

**Land off Salmons Lane West to the south of Kenley
Aerodrome, Kenley**

Outline Planning Application – Planning Statement

July 2023

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Executive Summary

Daniel Watney LLP has been instructed by Croydon and District Education Trust, as owners of the site, to submit an outline planning application with all matters reserved except for access, for the residential development of the land off Salmons Lane West, to the south of Kenley Aerodrome, also known as Kenley Campus.

The site was historically part of the former Kenley Aerodrome otherwise known as the former Royal Air Force Station Kenley. The site has a draft allocation in the draft Tandridge District Council Local Plan, 2019. Draft site allocation 'HSG06' identifies the site as suitable for residential development with an estimated yield of 75 units. The allocation requires:

- The provision of 40% affordable housing.
- Development that will conserve and enhance the conservation area and the setting of nearby heritage assets, including the listed building and Scheduled Monument and will be considered in accordance with the Kenley Aerodrome Conservation Area Proposals Statement.
- Development in keeping with the heritage value of the site and the principles of the Conservation Area, and the scheme should focus development primarily to the northern area of the site and a sympathetic design, scale and layout must be demonstrated in any application.
- Retention and mitigation measures relating to protected significant trees, utilising trees as a feature of the development, where possible and maintaining the visual connection between the NAAFI listed building/school and the Kenley Airfield.
- The creation and preservation of clear and defensible boundaries between the edge of the site and the Green Belt to which it is adjacent.
- A response to the medium risk of surface water flooding and the site's location within a Groundwater Source Protection Zone 2 and 3, and 'Major Aquifer High' Groundwater Vulnerability Zone.
- Financial contributions to the relevant infrastructure set out in the draft allocation.

The proposed development will deliver 87 units, being the optimal number of homes that can be delivered on the site. 34 of those units will be delivered as affordable housing. The scheme will conserve the heritage assets as set out in the accompanying Heritage Statement. The proposals make optimal use of the site identified in the draft allocation with denser development located to the north of the site.

The scale of the proposed development achieves a balance of making the best use of the site and delivering development of an appropriate scale and design. The density of the proposed development is 20 dwellings per hectare which is at the lower scale of acceptable residential density levels. The submitted Urban Grain and Density Parameter Plan (drawing ref. 21125 / C04B) demonstrates how the scheme has sought to reflect the heritage and landscape sensitivities of the site to ensure the character of the site and openness of the wider Green Belt is maintained as far as possible.

The application is accompanied by a detailed arboricultural report and landscaping strategy, which demonstrates that the proposals will ensure the protection of significant and the majority of trees, which given their prominence across the site will be an important feature of the development. A Flood Risk Assessment and Sustainable Urban Drainage (SuDS) Strategy has also been submitted to demonstrate the design interventions and mitigation measures proposed to ensure the appropriate response is taken with regard to flood risk and drainage.

A summary of the proposals subject to this planning application is as follows:

- Development of up to 87 new residential units, including 34 affordable housing units in a range of sizes.
- Provision of car and cycle parking, prioritising the landscape for pedestrian usage and cycle access through the site.
- The retention of all Grade A trees.
- A landscape masterplan which retains as much of the existing green infrastructure as possible, maximising new tree and soft planting within the landscape.

This Planning Statement provides an assessment of the proposed development against the relevant adopted and draft local and national policies and guidance and any material planning considerations.

1. Introduction

Purpose of Statement

- 1.1 This Planning Statement has been prepared by Daniel Watney LLP on behalf of Croydon and District Education Trust to accompany an outline application for:

“Development of the site for 87no. residential dwellings including affordable housing, associated landscaping, amenity space and car parking (outline application all matters reserved aside from access).”

- 1.2 Access is proposed to be at the Land off Salmons Lane West, to the south of Kenley Aerodrome, also known as Kenley Campus.

Other Documents and Plans

- 1.3 Alongside this Planning Statement which incorporates an Affordable Housing Statement, the application comprises the following documents:

- Signed and completed application forms including ownership certificate, prepared by Daniel Watney LLP;
- Signed and completed Community Infrastructure Levy forms, prepared by Daniel Watney LLP;
- Site Location Plan (drawing ref. 21125-C100), prepared by OSP Architecture;
- Existing Site Plan (drawing ref. 21125-P101), prepared by OSP Architecture;
- Parameter Plans prepared by OSP Architecture:
 - Urban Grain and Density Plan (drawing ref. 21125-C04B);
 - Access and Movement Diagram (drawing ref. 21125-C05A);
 - Building Heights Diagram (drawing ref. 21125-C06A);
 - Illustrative Residential Mix Diagram (drawing ref. 21125-C07A);
 - Tenure Mix Diagram (drawing ref. 21125-C08A);
 - Parking Distribution Diagram (drawing ref. 21125-C09A);
 - Land Use Diagram (drawing ref. 21125-C10A);
 - Colour Site Layout (drawing ref. 21125-C104);
 - Proposed Site Layout – Tree Removal (drawing ref. 21125-C110);
- Design and Access Statement, prepared by OSP Architecture;
- Landscape and Visual Impact Assessment, prepared by Scarp;
- Landscape Design and Access Statement, prepared by Scarp;
- Landscape General Arrangement Plan (drawing ref. 2193-00-GF-DR-L-00100, prepared by Scarp;
- Landscape General Arrangement Plan (drawing ref. 2193-00-GF-DR-L-00101, prepared by Scarp;
- Statement of Significance, prepared by Montagu Evans;
- Heritage Statement, prepared by Montagu Evans;
- Transport Assessment, prepared by Motion;
- Travel Plan, prepared by Motion;
- Statement of Community Involvement, prepared by Cratus;
- Energy and Sustainability Statement, prepared by Ecolytik;
- Flood Risk and Drainage Assessment, prepared by Elliot Wood;
- Arboricultural Assessment, including Method Statement, prepared by Barrell Trees;
- Desk Study, Geotechnical and Geoenvironmental Interpretative Report, prepared by CGL; and
- Ecology Assessment, prepared by Ecology Solutions.

The Application Site and Surrounding Area

- 1.4 The site has a draft allocation in the draft Tandridge District Council Local Plan, 2019. The site is the subject of draft site allocation 'HSG06' which can be found at **Appendix 1**.

- 1.5 Draft site allocation HSG06 identifies the site as suitable for housing subject to criteria which include, inter alia, the provision of 40% affordable housing, conserving and enhancing the conservation area and the setting of nearby heritage assets, including the listed building, Scheduled Monument and be considered in accordance with the Kenley Aerodrome Conservation Area Proposals Statement. Retention and mitigation measures relating to protected significant trees will be required and they should be utilised as a feature of the development, where possible.
- 1.6 The site forms part of the former Royal Air Force Station Kenley (RAF Kenley). It played a significant role during the Battle of Britain as one of the three RAF stations tasked with defending London. The site lies entirely within the administrative boundary of Tandridge District Council (TDC), however it is close to the borough boundary of the London Borough of Croydon which is immediately to the north of the site and includes the Kenley Aerodrome itself.
- 1.7 The site excludes the former NAAFI building, which is used by One School Global, an independent day school, for pupils aged between 7 and 18. The school opened in September 2015 following the acquisition of the site by the Oakhill Education Trust. At present, the existing school accommodates around 140 junior and senior pupils.
- 1.8 The site forms the setting of the Grade II listed NAAFI building now in use by One School Global. Within the curtilage of the NAAFI is the parade ground which is used as a playground by the school. To the east of the principal school building are four portacabins which are used as teaching facilities. Planning permission for the school was granted in May 2015 (LPA ref. 2015/179).
- 1.9 The wider environ includes the airfield itself which lies immediately to the north of the site, and is located within the London Borough of Croydon.
- 1.10 The application site encompasses the area outside of the school campus. This includes land to the north and south which was previously occupied by buildings related to the redundant use of the site as part of the former Royal Air Force Station, which operated from 1917 until the 1970s. The application site contained a number of buildings associated with the aerodrome of which remnants remain.
- 1.11 Land to the north comprises part of the identified developable area as part of draft allocation HSG06, which is grassland with a single, large and very dilapidated 'workshop' which is demonstrably no longer fit for any purpose and is therefore proposed to be removed. Surrey County Council has accepted the principle of its removal and has requested that this building is recorded, and this will duly be done in accordance with that request. It is expected that this is the subject of a condition or obligation of any planning permission.
- 1.12 The northern parcel of land comprises grassland with the exception of a large, dilapidated workshop and previously used as part of RAF Kenley.
- 1.13 The southern parcel of land, which is included within draft allocation HSG06, has been used occasionally by One School Global with the permission of the applicant as an overspill playground and informal 'kick-about' area. This land did not form part of the school's original permission and therefore is not in lawful use by the school. It does not have a lawful educational use by virtue of permission LPA ref. 2015/179 nor is the land in lawful educational use by virtue of continued educational use for ten or more years.
- 1.14 The extent of the approved school can be seen in Figure 1 below, which clearly omits the southern parcel of land which is not part of the school's permission.



Figure 1: (LPA ref. 2015/179) Approved Site Plan

- 1.15 Since the creation of the school following the 2015 planning permission, the southern parcel of land has only been used very occasionally for informal play and kick-about. The land has never in its history been accessible to the wider community or any other educational organisation for any use.
- 1.16 Prior to the school's occupation of the site, the land was owned by the Ministry of Defence and not publicly accessible, previously used as part of RAF Kenley. The land remains undesignated and is not accessible by members of the public.
- 1.17 Therefore, the Council has included the southern parcel of land within draft allocation HSG06 to form part of the draft allocation and is therefore accepted for residential use.
- 1.18 The third parcel of land that comprises the site is located to the west of Victor Beamish Avenue and to the east of Halton Road, previously used as part of RAF Kenley.
- 1.19 The site is located within the Kenley Aerodrome Conservation Area. This was designated in 2006 and partly lies within the London Borough of Croydon. The north west portion of the site contains the Grade II listed Former Dining Room and Institute associated with the former RAF Kenley.
- 1.20 In terms of national designations at RAF Kenley, these comprise, to the north of the site, eleven blast pens, each identified as an Ancient Scheduled Monument circling the airfield (NHLE refs: 1021242-3), whilst the Grade II listed Officers' Mess and Institute are located to the south-east (NHLE refs: 1334947 and 1334946 respectively).
- 1.21 Presently the entirety of the site is located within the Metropolitan Green Belt. Draft allocation HSG06 proposes that the site is removed from the Green Belt. This is discussed in greater detail in the following sections.
- 1.22 All trees situated within the site are the subject of a 'blanket' Tree Preservation Order (TPO). A thorough tree assessment has been undertaken and an arboricultural assessment and landscaping strategy accompanies this application submission.
- 1.23 The site benefits from close proximity to the A22, within walking distance of Whyteleafe and Whyteleafe South railway stations, as well as multiple amenities within the residential area of Caterham.

2. Planning History

2.1 Daniel Watney LLP has undertaken a desktop review of the statutory history for the site as made available by the Council on its website (www.tandridge.gov.uk).

2.2 There is a range of planning history records available online, including many minor applications relating to discharge of conditions and Tree Preservation Order applications. The relevant applications across the Kenley Campus site are summarised in Table 1 below.

Council Ref.	Description	Decision	Date
2019/926	Provision of a new relocatable Gospel Hall (D1 use class) for a temporary 5-year basis, to be provided with associated car parking, modified vehicular access and new landscaping.	Refused	04/05/2020
2015/244	Change of use of the former NAAFI building to be used as an independent secondary school. Formation of roof over voids and internal alterations (Listed Building Consent)	Approved	06/05/2015
2015/179	Change of use of former NAAFI building to secondary school (Class D1). Formation of roofs to voids within existing building to centre and north of building. Formation of new access drive and parking.	Approved	06/05/2015
2012/49	Demolition of part of building. erection of extension and conversion of former workshop building at Kenley Aerodrome for use as a new independent secondary school. Formation of parking and hardsurfacing.	Withdrawn	02/07/2012
2009/1296	Change of use to provide day school, incorporating use of parade ground as play area and upgrading of field to use as playing field - application to extend time limit for implementation of permission 2004/903.	Approved	09/12/2009
2004/1665	Internal and External Alterations (to the Former NAAFI Building)	Approved	22/11/2004
2004/903	Change of use to provide day school, incorporating use of parade ground as play area and upgrading of field to use as playing field.	Approved	19/10/2004
2003/474	Improvements to existing site access road and junction, to adoptable standard. Conversion of former workshop building (incorporating infilling of courtyard) to place of worship (class d1) with associated parking & landscaping.	Approved	20/05/2003

Table 1: Kenley Campus Planning History

2.3 Table 1 confirms that there has been no relevant development on the application site and that the focus of development in the recent past relates to the school's use of the Former NAAFI Building.

3. Planning Policy Context

Introduction

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

- 3.2 The Development Plan for the purposes of this application currently comprises the Tandridge Local Plan Part 1: Core Strategy (2008) (herein referred to as 'Core Strategy') and the Local Plan Part 2 Detailed Policies (2014) (herein referred to as "Detailed Policies").

Other Material Considerations

- 3.3 The following are material planning considerations for the determination of the application:

- Draft Local Plan 2033;
- National Planning Policy Framework (NPPF);
- National Planning Practice Guidance (NPPG);
- Caterham, Chaldon and Whyteleafe Neighbourhood Plan (June 2021)
- The National Design Guide (2021);
- Parking Standards SPD;
- Kenley Aerodrome Conservation Area Proposals Statement; and
- Trees and Soft Landscaping SPD.

- 3.4 The Council is in the process of preparing a new Local Plan 2033. Examination hearings concluded on 28 November 2019. The Inspector's post hearings letter of December 2020 (ID16) set out concerns with the soundness of the Plan. Almost three years later, the plan has still not been deemed sound by the Planning Inspectorate. Evidence base documents submitted to the Inspector to support the draft Local Plan are also relevant, material planning considerations for the determination of the application including the various Green Belt assessments, housing need and monitoring reports.

- 3.5 The Inspector highlighted the need for extensive further work, including the ability of the M25 junction 6's capacity to accommodate growth, and other work to enable the draft Local Plan to move forward to adoption by December 2023. In the interim, the Council has recognised that the draft plan will not come forward in sufficient time to address the immediate need for more housing sites. The Council has published an Interim Policy Statement for Housing Delivery as part of the Housing Delivery Test Action Plan (September 2022).

Draft Site Allocation

- 3.6 The site has long been identified as deliverable, suitable and achievable for housing by the Tandridge District Council (the Council). The site was identified in the Council's Housing Land and Economic Availability Assessment in 2015 and has been included in subsequent iterations of the Local Plan, including the submission draft (Regulation 22) which was the subject of an Examination in Public in November 2019. The draft allocation is identified in the draft Local Plan as site 'HSG06' (Land off Salmons Lane West, Caterham). The allocation identifies the site capable of accommodating an estimated yield of 75 residential units.

- 3.7 Whilst not yet forming part of the Development Plan, the draft Local Plan carries weight in the determination of this outline planning application. Draft site allocation HSG06 provides the following site description:

"The site is located on the edge of Kenley Airfield and within the Kenley Aerodrome Conservation Area, close to the border with the London Borough of Croydon. The site forms part of a wider area that was once a Battle of Britain Airfield and comprises the land surrounding the Grade II listed former NAAFI building. To the west. On the other side of the access road, is a flat open area with a number of semi mature trees. The northern part of the site includes redundant

workshops, that are not listed, an area of hard-standing and there are some deposits of building materials.”

- 3.8 The draft site allocation is reproduced in full at **Appendix 1**.
- 3.9 The draft site allocation states that in addition to according with the relevant development plan policies and material considerations, including those relating to affordable housing and design, the application would be supported if site-specific matters and requirements are addressed.
- 3.10 The Council has not yet undertaken an assessment of significance as requested by the Inspector. This is a matter which the Council is aware remains outstanding. It is understood the Council does not have the internal resource to undertake such an assessment. However, this application is accompanied by a full Statement of Significance related to all heritage assets prepared by a suitably qualified consultant.
- 3.11 On 21 January 2022, TDC submitted further correspondence (TED51 and Appendix A). Appendix A, reiterated the Inspector's earlier comments that provide them with an assessment of the significance of the heritage assets for which there is potential for the allocation to cause harm, and an assessment of the effect of the proposed allocation on the significance of the heritage assets. This would need to be undertaken early in the process as it will factor into potential yields. For HSG06, it would also require further engagement with the London Borough of Croydon.
- 3.12 As described Montagu Evans LLP has prepared a Statement of Significance of the site which includes the Grade II listed NAAFI building although this does not form part of the proposals. The site lies within the Kenley Aerodrome Conservation Area. The Statement of Significance accompanies this outline application submission. Separately, an assessment of the proposals is made in the Heritage Statement also prepared by Montagu Evans LLP and submitted with this application. Details of the heritage assessment of the scheme can be found in the following section of this Planning Statement.
- 3.13 A detailed landscaping strategy, Arboricultural Impact Assessment, Arboricultural Method Plan and Tree Protection Plan are included with this outline application and further details can be found in the section below.
- 3.14 Flood and drainage investigations have taken place across the site and has informed the proposed layout of the outline scheme. A Flood Risk Assessment, Utilities Statement and SuDS Strategy have been submitted with the application.
- 3.15 Since the conclusion of the hearing sessions on 28 November 2019, the Inspector has raised some significant concerns regarding the Local Plan principally in relation to the deliverability of the Council's largest housing allocation, the Godstone Garden Community. Concerns were also raised regarding the Council's assessment of its housing need and the methodology for assessing need.
- 3.16 In the intervening two years, the Council has sought to address these concerns in order to allow the Local Plan process to progress, principally by addressing concerns related to infrastructure and the deliverability of the Godstone Garden Community. At the time of writing the Council and Inspectorate have yet to agree on a confirmed course of action, and the timetable for doing so remains unfixed with the Council offering a procedural meeting with the Inspector after 18 September 2023 (TED-59).
- 3.17 In the light of this considerable hiatus and continued uncertainty as to when the Local Plan process will recommence, there is merit in progressing the proposals given that the site has long since been identified as capable of contributing to the Council's considerable housing need and enjoys a long-standing draft allocation which would remove the site from the Green Belt.

4. Outline Proposals

The Proposed Development

4.1 Planning permission is being sought for the following works (the Proposed Development):

“Development of the site for 87no. residential dwellings including affordable housing, associated landscaping, amenity space and car parking (outline application all matters reserved aside from access).”

4.2 This planning application is submitted in outline with all matters reserved other than access, with the details of this provided in the submitted Transport Assessment and Travel Plan, summarised in this Planning Statement.

4.3 This is a residential outline scheme and includes provision of affordable housing, public open space, play space and associated necessary infrastructure.

Residential Accommodation

4.4 Table 2 below sets out the proposed housing mix of the outline scheme, comprising a wide range of homes that can cater to first-time buyers as well as larger families, with a mix of market and affordable homes on offer.

Unit mix	Units
2-bedroom house	13
3-bedroom house	61
4-bedroom house	9
5-bedroom house	4
Total	87

Table 2: Unit Mix

4.5 Of the 87 homes proposed, 34 are proposed as affordable homes (9 2-bed homes and 25 3-bed homes). The submitted Parking Distribution Parameter Plan indicates that approximately 188 resident parking spaces and 22 visitor parking spaces can be accommodated within the development. Further details of the car and cycle parking spaces and layout will be confirmed at reserved matters stage however the scheme will fully accord with TDC's parking standards.

4.6 The density over the total site area of 4.74ha equates to 20 units per hectare which is in keeping with the densities of nearby settlements and reflects the character of the wider area.

4.7 Building heights will be limited to a maximum of 3 storeys in height. Full details of the proposed design of the buildings and surrounding public realm and how the design complies with local and national policy and guidelines including materials, appearance, height, massing layout, and landscaping can be found within the submitted Design and Access Statement (DAS) and Landscape DAS.

Pre-Application Consultation with Tandridge District Council and Surrey County Council

4.8 A pre-application meeting was held with a Council planning officer on 15 July 2022. Since the meeting was held and to date, the Council has not issued any written advice following the submission of the pre-application request and subsequent meeting of 15 July 2022, notwithstanding the Service Level Agreement to do so. The officer was unable to provide any substantive planning advice at the meeting other than to rehearse the details of draft policy, and remained uncommitted to indicating the weight that would be afforded to the draft policy.

4.9 Surrey County Council (SCC) was also consulted in its capacity of providing a conservation advice service to the Council. A meeting was held with the County's conservation officer on site on 30 August 2022. Written advice was issued after this meeting. The County's advice is at **Appendix 2** and addressed comprehensively in the accompanying heritage statement and subsequent sections of this statement.

- 4.10 SCC was also consulted in its capacity as highway authority. The County's advice as highway authority is addressed in full in the accompanying transport assessment and subsequent sections of this statement.

Pre-Application Public Consultation

- 4.11 The applicant instructed Cratus Communications to organise and implement the public and political engagement in support of the draft planning application. The consultation process comprised two public exhibition events at the One School Global building on the Kenley Campus, on 15 and 22 March 2023.
- 4.12 The consultation was also accompanied by a dedicated consultation website, which allowed members of the public to read relevant information on the proposals to the same level of detail as was available at the public exhibition.
- 4.13 A two-week consultation period was opened on the day of the event, in which people were invited to submit feedback online.
- 4.14 A summary of the responses and feedback received from these consultation exercises can be found in the submitted Statement of Community Involvement.

5. Planning Assessment

Introduction

5.1 This section reviews the Proposed Development which has been submitted and assessed with reference to the relevant planning considerations set out in national, strategic and local planning policy.

Principle of Development

5.2 At the heart of the NPPF is a presumption in favour of sustainable development, which means that development proposals which accord with the Development Plan should be approved without delay.

5.3 Paragraph 8 confirms that this includes the objectives of:

- Ensuring that sufficient land of the right types is available in the right places and at the right time to support growth.
- Ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.
- Fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs.
- To protect and enhance our natural, built and historic environment, including making effective use of land.

5.4 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. Paragraph 11(d) explains that for decision-taking where the most important policies for determining the application are not up-to-date this means granting permission unless:

“i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

5.5 Policy DP1 of the Detailed Policies states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Part (c) of the Policy states that where the relevant policies are out-of-date at the time of making the decision then permission will be granted unless material consideration indicate otherwise, taking account of whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole, or specific policies in that Framework indicate that development should be restricted.

5.6 The site is located in an area which is subject to significant housing need and significant under-delivery and supply. A detailed assessment of this is provided in the section below.

5.7 Land off Salmons Lane West (the site) has long been identified as deliverable, suitable and achievable for housing by the Council. Indeed, the submission draft of the Local Plan which was the subject of an Examination in Public in November 2019 proposes a draft allocation identifying the site ‘HSG06’ as capable of accommodating an estimated yield of 75 residential units, subject to site-specific criteria and parameters.

5.8 The draft Local Plan states that the specific sites allocated are suitable for residential development and meet the spatial strategy requirements and support its implementation. As demonstrated in this report, the draft Local Plan confirms that the sites allocated were deemed suitable based on consideration of numerous evidence base reports. Where such reports are absent (a heritage assessment) the applicant has prepared the required evidence base. Therefore, the relevant site-specific criteria set out in the draft allocation have been addressed in detail and are summarised below and detailed in the submitted reports.

- I. Proposals will be required to provide 40% affordable housing.*

The scheme will deliver 34 affordable housing units. A detailed Affordable Housing Statement is provided further below.

- II. *Development will conserve and enhance the conservation area and the setting of nearby heritage assets. Any scheme should focus development primarily to the northern area of the site.*

The design of the outline scheme has been led by the need to preserve the special interest of the heritage assets (the Grade II listed NAAFI, battlefield and conservation area) and to ensure the development is a sensitive addition that causes less than substantial harm to the heritage value of those assets. A Statement of Significance and detailed Heritage Assessment is submitted with this application which describes the preservation of the heritage assets in detail.

- III. *Retention and mitigation measures relating to significant trees will be required and they should be utilised as a feature of development where possible and appropriate.*

The scheme's layout and design has been informed by the existing trees on site and has sought to retain as many trees as possible, especially those of higher quality. Details are provided further below in this Planning Statement as well as within the submitted Landscaping Statement and Arboricultural Impact Assessment.

- IV. *Design and layout should actively seek to create and preserve, clear and defensible boundaries between the edge of the site and the Green Belt.*

The design of the built form and landscape strategy ensures that a defensible boundary between the site and the Green Belt is created and preserved.

- V. *Proposals should respond to the medium risk of surface water flooding and site's location within a Groundwater Source Protection Zone 2 and 3, and 'Major Aquifer High' Groundwater Vulnerability Zone.*

The application is accompanied by flood and drainage surveys which have been informed by thorough on-site investigations related to water infiltration and capacity assessments undertaken with Thames Water. A detailed Flood Risk Assessment and SuDS Strategy has been submitted with this application. The findings of the report have been incorporated into the design, with the inclusion of swales.

- VI. *Specific financial contributions would be required of any proposal.*

The draft site allocation requires financial contributions to the provision of infrastructure relevant to the development of the site which will be subject to direction from the local planning authority as part of the determination of this application.

- 5.9 In summary, the technical reports that accompany this application demonstrate that the proposed development accords fully with the site-specific criteria and parameters set by the draft allocation HSG06.
- 5.10 The draft allocation is identified as necessary in order to assist the Council in meeting its significant housing target that has increased annually since the close of the Examination in Public of the Draft Local Plan in November 2019. There has been no material change in the suitability of this site since it was identified as suitable to contribute to the Council's pressing housing need in the Draft Local Plan.
- 5.11 The proposed development continues to provide an unfettered opportunity to deliver 87 new homes within a high-quality network of streets, footpaths, landscaping and public spaces which is demonstrated to be the most optimal use and layout of the site.
- 5.12 In the light of the considerable hiatus and continued uncertainty as to when the Local Plan process will recommence, the principle of the development of this site remains unchanged as being capable of contributing to the Council's considerable housing need. It enjoys a long-standing draft allocation which would remove the site from the Green Belt, that has not been found to be unacceptable.

