

## ITEM

**Application:** 2022/1614

**Location:** Former Green Hedges, Westerham Road, Limpsfield, RH8 0EE

**Proposal:** Variation of Condition 3 Variation of condition 3 (Approved Drawings) of planning permission ref: 2020/2170 (Demolition of existing building and erection of a two and a half storey building containing 12no 2 bed flats and 1no 1 bed flat, including associated parking and external works) to seek reduction from 13no. to 11no. units and to make the following amendments – front elevation - Flat 6, 8 9 and 10 bay windows changed to balconies; flat 9 alteration to internal configuration and addition of 2 rooflights. Rear elevation- addition of double dormer window at second floor, flat 11 addition of enclosed balcony.

**Ward:** Limpsfield

*Constraints – AWOOD, D, B and A Roads, Urban, Ground Water Protection Zone 3, Biggin Hill Height Zone*

1. This application is reported to Committee as it has been ‘called-in’ by Councillor Booth.

**RECOMMENDATION:** Grant Planning Permission

### Summary

2. This is an application under Section 73 (s73) of the Town and Country Planning Act 1990 to vary condition 3 of the approved planning application (2020/2170) to allow for the following amendments – front elevation (facing A25) to change bay windows in flats 6, 8, 9 and 10 to balconies. On the rear elevation it proposes a double dormer window at second floor and flat 11 to have an enclosed balcony and the addition of 2 rooflights. The works would include internal alterations which have reduced the number of units from 13 to 11.
3. Internally there would be the repositioning of internal walls and changes to the positions of kitchen and dining areas to flats in conjunction with the external alteration to the windows to balconies and insertion of roof lights. However, it is considered that the changes to the approved plans would not result in any undue harm to neighbouring amenities nor would it detrimentally harm the character and appearance of the site and no other harm is identified.
4. Consequently, planning permission is recommended

### Site Description

5. The application site is located on the north side of the A25 Westerham Road and is situated between detached two storey dwellings in generous plots. Originally the site comprised a detached dwelling set in a large plot. This section of Westerham Road has a verdant appearance where the loosely spaced buildings are dominated by landscaping. To the west of the site is a planned cul-de-sac (Padbrook) of mostly detached buildings which occupy smaller plots.

6. On each side of the road there is a cycle lane, although this is not physically separate from the main highway, and a public pavement on the north side, with grass verges on the south side. Opposite the site is a vehicular access that serves Court Langley.
7. Planning permission was granted on 17th March 2021 under 2020/2170 for two and a half storey building containing 12no 2 bed flats and 1no 1 bed flat, including associated parking and external works.
8. The construction of the building is largely completed, and the current site is bounded by gates hoarding and panelled wire fence on all aspects.

### **Relevant History**

9. 2021/2120/Cond2 - Details pursuant to the discharge of condition 3 (Carbon Emissions) of planning permission ref: 2021/2120 dated 1st June 2022 (Variation of condition Variation of condition 3 (Approved Drawings) of planning permission ref: 2020/2170 (Demolition of existing building and erection of a two and a half storey building containing 12no 2 bed flats and 1no 1 bed flat, including associated parking and external works) to seek reduction from 13no. to 11no. units.). Approved.15.07.22
10. 2021/2120/Cond1 - Details pursuant to the discharge of condition 12 (Improvement Scheme) and condition 13 (Surface Water Drainage Scheme) of planning permission ref:2021/2120 dated 1st June 2022 Variation of condition Variation of condition 3 (Approved Drawings) of planning permission ref: 2020/2170 (Demolition of existing building and erection of a two and a half storey building containing 12no 2 bed flats and 1no 1 bed flat, including associated parking and external works) to seek reduction from 13no. to 11no. units. (Amended Description and application number) under consideration
11. 2020/2170/cond2 - Details pursuant to the discharge of condition 4 (Materials) of planning permission ref: 2020/2170 dated 17 March 2021 (Demolition of existing building and erection of a two and a half storey building containing 12no 2 bed flats and 1no 1 bed flat, including associated parking and external works.).under consideration
12. 2021/2120/Cond3 - Discharge of condition 4 (Hard and Soft Landscaping) attached to pp 2021/2120 dated 1 June 2022 for "Variation of condition 3 (Approved Drawings) of planning permission ref: 2020/2170 (Demolition of existing building and erection of a two and a half storey building containing 12no 2 bed flats and 1no 1 bed flat, including associated parking and external works) to seek reduction from 13no. to 11no. units." Under consideration
13. 2021/2120/NMA1 - Ground floor door/window changes, porch, roof window changes, reposition of bin store and cycle store. Approved. 18.11.22
14. 2021/2020 - Variation of condition 3 (approved Drawings) of planning permission ref: 2020/2170 (Demolition of existing building and erection of a of a two and a half storey building containing 12no 2 bed flats and 1no 1 bed flat, including associated parking and external works) to seek reduction from 13no. to 11no. units (Major application – revised determination timeframe). Granted 01.06.22
15. 2020/2170/Cond1 - Details pursuant to the discharge of Condition 12 (Construction Transport Management Plan) of planning permission ref: 2020/2170 dated 22/03/2021 (Demolition of existing building and erection of a

