parking spaces (amended description and plan)
10. The proposed development is similar to the 2018 application but differs in the following areas:

Parking provision

11. This an additional 5 car parking spaces from the 2018 planning permission. Due to the siting of these spaces, the garden area for plot A.01 would reduce overall, landscaping is slightly reduced across the development and bollards are proposed at the end of the road between the two rows of houses.

Development Plan Policy

12. Tandridge District Core Strategy 2008 – Policies CSP1, CSP2, CSP4, CSP7, CSP12, CSP14, CSP17, CSP18, CSP19.
13. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP2, DP4, DP5, DP7, DP19, DP21, DP22
14. Woldingham Neighbourhood Plan 2016 – Not applicable
15. Limpsfield Neighbourhood Plan 2019 – Not applicable
16. Caterham, Chaldon and Whyteleafe Neighbourhood Plan — Post Referendum June 2021 – Not applicable
17. Emerging Tandridge Local Plan 2033 – Policies TLP01, TLP02, TLP05, TLP06, TLP10, TLP12, TLP14, TLP17, TLP18, TLP19, TP35, TLP37, TLP44, TLP45, TLP46, TLP47, TLP48, TLP49, TLP50

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

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

National Advice

21. National Planning Policy Framework (NPPF) (2021)
22. Planning Practice Guidance (PPG)
23. National Design Guide (2019)

Statutory Consultation Responses

24. County Highway Authority – The proposed development has been considered by the County Highway Authority who have assessed the application on safety, capacity and policy ground. There is no objection subject to conditions.
25. Warlingham, Parish Council – No comment.
26. Lead Local Flood Authority- No further comments.
27. Environment Agency- No comment received.

Non-statutory Advice Received

28. None received.

TDC advice

29. Senior Tree Officer: No objections.

Other Representations

30. Third Party Comments:

- Parking impact on amenity
- Parking in wrong location leading to anti-social behaviour

Assessment

Principle of development

31. The original 2018 scheme was granted planning permission and this considered the wide range of planning policies and material considerations, including the principle of development, design and impact upon the surrounding streetscene, density, housing, impact upon neighbours amenities, impact upon highways/parking provision, drainage, impact upon trees/ecology, sustainability.
32. In view of the extant permission, these issues will not be re-examined in this report unless directly relevant to the changes of this scheme as the policies remain as those considered at that time aside from an update to the NPPF. The site has a development of a similar nature that can be completed lawfully and this is a material planning consideration to which significant weight must be attached. The issue of highways and parking, character and appearance and amenity are considered of key relevance to the changes proposed.

Location of development

33. The principle of the development has already been established through the 2018 application. Core Strategy Policy CSP1 identifies Warlingham as an urban area and a Category 1 Settlement 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. As such, the principle of development is accepted in line with Core Strategy Policy CSP1.

Character and Appearance

34. Policy CSP18 of the Core Strategy requires that new development should be of a high standard of design that must reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness. Development must also have regard to the topography of the site, important trees or groups of trees and other important features that need to be retained.
35. Policy DP7 of the Local Plan Part 2: Detailed Policies requires development to, inter alia, respect and contribute to the distinctive character, appearance and amenity of the area in which it is located, have a complementary building design and not result in overdevelopment or unacceptable intensification by reason of scale, form, bulk, height, spacing, density and design.
36. The only changes to the 2018 application is changes to the layout of the parking areas, including bollards and stores. This is acceptable and does not impact on

the design quality of the scheme overall. The landscaping scheme is discussed in the paragraphs below.

Residential amenity

37. Policy CSP18 of the Core Strategy requires that development must not significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise, traffic and any adverse effect. Criteria 6-9 (inclusive) of Policy DP7 of the Local Plan Part 2: Detailed Policies seeks to safeguard amenities of neighbouring properties, including minimum distances that will be sought between existing and proposed buildings.
38. A full assessment of the scheme and the impact on surrounding residential amenity and future occupiers was undertaken in the previous application and concluded the scheme was acceptable in this regard. Having reviewed this proposal afresh, it is not considered that any significant greater impact on neighbouring properties resulting from the additional parking and amendments would arise. This is due to the fact that the additional space would be located in areas of located in parking areas which are part of the 2018 extant consent. It is noted that the parking spaces are now closer to plot A.01, however, there would be boundary fencing (details of which would be subject to condition). There would no significant harm raised in this regard.
39. The proposal would result in the reduction of the garden associated with plot A.01 to a depth of 6 metres. However, as an end plot there is a greater than usual width to the garden which would ensure a proportionate amount of external space is provided for future occupants of this unit.
40. It is noted that the issue of antisocial behaviour has been raised, it is considered that the additional parking and amendments proposed would be located in parking areas which are part of the 2018 extant consent.
41. For the above reasons, it is concluded that the proposal would not result in harm to neighbouring amenities and would provide satisfactory living conditions for the future occupiers.