Housing Need

- 5.13 Policy CSP2 of the Core Strategy (adopted 2008) states that provision will be made for a net increase of at least 2,500 dwellings in the period 2006-2026. The Core Strategy forms part of TDC's development plan and is now significantly out-of-date.
- 5.14 As previously noted, the Council has prepared a revised Local Plan 'Our Local Plan 2033' (January 2019) which was the subject of a paused Examination in Public that closed in November 2019. The process has not been brought to a conclusion. A meeting to discuss how the impasse may be broken has been requested by the Planning Inspectorate with the Council and is proposed to take place in Summer 2023.
- 5.15 The stalled 2019 draft Local Plan makes a number of draft allocations in order to meet the increased housing need, including HSG06. However, owing to the failure of the plan to have been found sound and adopted and a hiatus of three and a half years since the plan was examined the Council's housing need remains pressing and the adopted development plan is significantly and increasingly out-of-date.
- 5.16 With reference to National Planning Policy, Paragraph 11 of the NPPF states that strategic policies should, as a minimum, provide for objectively assessed needs for housing. For decision-making, Paragraph 11 part (c) states that for decision-taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 5.17 Part (d) of Paragraph 11 is clear that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (where the Council cannot demonstrate a five-year housing land supply or where the Housing Delivery Test indicates the delivery of housing is substantially below the housing requirement over the previous three years), the tilted balance is engaged. Planning applications for housing therefore should be granted unless the application of policies that protect areas or assets of importance (such as Green Belt or designated heritage assets) provide a clear reason to refuse the development proposal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the development plan as a whole.
- 5.18 The tilted balance was engaged in the case of Land West of Limpsfield Road (PINS ref. APP/M3645/W/22/3309334) where planning permission was granted on appeal on 11 April 2023. This planning permission allowed 100 dwellings including 40% affordable housing on a Green Belt site on Limpsfield Road, within the administrative boundaries of Tandridge District Council. This site also had a draft allocation in the Draft Local Plan (HSG15A).
- 5.19 In this case, the Inspector afforded significant weight to the tilted balance triggered by Paragraph 11(d) of the NPPF and by virtue was given significant weight in the determination of the appeal. A copy of this appeal decision can be found at **Appendix 3**.
- 5.20 It was common ground that the Council could not demonstrate a five-year housing land supply. The latest Annual Monitoring Report (AMR) at the time of writing the Inspector's report (April 2021/March 2022) reported a housing land supply of just 1.57 years. The evidence at the time of the appeal also demonstrated that the Council delivered only 38% of its required housing over the previous three years. The Inspector reported that this made the Council the 6th poorest performing authority of the 321 local authorities in England and Wales.
- 5.21 This undisputed evidence points to a significant failure to deliver the Council's objectively assessed housing need and a severe shortage of housing supply in the district.
- 5.22 Returning to the Limpsfield appeal decision, the Council did not dispute that the appeal scheme would make a significant contribution to boosting the district's overall housing land supply and delivery for an appropriate mix of households within the next five years, in an area where it is clear the identified future housing land supply is substantially short of the five-year requirement.
- 5.23 The Inspector concluded:
- “the capability of the appeal proposal to contribute significantly to addressing the identified extremely serious housing land supply and delivery deficits weighs significantly in favour of this*

appeal.”

- 5.24 The Inspector further concluded that the Green Belt status of the appeal site should not prevent the site from coming forward for housing given its draft allocation and the Council's pressing housing need which necessitates Green Belt release.
- 5.25 Finally with reference to the significant delay and stalling of the Local Plan and the suitability of that draft allocation (HSG15A) the Inspector reported:
- “...the Council acknowledges in its recent advice and draft minutes to the Council's Planning Policy Committee on 19 January 2023, that it intends to continue to proceed with the ELP and carry it forward to adoption. Whilst the ELP has been at examination for some time since 2019, the main parties indicated that the Local Plan Inspector in his preliminary findings following the initial hearings (December 2020) (CD5.2) raised no specific concerns to the principle of the housing allocation HSG15A and that there were no unresolved objections to the principle of the proposed allocation from the statutory consultees”*
- (DW emphasis)
- 5.26 The Limpsfield appeal identifies the continued shortcomings of the Council's housing land supply. The Department for Levelling Up, Housing and Communities' HDT, 2021 (January 2022) report identified TDC as having delivered 38% of the required level (the Council met its housing land requirements as per the adopted development but falls far short of the Government's modern housing targets) and in accordance with the process, had to produce an Action Plan and add a 20% buffer onto the five-year housing land supply. The HDT Action Plan (HDTAP) was published in September 2022.
- 5.27 Any authority that demonstrates less than 75% housing delivery should consider housing proposals as favourable if it is demonstrated that they constitute sustainable development.
- 5.28 The Council's own Annual Monitoring Report, November 2022 reports that the authority can only demonstrate a five-year land supply taking into account the delivery of identified sites in the Draft Local Plan, including HSG06, without which, the Council has a land supply of 1.57 years (disputed as 1.38 years in the recent Limpsfield appeal).
- 5.29 On this basis, the relevant development plan policies, or those which are most important for determining the application are out-of-date. As such, the tilted balance in paragraph 11(d) of the Framework is engaged.
- 5.30 Chapter 4 of the HDTAP states at Paragraph 4.2 that:
- “draft allocations in the emerging Local Plan that can be brought forward will be considered as a matter of principle”*
- 5.31 This reflects Examination Document TED57 which sets out at Appendix 1 of the Committee Agenda Document at Paragraph 4.2 that one of the short-term measures to enable increased housing delivery and boost supply in the District will be to bring forward draft allocations stating that these would be *“favourably considered as a matter of principle”*. Paragraph 4.3 states that the Interim Policy Statement for Housing Delivery within the HDTAP will be an important material consideration in the determination of planning applications.
- 5.32 The Interim Policy Statement for Housing Delivery at Appendix 1 of the HDTAP reiterates that applications will be invited to come forward that meet a variety of criteria and are in accordance with the Council's development plan, NPPF and NPPG. Criterion (ii) is listed as *“housing sites included in the emerging Local Plan where the Examiner did not raise concerns.”*
- 5.33 As stated in the document, the draft allocation has been the subject of two regulation 18 consultations and a regulation 19 consultation that was rigorously assessed via the HELAA and Green Belt assessments and should be considered favourably.
- 5.34 The application site has long been identified as deliverable, suitable and achievable for housing by the Council and suitable for release from the Green Belt to deliver housing. The Statement of Delivery

between TDC and the Applicant confirms that the amounts of units are not specified as maximums. The outline scheme, as a result of detailed design work has been able to optimise the site to deliver 87 high quality homes, balanced with the delivery of site-specific criteria including affordable housing, conservation, landscaping, flood and infrastructure.

Affordable Housing Statement

- 5.35 Chapter 13 of the NPPF relates to the protection of Green Belt land. Paragraph 140 states that once established Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. It states that strategic policies should establish the need for any change to Green Belt boundaries.
- 5.36 Paragraph 141 states that before concluding that exceptional circumstances exist to justify changing boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.
- 5.37 Adopted Policy CS4 states that the overall target for affordable housing is 50 dwellings per year between 2007 and 2012 and that 34% of dwellings be affordable. As established above, this is now significantly out-of-date and higher national housing targets set for TDC means that the district is significantly falling short of its required affordable housing delivery.
- 5.38 Draft Policy TLP12 states that all allocated housing sites which (will) have been released from the Green Belt and which deliver 10 dwellings or more are required to deliver 40% affordable housing.
- 5.39 Indeed, the draft site allocation states:
- “The exceptional circumstances to justify the release of this site from the Green Belt have been identified and the allocation of this site has resulted in an alteration to the Green Belt boundary. Due to the undeveloped nature of the land, proposals will be required to provide 40% affordable housing.”*
- 5.40 The Council’s updated Strategic Housing Market Assessment Affordable Housing Needs Assessment (June 2018) states that on average 206 affordable homes become available annually around of which half contain one bedroom. The assessment identified a total net annual affordable housing need of 391 homes per year over the next five years (2018-2023) to clear the backlog of affordable housing need in Tandridge. Once the existing backlog is cleared, it is estimated that a need for 310 affordable homes in Tandridge will be generated annually. It is anticipated that this will particularly generate a need for one-, two- and three-bedroom properties.
- 5.41 However, the latest Annual Monitoring Report indicates that on average, only 51 affordable homes have been completed in 2021/22. Over the April 2018-March 2022 period, on average only 61 affordable homes have been completed each year, significantly below the identified need to clear the existing backlog and future need.
- 5.42 In the case of the appeal for the Land West of Limpsfield Road (PINS ref. APP/M3645/W/22/3309334), the Council did not dispute the significance the proposed delivery of 40% affordable housing to boosting the appropriate mix of affordable housing in the District in the next 5 years would make. The Inspector concluded that based on the evidence before them, it demonstrated:
- “...an ongoing acute and continuing extremely bleak outlook for local affordable housing provision. The capability of the appeal proposal to contribute significantly to addressing the existing and predicted very serious affordable housing shortfall within the next 5 years attracts significant weight in favour of this appeal”*
- 5.43 The proposed scheme will deliver 34 of the 87 proposed homes as affordable. The estimated yield of the draft site allocation (75 homes) and the requirement for 40% affordable homes, would have only resulted in 30 affordable homes being delivered. As the optimum layout in this scheme demonstrates, 87 homes can be accommodated comfortably and by virtue, an additional 4 homes can be offered. Whilst this amounts to 39%, this will deliver 4 affordable homes beyond that which the Council had anticipated by their own estimates of the site allocation and is considered to comply and exceed the expectations of the draft policy.

- 5.44 The delivery of 34 affordable homes also exceeds the adopted policy requirement for 34% affordable housing.
- 5.45 Substantial weight should be given to the scheme providing 87 homes of which 34 will be affordable. This is in the context of the severe shortage of new homes in the district (in the short, medium and long term) that will be exacerbated without the draft site allocations coming forward. Without approving the draft allocated sites, the Council will persist in failing to meet national housing targets, the national housing delivery test and a five-year housing land supply.
- 5.46 The proposed development represents the most efficient use of land and the contribution this site makes to the well-established identified affordable housing need in the district should be given significant weight.

Green Belt

Inappropriate Development and Exceptions

- 5.47 The proposed development site is currently a vacant and brownfield site. The site previously formed part of the aerodrome's use of the wider area, owned by the Ministry of Defence until it was acquired by the Applicant and the NAAFI building and immediate grounds were converted to a school.
- 5.48 The site is situated within the District's designated Green Belt. Beyond the site to the east, south and west, it is largely made up of 2-3 storey residential terraced and semi-detached houses and is strongly residential in character.
- 5.49 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Exceptions to the definition of inappropriate development is set out in Paragraph 149. One such exception is listed at Part (g) which states:

"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would:

- *Not have a greater impact on the openness of the Green Belt than the existing development; or*
- *Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously development land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*

(DW emphasis)

- 5.50 The Core Strategy and draft Local Plan concur that approximately 94% of Tandridge is Green Belt, the highest of any authority in the country. Adopted Policy CSP1 states that there will be no change in the Green Belt boundaries, unless it is not possible to find sufficient land within the existing built-up areas and other settlements to deliver current and future housing allocations. Such changes will only take place in sustainable locations as set out in Policy CSP2. Any changes will be made through a Site Allocations Development Plan Document and the accompanying Proposals Map. This approach and the approach set out in Paragraph 147 is reflected in Detailed Policy DP10.
- 5.51 It has been established that the adopted Local Plan is out-of-date. The draft Local Plan states that due to the lack of non-Green Belt supply and the Government's housing agenda and policy objective for sustainable development, the Council has no choice but to consider and identify Green Belt land that meets the exceptional circumstances test for release for housing development.
- 5.52 Local Policy DP13 states at Part (G) that an exception includes:
- "complete redevelopment of previously developed (brownfield) sites in the Green Belt (outside the Defined Villages), whether redundant or in continuing use (excluding temporary buildings), where the proposal would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development"*

- 5.53 Part (G) of Policy DP13 does not account for the second part of Paragraph 149 of the NPPF in relation to the contribution to meeting an identified affordable housing need and not causing substantial harm to the openness of the Green Belt. This is further evidence of the adopted Local Plan being out-of-date, by reflecting the NPPF 2012 exceptions test rather than the NPPF 2021. The NPPF 2021 contains this additional provision to meet the exception test.
- 5.54 The draft Local Plan Policy TLP03 which relates to Green Belt does not cover the exception test set out in the NPPF however exceptions are referred to in Paragraph 14.7 of the draft Local Plan, albeit this is in reference to the superseded NPPF.
- 5.55 This Planning Statement confirms that the proposed development represents an exception to the definition of inappropriate development in the Green Belt under Part (G) of Paragraph 147 of the adopted NPPF (2021) which is set out below and therefore the assessment herein will be weighed against this rather than local policy.
- 5.56 The following three sections will provide an assessment and evidence demonstrating that the site falls under the Paragraph 147 (g) exception by virtue of:
1. Entailing the complete redevelopment of previously developed land;
 2. Not causing substantial harm to the openness of the Green Belt; and
 3. Contribution to meeting an identified affordable housing need in the District.
- 1) Entailing the complete redevelopment of previously developed land
- 5.57 The NPPF defines previously developed land as:
- “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.”*
- 5.58 The site forms the setting of a Grade II listed building which is a former NAAFI building in association with the historic use of the entire site as RAF Kenley now in use as a school. Within the site is a large derelict workshop which is a permanent structure as well as various fixed surface structure representing human intervention, with existing built form in an area well established as a settlement to the east, west and south.
- 5.59 The site comprises two areas, the former Institute building, listed at Grade II which lies outside of the outline application boundary, and the immediate brownfield land which surrounds it, which forms the application site. Together, both sites originally encompassed the accommodation and facility side of the World War II RAF complex, with several barrack blocks located to the south of the parade ground associated within the Institute. To the north of the Institute, a series of hangars and workshops lead to the aerodrome to the north. The derelict workshop building survives within this area today as well as various remnants of the former military complex, which include hangar footings and hangar door guides, set within concrete.
- 5.60 The previously developed state of the site is evidenced within the accompanying Statement of Significance, Heritage Assessment and the advice received from Surrey County Council. The first two documents contain numerous photographs of the site as a previously developed military facility operational well into the latter part of the twentieth century. Surrey County Council refer to the previous development of the site as a reference point for the proposed development.
- 5.61 In evidence today is the presence of the large and dilapidated workshop which was associated with activity and previous use of the site as covering a range of activities relating to the airfield. Thus, the site is demonstrably previously developed land, and there is significant evidence of its brownfield nature.
- 5.62 Substantial positive weight was given in an appeal allowed for the Land at Maitland Lodge (PINS ref. APP/V1505/W/22/3296116) (**Appendix 4**) in which the Inspector concluded that the site was previously developed land, as it is land with existing built form and associated hard standing. Noting the site was not particularly intensively used, the Inspector noted the development to provide 47 homes would represent:

“an efficient use of land for homes, on a mostly brownfield site, partly within and partly directly adjacent to an existing settlement”.

5.63 Returning to the application site, the Council’s Green Belt Assessment Part 3 states that, in discussing the site (site ref. CAT 040):

“the site comprises previously developed land located on the edge of a Tier 1 settlement and as such is in a preferred location”

5.64 On this basis and based on the historic evidence provided in the submitted Statement of Significance, the site is clearly brownfield, previously developed land.

5.65 It is considered that the site, by definition of being previously developed (brownfield) land constitutes an exception to inappropriate development in the Green Belt, but impact on openness still must be assessed to determine that there is no substantial harm to the openness of the Green Belt.

2) Not causing substantial harm to the openness of the Green Belt

5.66 The exception listed at Paragraph 147(g) of the NPPF requires that development does not cause substantial harm to the Green Belt. It is well established in case law that openness has both a visual and spatial aspect. Therefore, an assessment of the visual and spatial impact on openness is provided below to demonstrate no substantial harm would be caused by the proposed development.

5.67 The proposed development is set within the grounds of an established area of existing development which is visually contained by a significant number of mature trees. The site is not located in any area of designated landscape value, rather as described above, visually it appears to lie within the settlement boundary with an established settlement surrounding the site to the east, south and west. To the north views of the site are contained by building related to the Kenley Airfield and its contemporary use as a gliding club. It is apparent that given the existing and historic activity of the site and its location, it is more synonymous with the edge of a settlement/town rather than contributing to wider open views into the countryside.

5.68 The Green Belt Assessment Part 3 demonstrates the Council’s agreement with this position, stating in respect of the site (referred to as CAT 040), that it is:

“physically and visually well contained with the western and southern boundaries of the site being formed by Victor Beamish Avenue, and Salmons Lane West/Salmons Lane respectively, whilst the eastern boundary is well defined by trees. Its impacts could be reduced through sensitive design, landscaping and buffer zones, including ensuring the special character of the conservation area is preserved. Furthermore, the northern boundary of the site provides an opportunity for a clear separation between the built-up and open areas, and it is considered that a robust and defensible boundary could be secured in this location. Further to this, the open area to the east of Whyteleafe Hill would continue to ensure the physical separation between Caterham and Whyteleafe and such the loss of this site would not impact on the wider Green Belt’s ability to serve this purpose”.

5.69 The Council’s Landscape and Visual Impact Assessment of the site (October 2016) prepared to inform its Draft Local Plan, assesses the landscape sensitivity of the site (CAT040). The assessment confirms that views to the south of the site are restricted by densely wooded boundaries, similarly are views from the east. Overall, the visual sensitivity of the site is judged to be moderate. The Landscape Visual Impact Assessment (LVIA) submitted with this application deems the local landscape to be of a medium/high sensitivity based on its medium value and medium/high susceptibility to change.

5.70 The conclusions of the submitted LVIA are that the magnitude of visual change to the landscape as a result of the proposed development in the conservation area from the north and northwest, west and southwest, north east, south, southeast and east are negligible from most views in Year 1 and Year 15. Some visual landscape impacts are noted from certain views are considered medium at Year 1 and low at Year 15 due to the maturity of the proposed vegetation at this stage. The conclusions of the LVIA on the visual landscape impact on internal views are that it would be high at Year 1 and medium at Year 15.

- 5.71 Visually, the site will be well screened by trees and as demonstrated by the accompanying arboricultural assessment and landscape DAS, the proposed houses will be well contained, principally by existing tree coverage presently on the site as well as by proposed tree/shrub vegetation proposed along the boundaries to create the defensible boundary required by the draft site allocation as well as further landscaping as shown in the submitted landscape DAS
- 5.72 The removal of a modest number of Grade B trees and a larger number of poor-quality trees is necessary to accommodate the proposed development and this is assessed separately in the Arboricultural Impact Assessment with mitigation proposed in the landscape strategy. It is concluded that the extent and quality of the landscaping proposed in the long-term will be significant.
- 5.73 With reference to these design objectives and the Council's own Landscape and Visual Impact Study, the submitted landscaping strategy and arboricultural report, the visual impact of the proposed development on the openness of the Green Belt is considered low and localised, particularly in the long term, as identified in the submitted Landscape Visual Impact Assessment.
- 5.74 Surrey County Council's pre-application advice advised that the proposed development should reflect the formality of previously used site and take the opportunity to recreate historic aspects of the site. Victor Beamish Avenue retains its 'avenue' appearance with mature trees interspersed with detached dwellings in contrast to the courtyard and 'quadrangle' dispositions of the southern and northern sites which take inspiration from the layout of buildings historically on the site.
- 5.75 The proposals will result in the development of an existing parcel of previously developed land formerly used as RAF Kenley surrounding an existing school centered within the site. Spatially, the school building which is Grade II listed is a prominent built form and the wider setting, which is subject to this application is associated with this historic use. The outline proposal is for 87 buildings which will reflect the character of the site's military past through the use of 'barrack' style design and reflecting the scale and form of development found on the site during its military history.
- 5.76 Whilst there will be limited harm caused to the openness of the Green Belt by virtue of the visual presence of new built development and spatially, the footprint of the new development, this is localised and short-term owing to the time it will take for the landscape strategy to establish.
- 5.77 The redevelopment of the site will be redolent of its history as an RAF base. The proposed development and associated landscaping represents a significant spatial and visual enhancement to the historic character of the wider area which is a benefit to the scheme, outweighing the limited harm identified.
- 5.78 Taking these factors into account, including reference to SCC's pre-application advice, the Heritage Statement, DAS and Landscape Visual Impact Assessment, it is concluded that the visual and spatial impact of the proposed development on the openness of the Green Belt is limited, short-term and well-contained, however the heritage benefits arising from the scheme to enhance the historic remnants overcome this.

3) *Contribution to meeting an identified affordable housing need in the District.*

- 5.79 The draft site allocation states:

"The exceptional circumstances to justify the release of this site from the Green Belt have been identified and the allocation of this site has resulted in an alteration to the Green Belt boundary. Due to the undeveloped nature of the land, proposals will be required to provide 40% affordable housing."

- 5.80 As demonstrated earlier in this report, significant weight should be given to the scheme providing 87 homes of which 34 will be affordable. This is in the context of the severe and pressing shortage of new homes in the district. Without the draft site allocations identified in the Draft Local Plan 2019 coming forward, the failure to meet local and national housing targets, and the national housing delivery test and a five-year housing land supply, will worsen.

Assessment of the Green Belt Purposes

- 5.81 In addition to the visual and spatial impact on openness being assessed, we have assessed the

scheme against the five purposes the Green Belt serves as set out in Paragraph 138 of the NPPF.

A. to check the unrestricted sprawl of large built-up areas

5.82 As part of the draft Local Plan, the Council has undertaken a Green Belt Assessment which includes a strategic and local assessment. The site falls within Strategic Area A. Strategic Area A is described in the 2015 Green Belt Assessment as having:

“slightly depleted and tranquility is slightly less than in other Strategic Green Belt areas”.

5.83 Strategic Area A is identified as an area of further investigation and GBA 004 contains the application site.

5.84 Appendix D of the Green Belt Assessment Part 1 provides a detailed assessment of the land parcels. In relation to GBA 004, an assessment against the purposes of the Green Belt is provided. Paragraph D.5.6 states that the land around Kenley Aerodrome contains some large detached buildings (some of which are listed buildings) related to its former use as a RAF base, impacting its rural feel.

5.85 Appendix D of the Green Belt Assessment Part 1 Paragraph D.5.29 states that “the land is bordered in most places by urban areas meaning that most of the area does not have a feel of being part of the open countryside”.

5.86 The Green Belt Assessment Part 2 identifies the site as AA1. The Green Belt Assessment Part 3 summarises Part 2, stating that the earlier assessment considered AA1 serves the purpose of preventing sprawl from built up areas.

5.87 Part 3 of the Green Belt Assessment states that the size and location of this site means it is considered to make a “limited” contribution towards meeting purpose (a) and that the wider Green Belt would continue to ensure this, so the harm to Green Belt is limited.

5.88 Overall, it is considered the site makes a limited contribution to serving purpose (a).

B. to prevent neighbouring towns merging into one another

5.89 The Green Belt Assessment Part 3 states that the site (Area AA1) prevents Caterham-on-the-Hill and Whyteleafe from merging with Kenley but the size and location of this site means it is considered to only partially meet purpose (b).

5.90 Overall, it is considered the site makes a limited contribution to serving purpose (b).

C. to assist in safeguarding the countryside from encroachment

5.91 The Green Belt Assessment Part 1 noted at Paragraph D.5.29 that “the land is bordered in most places by urban areas meaning that most of the area does not have a feel of being part of the open countryside”.

5.92 The Green Belt Assessment Part 2 identifies the site as AA1. The Green Belt Assessment Part 3 summarises Part 2’s earlier investigation, stating that the earlier assessment considered AA1 does not safeguard from encroachment upon the countryside on the basis of its character, scale and relationship with the open areas.

5.93 The development will not erode the open countryside between Kenley (in the London Borough of Bromley) and Caterham as there are extensive protection measures in place for the main airfield.

5.94 Overall, it is considered the site makes a limited contribution to serving purpose (c).

D. to preserve the setting and special character of historic towns

5.95 The site is not within or in close proximity to an historic town but given the site is located within a Conservation Area and in proximity of designated heritage assets, consideration is given to this

purpose.

- 5.96 Appendix D of the Green Belt Assessment Part 1 Paragraph D.5.31 states that “*the Conservation Area is bordered on three sides by development and so long distance views to the Conservation Area are limited*”
- 5.97 Appendix D of the Green Belt Assessment Part 1 Paragraph D.5.32 states “*the parcel does not complement the setting of the Kenley Conservation Area as the Conservation Area is bordered on all three sides within Tandridge by development.*” However, Part 3 considers there to be potential harm.
- 5.98 The current site is clearly a reflection of its former past and the outline scheme draws on this rich military heritage to preserve and enhance key characteristics of the conservation area and wider site, including the Grade II listed former Institute Building (former NAAFI).
- 5.99 The submitted Heritage Assessment provides a detailed view of the scheme and the degree of harm to the Kenley Aerodrome Conservation Area, assessing how the scheme preserves and enhances the setting. The Heritage Statement acknowledges that whilst there would be some residual impact on the character and appearance of the Kenley Aerodrome Conservation Area stemming from the introduction of residential development and increased suburban density, the current condition of the site offers an opportunity to enhance the setting of the designated heritage assets and key elements of the scheme contribute positively to their setting, retaining and celebrating their character and appearance.
- 5.100 Overall, it is considered the current site and its current condition makes a moderate contribution to serving purpose (d).

E. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.101 The site is located in the Green Belt and the former use of the site as an airbase and its associated activities likely pre-date the designation of the land as Green Belt. The application site, surrounding the NAAFI listed building which is now a school, represents the recycling of redundant and derelict previously developed land and so we support the Council’s recommendation to remove this site from the Green Belt so that it can fulfil this purpose.