two and a half storey building containing 12no 2 bed flats and 1no 1 bed flat, including associated parking and external works). Approval of conditions 05.05.22

16. 2020/2170 - Demolition of existing building and erection of a two and a half storey building containing 12no 2 bed flats and 1no 1 bed flat, including associated parking and external works. Granted 17.03.21 subject to condition (15) requiring improvement to highway under S278.
17. 2020/741 - Demolition of existing building. Erection of two and a half storey building containing 12 No. 2 bed flats and 1 No. 1 bed flats including associated parking and external works. Refused
18. 2016/1639 - Demolition of existing dwelling. Erection 14 sheltered accommodation units and associated external works. Details of access, appearance, layout and scale. (Outline) (revised plans) – Refused and allowed at Appeal.

### **Proposal and Key Issues**

19. Variation of Condition 3 Variation of condition 3 (Approved Drawings) of planning permission ref: 2020/2170 (Demolition of existing building and erection of a two and a half storey building containing 12no 2 bed flats and 1no 1 bed flat, including associated parking and external works) to seek reduction from 13no. to 11no. units and to make the following amendments – front elevation - Flat 6, 8 9 and 10 bay windows changed to balconies; flat 9 alteration to internal configuration and addition of 2 rooflights. Rear elevation- addition of double dormer window at second floor, flat 11 addition of enclosed balcony.
20. Given that the principal of the development has been accepted with the extant permission, the issues concerning the housing density, mix and affordability proposed and impacts on infrastructure, the character and appearance of the area (including arboricultural impacts), amenities of neighbouring properties (including noise emissions and the amenities of future occupiers), transport issues and highway safety (including parking, cycle and refuse/recycling storage provision), sustainable drainage, biodiversity, groundwater and renewable energy provision have already been assessed.
21. No changes are sought to the principal of the development in regard to parking/highways, cycle, refuse, trees, drainage, noise, renewable energy, and no changes are sought to the location.
22. Therefore, this report considers the changes now sought;
  - Reduction to unit numbers from 13 to 11 flats;
  - changes proposed to the front elevation: Flat 6, 8 9 and 10 bay windows changed to balconies;
  - Flat 9 alteration to internal configuration and addition of 2 rooflights; and
  - changes to the rear elevation: addition of double dormer window at second floor, flat 11 addition of enclosed balcony.
23. As such, the key issue is whether the proposed works will have a negative impact on neighbouring properties, the amenities for the future occupiers of the 11 flats now sought and the character and appearance of the surrounding area.

## **Development Plan Policy**

- Tandridge District Core Strategy 2008 – Policies CSP 1, CSP 2, CSP 3, CSP 4, CSP 7, CSP 11, CSP 12, CSP 13, CSP 14, CSP 15, CSP 17, CSP 18, CSP 19.
- Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP8, DP9, DP19, DP21, DP22.
- Woldingham Neighbourhood Plan 2016 (not applicable)
- Limpsfield Neighbourhood Plan (2019) Policies LNP1, LNP2, LNP3, LNP8, LNP13.
- Caterham, Chaldon and Whyteleafe Neighbourhood Plan 2021 (not applicable)
- Emerging Tandridge Local Plan 2033 – Emerging Tandridge Local Plan 2033 - Policies TLP01, TLP02, TLP04, TLP05, TLP06, TLP10, TLP11, TLP12, TLP17, TLP18, TLP19, TLP35, TLP37, TLP38, TLP45, TLP46, TLP47, TLP48, TLP49, TLP50, TLP01 and TLP18.

