



STATEMENT OF COMMON GROUND

SITE ADDRESS: LAND AT THE OLD COTTAGE, STATION ROAD, LINGFIELD, RH7 6PG
APPELLANT: WOOLBRO GROUP AND MORRIS INVESTMENT
LOCAL PLANNING AUTHORITY: TANDRIDGE DISTRICT COUNCIL

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This Statement addresses the areas of common ground between the Appellant and Tandridge District Council (“TDC”) with respect to LPA application reference TA/2022/685. TDC has failed to determine the outline application within statutory timescales and therefore this appeal is made on the grounds of non-determination.

1. MATTERS IN AGREEMENT

- 1.1 The areas of common ground address the following matters:
- Description of proposed development;
 - Description of the site and surrounding area;
 - Relevant planning policies and material considerations;
 - Sustainable location of the site for residential development;
 - Acceptability of proposed access; and
 - Planning benefits.
- 1.2 The matters set out below are considered to be in agreement.

Description of Proposed Development

- 1.3 The Description of Development (DoD) is agreed as follows:

“Outline application with all matters reserved except for access and layout for a residential development of 99 dwellings (40% affordable) with associated access, formal open space, landscaping, car and cycle parking and refuse. .”

Description of Appeal Site and Surrounding Area

Site Description

- 1.4 The Appeal Site measures approximately 6.3ha and currently comprises a small cluster of fallow fields with a Public Right of Way (PROW) running east-west bisecting the northern part of the application site. The ground level falls from a high point in the northwest corner to a low point in the southwest corner.
- 1.5 The Appeal Site is located within Flood Zone 1 indicating a low change of fluvial and surface water flooding (0.1%). A very small area in the south of the site is located within Flood Zone 2 and therefore has an annual change of flooding between 0.01% and 0.1%. A minimal portion of the site boundary adjacent to Station Road has medium risk of flooding, indicating a chance of 1% and 3.3% annually.
- 1.6 There are no statutory or locally listed buildings contained within the Appeal Site.
- 1.7 In accordance with Tandridge District Council’s adopted planning policy map, the following designations are applicable to the Appeal Site (or parts thereof):

- Lingfield Conservation Area
- Green Belt
- Southeast corner falls within the Biodiversity Opportunity Area

Surrounding Area

- 1.8 The site is in proximity to various listed buildings and heritage assets including a Grade II* listed mansion, a Grade II listed garden wall and the Grade II listed Old Cottage to the East. The Grade I listed Church of St Peter and St Paul lies to the west of Church Road, as do the Grade I listed Pollard House and Cottage and Grade II* listed Church House and Star Cottages-
- 1.9 The Site falls partially within the Lingfield Conservation Area.
- 1.10 The site is well-connected to existing local amenities and services in Lingfield including shops, services, community facilities and schools. Lingfield Railway Station is located within 5 minutes' walk of the Appeal Site. Services to London and East Grinstead operate every half an hour. There are bus stops located within a short distance from the site. This includes two bus stops in the southeast corner of the site.

Relevant planning policies and material considerations

Development Plan

- 1.11 TDC's adopted Development Plan is formed of:
- Tandridge Core Strategy (2008);
 - Local Plan Part 2 – Detailed Policies (2012)

Emerging Local Plan

- 1.12 TDC are in the process of preparing a new Local Plan. The draft new Local Plan was submitted to the Planning Inspectorate (PINS) in January 2019. Public Hearing examination and consultation took place in October and November 2019.
- 1.13 The emerging Local Plan has been informed by an evidence base which includes the following documents:
- Annual Monitoring Reports – including Housing Land Supply Statement;
 - Housing and Economic Land Availability Assessment (HELAA);
 - Green Belt Assessment.

1.14 The draft Local Plan: 2033 (Reg 22) allocates the Appeal Site for release from the Green Belt and residential development for an indicative capacity of 60 dwellings.

1.15 Draft Local Plan allocation HSG12 includes the following site-specific policy requirements:

Conservation

- I. Development must conserve and enhance the Conservation Area and be sympathetic to the setting of both the wider historic area and nearby listed buildings. The impact on the conservation area and nearby listed buildings will be compensated for through quality and sensitive design and layout.
- II. All development proposals must be accompanied by a detailed heritage assessment.

Ecology

- III. Opportunities for green infrastructure enhancements and habitat protection will be maximised by proposals. Areas affected by s41 habitats sensitively avoided in site layout and design.

Landscape

- IV. To limit the impact to the wider landscape, development should be focused toward the areas adjacent to existing built form and the north of the site.

Public Rights of Way

- V. Any Public Right of Way within or abutting the site should be retained in liaison with Surrey County Council and TLP31.

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 matters

- VII. Proposals should respond to the risk of fluvial flooding (Flood Zone 2) in the south-east corner of the site, as well as ponding in the south-east corner from surface water flooding, the site's location close to an area at risk of reservoir flooding (Bough Beech) and the potential extension of flood zones over a larger area as a result of climate change.

