

**APPENDIX 4 | APPEAL DECISION FOR
EUGENE BANN TENNIS CENTRE (APPEAL
REF: APP/M3645/W/19/3243184)**



Appeal Decision

Virtual Hearing Held on 8 September 2020

Site visit made on 3 September 2020

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st September 2020

Appeal Ref: APP/M3645/W/19/3243184

Eugene Bann Tennis Centre, Crab Hill Lane, South Nutfield RH1 5PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Woolbro Homes against the decision of Tandridge District Council.
 - The application Ref TA/2019/13, dated 21 December 2018, was refused by notice dated 25 July 2019.
 - The development proposed is demolition of existing tennis centre. Erection of block of 23 flats and associated vehicular access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing tennis centre and erection of block of 23 flats and associated vehicular access, parking and landscaping at Eugene Bann Tennis Centre, Crab Hill Lane, South Nutfield RH1 5PG in accordance with the terms of the application, reference TA/2019/13, and the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. Following the submission of the planning application the development proposed was amended to remove the proposed detached dwellings. Following further consultation, the Local Planning Authority (LPA) made its decision based on the amended scheme. I have done similar and taken the description of the appeal proposal from the LPAs decision. As part of the appeal a planning obligation that would provide a financial contribution for sustainable transport initiatives has been submitted in the form a Section 106 Agreement (S106). I deal with the S106 below in the decision.

Main Issues

3. The main issues in this appeal are as follows:
 - (i) Whether the appeal proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (NPPF) and development plan policy, with particular consideration of the effect of the proposed development on the openness of Green Belt;
 - (ii) The effect of the scale, form, massing and design details of the proposed flattened development on the character and appearance of the surrounding area;

- (iii) Whether the appeal site forms a sustainable location for residential development; and
- (iv) Whether the loss of the existing sports land and building would be justified.

Reasons

Planning Policy

4. The adopted development plan in Tandridge comprises the Tandridge District Core Strategy 2008 (the TDCS) and the Tandridge Local Plan – Part 2 'Detailed Policies' 2014 (the TLP). These documents pre-date the 2019 NPPF, nonetheless those policies most important for determining the proposal as they relate to the main issues of Green Belt, character and appearance and sports facilities are consistent with national policy and carry full weight.
5. The over-arching spatial strategy is set out in TDCS Policy CSP1 and seeks to best meet the development needs of the District whilst securing sustainable patterns of growth within a settlement categorisation focused on the larger settlements. South Nutfield is not an identified settlement in TDCS Policy CSP1. It is a policy most important for determining the proposal. In terms of the effectiveness of the strategy in meeting the needs of the District, the LPAs most recent assessment confirms it is not yielding the requisite five-year supply of deliverable housing land. This is, perhaps, unsurprising, in a District with significant environmental constraints but the current 1.71 year supply represents a substantial shortfall. As a policy that appreciably pre-dates the NPPF and is not delivering sufficient housing, TDCS Policy CSP1 is out-of-date and should be given commensurate weight.
6. The LPA is progressing an emerging Tandridge Local Plan (eTLP) which is at the examination stage. From the evidence before me, there remains some uncertainty as to whether the eTLP would be able to fully meet the housing need for the District, including the ability of identified strategic housing sites to deliver in the short to medium term. This has resulted in delay during the examination with a new Local Plan unlikely to be adopted until some point in 2021. I therefore find that negligible weight should be given to nascent policies in the eTLP.

Inappropriate development and openness

7. The construction of new buildings should be regarded as inappropriate in the Green Belt except in certain circumstances. These are set out at paragraph 145 of the NPPF, to which the relevant development plan policies defer. The appeal site is previously developed land for which there is an exception at criterion (g) of paragraph 145 allowing for the complete redevelopment, provided there would be no greater impact on the openness of the Green Belt compared to the existing use. In terms of assessing the impact on openness it is necessary to consider both volumetric and visual factors.
8. The appeal site is currently occupied by a large and bulky steel framed and sheet clad building of appreciable height and volume. Externally, there are three hard surface tennis courts enclosed by approximately three-metres high wire mesh fencing. There is also a sizeable gravel area for car parking. In a number of the key viewpoints, the extensive span, surface area and height of the pale roofing material of the indoor courts building prominently reveals the

extent of existing development at the appeal site within the otherwise verdant context of the Green Belt.

