

## ITEM: 5.4

**Applications: 2022/98 & 295: SUPPLEMENTARY REPORT FOLLOWING THE PLANNING COMMITTEE SITE VISIT ON 18<sup>TH</sup> JULY, 2022.**

**Location:** Hut 1, Harestone Drive, Caterham, Surrey, CR3 6YQ  
**Proposal:** Erection of two detached dwelling houses, with attached garages, associated parking and landscaping, accessed from a newly formed cul-de-sac extended north-west from Planning Appeal Ref: APP/M3645/W/20/3256724.

**Ward:** Harestone

**Decision Level: Committee**

*Constraints – ANC\_WOOD within 500m, Biggin Hill Safeguarding, Parishes, Local Road (D) – Harestone Valley Road and Loxford Way, Local Road (X) Harestone Drive and Loxford Close, Source Protection Zones, SRCA, TPO (22/2009/TAN. 3/C&W, TPO10, Urban Area, Wards.*

**RECOMMENDATION: MEMBERS ARE PROVIDED WITH TWO RECOMMENDATIONS, EITHER TO PERMIT SUBJECT TO CONDITIONS, OR TO REFUSE ON THE GROUNDS DETAILED IN THIS SUPPLEMENTARY REPORT BELOW.**

### Background

1. The application seeks planning permission for the erection of two 4-bedroom detached dwellings, with garages, associated parking and landscaping. The application site constitutes an extension to an adjacent development, application 2020/511 for 7 dwellings allowed on Appeal (Ref; APP/M3645/W/20/3256724); the 7 dwellings are currently under construction. The application has been 'called in' by Councillor Annette Evans for the following reasons:
  - Existing over-development of the site.38 approved units on site;
  - CCW NP only 32 should be supported (density);
  - Harestone Drive is a small private road;
  - Any increase in traffic likely to cause problems due to excessive speed of traffic; and
  - Outstanding enforcement issues regarding 2014/384 and 2018/1580.
2. These applications each for 2 houses are almost identical, except that under except that under application 2022/295, Plot 2 would have an additional Bay Window (incorporating French Doors) on the ground floor side elevation, which is omitted from application 2022/98.
3. These applications were separately reported to the Planning Committee on 7<sup>th</sup> July, 2022, and copies of these reports and the recommendations of permission with draft planning conditions are attached as Appendices A and B. Committee Members resolved to defer consideration pending them receiving the Marie Curie Urban Design Statement Concept Statement Supplementary Planning Document (SPD) and to a site visit. The SPD was circulated to Members of the Committee immediately following the Committee meeting.

4. The site visit was held during the morning of 18<sup>th</sup> July, 2022, when Members were afforded full access to the application site through the adjoining, and as yet incomplete, residential development sites with the co-operation of the developer.
5. Those Members present at the site visit were Cllr Blackwell and Cllr Colin White as Chair and Vice-Chair of the Planning Committee, respectively, and Councillors Black, Chothai, Gray, Farr, Lockwood, Moore and Steeds. The Interim Chief Planning Officer, Cliff Thurlow, and Principal Planning Officer Sean Scott were in attendance. The site visit commenced at 10am and ended at approximately 11.15am.
6. Members were able to access the application site and consider the relationship of the proposed development to immediately adjoining housing on Harestone Valley Road and Loxford Close. They were also able to see how proximate to the proposed development were trees along the western and southern site boundaries and to assess the impact of the proposed development on these trees. The changes in levels between the grounds of the Woodland Court residential block to the north and the current residential development site to the east were also noted as was the scale and massing of the houses being constructed on that adjoining land. Members were also afforded access to the grounds of the adjoining residential block, Woodland Court, which gave them an opportunity to view the planning application site from there and to assess the extensiveness of the private amenity space currently available to the residents of Woodland Court.
7. In discussion at the end of the site meeting, Members asked that planning officers clarify for them at the Planning Committee that would consider these applications again, whether the application sites (TA/2022/98 & 295) formed part of a proposed landscaped area to be retained adjoining Woodland Court, and whether the area had been proposed as a memorial garden for the deceased patients of the former Marie Curie hospice that had occupied the Woodland Court site.
8. Officers also stated that, having now assessed the development occurring on the former Marie Curie hospice site overall, they would consider what grounds of refusal might be substantiated on planning grounds in the event that Members of the Planning Committee considered, based on what they had seen during their site visit and any further information that would be presented to them in this report that, on balance, these applications were unacceptable and should not be granted planning permission.

#### **Further Officer Assessment**

9. Officers have undertaken a further assessment of these applications taking into account the planning history of the site and material planning considerations.
10. A material planning consideration is the Marie Curie Urban Design Concept Statement Supplementary Planning Document (UDCS) adopted by this Council following public consultation in March 2010. This was clearly intended to lead the planning process of comprehensively redeveloping the site. The UDCS envisaged the replacement of the former hospice building on the site by an apartment block and other residential development. The UDCS took a holistic approach to the development of the site, that is new development and continued use of existing development (office and other buildings) and the retention and maintenance of most open areas of the site and the substantial stands of trees around the site boundary. Members can choose how much weight to afford the UDCS in the determination of this planning application having regard to other considerations set out below.

11. Woodland Court, which has already been completed, and the houses currently under construction fronting Harestone Drive and another detached dwelling (not implemented) are the extent of redevelopment of the site envisaged under planning permission TA/2014/384. The Design and Access Statement for that application states at paragraph 6.29 that:

*“...the Proposed Development would retain the present open nature of the site, respect the existing grain of development including terracing and would retain the green setting of the site area... in accordance with the key parameters guiding the redevelopment of the site as set out in the UDCS.”*

This statement reflects the fact that the intention with this 2014 application was that majority of the open land south of Woodland Court, including the application site, was to be retained as green open space.