## **National Advice**

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)
- Technical housing standards – nationally described space standard (March 2015)

## **Statutory Consultation Responses**

24. County Highway Authority (CHA) – Previous comments on variation to plans the CHA have undertaken assessment in regard of the likely net additional traffic generation, access arrangements and parking + satisfied that the proposal would not have material impact on the safety and operation of the public highway. As such the CHA have no highway requirements.
25. Limpsfield Parish Council – Objects to this application. On review of the above variation(s) Limpsfield Parish Council objects to the additional balconies proposed particularly on the north-facing aspect due to the elevated location of the site and its adverse effect on privacy on surrounding dwellings. Please refer to LNP3 of the Limpsfield Neighbourhood Plan.
26. Lead Local Flood Authority – previous comments on variation to plans - given no change to drainage or surface water no further comments.
27. Environment Agency – previous comments on variation to plans -application relates to conditions that were not requested by us therefore no comments.

**TDC advice – N/A**

## 28. Third Party Comments:

### *Character and appearance*

- Building dominates Padbrook creating visual intrusion
- Outrageous and overbearing monstrosity
- Out of character – building does not fit in. Balconies considered to be poor design.
- Scale of building has surpassed worst fears.
- Balconies more intrusive given that the site is at top of slope, enclosed nature of the balcony will do little to reduce impact
- Balconies have been used for storing bikes, washing etc.
- Building is crammed into the corner of the site directly behind our garden meaning balconies are ridiculously close as well as ugly features that stick out of the building.

### *Amenity and privacy*

- Loss of privacy - future residents would be able to look into our gardens and in some cases our rooms. Loss of privacy to 42 and 41 Padbrook.
- Please refer to Article 8 of Human Rights Act on Privacy Law before passing such a late change to the plan.
- Loss of privacy to Spinney Green as land next to us is higher and it is so close to our boundary.
- Development will have negative impact on amenity of other property due to noise, overlooking overshadowing smells light pollution loss of daylight, vibration and late night activities.
- Breach of privacy to Court Langley – any balcony would look directly into lit room of our property. Although bay windows allow for casual viewing an open balcony can view into our rooms.
- Refer to article 8 of Human Rights Act on Privacy law which clearly lays out the acceptable parameters for residential privacy.
- Please refer to the recent (Feb 2023) Supreme Court ruling at The Tate where a balcony was ruled to have violated privacy and nuisance laws of local residents

### *Parking*

- Concerned re future parking issues.

### *Trees*

- Concern re removal of trees on the shared boundary Spinney Green and Green Hedges site, some were cut down halfway along our side of the building these must be replaced together with trees up to the A25. *Officer response – the Principal Tree Officer and Senior Enforcement Officer have visited the site and met with David Archer the Arboriculture Officer for the developer. It has been agreed for replacement planting to take place once the scheme has been completed.*

### *Other matters*

- Problem re the chimney/flue close to main bedroom

- Reference to previous Inspector's report that the 'taller and bulkier elements would be further away' not true.
- Surely the Council should be monitoring the site - scandalous that building is continuing despite decision not issued.
- How do I appeal against unsanctioned balconies?
- Devaluation of property + compensation.
- No criticism of Council planning officer however criticism of Aspire as submission has been misleading- drawing suggests building would be masked by trees and the 3 storeys described as two and a half.
- Would like to add future restrictions to future alterations – no further windows to be added to the rear and side facing Padbrook and hedge row adjoining 42 Padbrook property to be retained.
- Tandridge citizens rely on the Council to protect us from excesses of these companies. Planning process has been manipulated.