Inappropriate Development and Very Special Circumstances

- 5.102 The site is clearly and demonstrably previously developed land when assessed against all definitions and clearly will not cause substantial harm to the openness of the Green Belt and will contribute to identified affordable housing need in TDC. It has been demonstrated above that the proposed development falls under Paragraph 149(g) of the NPPF and is an exception to inappropriate development in the Green Belt. The scheme therefore passes national policy tests and should be approved without delay.
- 5.103 However, should an alternative position be adopted by the decision maker and the proposed residential development constitute inappropriate development in the Green Belt and by definition causes significant harm to its openness, the application should be considered in the light of Paragraph 148 of the NPPF. Therefore, a further assessment of the proposed development is provided below to demonstrate very special circumstances, where the benefits clearly outweigh the harm to the Green Belt and any other identified harm.

Very Special Circumstances (VSC)

- 5.104 What constitutes a VSC is not defined in national policy or guidance and there is a considerable body of case law which addresses what it might constitute. Case law has confirmed that the circumstances identified do not have to be rare or uncommon to be special¹. Furthermore, case law confirms that “*a number of ordinary factors, may when combined together result in something very special*”².
- 5.105 Therefore, there is no reason why the numerous factors brought forward in this assessment cannot

¹ Wychavon DC v Secretary of State for Communities and Local Government and Butler [2008] EWCA Civ 692.

² R (Basildon District Council) v First Secretary of State and Temple [2004] EWHC (Admin) 2759.

combine to constitute VSC. Aside from the significant weight to be given to the material considerations that are the housing and affordable housing need in the district other considerations are set out below.

Previously Developed Land and Lack of Alternative Sites

- 5.106 **Substantial weight** should be given to the draft site allocation and the Draft Local Plan direction that this site be released from the Green Belt. The site is in a highly sustainable location in a district where 94% of land is Green Belt (the highest of any Green Belt authority).
- 5.107 There is limited available land available which has led to the extreme need for housing in the borough and this site, which only fulfils the five purposes of the Green Belt to a limited degree is sought for release by the Council, as part of their objective to allow limited release of some Green Belt sites to meet their housing need.
- 5.108 Paragraph 125 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. Part (c) states that local planning authorities should refuse applications which they consider fail to make efficient use of land.
- 5.109 The evidence submitted with the Draft Local Plan identifies a limited number of sites for release from the Green Belt, indicating that there are no other more suitable alternative sites for housing development either in the Green Belt.
- 5.110 The proposed development will deliver 87 homes across 4.74ha of land (20 homes per ha), 12 more homes than estimated in draft policy. This is considered the most optimal density, owing to the heritage and tree constraints across the site.
- 5.111 The site is within close proximity of a railway station as outlined above, but also the site is previously developed, brownfield land and is an optimal location for development. Sustainably located, previously developed land should be looked upon favourably and afforded **substantial weight** due to the significant constraints on housing growth imposed by the Green Belt in the district.

Character of the Scheme and the Heritage Benefit

- 5.112 The design of the proposed development will reflect the RAF past of the site through the layout and architectural detailing. The proposed development preserve, enhance and celebrate the military heritage of the conservation area and setting of the former NAAFI Building.
- 5.113 **Moderate weight** should be given to the positive impact the scheme will have on the Kenley Aerodrome Conservation Area and former NAAFI Building.

Socio-Economic Benefit

- 5.114 The scheme will deliver 87 homes including 34 affordable homes to an area with a clear shortage of housing in the short, medium and long-term. The scheme will deliver a range of housing sizes and tenures to accommodate a range of local demand from first-time buyers to large families. The increased number of residents in the area will contribute to the local economy and should be given **moderate weight**.
- 5.115 In summary, this application can rely on a number of benefits including:
- The absence of an up-to-date development plan, makes a plan-led strategy to meeting housing need extremely difficult. This site will contribute to housing need where the district is currently failing to meet identified need and national targets.
 - The provision of 34 affordable homes, including four homes more than the Council estimated for the site.
 - The Council having identified this site for many years as a specific, deliverable, available site in line with Paragraph 68 of the NPPF within its evidence base such as the Green Belt Assessment (2018) as well as the draft site allocation in the draft Local Plan (Regulation 22).

- The highly sustainable location of the development, within close proximity of a railway station as outlined above, alleviating pressure on the local road network.
- The site is in an optimal location for development when considering 94% of the district is designated Green Belt, representing the highest percentage of any Green Belt authority.
- Previously developed land should be looked upon favourably given the significant constraints on housing growth imposed by the Green Belt and lack of any alternative sites.
- Commitment to creating new family sized dwellings, preserving and enhancing the historic character and rich history of the area, at a sensitive and appropriate density.
- Positive impact the scheme will have on the Kenley Aerodrome Conservation Area and former NAAFI Building.
- Socio-economic benefit of new homes bringing new residents, footfall and spending in the local area.

5.116 The above are beneficial material considerations and should be given very significant weight when determining this application. Both individually and combined, these material considerations constitute very special circumstances and should be approved.

Conclusion of Green Belt National Policy Test

5.117 The redevelopment of this previously development site does not cause substantial harm to the openness of the Green Belt and contributes to identified affordable housing need within Tandridge and so should be supported. Indeed, the site is considered an exception as stated in national policy guidance regarding inappropriate development in the Green Belt by virtue of the site being previously developed land. The assessment set out in this statement has demonstrated that the limited harm identified would be overcome by the benefits of the scheme particularly the contribution to local housing need and exceeding adopted affordable housing requirements and estimations and therefore complies with Paragraph 11(d) and 149(g) of the NPPF.

5.118 Should decision-makers consider the proposed development amounts to inappropriate development, potential harm by virtue of spatial and visual aspect and any other harm has been demonstrated as being limited. The benefits of the scheme are material consideration, concluded to outweigh this potential harm and amount to very special circumstances to justify the development.

Technical Assessment of the Proposals

Housing Provision

5.119 Policy CSP7 of the Core Strategy states that the Council will require all housing developments of 5 units and above to contain an appropriate mix of dwelling sizes in accordance with current identified needs for particular areas of the District.

5.120 Draft Policy TLP10 states that in order to address the need for different types, sizes and tenures, proposals should take account of the most up-to-date Housing Strategy. Table 4 of the Tandridge Housing Strategy 2019-2023 (2019) sets out the required size of accommodation in Tandridge from 2013-2033, which is as follows:

Accommodation Size Requirements	Percentage
Terraced	
2 or less bedrooms	6%
3 or more bedrooms	9%
Semi Detached	
2 or less bedrooms	6%
3 bedrooms	17%
4 or more bedrooms	5%
Detached	
3 or less bedrooms	14%
4 bedrooms	14%
5 or more bedrooms	8%

- 5.121 The proposals seek to secure a range of unit sizes based on the following unit breakdown that broadly accord with adopted and draft Local Plan policy:

Unit mix	Units
2-bedroom house	13
3-bedroom house	61
4-bedroom house	9
5-bedroom house	4
Total	87

- 5.122 Overall, a broad range of housing sizes and types are proposed across market and affordable tenures and will provide a choice to the market.

Design

- 5.123 Policy CSP18 and DP7 requires new development to be of a high standard of design reflecting and respecting the character, setting and local context, including those features that contribute to local distinctiveness.
- 5.124 Draft Local Policy TLP18 requires new development to be of a high standard of development, respecting the character, setting and local context, including those features that contribute to local distinctiveness. New development should have particular regard to heritage assets and successfully integrate with the historic character. The policy seeks consideration of the quality of development in terms of scale, density, massing, height, materials, layout, including the provision of private space where appropriate.
- 5.125 Neighbourhood Plan Policy CCW4 supports development proposals that exhibit design reflecting local context, character and vernacular of the area.
- 5.126 Paragraph 21.20 of the draft Local Plan states that density is a key matter identified in the Government's White Paper 2017 to make the best use of land and deliver more homes but notes the prospect of applying a blanket approach, or assuming everywhere has the capacity for higher densities should be treated with caution.
- 5.127 In terms of layout, the proposed development has been arranged to make efficient use of the land within the proposed parameters and design guidelines as set out in the Design and Access Statement whilst still ensuring good living conditions for all future residents with amenity space.
- 5.128 A total of 87 units will be distributed across the site. The residential units will comprise houses, semi-detached houses and terraced houses.
- 5.129 The layout has been arranged to include a linear avenue, courtyard and northern 'quadrangle' arrangement. Victor Beamish Way will be an uninterrupted avenue of trees with well spaced houses to reflect the character of Caterham-on-the-Hill. This avenue connects the north and south parts of the site with a focus on pedestrian movement, accessibility and permeability.
- 5.130 The layout and design of the new buildings will reflect and interpret the architecture of the remaining grade II listed building which the allocated site encompasses.
- 5.131 The proposed massing and heights of each building will be in accordance with the proposed design parameters. The two and half storey houses are primarily along the western avenue, with the dwellings at the entrance as "gatehouses", emphasising the sense of arrival. The avenue particularly illustrates the extent of tree retention and proposed landscaping scheme within the proposals.
- 5.132 The proposed development has been designed to provide a high-quality new development with a distinctive character and sense of place that sits comfortably in its setting and contributes to the visual interest and history of the area. Full details of the design principles and considerations are set out in the submitted Design and Access Statement.

Conservation and Heritage

- 5.133 The Kenley Aerodrome Conservation Area was designated on 7 December 2005. The Kenley Aerodrome Conservation Area also applies to the airfield itself which is within the London Borough of Croydon.
- 5.134 The Kenley Conservation Area Proposals Statement states that the special reason for designating Kenley Aerodrome as a Conservation Area is the completeness of the remaining Battle of Britain airfield, and the importance to protect and enhance the integrity of this and the associated buildings and structures. Kenley Aerodrome is described as a battlefield of national historic significance.
- 5.135 As described above, the site lies within a conservation area but also lies within the setting of the Grade II listed Institute Building (former NAAFI).
- 5.136 One of the criteria of the draft allocation requires the proposed development to conserve and enhance the conservation area and the setting of nearby heritage assets, including the listed building, Scheduled Monument and be considered in accordance with the Kenley Aerodrome Conservation Area Proposals Statement. The draft allocation directs that the scheme should focus development primarily to the northern area of the site and a sympathetic design, scale and layout must be demonstrated in any application. Finally, the draft allocation requires the proposal to be accompanied by a detailed heritage assessment.
- 5.137 This outline application is accompanied by a Statement of Significance which identifies that the existing buildings and immediate setting (including the parade ground) make a positive contribution to the Kenley Conservation Area. The application is also accompanied by a detailed Heritage Statement which assesses the proposals in the light of the significance and potential harm to designated heritage assets.
- 5.138 Kenley's key heritage significance derives from two factors. These are its considerable historical importance as a Battle of Britain sector station; and from the completeness of its flying field and related structures, including the nationally unsurpassed set of surviving blast pens, of the Type E variety. English Heritage (now Historic England) accordingly described the site in its 2000 review of military aviation sites as:
- “the most complete fighter airfield associated with the Battle of Britain to have survived.”*
- 5.139 RAF Kenley's remaining structures add to its significance. Two of these are listed. The best-preserved is the former Institute, now a school; less well-preserved is the former Officers' Mess, however, the loss of all hangars and almost all the ancillary buildings has eroded Kenley's claim to be an intact aerodrome when compared with other RAF fighter stations.
- 5.140 The proposed layout and density has been designed following a thorough assessment of the historic development of the former military base at RAF Kenley as well as an assessment of heritage significance, in order to preserve the character and the appearance of the Kenley Conservation Area, the former military base at RAF Kenley, the nearby and surrounding designated and non-designated heritage assets.
- 5.141 The existing workshop building is currently in a severe state of disrepair, with its surrounding overgrown landscaping contributing little to the significance of the surrounding conservation area and listed buildings by virtue of setting. The Heritage Assessment concludes that whilst the loss of the former workshop building will have some residual impact on the character and appearance of the Kenley Aerodrome Conservation Area, its dilapidated and derelict condition negatively contributes to the surrounding area and would be significantly improved by the implementation of a high-quality contextualised residential development and a comprehensive landscaping strategy.
- 5.142 This has resulted in an outline proposal which seeks to restore and reflect the important historical vistas throughout the site and re-establish both a visual and functional relationship between the former flying field and the Grade II listed former Institute Building, which sits at the heart of the southern land parcel at Kenley.
- 5.143 As required by the draft allocation, the densest area of development is located to the north of the site.

The scale of development is considered appropriate in the context of the relationship of the site with the NAAFI building and the airfield to the north of the site, positioning areas of higher building density on land between the former Institute building and the airfield (which formerly accommodated larger buildings and greater activity), whilst reducing such density to the south, on the site of the former domestic barrack block area.

- 5.144 The southern part of the site is characterised by a lower density of development with larger plots and houses, enclosed by existing and new planting and open space.
- 5.145 The layout will maintain the sightline from the NAAFI and the parade ground (outside of the redline) through to the airfield which is a heritage benefit. This sightline has been incorporated into the landscape design for the site to retain the sense of the former military use of the site, as required by draft allocation HSG06.
- 5.146 The proposals will result in a relatively low density of development at 20 dwellings per hectare. This allows for the site to be well screened through maximising the retention of trees and the opportunity for further tree planting. The density and layout of development also allows for a significant amount of landscaping.
- 5.147 The Heritage Statement assesses that the outline scheme on this site can successfully accommodate the proposed quantum of development which stands to retain, restore and celebrate important historical vistas through the site, notably from and to the NAAFI building and by retaining planted boundaries and tree-lined avenues, including the existing entrance route along Victor Beamish Avenue.
- 5.148 The Heritage Statement concludes that when taken as a whole, the character and appearance of the conservation area stands to be preserved, retained and celebrated through the introduction of the proposed sensitively designed residential development and that the proposed development is an opportunity to enhance the setting of the NAAFI Building.

Transport

- 5.149 Policy CSP12 states that the Council will require new development to make improvements, where appropriate to the existing infrastructure network and have regard to adopted highway design standards and vehicle and other parking standards.
- 5.150 Policy DP5 of the Detailed Policies relates to highway safety and design, requiring development to not unnecessarily impede the free flow of traffic on the existing network, retain and enhance existing footpaths and cycleway links and provide safe and suitable access to the site by all, among other criteria.
- 5.151 Policy TLP50 of the draft Local Plan seeks to develop well-integrated communities with sustainable transport which connects people to jobs, services and community facilities. Developments that would generate significant traffic movements must be well-related to the primary and secondary road network and this should have adequate capacity to accommodate the development.
- 5.152 The HDTAP Interim Strategy states on Page 17 that:
- “when considering planning applications for residential development on a specific site, the cumulative impact of development (and particularly wider highway capacity and safety considerations) will need to be taken into account”.*
- 5.153 Planning policy at all levels seeks to secure sustainable patterns of movement. The NPPF states that when assessing sites, it should be ensured that:
- 1) appropriate opportunities to promote sustainable transport modes are taken up;
 - 2) safe and suitable access can be achieved, and
 - 3) any significant impacts from the development on the transport network can be cost effectively mitigated to an acceptable degree.

- 5.154 This outline application seeks for all matters to be reserved except for access. The submitted Transport Assessment sets out details of the access arrangements including an assessment of the scheme in the context of Junction 6.
- 5.155 The proposed development includes provision for 188 resident parking spaces and 22 visitor car parking spaces. Details of the car and cycle parking provision for residents and visitors will be detailed further at reserved matters stage and is aligned to local parking standards.
- 5.156 Overall, the Transport Assessment concludes that the proposed development is in close proximity to bus services and regular train services from Whyteleafe South Station. Importantly, the proposed development will not lead to a material increase in traffic on the local highway network and development related traffic flow can be accommodated on the surrounding road network without materially impacting queuing or delays.

Energy and Sustainability

- 5.157 Planning policy at all levels requires development proposals to minimise carbon dioxide emissions and make efficient use of natural materials.
- 5.158 Policy CSP14 of the Core Strategy encourages all residential development to meet Code level 3 as set out in the published Code for Sustainable Homes. All new residential development with a floor area of 500sqm or greater will be required to reach a minimum percentage saving in CO2 emissions through the incorporation of on-site renewable energy. For over 10 dwellings which the proposed development is, the percentage saving in CO2 emissions through the provision of renewable energy technology is 20%.
- 5.159 The Code for Sustainable Homes was withdrawn in 2015. Draft Policy TLP44 states that proposals for renewable and low carbon energy scheme will be positively considered. Renewable energy infrastructure must not be unacceptably visually prominent and must not cause harm to the openness or purpose of the Green Belt.
- 5.160 Draft Local Plan Policy TLP45 states that the Council will support new development where reasonable steps have been taken to integrate low and zero carbon mechanisms in the design and layout and ensuring a reduction in energy consumption by the end user.
- 5.161 An Outline Energy and Sustainability Statement has been submitted with this application which sets out the Energy Hierarchy for the proposed development. This prioritises a fabric first approach, followed by supplying energy efficiently and subsequently the application of low and zero carbon technologies onsite. Through the measures outlined for each stage of the Energy Hierarchy, it is anticipated the proposed development can achieve over 50% reduction in regulated CO2 emissions over the Part L 2021 baseline. This is a preliminary estimation of the outline scheme and a detailed assessment will be carried out in reserved matters stage.
- 5.162 The proposed sustainability strategy involves integrating a variety of sustainability measures into the scheme with the aspiration of meeting and exceeding policy requirements. Air source heat pumps with no onsite emissions are proposed for all homes to maintain good air quality across site.
- 5.163 Other measures include water efficiency fittings, a holistic SuDS strategy, landscape and ecology enhancements, prioritising the use of construction materials with high recycled content.
- 5.164 Overall, the outline strategies for energy and sustainability are aligned with the aims of adopted and draft local policy and will aspire to achieve over 50% reduction in regulated CO2 emissions over the Part L 2021 baseline.

Trees and Landscape

- 5.165 Policy CSP21 states that the character and distinctiveness of the District's landscapes and countryside will be protected for their own sake, new development will be required to conserve and enhance landscape character.
- 5.166 Policy DP7 states that where trees are present on a proposed development site, a landscaping scheme

should be submitted alongside the planning application which makes provision for the retention of existing trees that are important by virtue of their significance within the local landscape.

- 5.167 Draft Policy TLP18 seeks consideration to the relationship of the development with the topography of the site, important trees or groups of trees and other important features to be retained.
- 5.168 Draft Local Plan Policy TLP37 states that the Council will resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value. The draft policy requires existing trees and vegetation to be positively integrated into the site layout and protected and expects new development to positively integrate space for additional trees, hedgerows and vegetation wherever possible within layout design.
- 5.169 The draft site allocation requires that retention and mitigation measures relating to protected significant trees are in place and utilised as a feature of the development, where possible and appropriate. The allocation further states that the density and design should be cognisant of the quality woodland and mature parkland tree corridors and that visual connection between the NAAFI listed building/school and that the Kenley Airfield to the north should remain legible and kept intact. Design and layout should actively seek to create and preserve, clear and defensible boundaries between the edge of the site and the Green Belt to which it is adjacent.
- 5.170 The submitted Arboricultural Impact Assessment demonstrates that no Category A trees will be removed as part of the outline scheme and only a small number of Cat B trees will be removed. A number of low-quality Category C trees will need to be removed to facilitate the proposed development.
- 5.171 A landscaping strategy including a comprehensive tree planting scheme is proposed for the outline scheme. The proposed landscape has been designed in parallel with the design of the architecture and impact on trees to ensure that the edges of the built development are seamlessly incorporated into the landscape on balance with retaining and proposing as many trees as possible. This will be achieved through new tree lined streets, pocket green spaces and a variety of SuDS elements. Larger trees will be located towards the fringes of the site boundaries and away from residential properties to aid wayfinding. Trees have been selected to provide an ecological benefit and a proposed indicative tree strategy diagram is shown in the Landscape Design and Access Statement.
- 5.172 Overall, most of the significant boundary tree cover is being retained, and none of the lost trees are prominent as skyline features in the wider setting. Whilst their loss will be perceptible during construction and once development is completed in the immediate vicinity, the significant landscaping proposals will mean this is only short-term local character and the wider setting will not be adversely impacted in the long term.
- 5.173 The submitted Landscape Design and Access Statement sets out a detailed strategy of the hard and soft landscaping details as well as details of the proposed maintenance. The submitted Landscape Visual Impact Assessment submitted is discussed earlier in the Green Belt section of this report.

Amenity Space

- 5.174 Draft Policy TLP19 states that new development is required to provide on-site amenity space in accordance with the most up-to-date open space standards with an appropriate standard of private amenity space for the occupants.
- 5.175 A variety of publicly open spaces feature within the proposed landscape which provide opportunities for play and seating. Publicly open space will cover 0.88ha of the 4.74ha site.
- 5.176 A series of playable trails and informal play spaces are incorporated throughout the landscape as shown on the site masterplan submitted within the Landscape Design and Access Statement. Details of the play equipment will be confirmed at reserved matters stage.
- 5.177 All dwellings will come with a sizeable back garden for private enjoyment. The layout of the scheme has been designed with well-landscaped streets and public areas. Full details can be found in the Landscape Design and Access Statement.

- 5.178 The site does not form part of an informal or formal network of sports and recreation facilities identified by the Council in its planning policy evidence base or by any other document or organisation. The site is not listed by the Council or by any other organisation as a recreation ground available to hire or offering a wider community use.
- 5.179 The Council has confirmed that the site does not form part of their recreation strategy and has never lawfully been used for sport or recreation purposes. The draft allocation of HSG06 requires a contribution at criterion VIII for a contribution to a multi-use games area, in common with allocations HSG08, HSG20 and policy TLP2B 'Caterham Town and Local Centre'. Thus, the proposed development will contribute to the delivery of a multi-use games area in Caterham which will provide a community benefit, delivering better provision in terms of quantity and quality in a suitable town centre location.

Flood Risk and Drainage

- 5.180 Policy CSP15 of the Core Strategy requires the design and layout of new development to be informed by SuDS where necessary, encouraging innovative construction methods, such as green roofs to impede the flow of surface water run-off and encourage all development to make provision for grey water recycling and/or require the separate disposal of surface and foul water to adoptable standards, including the provision of improvements to local sewer networks/treatment works where necessary.
- 5.181 Draft Local Policy TLP47 states that in areas at risk of flooding, development should be safe for the lifetime of the development including an allowance for climate change and should incorporate flood resilience and resistant measures into the design, layout and form of buildings to reduce the level of flood risk both on site and elsewhere. The policy states that sustainable drainage systems are required in all residential development and should ensure surface-water is managed and does not increase the risk of flooding elsewhere. Sustainable drainage should be incorporated into landscaping and public realm.
- 5.182 The draft site allocation requires that proposals should respond to the medium risk of surface water flooding and the site's location within a Groundwater Source Protection Zone 2 and 3, and 'Major Aquifer High' Groundwater Vulnerability Zone.
- 5.183 The proposed outline scheme has carefully considered flood risk in drainage, in consultation with the Caterham Flood Risk Action Group and statutory bodies.
- 5.184 The Flood Risk Assessment submitted identifies the site as being with Flood Zone 1 and that the east of the site is at risk of ground water flooding for subsurface structures and that there are areas of low to medium risk of surface water flooding. The report requires buildings to be elevated at a minimum of 150mm above ground levels and surface water will be managed through the inclusion of SuDS.
- 5.185 A separate SuDS report is submitted with this application which sets out the proposed drainage strategy including rainwater butts for all homes and water efficient appliances, permeable paving, infiltration devices, the use of filter strips and swales, below ground attenuation tanks.
- 5.186 The proposed foul water strategy involves discharging to the existing Thames Water foul sewer. Thames Water confirmed they had sufficient capacity at pre-application stage.
- 5.187 The outline scheme has been designed following the recommendations of the submitted Flood Risk Assessment SuDS Strategy and Utilities Statement and the detailed design will be secured at reserved matters stage. Overall, the outline scheme accords with planning policy with regard to flood risk and drainage.

Safety

- 5.188 Policy CSP15 of the Core Strategy requires the design and layout of new development to be safe and secure, by the inclusion of measures to address crime and disorder and where possible meet Secure by Design standard.
- 5.189 Draft Policy TLP18 relates to place-making and design. The draft policy states that development proposals should give particular attention to a number of considerations including the quality of the

public spaces created by new buildings in terms of public safety, hard and soft landscaping, and how buildings interact with public space. New development should be accessible and permeable for all by creating safe and welcoming places that connect with one another.

- 5.190 The proposed development has been designed in accordance with the government guidance “Safer Places – the Planning System and Crime Prevention” (April 2004) and will provide a safe and high-quality landscape environment featuring key amenity areas for residents which will also enhance the ecological value of the site. Surface treatments will be designed to be robust and provide safe and attractive routes throughout the development

Ecology and Biodiversity

- 5.191 Adopted Policy CSP17 states that development proposals should protect biodiversity and provide for the maintenance, enhancement, restoration and, if possible, expansion of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife.
- 5.192 Draft Policy TLP35 states that proposals for development should protect biodiversity, geodiversity and natural habitats and contribute to the wider green and blue infrastructure network.
- 5.193 The submitted Ecology Assessment details the habitat surveys that were carried out in June 2021 and May 2023 in order to ascertain the general ecological value of the site and to identify the main habitats and associated plant species. The proposals will retain the eastern area of woodland and a large number of scattered trees. New tree and hedgerow planting, creation of wildflower meadow and areas of landscape planting within the development proposals will provide continued foraging and navigational opportunities for bats as well as providing nesting opportunities for birds.
- 5.194 The Ecology Assessment concludes that, with the implementation of the safeguards and recommendations set out within this report, it is considered that the proposals accord with planning policy with regard to nature conservation at all administrative levels.

Waste and Recycling

- 5.195 Draft Local Plan Policy TLP49 requires new residential development to incorporate safe and accessible space to store and then present waste for collection in accordance with SCC's requirements.
- 5.196 Adequate space has been provided within the demise of each dwelling for the storage and collection of waste. Further details of this will be provided at reserved matters stage.

Heads of Terms

- 5.197 Paragraph 55 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
- 5.198 The draft site allocation provides details of the financial contributions expected to come forward with any future application on the site. Based on the scale of the proposed development, a Section 106 Agreement will be agreed, subject to direction from the local planning authority as part of the determination of this application.