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:

- Mobility impaired persons bridge at Lingfield Station
- Opportunities to improve Lingfield station car park
- Rebuilding of Lingfield Surgery
- On-site provision of open space

NPPF

- 1.16 The NPPF is an important material consideration in the determination of this appeal.
- 1.17 The overarching national planning policy theme is that of sustainable development. The government have advised that this should be a central theme for plan making and decision taking. This is evidenced in para. 11 which states that planning permission should be granted for development which accords with an up-to-date development plan without delay.

Planning Facts and Merits

- 1.18 The following planning facts are agreed in respect of the housing supply context in Tandridge:
- TDC cannot currently demonstrate a 5 Year Housing Land Supply.
 - A major housing development at Land West of Limpsfield Road, Warlingham, Surrey (ref. 2021/2178) has been granted permission since this figure was published. This will contribute 100 additional homes to Tandridge's housing supply.
 - A further resolution to grant at planning permission at committee for application ref. TA/2022/1161 Young Epilepsy, St Piers Lane, Lingfield provides 152 units of extra care accommodation and will also make a contribution to the district's housing supply.
 - The precise scale of the Tandridge's current housing supply shortfall is not yet agreed but, in the interim, TDC's latest Authority Monitoring Report (AMR) finds a 1.57-year supply of housing land based on an annual housing requirement of 770 dwellings (including relevant buffer); this will be an ongoing matter of discussion between the principal parties to the appeal prior to the deadline for exchanges of proofs of evidence.
 - The latest Housing Delivery Test (HDT) shows a delivery rate of 39% against the rolling 3-year target.

- Given the above, TDC's adopted development plan housing policy CSP2 is considered "out of date" as per paragraph 11 (d) of the NPPF which states:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reasons 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.*

1.19 The following planning facts are agreed in respect of the site and its allocation within Tandridge District Council's Draft Local Plan:

- The Appeal Site is located in a sustainable location;
- The site is allocated within the draft Local Plan for Tandridge with site allocation reference HSG12 for an indicative capacity of 60 dwellings.
- The draft Local Plan remains under examination.

1.20 The following planning facts in respect of the development are agreed:

Green Belt

- The Appeal Site currently lies within the Green Belt and, as such, the development of 99 houses and associated infrastructure on the site constitutes inappropriate development which should not be approved except in very special circumstances in accordance with paragraphs 147 and 148 of the NPPF 2021.

Housing provision

- The provision of 99 dwellings would make a positive contribution to housing supply in Tandridge;
- The provision of 40% affordable housing is in excess of Tandridge's up to 34% Core Strategy Policy 4 (CSP 4) requirement;
- The affordable housing provision will be a tenure split of 75% social rented in accordance with Core Strategy Policy 4 (CSP 4) which will be secured via a S106 Agreement to be signed by the principal parties prior to the determination of this appeal.

Density, layout, and design

- The proposed development consists of a gross density of 15.9 dwellings per hectare;
- The proposal includes the provision of new public open space;
- The proposed layout includes non-developed buffers to the north-west and to the south-eastern corner of the Appeal Site around the junction of Station Road and Town Hill.

Heritage impact

- The proposal will result in less than substantial harm to the Conservation Area which is a designated heritage asset;
- In accordance with paragraphs 199 and 202 of the NPPF, great weight should be given to the asset's conservation, irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to significance. Where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits or the proposal including, where appropriate, securing its optimum viable use.

Impact to neighbouring occupiers

- The proposed layout includes rear gardens backing onto the rear gardens of neighbouring properties, resulting in material separation distances between the new and existing built form;

PROW / highways

- The proposal will retain the existing Public Right of Way which runs through the appeal site;
- An acceptable vehicular access will need to be secured through a Grampian condition. Subject to this, the proposal would be acceptable on highways and public safety grounds.

Trees/ ecology

- The proposal will retain most mature and native trees and is acceptable on arboricultural grounds;
- The Outline Reptile Strategy submitted with the planning application is considered to be acceptable subject to appropriate conditions.
- The proposal is in accordance with NPPF paragraph 174 (d) which states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Flood risk

- The proposal will not result in increased flood risk to the site or surrounding area, subject to appropriate conditions securing relevant mitigation measures to be agreed with Surrey County Council as Lead Local Flood Authority.

1.21 The following public benefits of the Appeal Scheme are agreed:

- Provision of 99no. homes to contribute to local housing need;

2. MATTERS IN DISPUTE

2.1 The following matters are considered to be in dispute:

- Whether the proposed development constitutes Very Special Circumstances justifying development within the Green Belt;
- The degree of weight to be accorded to the Appeal Site's allocation within the draft Local Plan;
- The weight to be given in the determination of the appeal to the degree of less than substantial harm to specific heritage assets including the Lingfield Conservation Area arising from the proposed development;
- Whether the appeal site is also a valued landscape;
- Whether the public benefits of the scheme would be significantly and demonstrably outweighed by harm to either the Green Belt, open countryside or designated heritage assets.