*Officer response - the proposal is for a variation to the approved plans pertaining to the original planning consent. This was for 13 flats. The flat numbers have been reduced to 11 and previous changes to openings and internal alterations approved, also minor changes approved under non-material amendments to the scheme as is permitted under Planning Legislation. There is no right of Appeal for neighbours. The matter regarding values of property are not planning considerations. As regards monitoring the site, the Council's Enforcement Officer has been monitoring the site together with the Case Officer and Tree Officer. Turning to future restrictions on development, flats do not benefit from permitted development rights. Should planning consent be gained for the above detailed changes to this major application it would be subject to a fresh permission and conditions.*

## **Assessment**

### Procedural note

29. The Tandridge District Core Strategy and Detailed Local Plan Policies predate the NPPF as published in 2021. However, paragraph 219 of the NPPF (Annex 1) sets out that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework document. Instead, due weight should be given to them in accordance to the degree of consistency with the current Framework.

### Location of Development

30. The site is within a category 1 settlement in the urban area of Limpsfield. Inter alia Policy CSP1 states 'within the built up areas it will be important to ensure that new development is of a high standard of design and that the character of the areas is protected'.

### 31. Proposal and Background

32. Planning permission was granted on 17th March 2021 under TA/2020/2170 for the Demolition of existing building and erection of a two and a half storey building containing 12no 2 bed flats and 1no 1 bed flat, including associated parking and external works.

33. The application seeks to vary condition 3 of 2020/2170 to allow for the reduction in the units from 13 flats to 11 and to make the following amendments – front elevation - Flat 6, 8 9 and 10 bay windows changed to balconies; flat 9 alteration to internal configuration and addition of 2 rooflights. Rear elevation- addition of double dormer window at second floor, flat 11 addition of enclosed balcony.
34. Since the 2020 planning permission was granted there have not been any changes in the site circumstances or in the Development Plan, which has been updated to when the application was originally considered, would conclude differently in respect of the principle of development and matters not altered under this application. Consequently, no objection is raised in those regards, however, conditions applied under application TA/2020/2170 would be applied to this application if acceptable.
35. Character and Appearance
36. Policy CSP18 of the Core Strategy 2008 requires new development to 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. Policy DP7 of the Local Plan 2014 provides the Council's general policy for new development and requires proposals to respect and contribute to distinctiveness of the area in which it is located and to have a complementary building design and materials. Inter alia Limpsfield NDP Policy LNP3 which considers High Quality Design in the Built-Up Area of Limpsfield advises 'the scale, height and form should result in the development fitting unobtrusively with ..the character of the street scene', it goes on to state that 'materials should be compatible with those used in the immediate area'
37. As is noted previously the principle of the development has been accepted with the granting of permission previously. The subject proposal is for revisions to the approved plans and would include the reduction from 13no. to 11no. units and to make the following amendments – front elevation - Flat 6, 8 9 and 10 bay windows changed to balconies; flat 9 alteration to internal configuration and addition of 2 rooflights. Rear elevation- addition of double dormer window at second floor, flat 11 addition of enclosed balcony.
38. In November 2022, alterations to the ground floor doors and windows plus the porch and roof window changes were accepted as non-material amendments to the approved scheme.

39. The proposed changes as currently sought are listed below:

*First Floor*

- Flat 6 – alteration of bay window to balcony to front.
- Flat 8 – internal alteration to layout repositioning of bathroom and en-suite bathroom to bedroom, alteration of bay window to balcony to front.

*Second Floor*

- Flat 9 (previously 11) – alteration to layout repositioning kitchen, and bedroom 2, alteration of bay window to balcony at front.
- Flat 10 (previously 9) – bedroom 1 - alteration of bay window to balcony at front.