6. Summary and Conclusion

- 6.1 The Council has a significant and pressing housing need, which it acknowledges.
- 6.2 This site is allocated in the draft Local Plan to deliver residential development in accordance with site-specific criteria and parameters to assist in meeting the Council's pressing housing need.
- 6.3 The draft allocation has been considered at an Examination in Public by an Inspector and has not been found to be unsuitable or to require any main modifications to the Plan.
- 6.4 This outline planning application demonstrates that the proposed development is in accordance with the site-specific requirements of HSG06, local and national planning policy objectives and that the scheme will deliver substantial benefits including:
- The delivery of 87 new high-quality homes according with the Council's housing mix policy and meeting the range of housing needs in the district. In the context of Tandridge's exceptional housing need, the delivery of 87 homes will assist the Council to overcome its backlog and future need.
 - The delivery of 34 affordable housing units, exceeds the adopted local policy requirement for 34% affordable housing and in the context of the above, will contribute significantly to addressing the identified extremely serious affordable housing land supply and delivery deficits. This equates to four additional affordable homes than the Council has anticipated in the draft site allocation.
 - The scheme will deliver a high-quality housing scheme in a highly sustainable and accessible location within close proximity of Whyteleafe South Railway Station, alleviating pressures on the road network.
 - Previously developed land should be looked upon favourably given the significant constraints on housing growth imposed by the Green Belt and lack of any alternative sites.
 - Commitment to creating new family sized dwellings, preserving and enhancing the historic character and rich history of the area, at a sensitive and appropriate density.
 - Socio-economic benefit of new homes bringing new residents, footfall and local spending.
 - Improving the quality of the green spaces across the site through the implementation of a site-wide landscaping strategy.
- 6.5 As the Local Plan remains in draft, this statement provides an assessment of the scheme in the context of national Green Belt policies. It is considered the site represents an exception to inappropriate development in the Green Belt by virtue of the site's evident past as part of the airfield and complies with the criteria required by this exception. In any event, it has been demonstrated within this report that of the limited harm the scheme would have on the Green Belt and any other harm identified, this would be significantly outweighed by the material considerations and benefits of the scheme which amount to Very Special Circumstances.
- 6.6 The benefits of the development as described in this statement are collectively extensive. There are no adverse impacts arising from this development which would significantly and demonstrably outweigh the scheme's benefits. The proposal would therefore represent a sustainable form of development when assessed against the Framework read as a whole, which is a further significant material consideration in favour of the development. Therefore, there is no justified basis to refuse to grant planning permission.

Appendix 1 – Draft Site Allocation

HSG06: Land off Salmons Lane West, Caterham

Site Size:	4.4ha	Use / Estimated Site Yield:	(C3) 75
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Site Description:

The site is located **on the edge of Kenley Airfield** and within the Kenley Aerodrome Conservation Area, and close to the border with the London Borough of Croydon. **The site forms part of a wider area that was once a Battle of Britain Airfield** and it comprises the land surrounding the **Grade II listed** former NAAFI building. To the west, on the other side of the access road, is a flat open area with a number of semi mature trees. The northern part of the site includes redundant workshops, that are not listed, an area of hard-standing and there are some deposits of building materials.

Other evidence-based references: HELAA CAT 040

**Site-specific Policy Requirements:**

In addition to **according with relevant development plan policies and material considerations**, ~~complying with other relevant policies of Our Local Plan~~ including those relating to affordable housing and design, applications will be supported where the following site-specific matters/requirements are **addressed**:

Green Belt Amendment

The **exceptional circumstances** to justify the release of this site from the Green Belt have been identified and the allocation of this site has resulted in an alteration to the Green Belt boundary. Due to the undeveloped nature of the land, proposals will be required to provide 40% affordable housing.

Conservation

- I. Development will conserve and enhance the **conservation area and the** setting of nearby heritage assets, including the listed building, Scheduled Monument and **be considered in accordance with** the Kenley Aerodrome Conservation Area **Proposals Statement, or any subsequent update.**
- II. **In keeping with the heritage value of the site and the principles of the Conservation Area, any scheme should focus development primarily to the northern area of the site and a sympathetic design, scale and layout must be demonstrated in any application.**
- III. **All development proposals must be accompanied by a detailed heritage assessment.**

Ecology/Landscaping

- IV. **Retention and m**Mitigation measures relating to ~~protected~~ **significant** trees will be required and **they** should be **utilised as** a feature of the development, **where possible and appropriate.** Density and design should be cognisant of the quality woodland and mature parkland tree corridors.
- V. **The visual connection between the NAAFI listed building/school and the Kenley Airfield to the north should remain legible and kept intact.**

New Defensible Boundaries

- VI. Design and layout should actively seek to create and preserve, clear and defensible boundaries between the edge of the site and the Green Belt to which it is adjacent.

Flooding/water-related Mmatters

- VII. Proposals should respond to the medium risk of surface water flooding and the site's location within a Groundwater Source Protection Zone **2 and 3**, and 'Major Aquifer High' Groundwater Vulnerability Zone.

Infrastructure

VIII. In accordance with the Infrastructure Delivery Plan (IDP), financial contribution to/onsite provision of the following infrastructure are relevant to the development of this site and will be a requirement of any proposal:

- Multi-use sports hall and multi-use games area
- Pedestrian crossing at Burntwood Lane/Milner Close
- Pedestrian access improvements across Buxton Lane
- Pedestrian crossing at Salmons Lane/Whyteleaf Road
- Cycle route from Salmons Lane to Whyteleaf Station

Appendix 2 – SCC Pre-Application Advice

To: Nick Pond, Montagu Evans; David Stewart, Tandridge District Council

From: Historic Environment Planning: Historic Buildings

Application Number: Pre-application

Planning Officer: N/A

Designation: Setting of Grade II and Conservation Area

Date Consultation Received: 30/08/2022

Address: Former RAF Kenley, Victor Beamish Avenue, Caterham, CR8 5FX

Proposal: 88 new residential dwellings.



Comments:

The header shows that the historic environment considerations are the character and appearance of the Conservation Area and the setting of nearby listed buildings. Special regard has to be had to these matters in the determination of the application in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In line with paragraph 194 of the NPPF local planning authorities should require an applicant to describe the significance of any heritage assets affected by a proposal, including any contribution made by their setting. As a minimum the relevant historic environment record should be consulted. I am not aware that that historic environment record has been consulted as part of your proposal and would encourage you to do so before submitting an application to ensure the scheme is in line with national policy.

As the site is over 0.4 hectares there will be a requirement to carry out an archaeological desk based assessment as part of the application in line with local planning policy. I suggest you get advice on this from my colleague Nigel Randall who is the Archaeological Officer for Tandridge District Council. Nigel can be contacted at nigel.randall@surreycc.gov.uk. Please note my response does not relate to any buried archaeological heritage which will fall in the remit of the Archaeological Officer.

As part of your pre-application you have identified three built heritage assets which have the potential to be affected by this proposal. These are:

- The Grade II listed Former Dining Room and Institute at Former RAF Kenley (referred to as NAAFI Building henceforth)
- Kenley Aerodrome Conservation Area
- The non-designated Former Workshop Buildings

I consider this to be an accurate assessment of those built heritage assets which have the potential to be affected by this proposal. In line with paragraph 195 of the NPPF I have outlined the significance of the heritage assets below and any contribution made by their setting.

Conservation Area

The application site forms part of RAF Kenley, described by Historic England as one of the most complete fighter airfields associated with the Battle of Britain to have survived. The site was historically common land which was later taken under the Defence of the Realm Act during the First World War. The site was used to service aircraft during the First World War, a usage which continued in the interwar period when the site was expanded. There is a 'Kenley Aerodrome Conservation Area

Proposals Statement' (2006) adopted by both Croydon and Tandridge as a Supplementary Planning Document.

Very little survives of the early phase of the airfield in the application site. The only identifying feature is Victor Beamish Avenue which runs northwards from Salmons Lane West and has remained constant throughout the site's time as an airfield. Hangar buildings were built to the north of the application site during this period but have now all been demolished or destroyed. These hangars formed part of Area D highlighted in your heritage statement. Owing to the nature of these buildings as large structures erected purely for maintaining and storing aircraft, this area is currently a large open part of the site which few features indicating its former use. The most important aspects of this area are its association and link with the airfield (including the access road around this) and the Former Workshop Building, discussed below.

As part of this initial phase, troops were stationed in single storey huts to the south of the site. During the early 1930s the Air Ministry sought to expand its RAF aerodromes across the country. Between 1932 and 1934 a major phase of development took part at RAF Kenley and it is this which most strongly contributes to the character and appearance of the Conservation Area today. New buildings were built in blocks to the south of the airfield including the NAAFI Building, Former Officers Mess, Former Workshop Buildings and barracks. During this time the Air Ministry consulted the Royal Fine Arts Commission and architects such as Edwin Lutyens, Reginald Blomfield and Giles Gilbert Scott had an influence on the final designs. While it is unknown who designed the landscaping of the site, it is clear that this was given detailed consideration from maps and aerial photographs showing areas A, B and C highlighted in the heritage statement. This was very different to the plain layout of the single storey huts from the early airbase which did not have any of the paths, trees or planting which typified the 1930s redevelopment of the site. This landscaping is an important part of the Conservation Area's historic and architectural interest.

Area B was given the greatest consideration in terms of landscaping and consisted of a set of three barrack buildings which were between two or three storeys in height (it is unclear from aerial photographs). To its west the area was lined by a formal avenue of trees along Victor Beamish Avenue which were planted as part of the 1930s development. One of the barrack blocks faced directly toward the road showing that views along this avenue were considered important and were designed to contribute to a sense of place on arrival as the trees do today. The remaining buildings were in alignment with this block with the intermediate space set out as lawns punctuated by trees and footpaths. To the south was further open space which was utilised for the construction of barrack huts during the Second World War. A road ran to the north of these as a primary access route with paths running between the blocks linking it up with the wider site.

As part of this phase the NAAFI building (discussed below) and parade ground were also constructed and were a central feature of this area. They also feature the same well considered landscaping with trees forming a soft boundary around the parade ground creating a largely self-contained site. Access to this was via a set of paths to the east which makes up Area C. These continued toward the airfield and Officers Mess and formed an important pedestrian route through the site.

Area A was a more complicated mix of buildings which did not have the same careful planning of Areas B and C and had a much more formal appearance. The entrance to the site off Salmons Road West consisted of a pair of buildings and a gated entrance. The function of the building to the east (located in Area D) was likely the Wireless Telegraph and Radio Telegraphy building (listed as the WT and RT building in the 1945 plan) while that to the west was a Guard House which formed part of the entrance to the site. To the north of the Guard House were two temporary barrack buildings of little note and then a store, a post office and the SHQ (possibly Sector Headquarters) on the same alignment along Victor Beamish Avenue with formal footpaths. These gave some indication of the open character of the site, but more importantly its formality. Aerial photographs suggest these were one to two storeys in height with shallow pitched roofs. The area immediately to the north of the guard building does not ever seem to have had any use as part of the airbase except for temporary barrack buildings.

Overall, this formed a well-designed holistic scheme the open character, landscaping and layout of which gave the area a campus character for ordinary troops stationed at Kenley. As noted in the SPD, these aspects are still evident today and make a strong contribution toward the character and appearance of the Conservation Area as a well-designed scheme for a 1930s airbase. **These areas must not be dismissed as being of no interest.** The special historical and architectural interest of these areas as a former RAF base is particularly evident when compared to the former married quarters to the west of the site which were continually adapted, demolished and rebuilt during their time as part of airbase with very few features of note surviving in each iteration.

In terms of development, the site presents a great deal of potential to do something which not only preserves the character of the Conservation Area, but also enhances it. Views toward Area B are particularly important from Victor Beamish Avenue and any development here must be carefully designed to maintain this character. Thought must also be given to how the landscaping of the site can be reflected as part of the final design, in particular for the design of the circulation routes around the site. The development of Area A should reflect the formality of this space and opportunities to re-create aspects of the site, such as building a lodge building at the entrance, should be encouraged. The SPD makes clear that any new development should preserve the appearance of the area.

NAAFI Building

The NAAFI building is Grade II listed and was a purpose built canteen and entertainment complex for the ordinary military service personnel. The 'back of house' kitchen and support services were housed in the single storey sections to the north either side of a central courtyard, while the dining halls and entertainment areas are those to the south and on the first floor. The appearance of different areas within the building indicate how they were used.

The building was constructed as part of the Air Ministry's expansion of the site between 1932-4. As noted above, the design of such buildings was influenced by the Royal Fine Arts Commission in keeping with other RAF bases around the country. For this reason, the list entry makes clear 'the careful proportions of this building reflect the impact of Air Ministry consultation with the Royal Fine Arts Commission.' The architectural and historic significance of this building includes its use as part of a Battle of Britain airfield, elevational appearance, scale, use of materials, plan form and clear separation of the different functions within the building.

The setting of the building is strongly influenced by its central position in front of the Parade Ground where its imposing appearance can be appreciated as well as its symmetry. As noted above, it was located as part of a careful and well considered landscape design which allowed troops to circulate around the site along footpaths through Area C and also along Victor Beamish Avenue.

Former Workshops

The Former Workshop Buildings to the north are an undesignated heritage asset which were used historically as a machine shop and carpenter's workshop. The building forms part of Area D and did not have the same well landscaped surroundings which form areas A, B and C with the exception of a tree lined avenue to the east which provided access from the barrack blocks. Aerial photographs and maps show it dates from the alterations to the airbase in the 1930s.

The building has limited architectural interest but is of some historic interest as evidence of the former use of RAF Kenley. It makes a positive contribution to the character and appearance of the Conservation Area as evidence of the use of the site and its layout.

I am not aware that Tandridge have made any commitment toward the restoration of this building either as part of the local plan or part of the Conservation Area SPD, although it does say it is a priority to reconstruct the building. Since the publication of this document the building has clearly further deteriorated.

General Comments on Proposed Scheme

You have submitted proposals for 88 new dwellings across the site. My understanding from Tandridge is that these proposals should be guided by the draft local plan allocation HSG06. This allocation is for 75 homes on the site and includes the following site-specific policy requirements for conservation:

1. Development will conserve and enhance the Conservation Area and the setting of nearby heritage assets, including the listed building, Scheduled Monument and be considered in accordance with the Kenley Aerodrome Conservation Area Proposals Statement, or any subsequent update.
2. In keeping with the heritage value of the site and the principles of the Conservation Area, any scheme should focus development primarily to the northern area of the site and a sympathetic design, scale and layout must be demonstrated in any application.
3. All development proposals must be accompanied by a detailed heritage assessment.

In the first place, I am aware that no decision has been made by Tandridge yet on whether the site will entirely or partially be included in the final local plan. As such, please note that the comments contained in this letter are made at officer level without prejudice to any formal decision that may be made by Tandridge District Council. I have only dealt here with the impacts on the built designated and undesignated built heritage assets and any other matters fall to Tandridge to respond to. They are also entitled to disregard my advice should they have sufficient justification, such as evidence which demonstrates why leaving spaces undeveloped contributes to the character and appearance of the Conservation Area.

I am also aware that Tandridge have advised against submitting an outline only scheme for the site, which I support owing the fact there is the potential to cause a great deal of harm to a Conservation Area, listed building and a non-designated heritage asset. All of this will need to be weighed as part of an overall scheme and it will not be possible to get a full understanding of the impact of this from only considering the layout of the site. Please do bear in mind that at the current time it has not been demonstrated that any housing allocation for this site is acceptable as no independent heritage assessment has been submitted for the site which justifies the housing numbers.

The site specific policy requirements make clear that this should be a heritage led scheme which should properly analyse the development of the site and attempt to identify those aspects which reveal the character and appearance of the Conservation Area and the setting of other built heritage assets. While I consider there are some positive aspects of your proposals, at the current time I am unconvinced that any thorough analysis of how the site developed has been carried out nor any attempt made to identify what aspects of this contribute to its significance. While I am pleased that that your intention is to draw on the rich heritage of the Site and the wider RAF Kenley complex much more work is needed to ensure the scheme will not result in an unacceptable level of harm, particularly in Area B. My opinion is that this needs a much more detailed consideration to ensure the granularity of some aspects of the scheme are revised before a full application is submitted. To assist with this I have given quite a thorough set of comments above on the development of the site in order to assist the development of the scheme, but this does not fundamentally change the fact that there is more work to be done on this element prior to submitting an application.

I also note that you are submitting 13 more homes than in the original site allocation. I am concerned that this has created an unnecessarily cramped appearance in parts of the site and represents over development. Having reviewed the proposals, I consider it is not possible to build this many dwellings without causing unacceptable harm to the character and appearance of the Conservation Area. I have highlighted below where I consider some of these dwellings need to be removed in order to prevent harm to the open character of the Conservation Area. Tandridge may make further specific requests over the housing allocation which I leave to them to discuss with you.

I have split my comments on the scheme itself into the four areas identified by Croydon Borough Council (A, B, C and D) set out on page 10 of your heritage statement. If you wish to provide your own subdivision of this at a later date, please by all means do, but for the purpose of assessing this pre-application this is the easiest way to provide comments.

Area D

I am of the opinion that Area D is one of the most well considered elements of the scheme. Aside from the Former Workshop (discussed below) there is very little left of this part of the site and as a result there is greater potential for change, provided this change fits in with the overall landscaping of the site. Being able to understand its relationship with the airfield is highly important as well as the link with the remainder of the site.

The proposed view toward the NAAFI building is a particularly positive feature. For the scheme to succeed it is vital that Area D be understood as relating to and be accessible from the airfield itself. More recent schemes (prior to Conservation Area designation) have separated housing from the airfield with brick boundary walls and this has prevented the Conservation Area from being considered holistically. The buildings toward the north of the site should have their principal elevations facing toward the airfield.

In terms of materials, I note that many of the buildings are currently shown with slate roofs. I would strongly encourage a clear palette of materials which gives the development a strong sense of place. This was achieved very successfully in Caterham Barracks where stock brick and slate roofs were used similar to the existing buildings, but the height, form and decoration of buildings was varied to bring relief to the site. I consider this should be possible at RAF Kenley.

The scheme will lead to the loss of the undesignated Former Workshop building. I will recommend a level 3 or 4 recording condition on this building which will need to interpret the structure, provide drawings of its layout and elevations and photographs of the building as a whole as well as any specific features of note. The demolition of the building will be considered a degree of harm to the Conservation Area and will need to be weighed against any heritage benefits for the site. I note you have a small garden feature to the north and I would recommend you give some consideration to a commemorative or other feature which demonstrates the link of the site toward the airfield and contributes to the sense of place. You may wish to engage with the Kenley Revival group as part of this. Interpretation on this area of the site would also be welcomed. For clarity, such a feature would not entirely outweigh the harm of the loss of the Former Workshop Building.

As the loss of the Former Workshop building will represent harm, it is highly important that other areas of the development represent high design standards which reflect the character and appearance of the Conservation Area. Should it not be possible to design these in such a way which reflects the development of the airbase, then it may be preferable to revisit either converting or rebuilding the workshop building. If other aspects of the proposal also result in harm then, taking into account the loss of the Former Workshop buildings, there is the potential for the scheme to balance unfavourably and there be grounds for refusal.

While there are many positive aspects to the design of Area D, I am concerned about the proposed parking bays to the north and east of the site which appear isolated and interrupt the green spaces which link the site with the airfield and pedestrian footpaths. Having reviewed the site allocation it is quite clear that this is an issue with the over-development of the site and I would strongly encourage you to lower the number of dwellings in Area D to free up more space for car parking. In particular removing three dwelling block at the south-east corner of the site (within the road) and re-orientating the remaining block would appear to provide at least 8 spaces which would go some way to resolving this issue. Should the scheme be submitted for this area as it is currently then I would consider the parking to harm the openness which contributes the character and appearance of the Conservation Area. Taking into account that your scheme is already 13 dwellings over the site allocation I do not think this request is unreasonable. You may wish to discuss further with Tandridge if there is any scope to remove any of the additional parking spaces around the edge of the site.

A lot of thought will be required as to how the boundaries will appear throughout the site. There is a danger that much of route around Area D will become defined by boundary walls, particularly on approach by car. If access could be provided to the properties at the west of the area from Victor Beamish Avenue and these re-orientated then I would consider this a significant improvement to the scheme. I appreciate this element is currently out of your control, but mention it in case access could be obtained from the MOD which would make this a more acceptable development. This would be of benefit to all parties involved as the current scheme will have quite an unpleasant effect on the northern part of Victor Beamish Avenue which will be defined by brick boundary walls on either side and create an unpleasant tunnelling effect. Tandridge may wish to comment on this further.

Area C

The current proposal will see Area C retained as landscaping as part of the development. I would agree with this principle as the aerial photographs show this was important to circulation routes through the airbase when it was in operation. It is vital that a landscape led approach is taken for this area and in particular how it links with Areas B and D. This is the reason that I would strongly encourage you to remove the parking from the eastern side of Area D.

Area A

As noted in my general comments I am disappointed that a more thorough assessment of how the character and appearance of this part of the site has not been produced nor consideration of what could be done to preserve and enhance it. In particular identifying what kind of buildings were located here (e.g. lodges at the entrance, stores etc), how they were laid out within their plot, scale and (if possible) their appearance. The current proposal does not reflect in any way the character of this part of the site as an airbase and as such I consider the design unjustified.

I would urge you to look again the formality of this space and consider what could be done to reflect its layout. With the exception of the crescent to the south, I consider the remaining buildings should be on the same alignment with formal paths and driveways indicating their usage. Separate garages should be discouraged with the dwellings having the appearance of individual blocks. These should be subservient to the site as a whole and should not be more than two storeys with a shallow pitched roof with any boundaries for these buildings should appear as hedges. For clarity, I am not asking you to produce a pastiche of the original buildings. This should represent an exciting opportunity for your architect to look at producing some top quality design which nods to the history of the site.

I would encourage you to consider a lodge type dwelling at the entrance to the site to indicate a sense of arrival into the airbase. I recognise the crescent is in an area of land which was only ever used for temporary barrack huts but should the opportunity become available, I would still encourage you to incorporate this into the site better. Tandridge may have some better suggestions for how to improve this area of the site.

Area B

I have the greatest concerns about Area B. Historically, this was an open landscaped area with accommodation located in three barrack blocks. As a result, the well landscaped space around these had an open communal use for troops to make use of while resting. I am concerned that the current proposals do not in any way consider the importance of this to the character and appearance of the Conservation Area. Currently there are views out toward this open space through the trees on Victor Beamish Avenue.

At the current time I do not think the right approach has been taken for this area and would encourage you to revisit it entirely. This should be a landscape and heritage led scheme which takes into consideration both the appearance of the area historically and today. Thought should be given to the connectivity of this area with the rest of the site and to reflecting the openness of this part of the Conservation Area. In particular, it is highly important that any buildings along Victor Beamish Way front the highway and contribute to the sense of place. Ideally, this location lends itself to apartments with the area around such dwellings set out for communal space in a campus setting. I suggest this,

along with the concerns raised by Croydon and Sport England are considered and a decision made as to whether it is worth proceeding with developing this part of the site. If the spirit of the original airbase can be achieved then it would have my support although ultimately this is something which Tandridge will need to consider further.

Should you decide to proceed with trying to subdivide this part of the site against my advice, then I would have to consider the impact of this scheme on the openness of the site and being able to interpret it as part of the former airbase. Aspects which I consider would cause harm would be the boundary walls throughout the site, the poor connectivity with the rest of the airbase, the location of parking bays, harm to views from Victor Beamish Way and the cramped appearance of the site. I consider this, along with the loss of the Former Workshop buildings, would represent clear grounds for refusal owing to harm to the character and appearance of the Conservation Area and the setting of the listed building. Reconsidering the location of the block along Victor Beamish Avenue, improving connectivity with the southern part of the site with well landscaped footpaths and reducing the number of units and their parking bays could go some way to improving the scheme, but I am not wholly convinced it would entirely negate this harm. Taking a more landscape and heritage led approach to Area B would be the most appropriate way to proceed.

I hope the above is informative as a way forward. I remain of the opinion that a sensitive and well considered scheme could be achieved on this site, but it will need to pay close attention to the character and appearance of the area. While there are many positive aspects of your scheme, as noted above there are some areas where a lot of further thought is required as to the development of the airbase and those aspects which make a positive contribution to understanding its character and appearance. In particular, I would strongly encourage you to reconsider your approach to Area B which at the current time has the potential to cause a great deal of harm to the Conservation Area.

I remain happy to engage with any amendments to the proposals should you have any further enquiries.

Signed: Chris Reynolds

Date: 02/09/2022

File Ref: 32/10/Gen

For the Director for Community Protection, Transport & Environment

Appendix 3 – Land West of Limpsfield Road Appeal Decision



Appeal Decision

Inquiry Held on 28 February to 2 March 2023

Site visit made on 2 March 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/M3645/W/22/3309334

Land West of Limpsfield Road, Warlingham CR6 9RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Neal MacGregor of CALA Homes (South Home Counties) Ltd against Tandridge District Council.
 - The application Ref 2021/2178, dated 17 December 2021.
 - The development proposed is construction of 100 dwellings (40% affordable) with associated infrastructure, landscaping and re-provision of sports facilities.
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Decision

1. The appeal is allowed and planning permission is granted for construction of 100 dwellings (40% affordable) with associated infrastructure, landscaping and re-provision of sports facilities at Land West of Limpsfield Road, Warlingham CR6 9RD in accordance with the terms of the application, Ref 2021/2178, dated 17 December 2021, subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal has been lodged in response to the Council's failure to issue its decision within the prescribed period. The Council appeal submissions outline that had it been in a position to determine the application, it would have refused planning permission on the basis of the proposal being considered inappropriate development in the Green Belt, its effect on the openness of the Green Belt and conflict with local and national policy relating to Green Belt where no very special circumstances existed to support the proposal.
3. I closed the Inquiry in writing on 16 March 2023 following the receipt of a signed and completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. The agreement sets out details for securing planning obligations in respect of affordable housing provision, off-site Public Rights of Way improvements, management of open space and play area, sustainable urban drainage system and travel plan monitoring and I return to these matters later.