3. PLANNING CONDITIONS

- 4.1 A list of draft conditions to which any permission should be subject, is contained in Appendix 1 and will be subject to ongoing discussion between the principal parties to the appeal.

THIS STATEMENT OF COMMON GROUND IS AGREED BETWEEN THE PARTIES:

Signed: 

Alun Evans
ROK Planning

Position:
Director

Date: 26/05/2023

Signed: *C. Thurlow*

Tandridge District Council

Position:
Interim Chief Planning Officer

Date: 26/05/2023

APPENDIX 1 – LIST OF SUGGESTED CONDITIONS

1. The development hereby permitted shall start before the expiration of 3 years from the date of this permission or 2 years from the date of approval of “the last of the reserved matters” to be approved, whichever is the later.
2. Before any development hereby permitted starts, approval of the appearance, landscaping, and scale (hereinafter called “the reserved matters”) shall be obtained from the District Planning Authority. Detailed plans and particulars of the “reserved matters” shall be submitted in writing not later than 3 years from the date of this permission and shall be carried out as approved.
3. The development hereby permitted shall be carried out in accordance with the following drawings:
 - Drawing no:
 - 2661/A/1000/PR/C (Site Location Plan)
 - 2661/A/1003/PL/A (Existing Site Levels Plan)
 - 2661/A/1010/PR/A (Site Sections);
 - 2661/A/1010/PR/B (Site Sections)
 - 2661/C/1054/SK/C (Sketch Street Scene)
 - 2661/C/1050/SK/B (Sketch Aerial View)
 - 2661/C/1005/PL/B (Illustrative Layout)
 - 2661/C/1053/SK/A (Sketch Vignette- Street View 2)
 - 1912026-01 revB (Visibility Splay).
 - Arboricultural Impacts Report, prepared by SJA Trees;
 - Archaeological Desk Based Assessment, prepared by HCUK;
 - Biodiversity Net Gain Feasibility Assessment, prepared by LUC;
 - Ecological Appraisal, prepared by LUC.
 - Flood Risk Assessment and SUDS Statement/ Foul Sewage, prepared by Lanmor;
 - Green Belt Assessment, prepared by LDA;
 - Heritage Statement and Archaeological Assessment, prepared by HCUK;
 - Highways Response (note TN03), prepared by Motion.
 - Landscape Visual Impact Assessment and Landscape Strategy, prepared by LDA;
 - Lighting Assessment, prepared by Light Bureau;
 - Noise Assessment, prepared by Syntegra;
 - Outline Reptile Mitigation Strategy, prepared by LUC;
 - Transport Assessment, prepared by Motion;
 - Travel Plan, prepared by Motion;
 - Renewable Energy Assessment, prepared by Integration UK.

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.
5. No development shall take place until a survey of the site by an appropriately qualified and experienced ecologist is undertaken within the proposed development boundary and a 30m buffer, to search for any new badger setts and confirm that any setts present remain inactive. If any badger activity is detected a suitable course of action shall be submitted to and approved in writing by the LPA to prevent harm to this species.
6. No development shall take place until a Sensitive Lighting Management Plan, advised by a suitably qualified ecologist, has been submitted to and approved, in writing, by the Local Planning Authority.

The development shall be undertaken in accordance with the measures detailed within the approved management plan.

7. No development shall take place until a Hazel Dormouse Mitigation Strategy has been submitted to and approved, in writing, by the Local Planning Authority.

The development shall be undertaken in accordance with the mitigation, compensation and enhancement actions detailed within the approved mitigation strategy.

8. No development shall take place until a Biodiversity Enhancement Strategy has been submitted to and approved, in writing, by the Local Planning Authority.

The development shall be undertaken in accordance with the enhancement measures detailed within the approved enhancement strategy and biodiversity net gain assessment.

9. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved, in writing, by the Local Planning Authority.

The development shall be undertaken in accordance with the measures detailed within the approved LEMP.

10. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved, in writing, by the Local Planning Authority. The CEMP should include, but not be limited to:

- a) Map showing the location of all 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 protective fencing, exclusion barriers and warning signs

The development shall be undertaken in accordance with the measures detailed within the approved CEMP.

11. The reserved matters shall include full details of both hard and soft landscape works and these works shall be carried out as approved. These details shall include:

- proposed finished levels or contours
- means of enclosure
- car parking layouts
- other vehicle and pedestrian access and circulation areas
- hard surfacing materials
- minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc.).

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 District Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written

consent to any variation. The hard landscape works shall be carried out prior to the occupation of the development.

12. The reserved matters shall include tree protection details and detailed arboricultural method statements, relating to all stages of development, for the protection of all trees and hedges to be retained on site or trees located offsite within 12 metres of the site boundary. These details shall observe the principles of BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations), shall be implemented prior to any works commencing on site, shall be retained during the course of development, and shall not be varied without the written agreement of the District Planning Authority. In any event, the following restrictions shall be strictly observed unless otherwise agreed by the District Planning Authority:

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