- Flat 11 (previously 10) alteration of rear window to enclosed balcony to dining room, addition of two roof lights over.
40. The area is residential with two storey detached properties of varying designs and form. The proposal does not seek to increase the height or volume of the permitted structure and, given that the extant permission is in place, the principle of development has been accepted.
  41. Comments have been received regarding the unsightly nature of the balconies and the bulk of the building being a full three storeys, resulting in a prominent impact on the street scene and with the balconies appearing out of place. Further concerns include the use of the balconies for washing, storage of bikes and other similar uses.
  42. However, Officers consider that the amendments sought, to the frontage which include small balconies utilising existing openings at first floor and the alteration of a single window to a double dormer window to serve two bedrooms plus an enclosed balcony and rooflights over would not result in a level of harm to the character of the area and would therefore accord with the Local Development Plan Policies as detailed above. The external materials and general design would be as permitted.
  43. For the above reasons the proposal would not have significant impacts in terms of character and appearance and would therefore comply with the provisions of Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies and Policy CSP18 of the Core Strategy and the Limpsfield NDP Policy LNP3.
  44. Residential Amenity and amenity of occupiers of the 11 flats
  45. 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 adverse effect. Criteria 6-9 of Policy DP7 of the Local Plan Part 2: Detailed Policies seek also to safeguard amenity, including minimum privacy distances that will be applied to new development proposals, which states 'the proposal does not significantly harm the amenity of neighbouring properties by reason of pollution (noise air or light) traffic or other general disturbance', in regard to distances it goes on to state that 'In most circumstances where habitable rooms of properties would be in direct alignment a minimum privacy distance of 22m will be required'..further that 'a minimum distance of 14 metres will be required between principal windows of existing dwellings and the walls of new buildings without windows'. Likewise the Limpsfield NDP Policy LNP3 criterion 6 advises 'the privacy, daylight or sunlight enjoyed by adjoining residents should not be significantly adversely affected by the proposed development'.
  46. In the previous Officer report, the Case Officer states that 'due to the location and orientation of the proposed units that the minimum privacy distance with the rear elevations of the properties in Padbrook would be achieved.' The report further states that 'there is already an element of mutual overlooking between these properties and this development would not detrimentally add to the situation', concluding 'as a result of the overall height and distance of separation with the rear elevations of surrounding residences the proposal would not be considered to result in an unacceptable overbearing impact or significant overshadowing of the rear elevations or gardens of these dwellings.'



47. With the subject proposal four modest balconies would be created on the front/south elevation facing towards the A25. Given the significant separation distance from the site frontage to neighbouring properties to the south it is not considered that significant harm would be caused to these properties. In regard to neighbours to the rear at Padbrook, the balcony as proposed is a covered/enclosed balcony serving a dining room to flat 11, as was noted at the site visit given that it is enclosed and covered views from this balcony would be distant views of properties in Detillens lane. However, given that the site is in the built up area, as the original case officer noted 'there is a degree of mutual surveillance'. It is not considered that the enclosed balcony would result in a significant adverse impact on neighbouring amenity or privacy as to warrant a reason for refusal. Similarly, regarding the double dormer window this would afford light and air to the two second floor bedrooms and as with the balcony this would not result in a significantly harmful impact on the privacy and amenity enjoyed by adjoining neighbours.
48. Policy DP7 of the Local Plan 2014 also requires that new development provides a satisfactory environment for the occupants of new development.
49. Turning to the amenity for future occupiers, as was noted in the previous officer report 'the proposal does not include private outdoor spaces for each flat. However, the development as a whole benefits from a large rear communal garden, which is considered to be of a suitable quality and privacy, 'this it was asserted, 'would be adequately sized and would have sufficient access to light. Furthermore, it is noted that the site is within a short walk (approximately 4 minutes) of open space. Given these factors, it is considered that the absence of private amenity space for each flat is acceptable in this instance.'
50. With the current scheme the number of units on the site is being reduced; as such the size and layout for several flats has been enlarged, thus improving the internal space and use of light to rooms. The additional balconies would improve the amenity for the future occupants in creating a semi-open space, the design of flats has altered since the Pandemic when it was realised city and town flats had little if any amenity space, thereby the improvements to these spaces would be highly beneficial to future occupiers. Thus, it is considered that the changes would benefit future occupiers and as the room sizes were previously deemed acceptable the proposed changes are also considered to be satisfactory.
51. For the reasons outlined, the proposal is considered acceptable in terms of the potential impact upon the residential amenities and privacy of existing properties and amenity of future therefore no objection is raised in this regard against Policy DP7 of the Local Plan (2014) and Policy CSP18 of the Core Strategy (2008).

#### Conditions

52. It is noted that the 2020/2170 permission was granted subject to 4 pre-commencement conditions – condition 2 (approval of the landscaping), condition 7 (the tree protection measures to have been implemented) 12 (construction transport management plan), condition 16 (surface water drainage scheme).
53. Condition 2 (landscaping) has been submitted and is under consideration, condition 12 (construction transport management plan) and condition 16 (surface water drainage scheme) have been submitted and are under consideration. The other pre-commencement condition condition 7 (tree protection) is remaining. Condition 4 (materials) has also been submitted.