Main Issues

4. The main issues are:

- (i) Whether the proposal would be inappropriate development in the Green Belt and the effect of the proposal on the openness of the Green Belt and its purposes;
- (ii) whether or not there is any 'other harm' that would result from the appeal proposal; and
- (iii) Whether or not any harm to the Green Belt by reason of inappropriateness, and any 'other harm' identified as arising from the appeal proposal, would be clearly out-weighed by 'other considerations', so as to amount to very special circumstances.

Reasons

Green Belt considerations

Inappropriate development

- 5. The appeal site comprises of a small paddock, sports ground, including a pavilion, parking and playing pitches and adjacent agricultural fields which forms part of the open countryside. It is situated within the District's designated Green Belt.
- 6. The main parties' appeal submissions and Statement of Common Ground (SoCG) state that, whilst the re-provision of the sports facilities would not constitute inappropriate development in the Green Belt, the residential development as proposed would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework). It is then accepted by the main parties that the development as a whole constitutes inappropriate development in the Green Belt.
- 7. Based on the evidence provided, I agree with this conclusion. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness of the Green Belt

- 8. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The Framework advises at Paragraph 137 that openness and their permanence are essential characteristics of Green Belts. Whilst there was some disagreement between the main parties on how openness is defined, the concept of openness generally has both a spatial and a visual dimension.
- 9. It is clear from the evidence provided and from my observations during my site visit that, given the screening provided by the mature landscaping around the site and relatively flat topography of the site and immediate surroundings, the proposed development would not be highly visible in the wider landscape. Whilst the re-provision of the sports ground on the adjacent agricultural fields, including a new pavilion, parking and playing pitches, would alter the appearance of the existing landscape, it would in my view have a limited impact on the sense of openness in this part of the site.

10. Nonetheless, on a more local level, the scale and form of the proposed residential development on the small paddock and existing sports grounds would not amount to a subservient form of development in this location. The main parties agreed that the perceived change to openness would be largely restricted to within the appeal site itself, the neighbouring residential properties and the Public Rights of Way adjacent and through the site, including the public bridleway running along the southern boundary of the site.
11. The small paddock alongside Limpsfield Road and existing sports ground immediately adjoins residential properties on the edge of Warlingham. These residential properties with their varied boundary enclosures together with existing pavilion, are clearly evident when viewed from the south. The occupants of neighbouring properties, the users of the public bridleway and Limpsfield Road, as they pass the site, currently enjoy views of it in its current largely undeveloped form.
12. Nonetheless, the combination of the site's topography, existing built-up backdrop and abundance of foreground vegetation mean that the appreciation of its openness in both spatial and visual terms, in the context of the wider Green Belt is currently very limited. Furthermore, the part of the appeal site, on which the residential development is proposed, is currently very well-contained from its wider countryside surroundings by existing mature vegetation and earth bunding along the western and southern boundaries of the site.
13. The appeal proposal would introduce a built development footprint and volume in the form of homes and supporting development including public highways, driveways, gardens and boundary enclosures. These would extend across a large part of this currently undeveloped site. This change would be accompanied by increased activity from prospective occupants and visitors reasonably associated with a residential use. In combination, the appeal proposal would reduce both the visual and spatial sense of openness.
14. However, the appellant's landscape assessment and viewpoints demonstrate that the existing high level of containment is capable of being maintained throughout the year and in places strengthened through careful landscape and design treatment. Overall, I concur with the appellant's assessment that very localised spatial and visual effects to openness would arise. Moreover, the proposed public open space within the residential development would ensure that a degree of openness within the site itself would be retained, albeit it would be framed by new homes. Therefore, I consider the residential development would result in a moderate impact on the sense of openness.
15. In light of these characteristics, the proposed change arising from the overall development would amount from a low to a moderate level of harm to the openness of this particular Green Belt.

Purposes of the Green Belt

16. The Council has previously assessed the contribution that the appeal site makes to the purposes of the Green Belt through various Green Belt Assessments to support its emerging Local Plan. In light of the appeal site's edge of settlement location and largely undeveloped nature I agree with the conclusion of the Council's Green Belt Part 3 Exceptional Circumstances and

Insetting Assessment (June 2018)¹ that it contributes to purpose (a) to check the unrestricted sprawl of large built-up areas; and also contributes to purpose (c) to assist in safeguarding the countryside from encroachment. It is common ground that the appeal site does not contribute to the other purposes of the Green Belt, with which I concur.

17. In terms of purpose (a), whilst the Council's witness identified no conflict regarding this purpose, the 2018 Green Belt Assessment records that the site "contributes to this purpose", but does not quantify the degree of impact on this purpose. The Council's Landscape Capacity and Sensitivity Study (April 2017) (CD8.22) assessed the appeal site as having a slight landscape sensitivity and value and a high capacity to accommodate housing development.
18. Although the proposed development would extend the existing built-up area into undeveloped Green Belt land, it would not project any further southwards or westwards than the existing built-up form. Moreover, the resulting pattern of infill development would be consistent with the existing irregular settlement form of Warlingham and the site's outer boundaries would remain physically and visually well contained by either built development, existing vegetation and earth bunding. For these reasons, the appeal proposal would have a limited impact on purpose (a) which seeks to check the unrestricted sprawl of large built-up areas.
19. In terms of the contribution that the site makes to purpose (c), I agree with the main parties that encroachment into the countryside would result. Nonetheless, based on the evidence before me and my site observations that encroachment would be limited to the site itself and parts of its immediate setting along Limpsfield Road, by reason of the site's physical and visual screening and its containment within wider viewpoints.
20. Consequently, I conclude that the appeal proposal would have a limited adverse impact on the purpose of safeguarding the countryside from encroachment.
21. In summary, in terms of these Green Belt considerations, I conclude that the appeal proposal is inappropriate development which is harmful by definition. The appeal scheme would also cause a low to a moderate level of harm to the openness of the Green Belt and limited harm to the purposes of including this site within it. In line with the Framework these harms attract substantial weight.
22. Policy DP10 of the Tandridge Local Plan 'Part 2: Detailed Policies' (2014) (LP) defines the extent of the District's Green Belt and contains specific control over any inappropriate development within it, in accordance with the aims of the Framework. Paragraph 147 of the Framework directs the decision-maker to resist inappropriate development in the Green Belt except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

¹ Core Document CD8.21

Other Harms

Landscape character and appearance

23. In terms of its character and appearance, the appeal site's existing character is typical of many of the features of the larger urban landscape character area² within which it sits. The site enjoys a high level of containment from the wider surrounding countryside as a result of the combination of peripheral vegetation and adjacency in part to the built-up area.
24. The appeal site does not fall within a valued landscape within the meaning of paragraph 174 of the Framework. The existing character of the site would change significantly as a result of the development proposal on the outdoor sports facilities and open undeveloped area of land and a change in the nature of the site would be an inevitable consequence of this.
25. However, in its wider setting, a substantial area of countryside would remain beyond the residential site. Overall, the appeal proposal would not cause the substantial erosion of the countryside forming this part of the District. Despite the loss of the appeal site to development, the prevailing overall character and setting of Warlingham's urban area would be maintained.
26. Furthermore, the appellant has demonstrated through their landscape evidence that a suitable mitigation strategy could be secured to limit the visual impact of the residential development throughout the year when viewed from the public bridleway and footpaths and the site's immediate surroundings. There would also be an opportunity to soften the existing edge to the existing built-up area. The retention and enhancement of existing field boundaries and hedgerows would help to integrate the development into the landscape and the additional landscaped buffer and earth bunding along the western edge of the housing site would provide new strong defensible boundary between the residential development and the Green Belt.
27. In terms of the re-provision of the sports facilities on the two agricultural fields on the western part of the site. The site is bounded by existing sports facilities and pitches at Warlingham Rugby Football club to the north, Greenacres Sports club to the south-east, the former Shelton sports ground to the south as well as woodland and fields to the west. Whilst the re-provision of the sports facilities would alter the appearance of the existing agrarian landscape, it would not in my view be significantly out-of-keeping with the surrounding uses and prevailing character of the area in this location.
28. I am therefore satisfied that the resulting development has scope to sit comfortably and successfully assimilate with its existing residential and countryside context. The important finer details of the scheme can be adequately controlled by planning conditions to ensure this. Although the appeal scheme will change the character and appearance of the site, on this particular occasion this does not translate to unacceptable harm to the character and appearance of the area.
29. Consequently, I conclude that the proposed development would not have an unacceptable harmful effect on the character and appearance of the area. The development would accord with the overall aims of Policy DP7 of the LP and Policy CSP18 of the Tandridge District Core Strategy (2008) (CS) which seek,

² Surrey Landscape Character Assessment – Tandridge Character Area (2015) (CD8.23)

amongst other things, to ensure development is of a high quality design that respects the local character and context and integrates effectively with its surroundings. In addition, it would accord with the aims of the Framework which states that decisions should recognise the intrinsic character and beauty of the countryside (paragraph 174).

Traffic and highway safety

30. It is common ground that being directly adjacent to Warlingham, the appeal site is accessible to a good range of services and facilities. However, the appeal proposal would still give rise to a notable increase in the level of traffic which would rely on the surrounding local highway network, including Limpsfield Road. Set against this, the appeal proposal would secure improved connectivity across the appeal site from existing residential areas to the wider bus routes, public footpath and cycle network.
31. The submitted details of the proposed access off Limpsfield Road and the associated changes are uncontested by the Local Highway Authority and National Highways. The appellant's extensive assessment of the highway impacts³ are also agreed, including the proposal having no adverse impacts on the nearby Warlingham gyratory junction as a result of the development and no objections on highway grounds to the likely traffic generation from the proposed sports facilities as compared to the existing sports facilities.
32. Furthermore, the imposition of the agreed schedule of planning conditions and planning obligations covering access, sustainable transport, pedestrian connectivity, and parking would adequately safeguard against any unacceptable highway related consequences of the appeal proposal. They would also ensure that the prospective occupants of the new housing and users of the new sports facilities enjoy a good level of accessibility to local services and facilities. My assessment of these matters leads me to the same conclusion as the main parties and Local Highway Authority.
33. In this context, whilst I appreciate the concerns raised by the interested parties about the access and the capacity of the local highway network, these are not substantiated by any substantive evidence. Based on the uncontested submitted highway evidence from the appellant, coupled with my own site observations, at different times of the day, I do not find that there will be an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network will be severe.
34. The resulting improvements to pedestrian connectivity across the appeal site from existing residential areas to the wider bus routes, public footpaths and cycle network is a moderate benefit.
35. Overall, in the context of paragraph 111 of the Framework, Policy DP5 of the LP and Policy CSP12 of the CS, the predicted traffic and highway effects of the appeal scheme do not indicate to me that it should be refused. Consequently, subject to the imposition of suitably worded planning conditions to manage access and highway related details, there is no conflict with the development plan or the Framework in this regard.

³ Core Documents CD1.29 and CD1.30

Community infrastructure capacity

36. The appeal proposal will generate additional demands on healthcare and educational capacity. Interested parties have raised concerns about the capacity of these local services to support such increased demands. However, the main parties have identified that the appropriate contributions from the appeal scheme toward appropriate infrastructure to support the development can be secured through the Council's Community Infrastructure Levy (CIL) scheme⁴. I am satisfied that the adopted CIL scheme would allow the Council to secure appropriate educational and healthcare mitigation to address this at an appropriate stage in the delivery of the appeal scheme. Moreover, there is no substantiated evidence before me to corroborate the interested parties' concerns about educational and healthcare capacity to lead me to reject the main parties assessment on this matter.
37. Consequently, in the absence of harm there is no conflict with Policy CSP11 of the CS or the Framework in these regards. However, as these contributions towards educational and healthcare facilities would be mitigation, they do not constitute material benefits.

Living conditions

38. The submitted design and layout plans shows the proposed residential development would be located to the west of the existing dwellings on Limpsfield Road and to the south of Hamsey Green Gardens. Occupiers of these properties are currently able to look out across existing sports grounds and small paddock and, from the submitted evidence and my site inspection, it is clear that the appeal proposal would change those vistas.
39. Crucially, current Government guidance on determining planning applications indicates that planning is concerned with land use in the public interest rather than the protection of purely private interests. In terms of resulting levels of outlook, disturbance, privacy, daylight and sunlight, the submitted drawings demonstrate that there is sufficient scope to secure appropriate separation distances, building heights and landscaping through the submitted design and layout plans and planning conditions. I find that although there would be change for those existing occupants, this would not amount to a situation which would lead to unacceptable living conditions.
40. Consequently, I conclude that the proposal would not result in significant harm to the living conditions of the occupiers of the neighbouring properties. Accordingly, there would be no conflict with Policy DP7 of the LP and Policy CSP18 of the CS which seek, amongst other things, to ensure development does not significantly harm the amenities of neighbouring properties. In addition, it accords with the Framework that development should seek to create places that promote health and well-being, with a high standard of amenity for existing and future users (paragraph 130).

Ecology, Biodiversity and Trees

41. Although the appeal proposal will result in the loss of largely undeveloped sports grounds and paddock as well as the change of use and development of the existing agricultural fields, the main parties' evidence confirms that the existing sports ground and agricultural fields are of limited ecological value due

⁴ Core Documents CD1.2, CD1.52 and CD1.53

to the nature of the existing activities and management of the playing pitches and agricultural fields. However, the hedgerows and established trees along the boundaries are identified as supporting greater biodiversity.

42. The appeal scheme shows that the boundaries would be retained as a green link that would connect to the proposed open space. The appellant's evidence identifies opportunities to increase biodiversity and create new species rich habitats to support new foraging activity for species on the site as well as those originating from beyond the site. I also acknowledge that linkages to existing wildlife corridors would be improved as part of the green infrastructure proposals that would provide some compensatory improvements to the Green Belt in this particular location.
43. At the time of the submission of the appeal there was an outstanding matter relating to dormouse and reptile surveys which had been seasonally constrained. This additional ecological survey information has now been submitted by the appellant and the Surrey Wildlife Trust have indicated in their subsequent response, that they have no objections to the proposal, subject to appropriate conditions and mitigation. The ecological, landscaping and Green Infrastructure provision would offer the opportunity to promote the health and well-being of the local people and the biodiversity in the area, key social and environmental objectives of the Framework.
44. The submitted ecological evidence demonstrates that appropriate mitigation can be secured to avoid any residual harm. Furthermore, a biodiversity net-gain of around 22% for habitats and 10% for hedgerows is proposed⁵ and this could be delivered as part of the green infrastructure proposals. The Framework only requires a net-gain, and the proposal therefore goes significantly beyond current policy requirements. Consequently, this aspect of the biodiversity proposals is a moderate benefit of the appeal scheme.
45. The submitted arboricultural assessment, method statement and tree protection plan demonstrates that appropriate mitigation can be secured relating to the existing trees and hedgerows on the site.
46. Overall, the appellant has demonstrated that, subject to the above-mentioned conditions, the appeal proposal would not conflict with Policy CSP17 of the CS, Policy DP19 of the LP or paragraph 180 of the Framework.

Public Rights of Way

47. The existing public footpaths Nos. 52 and 110 and bridleway No. 88 run through or adjacent to the appeal site. Interested parties have raised concerns about the impact on the Public Rights of Way (PROW), including the diversion of footpath No. 52 to accommodate the new playing pitches and pavilion. However, no objections were received from Surrey County Council Countryside Access Officers to the proposal, subject to appropriate conditions and measures. I am satisfied that the submitted legal agreement would secure appropriate PROW improvements and mitigation to address this at an appropriate stage in the delivery of the appeal scheme.
48. The appeal scheme would also change the existing visual and auditory experiences of those who use the existing PROW. However, the appeal proposal would retain the public vistas through the new sport facilities and establish

⁵ Core Documents CD2.6 and CD2.7

some new public views through the proposed open space within the development. These public vistas and the improved connectivity would, in part, offset the contextual changes which would be experienced by users of public footpaths Nos. 52 and 110 and bridleway No. 88. In addition, there would be scope through planning conditions to achieve a high-quality environment through the careful treatment of layout, design and landscaping.

49. Consequently, subject to the above-mentioned legal agreement and conditions, the appeal proposal would not conflict with Policy CSP13 of the CS and Policy DP5 of the LP that seek, amongst other things, to ensure proposals retain or enhance existing footpaths and protect the Rights of Way network. In addition, it would accord with the aims of the Framework that seeks to provide safe and suitable access for all users (paragraph 110).

Flood risk and surface water drainage

50. The site is located in Flood Zone 1 as defined in the Environment Agency's Flood Mapping for the area, where there is a low risk of flooding.
51. The increased areas of hardstanding and development of the site would inevitably increase the need for appropriate measures to deal with potential flood risk, surface water and foul water drainage. The appellant has provided a Flood Risk Assessment and Drainage Strategy setting appropriate measures for the site. I am mindful that the Environment Agency and the Lead Local Flood Authority raised no objections to the proposal, subject to appropriate planning conditions, including the use and maintenance of Green Infrastructure and Sustainable Urban Drainage Systems.
52. Consequently, in the absence of any substantive evidence to the contrary, I consider that the appellant has adequately demonstrated that the proposed development would not adversely impact on flood risk and surface water drainage, in accordance with the requirements of Policy DP21 of the LP that seeks, amongst other things, to ensure proposals reduce the potential risk of flooding. In addition, it would accord with the aims of the Framework that seeks to direct development away from the areas at highest risk of flooding (paragraph 159).

Summary of harmful effects

53. In summary, I find no other harm to add to the harm to the Green Belt as described earlier.

Other considerations

Emerging housing allocation

54. The area within the appeal site that is proposed for residential development is allocated for housing in the submission version of the emerging Tandridge Local Plan 2033 (January 2019) (ELP). This draft allocation is supported by a Policy HSG15 that identifies the appeal site as HSG15A. The emerging allocation is supported by the Council, which is of the view that some Green Belt release is required to meet the current housing requirement. As a result, the emerging policy sets a direction of travel that would see the appeal site removed from the Green Belt and allocated for housing.

55. That said, the Council at the Inquiry consider that the status of the emerging housing allocation in the ELP now needs to be tempered by the publication of the Government's Written Ministerial Statement of 5th December 2022 (WMS) and the subsequent proposed changes to the Framework published for consultation on 22 December 2022. The Council witness considered it would be premature to make a decision giving weight to the emerging allocation in light of these proposed changes. Whilst this may be so, the WMS sets out proposals for consultation rather than immediate changes to government policy and the proposed changes to the Framework has only recently completed its consultation period.
56. The Council have also acknowledged in their recent advice to the Council's Planning Policy Committee on 19 January 2023 (CD8.8), that the proposed changes to the Framework would have no effect on the ELP, which is being examined under the Framework 2012 and the transitional arrangements introduced in the Framework 2018. Consequently, I can only afford limited weight to these matters in making my decision.
57. In relation to the ELP, the Council acknowledges in its recent advice and draft minutes to the Council's Planning Policy Committee on 19 January 2023⁶, that it intends to continue to proceed with the ELP and carry it forward to adoption. Whilst the ELP has been at examination for some time since 2019, the main parties indicated that the Local Plan Inspector in his preliminary findings following the initial hearings (December 2020) (CD5.2) raised no specific concerns to the principle of the housing allocation HSG15A and that there were no unresolved objections to the principle of the proposed allocation from the statutory consultees.
58. Interested parties have raised concerns about the ELP, including the density of the housing development now proposed as part of the appeal scheme and that proposed allocation HSG15A needs to be constructed in conjunction with the proposed allocation HSG15B on land immediately to the south of the appeal site. However, the Council and appellant indicated during the Inquiry that the estimated housing density figure outlined in Policy HSG15 was indicative only based on the standard density calculation and that there was no requirement in the policy for two sites to be developed together.
59. Given the above-mentioned, in light of the stage in the preparation of the ELP, evident lack of unresolved objections to the principle of the proposed housing allocation on the appeal site in Policy HSG15 in the ELP and the consistency with the Government's objectives to significantly boost the supply of the homes in the Framework, having regard to the advice provided in paragraph 48 of the Framework, I give this matter moderate weight in my decision.

Interim Policy Statement for the Housing Delivery

60. In September 2022, the Council adopted an Interim Policy Statement for the Housing Delivery (IPSHD) to enable increased housing delivery and boost housing supply in the District in the short and medium term. This interim criteria based policy forms part of the Council's Housing Delivery Test and Action Plan (CD8.7), which acknowledges that the IPSHD will be an important material consideration in the determination of planning applications.

⁶ Core Documents CD8.8, CD8.9 and CD9.1

61. The IPSHD sets out that applications will be invited to come forward in certain circumstances including housing sites included in the emerging Local Plan where the examiner did not raise concerns. The Council's evidence at the Inquiry stated that the appeal site would meet the criteria in the IPSHD.
62. However, the IPSHD does not form part of the development plan nor is a supplementary planning document, that has been subject to public consultation. Therefore, whilst it is matter to which I can only give limited weight, given its non-statutory status, it is nonetheless a matter which weighs in favour of the proposal.

Past and future housing land supply and delivery

63. It is common ground that the Council cannot demonstrate a five year housing land supply. The Council's latest Annual Monitoring Report (CD8.12) identifies a housing land supply of 1.57 years, based on a standard method local housing needs figure for the district, as compared to the appellant's assessment at just 1.38 years (CD8.28). The submitted evidence also demonstrates that in terms of overall housing delivery, the Council have delivered only 38% of its required housing over the past three years and as a result the District is the 6th poorest performing out of the 321 local authorities nationally. The result of the Housing Delivery Test (the HDT) shows that the Council has failed to deliver its annual housing requirement in previous years, with the Council delivering only 65% in 2018, 50% in 2019 and 50% in 2020 respectively.
64. The particular appeal scheme's significant contribution to boosting the Borough's overall housing land supply and delivery for an appropriate mix of households within the next 5 years is not disputed by the Council. Irrespective of the definitive supply figure, it is clear that the identified future housing land supply is substantially short of the 5-year requirement.
65. The HDT results demonstrate that such inadequate housing delivery has been persistent. Furthermore, the submitted evidence does not indicate that there are other more suitable alternative sites for housing development either in the Green Belt or elsewhere which would provide at least some prospect of an improving picture whilst the ELP is being examined should this appeal be dismissed.
66. The persistent shortfall in housing delivery means the requirement for a HDT Action Plan (September 2022) (CD8.7) has been triggered as a sanction to address these serious failings, that includes bringing forward sites on brownfield and Green Belts sites from the ELP, in line with the IPSHD.
67. In short, the evidence before me conveys at this particular moment in time the continuation of what is already an acute deficiency and shortfall in the local housing supply and delivery. The capability of the appeal proposal to contribute significantly to addressing the identified extremely serious housing land supply and delivery deficits weighs significantly in favour of this appeal.

Ability to meet affordable housing needs

68. The Council's updated Strategic Housing Market Assessment Affordable Housing Needs Assessment (June 2018) (CD8.11) and the appellant's Affordable Housing Needs Update Note (CD8.28) outline there is an identified affordable housing need of 310-391 home per year in Tandridge. However, the Council's latest Annual Monitoring Report (CD8.12) indicates that an average of just 68

affordable homes have been completed annually in Tandridge since 2006. This is exacerbated by the uncontested affordable housing evidence from the appellant which demonstrates an enormous shortfall in delivery of homes over the next 5-year period equating to about 53 affordable homes per annum.

69. This existing position is a clear symptom arising from the continuing overall housing land supply and delivery deficiencies of the Borough. There is a persistent trend of a significant number of people being unable to access their own affordable home in the District unless suitable, technically unconstrained, well located housing sites which are capable of meeting those needs, are brought forward.
70. The appeal scheme proposes the delivery of 40 affordable units of a range of types and sizes to reflect the varied needs of the Borough. This is in excess of the Council's requirements that up to 34% of dwelling will be affordable which is set out in Policy CSP4 of the CS. The significance of this particular appeal scheme's level of contribution to boosting an appropriate mix of affordable housing in the Borough within the next 5 years is not disputed by the Council.
71. The submitted legal agreement contains planning obligations which are capable of securing the appropriate level and mix of proposed affordable housing provision, management of the nomination rights and local criteria to support the delivery of the affordable home for local people in Tandridge. The legal agreement, as a mechanism to ensure that the appeal scheme delivers the important housing benefits of the appeal proposal weighs very heavily in favour of the appeal proposal.
72. In summary, the evidence before me demonstrates an ongoing acute and continuing extremely bleak outlook for local affordable housing provision. The capability of the appeal proposal to contribute significantly to addressing the existing and predicted very serious affordable housing shortfall within the next 5 years attracts significant weight in favour of this appeal.

Re-provision of Sport facilities

73. The site currently accommodates Hamsey Rangers Football Club, with a sports clubhouse, parking and football pitches. The re-provision of the sports facilities would including a new pavilion, parking and football playing pitches catering for a range of age groups. The size of the playing area would increase from 2.45ha to c.3.7ha with the number of pitches increasing from four/five to six/seven (depending on the pitch configuration) with improved drainage.
74. Interested parties have raised concerns about the new sport facilities, including the loss of the existing playing pitches and that the new pavilion provided would be smaller than the existing clubhouse, particularly its mixed-use space for social and community events. There is concern that the space provided in the new pavilion would make the running of the Warlingham Day Nursery, which currently operates its business from the existing clubhouse, and the current range of community activities and events, unviable to operate and as such would undermine the future financial sustainability of the sports club.
75. However, I am mindful that I received no objections from Sports England to the new sports facilities, subject to appropriate condition to ensure the phasing of the new sports facilities in conjunction with the new housing development on the existing sports grounds. Sports England response dated 16 August 2022

(CD1.70) concludes following an assessment of the proposal that the replacement sports playing fields, pavilion and ancillary provision will be better than the existing site and therefore meet the requirements in paragraph 99 of the Framework.