Highways safety and parking

42. 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.
43. The current application proposes an addition 5 spaces, which is welcomed. The CHA have not objected to the scheme. The bollards proposed would not hinder use of the highway and would provide security to adjacent property. The proposal is acceptable in this regard.

Trees and landscaping

44. Local Plan Part 2 Policy DP7 criterion 13 sets out 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 their significance within the local landscape. Their significance may be because of their size, form and maturity, or because they are rare or unusual. Younger trees that have the potential to add significant value to their landscape character in the future should also be retained where possible. Their retention should be reflected in the proposed development layout, allowing sufficient space for new and young trees to grow to maturity, both above and below ground. Where existing trees are felled prior to permission for development being sought, the Council may require replacement planting as part of any permission granted.

45. Whilst there are the additional five car parking spaces and there is slightly reductions of landscaping, the overall, tree and landscaping strategy remains largely unchanged. The Tandridge Tree Officer has stated:

These proposals do reduce the available space for soft landscaping of communal areas, but I do not think this is to such a detriment to the scheme that I would recommend refusal on that basis alone. The agreed tree protection is not affected by the proposals.

There is no effect either directly or indirectly on ancient woodland, as per the previously approved scheme.

46. As such, the proposal accords with Local Plan Policy DP7.

Planning balance

47. The redevelopment of this site has been established by the previous granting of planning permission for a similar form of development which remains extant. The Council is currently unable to demonstrate a 5-year housing supply and as such, paragraph 11d of the NPPF becomes relevant. It sets out that planning permission in such circumstances should be granted unless the harm of doing so with significantly outweigh the benefits when looking at the policy context broadly set out in the NPPF.
48. The proposal would contribute to the local housing supply.
49. In the context of the original permission, the proposed changes to the development are minor. The proposal would represent sustainable development as set out in the NPPF and permission should be granted without delay.

Conclusion

50. The design and layout changes would be acceptable in this location; levels of parking are acceptable. The proposal would not harm the living conditions of neighbouring residents or future occupants. For these reasons, the proposal would comply with the Development Plan policies and permission should be granted without delay.
51. 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.

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

RECOMMENDATION:

Grant planning permission subject to conditions

1. This decision refers to drawings numbered 170213 P(1)01 Rev A, P(1)02 RevB, P(1)03 Rev B, P(1) 05 Rev C, P (1)06 Rev D, P(1)07 Rev B, P(1)08 Rev C,P(1)10RevC,P(1)11 Rev D, P(1)12 Rev C,P(1)13 Rev C,P(1)14 Rev CP(1)15 Rev C,P(1)20Rev F,P(1)21RevB,P(1)22 Rev B and red-edged site plan. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

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

2. The development hereby approved must be constructed in accordance with Construction Transport Management Plan approved under application 2018/648/Cond1. Only the approved details shall be implemented during the construction of the development.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and/or are required in recognition of Section 4 "Promoting Sustainable Transport" in the National Planning Policy Framework 2018. These conditions are required to meet the objectives of the NPPF (2018), and to satisfy policy CSP12 of the Core Strategy DPDS (2008) and policy DP5 of the TLP Part 2: Detailed Policies (2014).

3. Within 2 months from the date of this permission full details of hard and soft landscape works must be submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved. These details shall include:

- means of enclosure
- hard surfacing materials
- minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.)
- bollards

Details of soft landscape works shall include details of 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. Details shall be submitted of tree protection measures.

Details of tree works and tree protection shall be carried out in accordance with the details included in the document Arboricultural Implications Assessment, Tree Protection Plan and Method Statement by David Archer Associates dated June 2018.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed.

Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the District Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development

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

4. The development shall be carried out in accordance with the details of finished ground floor slab level of the buildings approved under application 2018/649/Cond1.

Reason: The application contains insufficient information for the prior consideration of these details and to ensure a satisfactory form of development in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 Detailed Policies 2014

5. The development shall be carried out in accordance with the details of the materials to be used in the construction of the external surfaces of the buildings approved under application 2018/649/Cond1.

Reason: To ensure a satisfactory appearance upon completion 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 and the National Planning Policy Framework

6. The solar panels proposed on the roof of the building hereby approved shall not project above the height of the top of the adjacent parapet wall.

Reason: To ensure a satisfactory appearance upon completion 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 and the National Planning Policy Framework.