## Conclusion

54. The proposed variation to the plans condition (3) of planning permission ref: 2020/2170 (Demolition of existing building and erection of a two and a half storey building containing 12no 2 bed flats and 1no 1 bed flat, including associated parking and external works) to seek reduction from 13no. to 11no. units and to make the following amendments – front elevation - Flat 6, 8 9 and 10 bay windows changed to balconies; flat 9 alteration to internal configuration and addition of 2 rooflights. Rear elevation- addition of double dormer window at second floor, flat 11 addition of enclosed balcony is considered acceptable and considered not to result in significant harm to neighbouring amenity and would provide suitable amenity for future occupiers and not harm the character and appearance of the site. As such, it is recommended that permission is granted.
55. 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 and 219 of the NPPF. Due regard as a material consideration has been given to the NPPF and PPG in reaching this recommendation.
56. All other material considerations, including third party comments, have been considered but none are considered sufficient to change the recommendation.

## Other Matters

57. There is a requirement for the Council to show that it has complied with the statutory duty under Section 149 of the Equality Act 2010 to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

## **RECOMMENDATION:**

## **PERMIT**

1. This decision refers to the amended plans – 21.011-16D and 21.011-15D and block plan 21.011-17A received 9<sup>th</sup> February 2023 and the red edged site location plan received 30<sup>th</sup> January 2023. 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. No works above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Reason: To enable the Local Planning Authority to exercise control over the type and colour of materials, so as to enhance 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.

3. No works above ground level shall commence until details demonstrating how the development would satisfy the 20% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the Local Planning Authority. The renewable energy provision shall thereafter be implemented and retained in accordance with the approved details.

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

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

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

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

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

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

5. **No development shall commence** until the tree protection measures detailed within the approved Tree Protection Plan (TPP05 dated Oct 2020) and

Arboricultural Method Statement have been implemented. Thereafter these measures shall be retained and any specified arboricultural supervision or staging of works strictly adhered to throughout the course of development, and shall not be varied without the written agreement of the Local Planning Authority.

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

- (a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.
- (b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees.
- (c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.

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

6. No [further] trees or hedges shall be pruned, felled or uprooted during site preparation, construction and landscaping works [except as shown on the documents and plans hereby approved] without the prior written consent of the Local Planning Authority. Any retained trees or hedges which within a period of 5 years from the completion of the development die are removed, or, in the opinion of the Local Planning Authority, are dying, becoming diseased or damaged shall be replaced by plants of such size and species as may be agreed in writing with the Local Planning Authority.

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

7. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Westerham Road (A25) has been constructed and provided with visibility zones in accordance with the approved plans and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.

Reason: To ensure that the development shall not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2019, policy CSP12 of the Core Strategy DPDS (2008) and policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).

8. The development hereby approved shall not be first occupied unless and until the existing access from the site to Westerham Road has been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason: To ensure that the development shall not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2019, policy CSP12 of the Core Strategy DPDS (2008) and policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).

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

Reason: To ensure that the development shall not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019, policy CSP12 of the Core Strategy DPDS (2008) and policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).

10. The development hereby approved shall not be first occupied unless and until the secure parking of a minimum of 13 bicycles within the development site has been provided in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development offers an array of sustainable transport options, in accordance with Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019, policy CSP12 of the Core Strategy DPDS (2008) and policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).

11. The development hereby approved shall not be first occupied unless and until at least 3 of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) and a further 3 spaces to be provided with power supply to provide additional fast charge sockets for future provision in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development offers an array of sustainable transport options, in accordance with Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019, policy CSP12 of the Core Strategy DPDS (2008) and policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).

12. Prior to the first occupation of the development hereby approved a scheme for the improvement of nearby bus stops within 120 m of the site shall be implemented in accordance with details to be submitted and approved by the Local Planning Authority.

Reason: To ensure that the development shall not prejudice highway safety nor cause inconvenience to other highway users, in accordance with Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2019, policy CSP12 of the Core Strategy DPDS (2008) and policies DP5 and DP7 of the TLP Part 2: Detailed Policies (2014).