9. There is agreement that the appeal proposal would result in a 51% reduction in the footprint of built development and a 54% reduction in building volume. There would also be a reduction in hardstanding of some 61%. These are significant volumetric reductions such that against this factor the proposed redevelopment would result in no greater impact on the openness of the Green Belt compared to the existing use.
10. In terms of the visual aspects of openness, the ridge of the proposed building would be lower than the existing structure, such that in combination with the reduced volume, the visual impact on openness would be reduced. The proposed articulation of the roof form would involve recognised profiles and degrees of pitch that would not be visually conspicuous. Indeed, the varied roof form would assist in breaking up the mass of the proposed building reducing its visual impact further. The details of the external materials, for a scheme that intends to replicate traditional buildings, are matters that could be controlled by condition. Overall, the external materials would settle and dull over time to further assimilate the proposed building into its verdant setting in stark contrast to the visually conspicuous bulky mass and anaemic roof sheeting of the existing building.
11. The proposed scale of parked vehicles on the site would not be markedly different to the potential car parking capacity that already exists for the sports use. The visual impact of parked cars as part of the appeal proposal would be offset to some degree by the proposed landscaping. In respect of domestic paraphernalia associated with the proposed use, it would be unlikely that the communal amenity areas would be cluttered by individual washing lines, sheds and such like. In any event permitted development rights for flats are not comparable to individual dwellings and so some visual matters could be further controlled by the LPA. The proposed bin storage and cycle storage would be contained within the building itself and would not impact on openness.
12. A proposed 1.8metre acoustic fence is shown close to the eastern boundary of the site to mitigate noise arising from the proximity of the M23. This would be appreciably lower than the existing tennis court fencing. There would also be a net reduction in the overall length of fencing at the site. The acoustic fencing would be set within existing and proposed landscaping along the eastern boundary and its precise appearance could be controlled by condition.
13. Overall, the proposed development would result in significant volumetric reductions and height reductions when compared to existing. I also find that cumulatively the proposed design of the building, the change to a residential character, the presence of vehicles and the proposed boundary treatment would not give rise to a greater impact on openness compared to the existing development. Consequently, the appeal proposal would not be inappropriate development in the Green Belt and would comply with the exception at paragraph 145(g) of the NPPF. In doing so, there would be no conflict with TLP Policies DP10 and DP13, both of which are generally consistent with the NPPF in their approach to inappropriate development and the limited exceptions where new buildings may be considered, including the redevelopment of previously developed sites.

Character and Appearance

14. Notwithstanding the scattering of development along Crab Hill Lane and the proximity of the M23 and Redhill Aerodrome, the appeal site is situated in a rural setting, generally within a patchwork of small-scale fields with strong hedge and tree boundaries. Dense boundary vegetation provides a good degree of visual containment at the appeal site, generally limiting views to just a handful of locations.
15. In terms of the local character, the existing site is previously developed and the scale of the building, with its unsympathetic pale roofing, represents a conspicuous and somewhat detracting bulk of development in the countryside. I note the submissions that the indoor tennis court building is characteristically similar to modern farm buildings to be found in the countryside but because of the various UPVc openings, external signage, the oddly pale roof and the extensive side panelling to allow daylight to the courts it appears more as a commercial building. Taking these factors into account, together with its moribund condition, the appeal site in its current form does not make a positive contribution to the rural character of the area. This detracting impact is especially conspicuous in viewpoints to the east including the public footpath from Cooper's Hill Road (appellant viewpoint 2).
16. The appeal proposal would introduce a sizeable building with an overt residential character into the countryside. The proposal would fulfil the design concept to appear as a traditional country house with subservient wings resulting in a building with recognisable traditional rural features. In terms of layout, massing and detailing it would represent a good design quality. It would be larger than the examples of detached dwellings referred to by the appellant elsewhere on Crab Hill Lane and would involve a different intensity of residential use. That said, the presence of occasional, larger dwellings set back from Crab Hill Lane means that the principle of the appeal proposal would not be completely out of character at this rural location. In character terms, the residential intensity of the use would be little different to the comings and goings and noise were a sports use at the site operating to its optimal capacity.
17. Overall, the spacious layout, reduced scale and traditional design of the proposed residential building, within a landscaped context, would represent a significant improvement to the character of the area compared to the existing site. This would include from the open viewpoints in the landscape to the east and in fleeting views from passing traffic on the M23. The proposed building would not perceptibly extend development to the east and I am satisfied the proposed design and palette of materials would readily settle and blend the building into its countryside location. The proposed strengthening of landscape along the eastern boundary would further assist in assimilating the development into its rural content.
18. From other viewpoints, including at the M23 overbridge to the south, the public footpath to the north adjacent to the Kings Lodge Centre and from the gateway entrance to the site on Crab Hill Lane the visual impact of the proposed development would be negligible. The proposed building would be broadly orientated on a south-west to north-east axis, in what the LPA has described as either a 'crescent' or 'terrace'. Due to the overall reductions in volume and massing, I find the elongated form of the proposed building would not be visually discordant or increase the visibility of development on the appeal site

from any of the viewpoints including those to the east and from the entrance in Crab Hill Lane.