76. In addition, the appellant has confirmed that, in a letter dated 26 January 2023 from owners of the existing sports ground, the John Fisher Old Boys Association (CD8.28), gave their support for the new sports facilities which they consider would deliver a huge improvement, both in terms of the quality of the playing pitches as well as the associated club infrastructure.
77. The Framework seeks replacement sports and playing pitches facilities of equivalent or better provision in terms of quantity and quality in a suitable location. The re-provision and enhancement of the sports facilities meets these current policy requirements and as such this aspect of the proposal is a moderate benefit of the appeal scheme.
78. Consequently, in the absence of any substantive evidence to the contrary, the appellant has demonstrated that, subject to the above-mentioned conditions, the appeal proposal would not conflict with Policy CSP13 of the CS, Policy DP18 of the LP or paragraph 99 of the Framework.

Other Benefits

79. Aside from provision of market and affordable housing to meet local housing need and facilitating re-provision of the sports facilities, the contributions towards new public open space, while necessary to mitigate the impact of the additional population from the development, would also be available to all residents in the local area. These contributions together with the provision of a local equipped area of play within the development are social benefits of the scheme which carry moderate weight.
80. The economic benefits of development would include investment in construction and related employment for its duration. There would also be an increase in subsequent local household expenditure and demand for services. The additional population would increase spending in the local economy to provide long term support for local shops and services, supporting a prosperous economy. This is a key objective of the Framework and are economic benefits that carry moderate weight.
81. The commitment to higher energy efficiency, on-site renewable energy provision, high standards of design and sustainable transport measures are clear environmental benefits, representing a move towards a low carbon economy and promoting more sustainable means of travel. These are key objectives of the Framework and are environmental benefits that carry moderate weight.

Other Matters

82. Whilst concerns about prematurity have been raised, I consider the development is not so substantial or that its cumulative effect so great that it would undermine the plan making process. Whilst the ELP is at an advanced stage, it has been at examination for some time and neither the main modifications nor the Inspector's report has yet been published. Therefore, looking at the ELP as a whole, having regard to the advice provided in the Framework (paragraph 49), I give this matter limited weight in my decision.

83. I have considered the Council's argument that the granting of planning permission would set a precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission on these grounds in this case.
84. Various references have been made in evidence and submissions to other planning decisions and judgements, all of which have been considered. Each turns on its own individual facts and, whilst generally relevant to varying degrees, none dissuade me from the assessments and conclusions based upon the particular circumstances of this appeal.
85. I have taken into account the objections received from Warlingham Parish Council, Save Warlingham's Green Belt Group and interested parties to the proposal. These include loss of Green Belt land contrary to national and local planning policies, prematurity and undermining the ongoing ELP process, unsustainable location, accessibility of the site to local services and facilities, capacity of local infrastructure, schools, doctors and local facilities, impact of the proposal on the character of the area, sports and recreational facilities and the amenities of local residents, particularly during the construction period, impact on footpaths/bridleway, access, parking, traffic, highway safety, flooding and drainage, external lighting, noise and air pollution, loss of habitats, biodiversity and trees.
86. However, I have addressed the matters relating to the Green Belt, landscape character and appearance, traffic and highway safety, living conditions of the neighbouring properties, community infrastructure, footpaths and bridleway, ecology, biodiversity and trees, flooding and drainage, sports facilities and the ELP in the main issues above.
87. In terms of securing a sustainable pattern of development, based on the evidence before me and my observations during my site visits, the site would be well-related to day-to-day services and facilities in Warlingham and is accessible by a range of transport modes, including a good bus service running past the site along Limpsfield Road. Opportunities exist to improve pedestrian, cycling and public transport links as part of the proposed development.
88. Concerns relating to the impact on the external lighting and construction noise and disturbance can be addressed through the imposition of planning conditions. The Noise Assessment (CD1.37) submitted with the application and reviewed by the Council demonstrates that the scheme would not harmfully affect noise quality. The same can be said of air quality, subject to a carefully considered design and layout, appropriate conditions and mitigations.
89. The other matters raised did not form part of the Council's reasons for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning conditions or through the Section 106 Agreement, where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an overriding issue warranting dismissal of the appeal.

Section 106 Agreement

90. Paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
91. The signed and completed Section 106 Agreement makes various commitments to mitigation, additional to arrangements for the provision of affordable housing and contribution of £55,000 towards PROW improvements and £4,600 towards travel plan monitoring. These provisions include for the on-going management and maintenance of the open spaces, play area and the Sustainable Urban Drainage System within the development.
92. I am satisfied that the proposed contributions and provisions set out above are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with the Framework and CIL Regulations. The contributions and provisions in the Section 106 Agreement and how they would be spent are supported by the relevant local plan policies, representations from the Council's consultees, and appeal statements and the Statement of Common Ground between the main parties. As, however, these obligations constitute mitigation, they do not constitute material benefits.

Whether Very Special Circumstances exist

93. I have found that the appeal proposal represents inappropriate development in the Green Belt, which is harmful by definition. It would also cause low to a moderate level of harm to openness and limited harm to the two purposes of including the appeal site in the Green Belt. In accordance with paragraph 148 of the Framework, any harm to the Green Belt must be given substantial weight, weighing against the appeal proposal.
94. In terms of other harms, my findings in respect of the effect on character and appearance, traffic and highway safety, living conditions, community infrastructure, footpaths and bridleway, flood risk and drainage are of neutral consequence and add no other harms to my assessment. The proposal accords with the overall aims of the relevant development plan policies set out in the LP and CS. Other potentially adverse effects would be overcome or satisfactorily mitigated by planning conditions and the Section 106 Agreement.
95. On the other hand, the appeal scheme would assist in addressing the acute and persistent housing supply shortfall and would deliver affordable housing in an area of high need. I attach substantial weight to the critically needed housing benefits of the scheme. The appeal scheme would provide other benefits including the re-provision of enhanced sports facilities, a net gain in biodiversity and the accumulation of economic, social and environmental benefits that add moderate weight in favour of the proposal. Emerging policy also seeks to release the appeal site from the Green Belt for housing and is a matter that adds further moderate weight in favour of the proposal. Overall, in my view, I consider that collectively the other considerations in this particular case are of a very high order.

96. In that context, I find the harm to the Green Belt by reason of inappropriateness, and any other harm identified as arising from the appeal proposal, would be clearly out-weighted by the other considerations identified. Accordingly, the very special circumstances necessary to justify the development have been demonstrated and therefore a conflict with Policy DP10 of the LP, and Paragraph 148 of the Framework, would not occur. Further, given the existence of very special circumstances, it follows that the application of the Framework's Green Belt policies does not provide a clear reason for refusing planning permission.⁷

Conditions

97. Having regard to the Framework and Planning Practice Guidance, I have considered the suggested planning conditions submitted and agreed by the Council and the appellant in the SoCG⁸ and during roundtable discussion at the Inquiry. In addition to the standard time limit condition, I have specified the approved plans and details as this provides certainty (1 & 2). Those conditions relating to the detailing of the external materials and finishes, site levels and hard and soft landscaping works are necessary in order to safeguard the character and appearance of the area (3, 4, 5 & 6). A condition relating to the proposed play area on the site is necessary in order to safeguard the amenities of future occupants of the development (7).
98. A condition relating to a detailed Tree Protection Plan and Arboricultural Method Statement and the protection of the existing trees and hedges on the site are necessary in order to ensure their survival and to protect the visual amenity of the trees and hedges on the site (8 & 9). A condition relating to the submission of a Landscape and Ecological management plan, updated badger survey and reptile mitigation strategy are necessary to ensure the protection and enhancement of biodiversity on the site (10, 11 & 12). A condition relating to a sensitive lighting management plan is necessary to protect any protected species in the area (13).
99. For the construction period, in order to mitigate the environmental impact of development works and to protect the amenities of occupants of neighbouring properties, the submission of a Construction Transport Management Plan, Construction Environmental Management Plan and a condition relating to piling, deep foundations and other intrusive groundwork are necessary (14, 15 & 16). Details of surface water and sustainable urban drainage systems arrangements are necessary in order to ensure adequate drainage facilities are provided and to mitigate against potential flooding and the pollution of the water environment (17 & 18).
100. A range of highway improvements are necessary to limit highway impact and to encourage and promote sustainable transport including access visibility zones (19), parking and vehicle turning arrangements (20 & 21), cycle parking and e-bike charging points, (22 & 23), revised travel plan (24), car club vehicle (25) and a package of measures in general accordance with the Highway Arrangements Plan drawing no.170523-09 Rev C (26). Conditions relating to electric vehicle charging points are necessary in order to promote sustainable transport and reduce greenhouse gas emission (27 & 28).

⁷ See Footnote 7 of the Framework

⁸ Core Document 8.39

101. A condition relating to the installation of the solar thermal systems and solar photovoltaic modules is necessary in order to promote on-site renewable energy provision and reduce greenhouse gas emission (29). A condition relating to the construction and phasing of the sports facilities is necessary to ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use on the site (30).
102. In light of my findings, given that the proposal is acceptable on its own merits for the reasons above, there are no exceptional circumstances in this instance that would justify the removal of permitted development rights in connection with the residential development that are reasonable and necessary to make the development acceptable.
103. I consider all the conditions to be reasonable and necessary to the development of the site. I have reworded some of them for consistency and have reordered them for clarity. Some of the particular requirements involve work to be done before development can start on site or before the development can be occupied. These measures are so fundamental to the acceptability of the proposal that it would be otherwise necessary to refuse planning permission.

Planning Balance

104. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites, as such the tilted balance in paragraph 11d) of the Framework is engaged. The benefits of the development as described above would be collectively very extensive. Consequently, overall, in my view, the adverse impacts arising from this development would not significantly and demonstrably outweigh the scheme's benefits. The proposal would therefore represent a sustainable form of development when assessed against the Framework read as a whole, which is a further material consideration in favour of the development. Therefore, there is no justified basis to resist the appeal proposal.

Conclusion

105. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Reuben Taylor KC	King's Counsel, Landmark Chambers
Matthew Taylor	Planning Director, Lichfields
Andrew Cook	Executive Director, Pegasus

FOR THE COUNCIL:

Clifford Thurlow	Interim Chief Planning Officer, Tandridge District Council
Paul Batchelor	Senior Planning Officer, Tandridge District Council

INTERESTED PARTIES:

Sarah Johnson	Save Warlingham's Green Belt Group
Lisa Dunning	Save Warlingham's Green Belt Group
Lauren Gates	Save Warlingham's Green Belt Group
Cllr Robin Bloore	Local Councillor
Cllr Keith Prew	Local Councillor
Cllr Jeremy Pursehouse	Local Councillor
Gintare Vaiciuliene	Interested Party
David Durrant	Interested Party
Margaret Lambert	Interested Party
Rod Hay	Interested Party

INQUIRY CORE DOCUMENTS LIST

CD1 Planning Application Documents and Plans

Application Submission Documents and Plans

CD1.1 Five Year Housing Land Supply Assessment December 2021

CD1.2 Benefits Statement December 2021

CD1.3 Planning Statement December 2021

CD1.4 Landscape and Visual Impact Assessment (LVIA) December 2021

CD1.5 Design and Access Statement (DAS) December 2021

CD1.6 Application Forms

CD1.7 ANCILLARY BUILDINGS SINGLE GARAGE 2 ELEVATIONS AND FLOORPLANS REV B

CD1.8 House Type Alder Floorplans and Elevations

CD1.9 House Type Bayberry Floorplans and Elevations

CD1.10 House Type Blackthorn Floorplans and Elevations

CD1.11 House Type Chestnut Floorplans and Elevations

CD1.12 House Type Fir Floorplans and Elevations

CD1.13 House Type Fir 2 Floorplans and Elevations

CD1.14 House Type Larch Floorplans and Elevations

CD1.15 House Type Rowan Floorplans and Elevations

CD1.16 House Type Walnut Floorplans and Elevations

CD1.17 House Type Whitebeam Floorplans and Elevations

CD1.18 House Type Willow Floorplans and Elevations

CD1.19 Ancillary Buildings Bin Store- Plots 40-50, 46-54 & Club Elevations and Floorplans

CD1.20 Ancillary Buildings Cycle Store- Plots 40 - 54 Elevations and Floorplans

CD1.21 Ancillary Buildings Bin & Cycle Store- Plots 92- 100 Elevations and Floorplans

CD1.22 Ancillary Buildings Sub Station Elevations and Floorplans

CD1.23 Location Plan

CD1.24 Coloured Street Scene Planning Drawing

CD1.25 ANCILLARY BUILDINGS DOUBLE GARAGE 1 ELEVATIONS AND FLOORPLANS

CD1.26 ANCILLARY BUILDINGS SINGLE GARAGE 1 ELEVATIONS AND FLOORPLANS

CD1.27 ANCILLARY BUILDINGS DOUBLE GARAGE 2 ELEVATIONS AND FLOORPLANS

CD1.28 Planning Application Summery Dec 21

CD1.29 Transport Statement plus Appendix A -O

CD1.30 Transport Statement Appendix P

CD1.31 Travel Plan

CD1.32 Arboricultural Assessment and Method Statement

CD1.33 Tree Protection Plan

CD1.34 Cala Homes – Feasibility Report on Limpsfield Road Development

CD1.35 Cala Homes – Feasibility Report on Limpsfield Road Development (1)

CD1.36 Landscape Management Plan

CD1.37 Environmental Noise Survey and Acoustic Design Statement Report

CD1.38 Flood Risk Assessment and Drainage Strategy

CD1.39 Flood Risk Assessment and Drainage Strategy Appendix A - C

CD1.40 Flood Risk Assessment and Drainage Strategy Appendix D - J

CD1.41 Flood Risk Assessment and Drainage Strategy Appendix K

CD1.42 Flood Risk Assessment and Drainage Strategy Appendix L -P

CD1.43 Manual for managing trees on development sites
CD1.44 House Type 1BB Front Gable Floorplans and Elevations
CD1.45 House Type 1BB Side Gable Floorplans and Elevations
CD1.46 Archaeological Desk-based Assessment
CD1.47 HER Data Map
CD1.48 HER Data
CD1.49 HER Events Map
CD1.50 Biodiversity Checklist
CD1.51 Energy and Sustainability Statement
CD1.52 CIL Form 1
CD1.53 CIL Form 2
CD1.54 Local Validation Checklist
CD1.55 Statement of Community Involvement
CD1.56 Preliminary Ecological Appraisal (Playing Pitches)
Consultee Responses
CD1.60 Surrey County Council Countryside Access Officer consultee response
21 February 2022
CD1.61 TDC Planning Policy consultee response 24 February 2022
CD1.62 Surrey County Council Highways consultee response 29 September
2022
CD1.63 Surrey County Council Highways consultee response 16 March 2022
CD1.64 London Borough of Croydon 08 March 2022
CD1.65 Environment Agency 17 June 2022
CD1.66 Natural England 01 March 2022
CD1.67 Surrey County Council Flood Risks and Planning (LLFA) 02 March 2022
CD1.68 Sports England 16 August 2022
CD1.69 Sports England 25 August 2022
CD1.70 Sports England 16 August 2022
CD1.71 Surrey Policy 11 February 2022
CD1.72 Surrey Wildlife Trust consultee response 16 March 2022
CD1.73 Surrey Wildlife Trust consultee response 18 August 2022
CD1.74 National Highways consultee response 26 October 2022
CD1.75 Surrey Wildlife Trust consultee response 1 December 2022
CD1.76 Sport England Correspondence and site construction access plan dated
20 September 2022
CD1.77 Sport England Correspondence dated 21 September 2022

CD2 Additional/Amended Reports and/or Plans submitted after validation

CD2.1 Alternative Sites Report March 2022
CD2.2 Illustrative Landscape Masterplan (Rev P03) 10-08-2022
CD2.3 Overall Coloured Site Layout Plan (Rev D)
CD2.4 Agricultural Land Classification Report
CD2.5 Ecological Impact Assessment
CD2.6 Biodiversity Net Gain Assessment
CD2.7 Biodiversity Net Gain Metric 3.0
CD2.7 HOUSE TYPE AFFORDABLE FLATS 1- 1B & 2B PLANS & ELEVATIONS
CD2.8 HOUSE TYPE AFFORDABLE FLATS - 1B PLANS & ELEVATIONS
CD2.9 HOUSE TYPE AFFORDABLE FLATS - 1B & 2B PLANS & ELEVATIONS
CD2.10 HOUSE TYPE BELLFLOWER FLOORPLANS AND ELEVATIONS
CD2.11 HOUSE TYPE CLOVER FLOORPLANS AND ELEVATIONS
CD2.12 HOUSE TYPE ARUM FLOORPLANS AND ELEVATIONS
CD2.13 Site Layout Planning Drawing

CD2.14 Coloured Site Layout Planning Drawing Rev N
CD2.15 SITE LAYOUT PLANNING DRAWING Sports Pitches
CD2.16 Tenure Plan Rev E
CD2.17 Storey Heights R
CD2.18 Dwelling Types
CD2.19 Parking Plan
CD2.20 Refuse Plan Rev C
CD2.21 Materials Plan
CD2.22 ENCLOSURE PLAN Rev C
CD2.23 Fire Strategy Plan Rev C
CD2.24 Sports Pavilion Elevations and Floorplans Rev H
CD2.25 Hard Landscape 1 of 5 Rev P02
CD2.26 Hard Landscape 2 of 5 Rev P02
CD2.27 Hard Landscape 3 of 5 Rev P02
CD2.28 Hard Landscape 4 of 5 Rev P02
CD2.29 Hard Landscape 5 of 5
CD2.30 Soft Landscape 1 of 5 Rev P03
CD2.31 Soft Landscape 2 of 5 Rev P03
CD2.32 Soft Landscape 3 of 5 Rev P03
CD2.33 Soft Landscape 4 of 5 Rev P04
CD2.34 Soft Landscape 5 of 5 Rev P04
CD2.35 HOUSE TYPE GARDENIA FLOORPLANS AND ELEVATIONS
CD2.36 OVERALL SITE LAYOUT PLANNING DRAWING
CD2.37 Site Construction Access Plan (Area Calculations) @A1
CD2.38 Dwelling Types (Housing Mix) Plan Rev C
CD2.39 Site Layout Rev V
CD2.40 Proposed Highway Arrangements Plan Rev C
CD2.41 Proposed Highway Arrangements Plan Rev C
CD2.42 Proposed Access Arrangements Plan 2 Rev B
CD2.43 Hedge Punctuation: Method Statement for Reptiles
CD2.44 Hedge Punctuation: Non-licenced Method Statement for Dormouse

CD3 Committee Report and Decision Notice

N/A

CD4 The Development Plan

CD4.1 TDC Core Strategy (October 2008)

CD4.2 TDC Local Plan Part 2: Detailed Policies (July 2014)

CD5 Emerging Development Plan

CD5.1 Tandridge Our Local Plan 2033 (Regulation 22 Submission) January 2019

CD5.2 ID16 Emerging Local Plan Inspector Preliminary Conclusions Advice December 2020

CD5.3 TED48 TDC Letter - Update on Transport Modelling and Alternative Option 27 August 2021

CD6 Relevant Appeal Decisions Note

CD6.1 APP/C2741/W/19/3227359 – North of Boroughbridge Road, York

CD6.2 APP/Q3115/W/19/3230827 – Oxford Brookes University, Wheatley Campus

CD6.3 APP/V1505/W/22/3298599 – Land North of Kennel Lane, Basildon

CD6.4 APP/C2741/W/21/3282969 – North Lane , Huntington, York

CD6.5 APP/P3040/W/17/3185493 – Land north of Asher Lane, Ruddington, Rushcliffe

CD6.6 APP/B1930/W/20/3265925 – Land off Bullens Green Lane, Colney Heath, St Albans / Welwyn Hatfield

CD6.7 APP/X1925/W/21/3273701 – Land south of Heath Lane, Codicote, North Hertfordshire

CD7 Relevant Judgements

CD7.1 Wychavon DC v Secretary of State for Communities and Local Government and Butler (2008) EWCA Civ 692

CD8 Other Documents

Documents relating to National Planning Policy:

CD8.1 National Planning Policy Framework (NPPF) (2021)

CD8.2 Planning Practice Guidance (PPG) Housing Supply and Delivery (2019)

CD8.3 Written Ministerial Statement 6 December 2022 - Update on the Levelling up Bill

CD8.4 Levelling-up and Regeneration Bill - Consultation on reforms to national planning policy (2022)

CD8.5 National Planning Policy Framework (NPPF) - Showing Proposed Changes (2022)

Documents relating to Local Planning Policy:

CD8.6 TDC Planning Policy Committee Paper 22 September 2022

CD8.7 TDC Housing Delivery Test Action Plan & Interim Policy Statement for Housing Delivery (September 2022)

CD8.8 TDC Planning Policy Committee Paper 19 January 2023

CD8.9 TDC Planning Policy Committee Paper 19 January 2023 - Addendum

Housing Need, Delivery and Supply:

CD8.10 The Objectively Assessed Housing Needs (OAN) of Tandridge (September 2018)

CD8.11 SHMA Affordable Housing Needs Assessment Update (June 2018)

CD8.12 TDC Authority Monitoring Report 2021-2022

CD8.13 TDC Authority Monitoring Report 2020-2021

CD8.14 TDC Authority Monitoring Report 2019-2020

Green Belt and Landscape:

CD8.15 Green Belt Assessment (Part 1) (December 2015)

CD8.16 Green Belt Assessment (Part 1) Appendix D Parcel Assessments (2015)

CD8.17 Green Belt Assessment (Part 2) Areas for Further Investigation (2016)

CD8.18 Green Belt Assessment (Part 2) Areas for Further Investigation (2016) Appendix 1

CD8.19 Green Belt Assessment (Part 2) Areas for Further Investigation (2016) Appendix 2 Extract

CD8.20 Green Belt Assessment (Part 3) Exceptional Circumstances and Insetting (June 2018)

CD8.21 Green Belt Assessment (Part 3) Appendix 1 (2018) - Extracts

CD8.22 Tandridge Landscape Capacity and Sensitivity Study Addendum (April 2017) Extract

CD8.23 Surrey Landscape Character Assessment - Tandridge Character Area (2015)

Proofs of Evidence:

- CD8.24 Local Planning Authority's Summary of Proof of Evidence
- CD8.25 Local Planning Authority's Proof of Evidence
- CD8.26 Appellant's Summary Proof of Evidence of Martin Taylor
- CD8.27 Appellant's Proof of Evidence of Martin Taylor
- CD8.28 Appellant's Proof of Evidence of Martin Taylor - Appendices
- CD8.29 Appellant's Landscape Proof of Evidence of Andrew Cook
- CD8.30 Appellant's Landscape Proof of Evidence of Andrew Cook - Appendices List
- CD8.31 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 1
- CD8.32 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 2
- CD8.33 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 3
- CD8.34 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 4
- CD8.35 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 5
- CD8.36 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 6
- CD8.37 Appellant's Landscape Proof of Evidence of Andrew Cook – Appendix 7
- CD8.38 Appellant's Rebuttal Proof of Evidence of Martin Taylor

Statement of Common Ground:

- CD8.39 Statement of Common Ground

Other Documents:

- CD8.40 Inspectors Note 23 of Examination of the Mole Valley Local Plan 2020-2037

CD9 Appeal documents received after the Inquiry opened

- CD9.1 Tandridge Planning Policy Committee Draft Minutes (19 January 2023)
- CD9.2 Cllr Robin Bloore Statement
- CD9.3 Appellant Opening Statement
- CD9.4 Council Opening Statement
- CD9.5 Save Warlingham Green Belt Group Statement
- CD9.6 Sports England email 28 February 2023
- CD9.7 Council Closing Statement
- CD9.8 Appellant Closing Statement

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, subject to other plans approved pursuant to other conditions herein under:

DRAWING	REFERENCE	DATED
Site Location Plan	170526/LP	17/12/2021
Site Layout	170526/SL/PL Rev V	02/08/2022
Overall Site Layout	170526/OSL/PL Rev B	02/08/2022
Coloured Site Layout	170526/CSL/PL Rev N	02/08/2022
Overall Coloured Site Layout	170526/OCSL/PL Rev D	02/08/2022
Site Layout – Sports Pitches	170526/SL/PL/SP Rev P	15/08/2022
Sports Pavilion Plan	170526/SP/EP Rev H	15/08/2022
Dwelling Types (Housing Mix) Plan	170526/SL/PL/DT Rev C	02/08/2022
Storey Heights Plan	170526/SL/PL/SH Rev C	02/08/2022
Tenure Plan	170526/SL/PL/TP Rev E	02/08/2022
Parking Plan	170526/SL/PL/PP Rev E	02/08/2022
Refuse Plan	170526/SL/PL/RP Rev C	02/08/2022
Materials Plan	170526/SL/PL/MP Rev C	02/08/2022
Fire Strategy Plan	170526/SL/PL/FS Rev C	02/08/2022
Enclosure (Boundary Treatments) Plan	170526/SL/PL/EP Rev C	02/08/2022
Substation Plan – Elevations and Floorplans	170526/AB/SS/EP Rev A	14/12/2021
Cycle Store Plan – Elevations and Floorplans	170526/AB/CS/EP Rev A	14/12/2021
Bin Store Plan – Elevations and Floorplans	170526/AB/BES/EP Rev A	14/12/2021
Bin and Cycle Store Plan – Elevations and Floorplans	170526/AB/BCS/EP Rev A	14/12/2021
Affordable Flats – 1B – Elevations and Floorplans	170526/HT/1B-FLATS/EP Rev C	25/03/2022
Affordable Flats – 1B & 2B – Elevations and Floorplans	170526/HT/FLATS/EP Rev D	25/03/2022
Affordable Flats 1 – 1B & 2B – Elevations and Floorplans	170526/HT/FLATS-1/EP Rev C	25/03/2022
Alder – Elevations and Floorplans	170526/HT/ALD/EP Rev C	14/12/2021
Arum – Elevations and Floorplans	170526/HT/ARU/EP	25/03/2022
Bayberry – Elevations and Floorplans	170526/HT/BAY/EP Rev C	14/12/2021
Bellflower – Elevations and	170526/HT/BEL/EP Rev C	25/03/2022