13. **Within three months of this permission** details of the design of a surface water drainage scheme shall be submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

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

If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum Greenfield discharge rate, to be agreed by SCC as LLFA.

- c) 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.).
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) 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 in accordance with paragraph 170 of the NPPF and policy DP21 of the TLP Part 2: Detailed Policies (2014).

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. This must demonstrate that the 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).

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS in accordance with paragraph 170 of the NPPF and policy DP21 of the TLP Part 2: Detailed Policies (2014).

15. The development hereby approved shall be implemented in accordance with the recommendations set out within the "Assessment of Façade Sound Insulation at Green Hedge, Westerham Road, Oxted" (Dated November 2016), including the use of a suitable mechanical ventilation system to allow adequate summer ventilation without the need to open windows.

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.

16. Prior to the first occupation of the development refuse and recycling storage facilities shall be installed in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The refuse/recycling storage facilities as detailed shall be permanently retained for its approved use and no alternative.

Reason: To protect the amenities of the future occupiers and the occupiers of adjoining properties in accordance with Policy CSP 18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan: Part 2 – Detailed Policies 2014 and to ensure that the development shall not prejudice highway safety nor cause inconvenience to other highway users in accordance with Section 9 “Promoting Sustainable Transport” in the National Planning Policy Framework 2019, Policy CSP 12 of the Tandridge District Core Strategy 2008 and Policies DP5 and DP7 of the Tandridge Local Plan: Part 2 Detailed Policies 2014.

17. The development hereby permitted shall be carried out in accordance with the recommendations, enhancements and mitigation measures set out in section 5 of the “Preliminary Ecology Appraisal” (dated November 2020).

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.

18. The roof areas of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

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.

### Informatives

1. Condition 2 refers to the drawings hereby approved. Non-material amendments can be made under the provisions of Section 96A of the Town and Country Planning Act 1990 and you should contact the case officer to discuss whether a proposed amendment is likely to be non-material. Minor material amendments will require an application to vary condition 2 of this permission. Such an application would be made under the provisions of Section 73 of the Town and Country Planning Act 1990. Major material amendments will require a new planning application. You should discuss whether your material amendment is minor or major with the case officer. Fees may be payable for non-material and material amendment requests. Details of the current fee can be found on the Council’s web site.
2. The development permitted is subject to a Community Infrastructure Levy (CIL) liability for which a Liability Notice will be issued. It is important that you ensure that the requirements of the CIL Regulations are met to ensure that you avoid any unnecessary surcharges and that any relevant relief or exemption is applied.
3. Where details of materials are required please provide these via a link to a website or in another electronic format. Please make sure if providing a link that it is clear which material(s) is/are being proposed for use. Samples should not be provided unless specifically requested by the case officer.
4. The permission hereby granted shall not be construed as authority to carry out any works (including Stats connections/diversions required by the development

itself or the associated highway 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 a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works (including Stats connections/diversions required by the development itself or the associated highway works) on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see [www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice](http://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice).

5. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.
6. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
7. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

Installation must be carried out in accordance with the IET Code of Practice for Electric Vehicle Charging Equipment: <https://www.theiet.org/resources/standards/cop-electric.cfm>.

8. A pedestrian inter-visibility splay of 2m by 2m shall be provided on each side of the access, the depth measured from the back of the footway and the widths outwards from the edges of the access. No fence, wall or other obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.
9. The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority Local Highways Service.
10. 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.



If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

If there are any further queries please contact the Flood Risk Asset, Planning, and Programming team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use our reference number in any future correspondence.

The development has been assessed against Tandridge District Core Strategy 2008 – Policies CSP 1, CSP 2, CSP 3, CSP 4, CSP 7, CSP 11, CSP 12, CSP 13, CSP 14, CSP 15, CSP 17, CSP 18, CSP 19. Tandridge Local Plan: Part 2 – Detailed Policies 2014 – Policies DP1, DP5, DP7, DP8, DP9, DP19, DP21, 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.

The Local Planning Authority has acted in a positive and creative way in determining this application, as required by the NPPF (2021), and has assessed the proposal against all material considerations including the presumption in favour of sustainable development and that which improves the economic, social and environmental conditions of the area, planning policies and guidance and representations received.