19. I therefore conclude that the scale, form, massing and design details of the proposed flatted development would not result in harm to the character and appearance of the surrounding area. The proposal would not be therefore contrary to the objectives of Core Strategy Policy CSP18 and TLP Policy DP7 which seek to ensure, amongst other things, high standards of design and integrating effectively with its surroundings including respecting the character and appearance of the locality. It would also accord with the objectives of the NPPF on achieving well-designed places, including at paragraph 127 the need to ensure developments add to the overall quality of the area, are visually attractive and are sympathetic to local character.

Sustainable Location for residential development

20. The appeal site is in the countryside but it would not comprise an isolated or remote location by virtue of nearby residential properties along Crab Hill Lane. The distance to the edge of the Ridge Green part of the South Nutfield settlement is relatively short. Future occupants of the appeal proposal would be approximately 730 metres from the nearest bus stop, 1400 metres from the public house and 1500 metres from the railway station. The shop, village hall and primary school in South Nutfield would be further at some 1900 metres.
21. The distances between the appeal site and village facilities are beyond a reasonable walking distance for most people but it is not so far as to preclude walking to facilities in South Nutfield as an occasional option for some. Whilst there is no footway along Crab Hill Lane there are reasonably wide verges to safely step off the highway and traffic is limited to either 30mph or 40mph. Walking, on its own, however, would not reduce the reliance on the car.
22. The site is within comfortable cycling distance of all facilities in South Nutfield. The alignment of Crab Hill Lane generally affords good visibility for highway users other than one short section at the edge of Ridge Green. The route to village facilities is entirely below the national speed limit. The general absence of street lighting over the short distance between the edge of the settlement and the appeal site would not be a significant deterrent to cycle use, including in the winter, on what is a minor rural lane of reasonable width. The slight incline into Ridge Green and gradients elsewhere in South Nutfield are modest and would not inhibit cycling as a genuine sustainable travel option from the appeal site to access services and facilities. The appeal proposal would provide cycle parking within the flats and a mechanism¹ through an agreed Travel Plan to encourage future occupants of the appeal proposal to take up cycling.
23. Cycling into Redhill is unlikely other than for very confident and committed cyclists due to the topography and traffic volumes. The alternative would be to cycle to Nutfield railway station and onward travel by train. The peak frequencies of half-hourly services and hourly services thereafter are a good level of service for a rural community. Facilities and parking at the station are limited but the Local Transport Plan identifies improvements to station facilities in Tandridge as a priority, primarily to be funded through developer contributions. The appeal proposal is accompanied an obligation to provide a financial sum to implement sustainable access improvements at Nutfield

¹ A proposed £300 voucher per resident for a bicycle

station. In combination, cycling and the nearby train station mean that there would be reasonable alternative transport mode choices to the car at the appeal location.

24. More widely on public transport, bus services in South Nutfield, having regard to the evidence of the Parish Council, are infrequent although they do provide connections to schools. In my view, the level of local bus service is unlikely to further reduce car use above and beyond that achievable through cycling, the train and occasional walking.
25. Due to its location and scale of residential development, the appeal proposal would be contrary to the provisions of Core Strategy CSP1 which seeks to secure sustainable patterns of travel by directing growth within a hierarchy of existing settlements in Tandridge. However, the policy and its spatial strategy predates the NPPF, including the provisions at paragraph 103 of the NPPF that recognise opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this instance, whilst the appeal proposal would result in a degree of reliance on the use of the private car, the likelihood, using recognised trip generation databases, is that over an average weekly period the appeal proposal would generate less vehicle movements than the existing leisure use. This is a notable material consideration. Moreover, because of the proximity of South Nutfield and local highway conditions, cycling offers a genuinely alternative mode of transport for future occupants of the appeal proposal to access services. The proximity of South Nutfield also means a significant number of car journeys would be very short in their duration. In considering this impact, the NPPF also defines 'sustainable transport modes' as including low and ultra low emission vehicles and the provision of electric charging points could be secured by condition.
26. I therefore conclude, that whilst the appeal site has some limitations as a sustainable location, through a combination of a modest degree of genuine alternatives for sustainable transport modes and the reliance on private car being limited to very short journeys, that any conflict with the objectives of TDCS Policy CSP1 would be limited. Moreover, there are material considerations here, including the more nuanced approach in NPPF paragraph 103 and the net reduction in trip generation that indicate a decision other than in accordance with TDCS Policy CSP1 would be reasonable.