7. No demolition or building operations shall start until the tree protection measures approved pursuant to condition 3 have been implemented. Thereafter these measures shall be retained and any specified staging of works strictly adhered to throughout the course of development, and shall not be varied without the written agreement of the District Planning Authority. In any event, the following restrictions shall be strictly observed unless otherwise agreed by the District 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 and the National Planning Policy Framework.

8. Ecology Mitigation Measures and Enhancement Measures shall be carried out in accordance with the details provided in Section 5 of the submitted Ecology report dated 2017 by Greenlink Ecology Ltd.

Reason: To ensure compliance with the provisions of Policy DP19 of the Tandridge Local Plan Part 2: Detailed Policies and Policy CSP17 of the Tandridge Core Strategy (2008) and the National Planning Policy Framework.

9. Before the development hereby approved is occupied, the solar panels indicated on the approved drawings shall be installed and this system shall thereafter be 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 and the National Planning Policy Framework.

10. The development hereby approved shall not be first occupied until the proposed vehicular/pedestrian access to Eden Way has been constructed and provided with visibility splays in accordance with the approved plans and thereafter the visibility splays shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

Reason: In order that the development shall not prejudice highway safety nor cause inconvenience to other highways users in recognition of Section 4 of the National Planning Policy Framework and to comply with policy CSP12 of the Tandridge Core Strategy 2008 and policy DP5 of the Tandridge Local Plan Part 2: Detailed Policies 2014.

11. The development shall not be first occupied unless and until existing access for the site to Eden Way has been permanently closed and any kerbs, verge and footway fully reinstated

Reason: In order that the development shall not prejudice highway safety nor cause inconvenience to other highways users in recognition of Section 4 of the National Planning Policy Framework and to comply with policy CSP12 of the Tandridge Core Strategy 2008 and policy DP5 of the Tandridge Local Plan Part 2: Detailed Policies 2014

12. The development shall not be occupied until facilities have been provided in accordance with the approved plans for the secure parking of bicycles within the site. Thereafter such facilities shall be permanently retained.

Reason: In order that the development shall not prejudice highway safety nor cause inconvenience to other highways users in recognition of Section 4 of the National Planning Policy Framework and to comply with policy CSP12 of the

Tandridge Core Strategy 2008 and policy DP5 of the Tandridge Local Plan Part 2: Detailed Policies 2014.

13. The development shall be carried out in accordance with the details of the surface water drainage scheme approved under application 2018/649/Cond1.

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.

14. 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 to demonstrate that the Drainage System has been constructed as per the agreed scheme.

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

15. The scheme shall only provide affordable housing in accordance with the definition of affordable housing in Annex 2 of the National Planning Policy Framework (as printed on 19th September 2018) or any future guidance that replaces it.

Reason: To ensure that the scheme for the affordable housing provision is secured before the start of the development in accordance with the provisions of Policy CSP4 of the Tandridge District Core Strategy 2008 and the provisions of the National Planning Policy Framework.

16. The stair window in the flank wall of unit B04 shall be obscure glazed and fixed shut prior to first occupation and shall be permanently retained as such thereafter.

Reason: To protect the amenities of the neighbouring residents in accordance with the provisions of Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies and the National Planning Policy Framework.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no windows/dormer windows shall be inserted into the roof of the dwellings hereby permitted apart from those expressly authorised as part of this permission.

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

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows shall be inserted in the first floor flank elevations of the houses, other than those expressly authorised by this permission

Reason: To protect the amenities and privacy of occupiers of adjoining properties in accordance with Policy CSP18 of the Tandridge District Core

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 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 permission shall not be construed as authority to carry out works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and potentially a section 278 agreement must be obtained from the Highways authority before any works are carried out to the footway, footpath, carriageway, verge or other land forming part of the Highway. All works on the Highway will require a permit and an application will need to be submitted to the County Councils Street Works Team upto 3 months in advance of the intended start date, depending on the scale of works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licenses/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under S23 of the Land Drainage Act 1991.
3. The developer is advised that as part of the detailed design of the highways works required by the above conditions, that the County Highways Authority may require necessary accommodation works to street lights, road signs, road markings, highways drainage, surface covers, street trees, highway verges, highways surfaces, surface edge restraints and any other street furniture/equipment.
4. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

The development has been assessed against Tandridge District Core Strategy 2008 Policies CSP1, CSP2, CSP4, CSP7, CSP11, CSP12, CSP14, CSP15, CSP17, CSP18, CSP19, Tandridge Local Plan: Part 2: Detailed Policies – Policies DP1, DP5, DP7, DP19, DP21, 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