12. Planning application TA/2014/384 was not for an assisted living home for people with disabilities, which appears to be its current use (which could come in Use Class C3). The description of development included a block of 24 apartments (Use Class C2). The parking provision for these 24 apartments was stated to be 36 spaces. Only 26 parking spaces associated with the apartment block were found to have been provided during Member's site visit. Furthermore, from drawings with planning applications TA/2022/98 and 295, it would appear that the area south east of the apartment block no longer appear accessible from the main site access road. The additional parking spaces that should have been provided to the south east of the apartment block building have not been provided.

13. A planning application (TA/2020/511) for the seven houses currently being constructed on the wider south east part of the former Marie Curie site was originally refused by the Council on grounds that:

*“Due to the quantum and spread of built form across the site the proposal would result in a cramped and incongruous development that would fail to reinforce and respect the existing development pattern of the surrounding area, including the Harestone Valley Area of Special Residential Character. As such the proposal is contrary to Policy CSP18 of the Tandridge District Core Strategy 2008, Policies DP7 and DP8 of the Tandridge District Local Plan: Part 2 - Detailed Policies (2014), the National Planning Policy Framework 2019 and the Harestone Valley Design Guidance (2011).”*

This decision was appealed and the appeal allowed. The inspector determining the appeal seems to have paid little regard to the UDCS. Members were able to assess the scale and massing of this housing development and its impact on the character of the overall former Marie Curie site during their site visit.

14. A previous 2018 retrospective planning application (TA/2018/1580) sought to regularise a retaining wall and fence, and included the laurel hedge also seen on the site visit, was refused. The fence and retaining wall now divide the application site from the Woodland Court site. What these unauthorised works were considered to have done was to subdivide and diminish the open nature of the overall Marie Curie site even before the appeal decision on application TA/2020/511. The grounds of refusal of the application included that the development:

- i) detrimentally affects the visual amenity of a community resource and results in a loss of openness of this part of the Marie Curie Hospice site contrary to the UDCS;
- ii) compromises pedestrian access to this area undermining its use as a community resource and open space contrary to the UDCS; and

- iii) compromises the provision of adequate parking for the development the subject of permission TA/2014/384 (the apartment block) with potential to cause on-street parking on Harestone Drive.

No appeal against this decision was lodged.

- 15. Against this background of a material consideration (the UDCS) and the planning history of the site to date, as well as planning policies set out in the reports at Appendices A and B, Members may want to consider two options. Option 1 is whether the provisions of the UDCS as a material consideration that sought to maintain substantial areas of open space and tree cover on the application site have already been irreparably compromised such that the current applications should be permitted because further development will not cause any significant additional planning harm. By planning harm is meant harm to the interest of the existing and future occupiers of the site and the character of the area generally Option 2 is whether the diminished area of open land on the site should nevertheless be retained in the interest of the existing and future occupiers of the site and the character of the area generally.
- 16. Turning to the additional clarification sought by Members at the site meeting, officers have not found any reference, to date, in the documents and applications referred to above to the current application site being part of a memorial garden for the former Marie Curie Hospice.

#### **Other Matters**

- 17. During the debate on these applications at the 7<sup>th</sup> July, Planning Committee, Members queried the absence of a surface water drainage condition in the planning conditions forming part of officers' recommendation contained in Appendices A and B. It is understood that surface water run-off from the apartment block and current residential development on the wider Marie Curie site drains to holding tanks which attenuate its discharge from site to prevent flooding problems along Harestone Valley Road and in Caterham town centre. Appropriate surface water drainage conditions to be attached to both applications should Members determine to grant planning permission would be:
  - 1) *Prior to commencement of the development hereby approved details of the design of a surface water drainage scheme shall 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) *Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 2 IIS. Page 31*
    - b) *Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).*
    - c) *Details of drainage management responsibilities and maintenance regimes for the drainage system.*
    - d) *Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.*

*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.*

- 2) *Prior to the first occupation of the development hereby approved, 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 constructed to the National Non-Statutory Technical Standards for SuDS.*

**Determination of these Applications:**

**Members instructions are requested whether:**

- i) Planning permission should be granted in accordance with the officer recommendations on planning applications TA/2022/98 and 295 as set out in Appendices A and B attached, together with the additional surface water drainage conditions set out in paragraph 17 above; or
- ii) Planning permission should be refused on grounds which might include the following:
1. The development will result in the loss of open land that makes an important contribution to the special landscape and residential character of this part of the Harestone Valley as identified in the adopted Marie Curie Urban Design Concept Statement Supplementary Planning Document 2010 (SPG). Furthermore, the site has the potential to provide an open space and community resource to existing and future residents of the site. As such the development would be contrary to Core Strategy Policies CSP13 and 18, Tandridge Local Plan Part 2: Detailed Policy DP7(9 and 10), Policy CCW1 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan as well as the SPG; and
  2. The proposed development of the application site makes no provision for, and thereby compromises, the full and satisfactory implementation of the wider development of the former Marie Curie hospice site the subject of planning permission TA/2014/384 because it does not assist in securing the provision of adequate car parking for that development. This will result in sub-standard provision of car parking for the Woodland Court residential development contrary to the Tandridge Car Parking Standards Supplementary Planning Document (September 2012) and is likely to lead to on-street parking along Harestone Drive which is the narrow, sole vehicular and pedestrian access to the application site and adjoining and nearby residential development, with consequent inconvenience and potential danger to other highway users.