DRAWING	REFERENCE	DATED
Floorplans		
Blackthorn – Elevations and Floorplans	170526/HT/BLA/EP Rev C	14/12/2021
Chestnut – Elevations and Floorplans	170526/HT/CHE/EP Rev C	14/12/2021
Clover – Elevations and Floorplans	170526/HT/CLO/EP	25/03/2022
Fir – Elevations and Floorplans	170526/HT/FIR/EP Rev B	14/12/2021
Fir 2 – Elevations and Floorplans	170526/HT/FIR2/EP Rev B	14/12/2021
Gardenia – Elevations and Floorplans	170526/HT/GAR/EP	25/03/2022
Larch – Elevations and Floorplans	170526/HT/LAR/EP Rev C	14/12/2021
Rowan – Elevations and Floorplans	170526/HT/ROW/EP Rev B	14/12/2021
Walnut – Elevations and Floorplans	170526/HT/WAL/EP Rev B	14/12/2021
Whitebeam – Elevations and Floorplans	170526/HT/WHI/EP Rev D	14/12/2021
Willow – Elevations and Floorplans	170526/HT/WIL/EP Rev B	14/12/2021
Bungalow Side Gable – Elevations and Floorplans	170526/HT/1BB/SG/EP Rev B	14/12/2021
Bungalow Front Gable – Elevations and Floorplans	170526/HT/1BB/FG/EP Rev B	14/12/2021
Single Garage 1 – Elevations and Floorplans	170526/AB/SG1/EP Rev A	14/12/2021
Single Garage 2 – Elevations and Floorplans	170526/AB/SG2/EP Rev B	13/01/2022
Double Garage 1 – Elevations and Floorplans	170526/AB/DG1/EP Rev A	14/12/2021
Double Garage 2 – Elevations and Floorplans	170526/AB/DG2/EP Rev A	14/12/2021
Tree Protection Plan	19020-3	-
Illustrative Masterplan (Landscape)	DLA-2072-L-11-P03	10/08/2022
Hard Landscape Plan – Sheet 1 of 5	DLA-2072-L-01-P02	09/08/2022
Hard Landscape Plan – Sheet 2 of 5	DLA-2072-L-02-P02	09/08/2022
Hard Landscape Plan – Sheet 3 of 5	DLA-2072-L-03-P02	09/08/2022
Hard Landscape Plan – Sheet 4 of 5	DLA-2072-L-04-P02	09/08/2022
Hard Landscape Plan – Sheet 5 of 5	DLA-2072-L-05-P02	09/08/2022

DRAWING	REFERENCE	DATED
Soft Landscape Plan – Sheet 1 of 5	DLA-2072-L-06-P03	09/08/2022
Soft Landscape Plan – Sheet 2 of 5	DLA-2072-L-07-P03	09/08/2022
Soft Landscape Plan – Sheet 3 of 5	DLA-2072-L-08-P03	09/08/2022
Soft Landscape Plan – Sheet 4 of 5	DLA-2072-L-09-P04	25/08/2022
Soft Landscape Plan – Sheet 5 of 5	DLA-2072-L-10-P04	25/08/2022
Indicative Site Construction Access Plan	170526/SL/PL/MPAC	-
Proposed Highway Arrangements Plan	170523-09 Rev C	-
Proposed Highway Arrangements Plan	170523-10 Rev B	-
Proposed Access Arrangements Plan	170523-01 Rev C	-

- 3) Prior to any above ground works (excluding demolition) details of the materials to be used in the construction of the external surfaces of the buildings and dwelling 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.
- 4) A) Prior to the commencement of facade works, detailed drawings/plan/section/elevation at 1:20 of the following shall be submitted to the Local Planning Authority for approval in writing:
 - Typical window (reveal, header, sill);
 - Communal entrances;
 - Typical Balcony/balustrade; and
 - Parapets.
 B) The development shall only be implemented in accordance with the details approved under part A) above.
- 5) No development shall start in relation to the construction of the dwellings until details of the levels of accesses and finished floor levels of the building(s) hereby approved 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.
- 6) Notwithstanding the details already submitted, no development shall start until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. These details shall include:
 - a. proposed finished levels or contours
 - b. means of enclosure

- c. car parking layouts
- d. other vehicle and pedestrian access and circulation areas
- e. hard surfacing materials
- f. minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).

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 the same 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.

- 7) Prior to the construction of the play areas hereby approved, a scheme detailing the play equipment, boundary treatment and ground surface area treatment of the outdoor play spaces shall be submitted to the Local Planning Authority and approved in writing. The play equipment will be designed to be fully inclusive to ensure the areas are accessible to all and will be implemented upon occupation of the relevant part of the development in accordance with the approved plans, to be retained permanently thereafter.
- 8) Notwithstanding the details already submitted, no development shall start until a detailed Tree Protection Plan and Arboricultural Method Statement, in full accordance with sections 5.5 and 6.1 of BS5837:2012 Trees in relation to design, demolition and construction - Recommendations [appropriate and specific to the approved scheme], to include details of the protection of all retained trees from works associated with demolition, construction and landscaping, and all works within the root protection area, or crown spread [whichever is greater], of any retained tree, has been submitted to and agreed in writing by the Local Planning Authority. These details shall include a system of arboricultural supervision and monitoring where works within root protection areas are required. Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the Local Planning Authority.
- 9) No trees or hedges shall be pruned, felled or uprooted during site preparation, demolition, 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 are removed, or which within a period of 5 years from the

completion of the development die are removed, or, in the opinion of the Local Planning Authority, are dying, becoming diseased or damaged shall be replaced by plants of such size and species as may be agreed in writing with the Local Planning Authority.

- 10) Prior to the commencement of development the applicant should submit to the Local Planning Authority for approval a Landscape and Ecological Management Plan (LEMP) to details the management measures required to deliver the biodiversity net gain identified in the biodiversity net gain assessment. The LEMP should include, but not be limited to following:
 - a. Description and evaluation of features to be managed including the public rights of way and adjacent hedgerows
 - b. Ecological trends and constraints on site that might influence management
 - c. Aims and objectives of management including any new Green Belt boundaries
 - d. Appropriate management options for achieving aims and objectives
 - e. Prescriptions for management actions, together with a plan of management compartments
 - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period
 - g. Details of the body or organisation responsible for implementation of the plan
 - h. Ongoing monitoring and remedial measures
 - i. Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery
 - j. Monitoring strategy, including details of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
 - k. Invertebrate Habitat Enhancement Plan
 - l. Ecological Enhancement Plan
- 11) Prior to the commencement of the development an updated badger survey of the proposed development site should be carried out. If potential evidence of a badger sett is recorded, then the Applicant should submit a Badger Mitigation Strategy to the Local Planning Authority for approval. Thereafter the development shall be undertaken in accordance with the approved Badger Mitigation Strategy.
- 12) Prior to commencement of development a reptile mitigation strategy should be submitted to and approved in writing by the Local Planning Authority. The strategy should be prepared by a suitably qualified ecologist and appropriate to the local context. The reptile mitigation strategy should include, but not be limited to following:
 - a. Location and map of the proposed translocation site

- b. Assessment of the habitats present, including their ecological function to reptiles
 - c. Assessment of the translocation site reptile population size, evidenced by recent reptile surveys following best practice, and an assessment of habitat quality
 - d. Analysis of reptile carrying capacity of translocation site
 - e. Details of management measures that are required
 - f. Work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - g. Details of the body or organisation responsible for implementation of the reptile mitigation strategy
 - h. Ongoing monitoring and remedial measures
 - i. Legal and funding mechanisms by which the long-term implementation of the reptile mitigation strategy will be secured by the applicant with the management body(ies) responsible for its delivery.
- 13) Prior to commencement of development a Sensitive Light Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with these details.
- 14) No development shall commence until a revised Construction Transport Management Plan is submitted to include details of:
- a. parking for vehicles of site personnel, operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials
 - d. programme of works (including measures for traffic management)
 - e. HGV deliveries and hours of operation
 - f. vehicle routing
 - g. measures to prevent the deposit of materials on the highway
 - h. on-site turning for construction vehicles
 - i. provision of boundary hoarding behind any visibility zones
- has been submitted and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
- 15) Prior to the commencement of development the applicant should submit to the Local Planning Authority for approval a Construction Environmental Management Plan (CEMP). The CEMP should include, but not be limited to:
- a. Map showing the location of all of the ecological features
 - b. Risk assessment of the potentially damaging construction activities
 - c. Practical measures to avoid and reduce impacts during construction
 - d. Location and timing of works to avoid harm to biodiversity features

- e. Responsible persons and lines of communication
- f. Use of protected fences, exclusion barriers and warning signs.

Thereafter the development shall be undertaken in strict accordance with the approved CEMP.

- 16) Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 17) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the Sustainable Urban Drainage System (SuDS) Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework 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 and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy.
 - 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. A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
 - d. Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - e. 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.
- 18) Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
- 19) No part of the development shall be commenced until the proposed vehicular / pedestrian access to Limpsfield Road has been constructed and provided with visibility zones in accordance with the Access Arrangements Plan drawing no. 170523-01 Rev C and thereafter the

- visibility zones shall be kept permanently clear of any obstruction between 0.6m and 2.0m above ground level.
- 20) Prior to the occupation of each dwelling hereby approved space shall be laid out within the site for each of the residential dwellings in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.
 - 21) The development hereby approved shall not be first occupied until space has been laid out within the site for the sports facility in accordance with the approved plans for 100 vehicles (including 5 disabled bays) and 3 coach spaces to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purposes.
 - 22) The residential development hereby approved shall not be first occupied until facilities for the secure, covered parking of bicycles and the provision of a charging point for e-bikes next to the facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
 - 23) The sports facility hereby approved shall not be first occupied until facilities for the secure, covered parking of 40 bicycles and the provision of a charging point for e-bikes next to the facilities have been provided within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the said facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.
 - 24) A revised Travel Plan shall be provided and approved in writing with the Local Planning Authority and thereafter implemented prior to first occupation and each and every subsequent occupation of the development, thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.
 - 25) The development hereby approved shall not be first occupied until at least 1 car club vehicle has been provided for occupiers to use in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the club vehicle/s shall be retained and maintained for their designated purpose.
 - 26) Prior to first occupation the following package of measures shall be implemented at the applicants expense through a S278 Agreement in general accordance with the Highway Arrangements Plan drawing no.170523-09 Rev C.
 - a. Design and provision of a toucan crossing including facilities for cyclists to join the carriageway, dropped crossings and tactile paving and all associated costs (legal order, advertisement consents, signals design and installation), civil engineering and traffic management works, commuted sums for future maintenance.

- b. Two vehicle activated speed signs (VAS) to be constructed on Limpsfield Road at the applicants expense with the location to be agreed with the Highway Authority.
 - c. Widening of the existing footpath from the proposed site access towards Warlingham Village centre to 2m where this can be achieved.
 - d. The existing footway from the pedestrian/emergency access (between 176 and 178 Limpsfield Road) to be widened to 3m as far as the proposed site access to provide a shared pedestrian/cycleway.
 - e. Provision of pedestrian refuge island with dropped kerbs and tactile paving
 - f. Provision of tactile paving across Crewes Avenue and Crewes Lane.
 - g. Relocation of existing bus stop which is currently adjacent Verdayne Gardens.
 - h. The relocated bus stop and the stop outside 182 Limpsfield Road will be subject to the following improvements:
 - i. raised kerbing of 140mm for approximately 9m subject to site conditions and location to be agreed with Surrey County Council's (SCC's) Passenger Transport Projects Group.
 - ii. bus cage markings and bus stop clearway
 - iii. investigation as to whether bus shelters can be provided, then the shelter, style and location to be agreed with the SCC's Passenger Transport Projects Team and provided with lighting and seating with arm rests.
 - iv. bus flag and pole
 - v. Real Time Passenger Information (RTPI)
- 27) The residential development hereby approved shall not be occupied until each of the proposed dwellings are provided with a fast-charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 28) The sports facility hereby approved shall not be occupied until 20 of the available parking spaces have been fitted with a fast charge Electric Vehicle charging point (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) plus a further 20 spaces to be provided with a power supply to provide additional fast charge socket (Feeder pillar or equivalent premising future connection 230v AC 32 Amp single phase dedicated supply).
- 29) Prior to the occupation of each dwelling hereby approved the solar thermal systems and solar photovoltaic modules as specified in the application details shall be installed in relation to that dwelling and this system shall thereafter be retained in perpetuity in accordance with the approved details.
- 30) Prior to the commencement of the development hereby permitted, a scheme and phasing plan for the relocation and reprovision of the playing

pitches, pavilion and ancillary facilities hereby permitted shall be submitted to the Local Planning Authority for approval, in consultation with Sport England.

This scheme and phasing plan should ensure that on the existing John Fisher Sports Club site a minimum of three playing pitches (of which at least one should be 11 v 11 sized), the existing pavilion and car parking facilities are available and accessible for safe and continual use until the new playing field area containing the Over 18 (Senior) 11 v 11, Youth U15/U16 11 v 11 and Youth U13/14 11 v 11 playing pitches, which shall all include the appropriate 3m run-off areas, the pavilion and ancillary facilities hereby permitted as set out in drawing numbers 170526/SL/PL/SP rev P and 170526/SP/EP Rev H and the Sport Turf Consulting report dated 1st July 2022 are constructed and available for use. The playing field, pavilion and ancillary facilities shall be maintained, available for use and accessible in accordance with the approved details.

On the completion of the 50th dwelling, the playing field area containing the Youth U13/14 11 v 11 and both Mini-Soccer U9/U10 7 v 7 playing pitches hereby permitted shall be constructed and be available for use as set out in drawing numbers 170526/SL/PL/SP rev P and 170526/SP/EP Rev H and the Sport Turf Consulting Report dated 1st July 2022. The playing field shall be maintained, available for use and accessible in accordance with the approved details.

Appendix 4 - Land at Maitland Lodge Appeal Decision



Appeal Decision

Inquiry held on 20 to 23 September 2022

Site visit made on 22 September 2022

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/V1505/W/22/3296116

Land at Maitland Lodge, Southend Road, Billericay CM11 2PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Inland Homes against Basildon Borough Council.
 - The application Ref 21/01687/FULL, is dated 17 November 2021.
 - The development proposed is the demolition of Maitland Lodge and the construction of 47 new homes (Class C3) with vehicular access onto Southend Road, together with associated infrastructure and landscaping works.
-

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of Maitland Lodge and the construction of 47 new homes (Class C3) with vehicular access onto Southend Road, together with associated infrastructure and landscaping works, in accordance with the terms of the application Ref 21/01687/FULL, dated 17 November 2021, subject to the conditions at Annex C of this Decision.

Preliminary Matters

Planning policy

2. The Development Plan for the area includes the Basildon District Local Plan Saved Policies September 2007 (the LP). The emerging Basildon Borough Local Plan 2014-2034 was withdrawn in March 2022. Its policies, therefore, have no weight, although the plan and its evidence base remain material considerations in the determination of the appeal.

Documents and evidence

3. A number of submissions were received during the inquiry, as set out in Annex B. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the revised and additional documents and drawings.

Putative Reasons for Refusal

4. The proposal was taken to planning committee in June 2022, where the Council agreed two putative reasons for refusal. The first reason is that the proposal

represents inappropriate development in the Green Belt (GB) and that 'very special circumstances' do not exist. It states that the proposal would cause substantial harm to openness and that its poor design would exacerbate this harm and would fail to provide a high quality beautiful place.

5. The second reason is in relation to securing adequate provision for on and off-site infrastructure, effects on the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS), and the provision of affordable housing. Subsequent to the planning committee, a s106 planning obligation, dated 7 October 2022, has been submitted. It secures:
 - a healthcare contribution to expand South Green Surgery;
 - an employment and skills contribution to broker job opportunities;
 - an open space, culture, play and sports provision contribution;
 - a contribution in respect of the Essex Coast RAMS;
 - a County Council monitoring fee and a Council monitoring fee;
 - a primary education contribution towards primary education facilities within three miles of the development and/or within Basildon Primary Group 1 (Billericay);
 - a secondary education contribution towards secondary education facilities within three miles of the development and/or within Basildon Secondary Group 2 (Billericay);
 - 16 of the proposed dwellings to be affordable housing, of which 15 would be affordable rented units at least 20% below local open market rent, and one would be shared ownership where the purchaser would have an initial equity share of not less than 25% and not more than 75%;
 - an Affordable Housing Scheme, requiring details of the location of the proposed affordable housing, and a Shared Ownership Marketing Strategy;
 - a further five of the dwellings to be First Homes, allocated to first time buyers at a discount to the market rate of 30%;
 - an Employment and Skills Plan;
 - a management company to carry out the long term management and maintenance of the on-site Open Space; and,
 - an Open Space Specification and the Management Plan regarding the open space.
6. The Council **and Essex County Council's** joint CIL Compliance Statement sets out the detailed background and justification for each of the obligations. I am satisfied that the provisions of the submitted agreement would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (the CIL Regulations) and the tests at paragraph 57 of the National Planning Policy Framework (the Framework), and I have taken them into account. The s106 therefore responds to these concerns and this putative reason for refusal is not a main issue for the appeal. I return to matters of weight and detail of the s106 throughout my Decision as appropriate.

Main Issues

7. The main issues are:
 - whether or not the proposal would be inappropriate development in the GB, including assessment of the effect of the proposal on the openness of the GB; and,
 - the effect of the proposal on the character and appearance of the area, in particular on landscape character.

Reasons

Green Belt

Inappropriate development

8. The majority of the appeal site lies in the GB. The area of the site outside the GB is Maitland Lodge and its garden and a thin sliver of land to the north east corner running along the back of the properties to the west of Southend Road. It is proposed to construct a number of new buildings within the GB land.
9. The GB land provides equestrian facilities, other buildings or built form and paddocks directly linked to the equestrian facilities and forming part of the curtilage of the equestrian buildings. The Framework states that the curtilage of developed land can be considered as, but is not necessarily, previously developed land (PDL). In this instance, the functional relationship of the paddocks to the developed stables and other buildings on the site is clear. The paddocks themselves include some built form and are a human intervention on the site. It is also common ground, and I agree, that none of the appeal site is in agricultural use. The residential garden areas to Maitland Lodge are within the part of the appeal site that is within the built-up area of Billericay. These are not, therefore PDL, as defined by the Framework. However, these areas are outside of the GB. I therefore agree with the appellant and the Council, who under cross-examination conceded this position, that all of the GB land within the appeal site is PDL.
10. It is also common ground, and I agree, that the proposal would include affordable housing that would meet an identified need within the Borough. This is expanded upon later in this Decision. Paragraph 149 of the Framework states that new buildings are inappropriate development in the GB, subject to a number of exceptions. Part g), second bullet point, relates to the redevelopment of PDL where the proposal would contribute to meeting an identified affordable housing need, and is therefore relevant to the appeal proposal. The bullet point states that, in such circumstances, development **would not be 'inappropriate' if it would not cause substantial harm to the openness of the GB.** I therefore assess the effect of the proposal on openness below.

Openness

11. The GB element of the appeal site is within a wider parcel of land in the GB **called 'Area 25' as identified in the Basildon Borough Green Belt Topic Paper, October 2018 (the Topic Paper 2018).** The appeal site is a small area of land within this wider parcel. There is open countryside to the west and the south, however there is extensive, mature boundary planting to the west, and lesser, but still significant, boundary planting to the south. The land to the east and west of the site is already built-up. The site is therefore highly visually constrained and makes only a limited contribution to the openness of the GB. This is a view shared by the Topic Paper 2018.
12. The GB element of the appeal site contains a number of buildings and structures associated with its equestrian and other uses. These are largely single storey. The proposal would be for 28 buildings, including a mix of houses and two blocks of flats, at up to three storeys but mostly either two or two and a half storeys in height. Overall, the proposal would result in an 80% increase

- in footprint and a 124% increase in volume of built-form on the GB element of the appeal site. The level of the proposed increase in built-form would therefore be relatively significant.
13. The proposed garages would link several of the buildings. The layout would be relatively dense, there would be runs of rooflines that would be fairly close together and prominent, and relatively limited landscaping, save for incidental street trees and an area of open space to the south west corner. These design detail considerations influence the harm to openness of the proposal but only to a limited degree, as was accepted by the Council under cross-examination.
 14. In addition, the proposal would spread built form across the whole site, rather than being concentrated to the eastern edge adjacent to the existing housing. There would also be a significant increase in activity on the site in comparison to the existing use for equestrian purposes and the gardens of the proposed dwellings would likely also be the subject of residential paraphernalia once occupied, further negatively affecting openness on the site.
 15. However, the appeal site is largely visually self-contained by the mature planting to the west and existing development to the north and east. The southern boundary also has a relatively mature hedgerow but is more open. The proposed landscaping scheme, including some trees, would lessen this openness but the proposal would still be more visible from the south through this boundary than the existing built form. Importantly, though, as viewed from the south the proposed development would be seen in the context of the existing housing of Billericay. The existing housing rises slightly up the hill as viewed from the south and is clearly visible and fairly prominent.
 16. Overall, there is relatively significant existing built form and the GB element of the appeal site is only a small part of a much wider parcel of GB land. The proposal would result in an increase in built form on the site both in overall footprint and volume and spread across the site. However, the appeal site is largely visually self-contained, with existing housing to Billericay to two sides of the site and the extensive existing and proposed boundary landscaping to the other two sides. Where the boundary planting would be more open the proposal would be seen in the context of the existing housing to Billericay. The harm to openness on the appeal site itself would therefore have limited effect on the wider GB. Allowing for the slightly greater harm to openness of the appeal site itself, the overall harm to the openness of the GB would be moderate.
 17. It is important to note that the threshold for the proposal to be considered as inappropriate development is substantial harm. This is a high bar and the **proposal clearly falls below it. The proposal is therefore 'not inappropriate' development in the GB. I do not, therefore, need to further consider issues in relation to GB development or make a determination on 'very special circumstances'.**

Character and appearance

18. **The Council's case with regard to character and appearance relates primarily to** the effect of the proposal on landscape character, which I assess in this section. The Council also raised matters regarding detailed design that fall outside the above, which I turn to in the Other Matters section later in my Decision.

Existing

19. The appeal site includes a detached house along the western side of Southend Road, with the majority of the site lying behind this house. The area behind comprises a number of buildings and stables and associated hardstanding, fences and other ancillary development. There are also two grass paddocks which take up the western and central part of the site. The existing buildings have an equestrian use character and are single storey apart from Maitland Lodge. Some buildings are in poor condition and the site has grown organically with no discernible pattern to the layout.
20. To the east and north of the rear part of the site lies the existing edge of Billericay, with a mix of houses lining Mill Road, Homefield Close and Southend Road. The Maitland Lodge house is one of the properties on Southend Road. The surrounding properties are of a variety of architectural styles, being either detached or semi-detached houses or bungalows, and there is little to unify the architectural character. It is a typical, unremarkable, suburb. To the south and west are fields with mostly open countryside beyond. The site sits within Landscape Character Area 12¹, defined as an area of sloping farmland. However, it is only a small part of this wider area, which includes the extensive open farmland surrounding Billericay. The appeal site does not contain most of the key characteristics of the area, such as large fields.
21. Other than the entrance element where Maitland Lodge sits, the appeal site is mostly visually self-contained. The dwellings to the north and east only afford glimpsed views through to the site. There is a very mature hedgerow including substantial trees to the western boundary and a less mature and lower hedgerow, but which is still relatively substantial, to the southern boundary. Even views from neighbouring properties are at least partially screened by existing vegetation and boundary features. The appeal site is, however, visible from the south, largely to drivers approaching Billericay along Southend Road, but there are also some footpaths at mid-distance from the site to the south and west. However, where the site is visible, it is seen in the context of the urban edge of Billericay. The existing properties are clearly visible, set on rising land towards the north.
22. The wider landscape to the south and west is largely open farmland and is of higher quality. However, whilst pleasant countryside, this is also largely unremarkable agricultural fields. It is common ground, and I agree, that the **wider landscape is not a 'valued landscape' within the meaning of paragraph 174 of the Framework**. I assess the wider area to have moderate sensitivity to change. The appeal site itself, however, is of low sensitivity, through a combination of the partly-urbanising effect of the existing buildings and ancillary structures and hard standing, the edge-of-settlement character and the visual containment.

Proposed

23. It is proposed to demolish all the existing buildings and structures on the site and comprehensively redevelop to provide 47 dwellings. The proposed layout includes an access road from Southend Road which turns into a circle within the main/rear part of the site. A building, containing two houses, is proposed to the Southend Road frontage, adjacent to the proposed access road. A variety

¹ As set out in the Landscape Character and Green Belt Landscape Capacity Study December 2014

of dwellings are proposed within the site, including detached and semi-detached houses at two or two and a half storeys, and two blocks of flats at two and three storeys. Many of the proposed houses are also provided with car ports and there would be additional off and on-street car parking, including on driveways and in small car parks. An area of communal open space is proposed to the south west corner, which would also incorporate a balancing pond drainage feature. Some new planting is proposed, including trees, to the southern boundary.

Assessment

24. There would be a fair degree of consistency in the proposed architectural style of the buildings in terms of scale and layout but a certain amount of variety through different fenestration patterns and materials. The Essex Design Guide 2018 advises to avoid or conceal wide gable ends to roofs. Some relatively wide gable ends are proposed, but these are largely to side elevations not viewed directly from the proposed street. These side elevations often also would have car ports, adding articulation. There would be a variety of roof forms, silhouettes and detailing which is a positive factor which contributes to the architectural interest of the proposal. Overall, the architectural approach achieves a successful balance and would be in-keeping with the varied detailed design but consistent suburban character and appearance of the wider area.
25. The proposal is relatively dense and the proposed car ports would visually and physically link many of the buildings. However, these would be set back and would be lower than the host buildings and would remain subservient to them. The density would be similar to the surrounding area. The proposed open space would be relatively limited, but it is in the location of the site that would most benefit from visual softening, in the south west corner surrounded by open fields, and as stated in the Basildon Outline Landscape Appraisals of Potential Strategic Development Sites 2017. Paragraphs 119 and 124 of the Framework promote the effective and efficient use of land to provide homes. In this physical and policy context, the proposal would be of an acceptable density.
26. Nevertheless, the proposal would undeniably result in a change in character and appearance to the appeal site from the current equestrian use and building styles, and an increase in density and built form across the site, particularly to the currently open paddocks to the west and centre of the site. However, the overall density and detailed design of the proposal would be in-keeping with the character and appearance of the area. The appeal site is also of low sensitivity, is highly visually self-contained and, where more visible from the south, would be seen in the context of the existing housing of Billericay to the north, limiting any effects on the wider area.
27. Consequently, the proposal would not result in material harm to the character and appearance of the area, with regard to landscape effects. The proposal would therefore comply with Policy BE12(i) of the LP, which resists residential development that would harm the character of the surrounding area.

Other Matters

Housing

Market housing

28. A housing land supply range has been agreed between the parties, of between 1.6 and 2.33 years. Anywhere within this range is a very substantial shortfall against the target to identify a five year supply of housing land as set out in paragraph 68 of the Framework. In numerical terms, the shortfall equates to between 3,345 and 4,200 homes. There is also an under-delivery of housing in **the Borough. The Government's 2021 Housing Delivery Test figures confirm a** delivery rate of 41% against the housing requirement. Footnote 8 of the Framework states that even a delivery rate of 75% should be considered as substantially below the requirement. 41% is therefore a very substantial under-delivery. The delivery is also on a downward trend, with the most recent results being 45% in 2020, 44% in 2019 and 75% in 2018.
29. Under cross-examination, the Council accepted that housing delivery has been persistently poor over several years. This is also stated at paragraph 2.4 of the **Council's Draft Housing Delivery Test Action Plan July 2021 (the Action Plan 2021)**. It would be difficult to come to any other conclusion on the basis of the above evidence. The shortfalls in housing land supply and housing delivery are stark. There is also no evidence before me that there is likely to be a marked improvement in the delivery of housing in the short to medium term. The **Council's Action Plan 2021** states that the level of supply is not expected to significantly improve until a new Local Plan is adopted. In this regard, the **Council's emerging Local Plan was recently withdrawn and its tentative** timetable for the production of a new Local Plan would result in adoption, at best, in 2027.
30. It is important to remember that there are real world implications from the under-delivery of homes, including increased house prices, decreased affordability and an increasing number of individuals and families being forced to remain in unsuitable accommodation for their current needs. I therefore place very substantial positive weight on the proposed 26 open market homes.

Affordable housing

31. **The Council's affordable housing need is agreed between the main parties to be** 860 dwellings per annum (dpa), based on removing the backlog in addition to ongoing requirements. The current overall shortfall is 2,494 homes. Over the past seven years, the net delivery of affordable housing, ie after accounting for Right to Buy sales, is just 5 dpa. Affordable housing delivery is abysmal. The shortfall is acute and persistent. As with market housing, there is no evidence before me that there is likely to be a marked improvement in the delivery of affordable housing in the short to medium term.
32. The length of the waiting list on the housing register is up by 44% in the past year. The multiple of the income of people on lower quartile incomes necessary to buy a home in the Borough is 32% higher than seven years ago. These statistics sit in the middle of a much wider socio-economic and political conversation, not all which, I accept, will have been driven by the lack of affordable housing delivery. However, the persistent extremely low affordable housing delivery in the past years has contributed towards this real-world

harm. Each of the 2,494 affordable homes that should have been built, but have not, represent a missed opportunity to help alleviate the housing concerns of individuals and families. The situation represents a significant conflict with the economic and social overarching objectives set out in paragraph 8 of the Framework.

33. Policy BAS S5 of the LP sets a requirement for affordable housing of between **15 to 30% of the total number of units on a development site. The 'split' of the** affordable housing between different affordable tenure types is not prescribed in policy and all tenures of affordable housing contribute to the affordable housing supply for the Borough. The proposed provision of 45% of total units, at 21 homes, is in excess of the policy requirements. However, given the critical situation regarding affordable housing delivery in the Borough, I place very substantial positive weight on all of the proposed affordable homes, not just those over and above policy requirements.

Appeal site location and nature

Previously Developed Land (PDL)

34. As established above, the element of the appeal site in the GB is PDL. Most of the remainder of the appeal site is also PDL, as it is land with existing built form and associated hard standing. However, there are two small residential garden areas associated with Maitland Lodge that lie outside of the GB, both of which do not constitute PDL, as defined by the Framework. Nevertheless, a significant majority of the site is PDL. Despite this, the site is not particularly intensively used, with large relatively open spaces for the paddocks. The proposed development to provide 47 houses would therefore represent an efficient use of land for homes, on a mostly brownfield site, partly within and partly directly adjacent to an existing settlement.
35. In light of the above, and as directed by paragraph 120(c) of the Framework, I place substantial positive weight on the proposed dwellings on the part of the appeal site within Billericay. I also place significant positive weight on the remainder of the development in this regard, which accords with the promotion of the effective use of land to provide homes at paragraph 119 of the Framework.

Sequential preference

36. **The Council's Development Plan is out-of-date.** The Local Plan was adopted in 1998, based on the period 1991-2001, with a housing requirement based on a previous Structure Plan adopted in 1982. The GB boundaries are therefore based on very old housing requirements and a completely different planning policy and political backdrop. Most of the Borough outside the three main towns is GB. It is common ground, and I agree, that due to the significantly higher housing requirements that the Council now faces, and that it cannot demonstrate a five year supply of housing land, significant GB release is inevitable.
37. It would be preferable if the GB release could be managed through the emerging Local Plan process, as set out at paragraphs 15 and 140 of the Framework. However, as set out above, a new Local Plan is at least five, and potentially many more, years from being adopted. It is therefore necessary to

consider proposals that come forward in the GB ahead of adoption of the new Local Plan.

38. In this regard, the now withdrawn Local Plan and its evidence base is still a material consideration. The evidence base allocated the site for development² and the withdrawn Plan carried this through to a site allocation (Site H21b), albeit for around 20 self-build homes rather than the 47 dwellings proposed as part of the appeal proposal³. However, the important consideration is that the site was found to be suitable for development and to be removed from the GB. In addition, this inquiry has established that the GB element of the appeal site is all PDL.
39. Therefore, the appeal site in general is sequentially preferable to non-PDL sites in the GB, which make up the majority of GB land in the Borough. In any event, as established above, the **specific appeal proposal is 'not inappropriate'** development in the GB. I therefore find no harm from the location of the proposal in the GB in addition to its sequential preference over non-PDL GB sites. This is a significant positive benefit of the proposal in the context of a Borough where GB release is accepted as being inevitable to meet its housing needs.

Accessibility

40. The appeal site is directly adjacent to Billericay and accessible to its large range of services and facilities, and also easily accessible to a range of bus routes and also Billericay train station. It is common ground, and I agree, that the appeal site is in a highly accessible location. I place significant positive weight on this factor.

Economic

41. The proposal would create short term employment during construction and would result in long term economic benefits from expenditure from the future occupants on goods and services in the area. Some of the future occupants would potentially have only moved a short distance and already be in the local area, but many are likely to be from further afield. As required by paragraph 81 of the Framework, I place significant positive weight on the economic benefits.

Biodiversity

42. A package of mitigation measures, such as tree protection fencing or sensitive site clearance, is set out in the Ecological Impact Assessment May 2022 and could also be secured by condition. Compensation is also proposed, for example through the contribution towards the Essex Coast RAMS. It is therefore proposed to follow the hierarchy set out at paragraph 180 of the Framework by first mitigating ecological effects and only then compensating for them. In addition, a biodiversity net gain of 10% is proposed and could be secured by condition. **The Framework only requires 'a' net gain, rather than a gain of 10%.** The proposal therefore goes beyond policy requirements in this regard. I place significant positive weight on this benefit.

² Housing and Economic Land Availability Assessment (HELAA) Review 2018, September 2018 (Site SS0189)

³ Basildon Borough Revised Publication Local Plan 2014 – 2034, October 2018 (Site H21b) and Housing Options Topic Paper November 2018 (New Site 3)

Detailed design

43. The proposed layout with a circular road leading to a single access point logically responds to the square shape of the rear part of the site and the narrow access area to Southend Road. The proposed building along Southend Road retains a building fronting onto the road, in-keeping with the established character of the road. Nevertheless, there would be limited harm to the character and appearance of this frontage through the proposed relatively wide access road.
44. The proposed three storey block of flats would be slightly taller and more bulky than the proposed and existing semi-detached properties in the area. However, it would be relatively small, towards the centre of the site and not readily visible from public or private views. The proposed public open space would be relatively small but is proposed in the south west corner of the site which is the most appropriate location for open space as it is furthest away from Billericay and one of the most visible parts of the appeal site. The open space would also incorporate a drainage feature but the detail of this could be controlled by condition to be attractive and there would be sufficient remaining space for recreational use by the future residents. The proposed shared surface approach to the internal road would work well in the context of the relatively small scale of the proposal. The Highways Authority raises no objection to this approach in terms of highway safety.
45. Matters of detailed design of the proposed buildings and the proposed hard and soft landscaping could be controlled by condition(s). Overall, the detailed design of the proposal would be in-keeping with the character and appearance of the area and would be acceptable. This weighs neutrally in the planning balance.

Appropriate Assessment

46. The appeal site falls within the Zone of Influence (Zoi) for the Blackwater Estuary Special Protection Area and Ramsar (the SPA). The proposal is for residential development and the future occupants are likely to travel to the SPA for recreation purposes, due to the proximity and as established by the appeal site falling within the Zoi. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment (AA) in such circumstances. As the Competent Authority, I have therefore undertaken an AA.
47. The conservation objectives for the SPA include maintaining or restoring the habitats for a number of breeding and non-breeding birds. The specific qualifying features likely to be affected by the potential increase in recreational pressure include the mudflat habitat that supports internationally and nationally important numbers of overwintering waterfowl, and semi-improved grassland that includes nationally scarce plants and rare invertebrates. The proposal would therefore likely result in adverse effects on the SPA, by itself and in combination with other development projects.
48. Consequently, I am satisfied that a mitigation payment is required to avoid an adverse effect on the integrity of the SPA. In this regard, the s106 secures a financial contribution, proportionate to the number of dwellings proposed, towards mitigating the effects of the likely increased recreational pressure. The payment has been calculated in accordance with the Essex Coast RAMS, which

applies to a number of protected areas include the SPA relevant to this appeal. The RAMS is a detailed strategy which has carefully considered the mitigation measures necessary to protect the designated sites. Natural England has confirmed that the contribution is appropriate and proportionate, and that, subject to the contribution, the proposal would not have an adverse effect on the integrity of the site. I am therefore satisfied that the mitigation would be effective. I am also satisfied that the planning obligation meets the tests set out in Regulation 122(2) of the CIL Regulations and paragraph 56 of the Framework.

49. Consequently, I consider that, subject to the s106, there would be no adverse effect on the integrity of the protected site, both on its own and in combination with other developments.

Interested parties

50. Several objections have been submitted, including from the Billericay District Residents Association, Great Burstead and South Green Village Council and the Campaign to Protect Rural England. The objections have commented on the issues covered above and also on drainage, flooding, highway safety, free-flow of traffic, harm to living conditions of neighbouring occupiers through lack of light and noise and outlook, contamination of groundwater, impact on local infrastructure eg schools and doctors, disruption during construction, and deterioration in air quality. Some neutral comments were also submitted requesting a horticultural scheme.
51. I have taken all of these factors into consideration. Most are not in dispute between the main parties. The Council concluded that there would be no material harm in these regards and I also note that both the Local Lead Flood Authority and Highways Authority have no objection to the proposal. No substantiated evidence has been submitted that leads me to any different view. Other concerns are addressed in my reasoning above, can be addressed by conditions or are dealt with by the planning obligations secured.

Conditions

52. A schedule of conditions was agreed between the parties ahead of the inquiry. This was discussed through a round-table session at the inquiry. I have considered the conditions against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and in the interests of clarity, precision, and simplicity. The appellant has confirmed acceptance of the pre-commencement conditions. I set out below specific reasons for each condition:
- In addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty;
 - Construction Management Plan (CMP) and Site Waste Management Plan (SWMP) and Construction Environmental Management Plan (CEMP) conditions are necessary to protect the living conditions of neighbours, biodiversity, highway safety and the free-flow of traffic during construction;
 - The Biodiversity Survey and Biodiversity Enhancement Strategy, Landscape and Ecological Management Plan (LEMP), lighting design, Arboricultural Impact Assessment, and Ecological Impact Assessment conditions are necessary to protect existing biodiversity, to secure the proposed 10% biodiversity net gain, and to ensure maintenance of the relevant measures;

- Land contamination and remediation, archaeology, Secured by Design and waste and recycling conditions are necessary to ensure the proposal would have acceptable effects with regard to these technical considerations;
 - Tree protection, hard landscaping, soft landscaping, waste and recycling conditions, and Arboricultural Impact Assessment conditions are necessary to ensure a satisfactory standard of development protect and to protect and enhance biodiversity;
 - The materials and finished floor levels conditions are necessary to ensure a satisfactory standard of development;
 - The surface water drainage systems, maintenance of surface water drainage systems and finished floor levels conditions are necessary to ensure that suitable mitigation is provided regarding surface water drainage and flooding;
 - An Energy and Sustainability Strategy condition is necessary to ensure that the proposal reduces carbon dioxide emissions and therefore to mitigate climate change and assist in moving to a low carbon economy as set out in paragraph 8 of the Framework;
 - The visibility splays, access junction details and internal road and footway layout condition is necessary to protect highway safety and the free-flow of traffic;
 - The cycle parking and Residential Travel Information Pack conditions are necessary to encourage the use of a range of modes of transport other than the car; and,
 - The condition requiring details of upgrade works to nearby bus stops and pedestrian crossings is necessary to encourage the use of a range of modes of transport other than the car and to partially mitigate the increased pressure on public transport from the future occupiers of the development. It is necessarily worded as a Grampian type condition, since it relates to land outwith the control of the appellant.
53. A condition requiring electric vehicle charging points for all the proposed car parking spaces was requested by the Council but it is unnecessary because this provision is already set out in Requirement S1 of The Building Regulations 2010, Approved Document S 2021 Edition.
54. The CMP/SWMP, CEMP, Biodiversity Survey, land contamination and remediation, archaeology, tree protection, and hard and soft landscaping conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.

Planning Balance

55. The proposal would not conflict with any Development Plan policies, including the four identified as most relevant to the appeal in the Statement of Common Ground, namely Policy BAS GB1 which sets the GB boundaries but has no specific control over GB development, Policy BAS S5 which sets affordable housing thresholds which the proposal exceeds, Policy BAS BE12 which requires proposals to conserve the character of the area, and Policy BAS BE24 which is in relation to crime prevention which could be adequately controlled by condition.
56. The proposal would not harm the character and appearance of the area, either with regard to landscape or **detailed design. It would be 'not inappropriate'**

development in the Green Belt. The s106 secures appropriate mitigation against any harms from the proposal on the SPA. These factors all weigh neutrally in the planning balance.

57. The proposed open market housing and affordable housing would be very substantial benefits of the proposal. The part of the proposal outside of the GB to be developed for housing would be a substantial benefit due to the use of suitable brownfield land within settlements for homes.
58. The remainder of the appeal site represents the effective use of land to provide homes. The appeal site is sequentially preferable to non-PDL sites in the GB in a Borough where GB release is inevitable to meet its housing needs. The appeal site is easily accessible to public transport, services and facilities, a biodiversity net gain over and above minimum policy requirements is proposed, and there would be both short term and long term economic benefits. These are all significant benefits.

Conclusion

59. The Council cannot demonstrate a five year supply of housing land and there is no clear reason for refusing the proposal related to areas or assets of particular importance. Having regard to paragraph 11d of the Framework, I have found no conflict with the Development Plan and a number of weighty benefits. Therefore, for the reasons above, the appeal is allowed.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Giles Atkinson, of Counsel. He called:

Emily Beavan ARB	Principal Urban Design Officer, Basildon Borough Council (BBC)
Louise Cook MRTPI	Principal Planning Officer, BBC
Christine Lyons MRTPI	Head of Planning, BBC
Adeola Pilgrim MRTPI	Principal Planner, BBC
Lisa Richardson	Principal Planner, BBC
Charlotte McKay cFILEX	Principal Lawyer, BBC
Anne Cook	Principal Infrastructure Planning Officer, Essex County Council

FOR THE APPELLANT:

Zack Simons, of Counsel. He called:

Colin Pullan	Head of Urban Design and Masterplanning, Lambert Smith Hampton
Charles Crawford CMLI	Director, LDA Design
Hywel James MRTPI	Associate, Nexus Planning
Oliver Bell MRTPI	Director, Nexus Planning
James Stacey MRTPI	Senior Director, Tetlow King Planning Ltd
Ben Standing	Partner, Browne Jackson
Dominick Veasey MRTPI	Director, Nexus Planning
Hywel James MRTPI	Associate, Nexus Planning

ANNEX B: DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Addendum to Statement of Common Ground – Housing Issues, dated 20 September 2022
- 2 Affordable Housing Proof of Evidence Addendum and Errata Note of James Stacey BA (Hons) Dip TP MRTPI
- 3 *Herbert Hiley and The Secretary of State for Levelling Up, Housing and Communities vs East Lindsey District Council* [2022] EWHC 1289 (Admin)
- 4 **Appellant’s Opening and List of Appearances**
- 5 Opening Statement on behalf of the LPA
- 6 Site Visit Routes, dated September 2022
- 7 Email regarding conditions 27 and 28 from Hywel James, dated 23 September 2022
- 8 Open Space Plan/Management Plan Ref 1760/L/02
- 9 Closing submissions on behalf of the LPA, by Giles Atkinson, dated 23 September 2022
- 10 **Appellant’s Closing Submissions, by Zack Simons and Isabella Buono**, dated 23 September 2022

ANNEX C: CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 16007/400; 1760/P/01 Rev B; 16007-10, 11 Rev B, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 Rev A, 35, 36, 37, 38, 39, 100, 101.

Pre-commencement

- 3) No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP) for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The Plans shall incorporate details of:
 - a) the parking of vehicles of site operatives and visitors (construction traffic management);
 - b) loading and unloading and the storage of plant and materials used in constructing the development;
 - c) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
 - d) wheel and underbody washing facilities;
 - e) measures to control the emission of noise, dust and dirt during construction;
 - f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
 - g) details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those **residents consulted on the application by the developer's** representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

The approved CEMP and SWMP shall be implemented for the entire period of the construction works.

No materials produced as a result of the site development or clearance shall be burned on site.

- 4) Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Ecological Impact Assessment ref. INL20854_EcIA dated 17.05.2022. The CEMP: Biodiversity shall include the following:
 - a) Risk assessment of potentially damaging construction activities;
 - b) **Identification of "biodiversity protection zones";**

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and,
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 5) A. No above ground new development, including demolition, shall commence until an updated Biodiversity Survey has been submitted to and approved in writing by the Local Planning Authority.
B. A Biodiversity Enhancement Strategy for any identified protected and priority species in accordance with the Biodiversity Survey approved at A., shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the relevant part of the development. The content of the Strategy shall include the following:
 - a) measures equivalent to a 10% net gain in biodiversity;
 - b) purpose and conservation objectives for the proposed enhancement measures;
 - c) detailed designs to achieve stated objectives;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) locations of proposed enhancement measures by appropriate maps and plans;
 - f) persons responsible for implementing the enhancement measures; and,
 - g) details of initial aftercare and long-term maintenance (where relevant).C. The Strategy shall be implemented in accordance with the approved details and timetable and, where appropriate, shall be retained in that manner thereafter.
- 6) No development shall commence, including any works of demolition, until an updated desk-top study has been submitted to and approved in writing by the Local Planning Authority, to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the proposed development.
- 7) If identified as being required following the completion of the desk-top study required pursuant to condition 6, a site investigation shall be carried out prior to commencement of development and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk

assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed, taking into account the sites existing status and proposed new use. The site investigation and findings shall be submitted to and approved in writing by the Local Planning Authority within three months of their completion.

- 8) If identified as being required following the completion of the site investigation pursuant to condition 7, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. Development shall be carried out in accordance with the written method statement. If, during redevelopment, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority and all requirements shall be implemented and completed in accordance with the approved method statement.
- 9) Following completion of measures identified in the remediation scheme pursuant to condition 8, a full closure report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved method statement(s).
- 10) A. No development shall commence until:
 - i. A programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority; and,
 - ii. Any fieldwork required in accordance with the submitted WSI has been completed.

B. A Final Archaeological Report shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.

C. The deposition of a digital archive with the Archaeological Data Service must be submitted within six months of the completion of any fieldwork required.
- 11) No development shall commence, including any works of demolition, until all trees to be retained have been protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. The protective fencing shall be retained for the duration of the construction process.
- 12) The hard landscaping scheme set out in drawing Ref INL20854-12-Sheets 1, 2 and 3 and drawing Ref INL20854_10 shall be updated to accord with the additional landscaping features shown on drawing Ref 1760/P/01 Rev B. The updated hard landscaping scheme shall be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of development. The approved hard landscaping scheme shall be implemented prior to occupation of the development in accordance with the approved details.

- 13) The soft landscaping scheme set out in drawing Ref INL20854-11-Sheets 1, 2 and 3 and drawing Ref INL20854_10 shall be updated to accord with the additional landscaping features shown on drawing Ref 1760/P/01 Rev B. The revised soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Specific triggers

- 14) Prior to installation of external façade surfaces, full details, including samples, specifications, annotated plans and fire safety ratings, of all materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The external façade surfaces shall only be implemented in accordance with the approved details and shall be retained at all times thereafter.
- 15) No above ground new development shall commence, until an updated and detailed surface water drainage scheme for the proposed development, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event;
 - b) Final modelling and calculations for all areas of the drainage systems for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change; and,
 - c) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

The approved scheme shall be implemented prior to occupation of the development.

- 16) No above ground new development shall commence until an Energy and Sustainability Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and shall be maintained at all times thereafter.
- 17) No above ground new development shall take place until details of the existing and finished site levels and the finished floor and ridge levels of the proposed development have been submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Pre-occupation

- 18) Prior to occupation of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This must include details of management of trees on site. The content of the LEMP shall include the following:
- a) Description and evaluation of landscape and ecology to be managed to include all woodland;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management (The southern and western boundary hedgerows will be protected from the development with garden fences, to prevent inappropriate management by the residents. The hedgerows will be appropriately managed long term by a management company);
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan; and,
 - h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP shall be implemented in accordance with the approved details.

- 19) A. Prior to occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 63 metres to the north and 2.4 metres by 64 metres to the south, as measured from and along the nearside edge of the carriageway to a 1 metre offset, as shown in principle on planning application drawing Ref 151883/PD02 rev A prepared by Vectos. Such vehicular visibility splays shall be retained free of any obstruction at all times.
- B. The width of the access at its junction with the highway shall not be less than 6 metres and shall be provided with two appropriate kerbed radii as shown in principle on planning application drawing Ref 1760/P/01 rev B prepared by Archtech.
- C. Prior to occupation of the development, footways a minimum of two metres wide shall be provided on both sides of the vehicular access. The footways shall extend from the site around the bellmouth junction, include a dropped kerb pedestrian crossing point and tie in with the existing footways on Southend Road.

- D. Prior to occupation of the development the internal estate road and footways shall be constructed as shown in principle on planning application drawing Ref 1760/P/01 rev B prepared by Archtech.
- E. Prior to occupation of the development, vehicular turning facilities, as shown on planning application drawing Ref 1760/P/01 rev B prepared by Archtech shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- 20) Prior to first occupation of the flats, details of the proposed secure and covered cycle parking for future occupiers of these units shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be made available prior to first occupation of the flats in accordance with the approved details and thereafter permanently retained.
- 21) No dwelling shall be occupied unless and until the existing bus stops known as Factory Site located on Southend Road adjacent to the site have been upgraded to provide raised Kassel kerbs, associated footway reprofiling, installation of bus stop clearway markings for both northbound and southbound stops, and a dropped kerb pedestrian crossing point provided on both sides of Southend Road in the vicinity of the northbound and southbound bus stops, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.
- 22) Prior to the first occupation of the relevant dwelling, a Residential Travel Information Pack (RTIP) for sustainable transport shall be submitted to and approved in writing by the Local Planning Authority. The RTIP shall subsequently be provided to the first occupant(s) of the relevant dwelling prior to first occupation of that dwelling. The RTIP shall include six one day travel vouchers for use with the relevant local public transport operator.
- 23) Prior to the first occupation of the proposed development, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. No external lighting shall be installed other than in accordance with the specifications and locations set out in the approved scheme and maintained thereafter in accordance with the scheme.
- 24) Prior to occupation of the development, a Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system, and the maintenance activities / frequencies, shall be submitted to and approved in writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should also be provided. Drainage maintenance shall be carried out thereafter in accordance with the approved details. The applicant(s) or any successor(s) in title must maintain yearly Drainage Logs of maintenance which should be carried out in accordance with any approved

Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

- 25) Prior to occupation a detailed residential refuse and recycling strategy for the development, including the design and location of the refuse and recycling stores, shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling stores shall be provided before the occupation of the development and thereafter permanently retained.

Pre-completion

- 26) A. The development hereby permitted shall use reasonable endeavours to achieve a Gold award of the Secured by Design for Homes (2019 Guide) or any equivalent document superseding this Guide.
- B. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided upon completion of the development confirming that the agreed standards at A. have been met.
- C. In the event that the agreed standards at A. are not achievable then prior to completion of the development the applicant shall submit to the Local Planning Authority for approval in writing justification for this and details of the highest award of the Secured by Design for Homes (2019 Guide) or any equivalent document superseding this Guide which is achievable for the development.
- D. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided upon completion of the relevant Phase of the development, confirming that the agreed standards at C., as relevant, have been met.

For observation

- 27) All works shall take place in accordance with the recommendations set out in the approved Arboricultural Impact Assessment and Method Statement Ref INL20854aia-amsA Rev A dated 10/02/2022 and the associated Tree Protection Plan Ref INL-20854-03 Rev B. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi-mature trees of the same or similar species in the next planting season, if not sooner.
- 28) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the updated Ecological Impact Assessment (May 2022).

=====END OF SCHEDULE=====