Loss of sports building and land

27. The indoor courts are still used at the appeal site, albeit on a very modest basis. The three outdoor courts ceased use in 2009. From the evidence before me and from my site visit the Eugene Bann centre is in a declining condition that falls well below current standards including disabled access as well as the range of facilities likely to attract fresh patronage. Given its poor and little used condition as private (pay-to-play) set-up I do not consider it to be a particularly valued local sports facility making a materially positive contribution to community recreation provision for the parish.
28. The site is not specifically identified or protected by a designation in the adopted development plan. It is proposed to designate the site as part of the eTLP but as described above only very limited weight can be given to this. As the proposal is not proposing replacement or alternative provision, the requirement at criterion (a) of NPPF paragraph 97 is that the site is shown to be surplus to requirements. TDCS Policy CSP13 seeks to safeguard sports

facilities but deals with proposed loss by reference to national policy and any forthcoming development management policy. The latter is provided by TLP Policy DP18.

29. I am satisfied that the reasoned justification at paragraph 18.3 of the TLP and the construction of Policy DP18 seeks to differentiate, and introduce different policy tests, between “community facilities” and open space, sports and recreational land and facilities. This is supported by the glossary definition in the TLP of “community facilities”. I accept the definition is not a closed list, but it generally comprises what can be reasonably described as facilities that support social and community well-being, in the main part because they are publicly accessible with few restrictions. I therefore do not consider a private and commercially run sports facility, even with an element of ‘pay and play’ access, to be within the TLP definition of “community facilities”. As such the policy requirement at criterion (a) of Policy DP18 to market community facilities for 12 months, does not apply.
30. The relevant criterion of TLP Policy DP18 in this case is (c) which, similar to TDCS Policy CSP13, ratchets back to national policy (2012 NPPF paragraph 74) now at 2019 NPPF paragraph 97. In terms of the demand and requirement for the existing tennis centre use the appellant has demonstrated that there is available capacity within a 20-minute drive time. I note the LPAs evidence identifies Tandridge residents stating they would be prepared to travel up to 15 minutes for indoor sports, but the appellants 20 minutes modelling has factored in a 15% margin for delays in the total drive time and includes appropriate time for parking. The appellant’s approach is entirely consistent with Sport England’s Facility Planning Model and is therefore an appropriate and realistic basis on which to consider tennis provision in the locality.
31. In terms of the outdoor court provision at Eugene Bann, looking at similar provision (excluding free to use courts) there are a significant number of outdoor courts at the nearby Crawley, Redhill and Reigate Lawn Tennis Clubs within the 20-minute catchment. All have availability and allow for some element of non-member access. In respect of indoor tennis courts, provision of dedicated facilities in Tandridge District is limited with just one other facility at Woldingham School. Within the 20-minute drive time threshold only the Crawley Lawn Tennis Club has indoor courts but again there is evidence of availability at this facility. Additionally, indoor provision for racket sports, including tennis, exists at 5 multi-sport leisure centres within the identified 20-minute threshold. Again, there appears to be availability to access these leisure centre facilities.
32. On the appellant’s initial analysis of a 10-mile radius from the Eugene Bann site, there are 85 tennis courts at 18 facilities providing a combination of membership, free and pay-to-play provision. Indeed, page 59 of the LPAs 2017 Indoor Sport Study provides a comprehensive list of indoor tennis courts in neighbouring authorities including in nearby Crawley. There appears to be a very good level of tennis court provision in the area when looking beyond arbitrary administrative boundaries and within reasonable travelling distances.
33. The picture on the propensity for participation in tennis is mixed. The LPA refers to its suite of documents prepared in 2017 which include an Indoor Sport Study, an Open Space Study and a Community and Stakeholder Consultation Report. The evidence points to a need from a minority of respondent

households for more indoor sports facilities including indoor tennis and the LPA points to future household growth in the District potentially adding to demand. However, I note that the Council's reports are couched in terms of respondents "believing" there is a need for additional indoor sports facilities rather than a quantifiable need or demand. The Indoor Sports Study does apply the Sport England market segmentation to derive a figure of 1,708 adults with a propensity to participate in tennis (rising to 2,245 adults by 2033). However, the recommendations of the study do not include specific protection for the Eugene Bann site (in contrast to some other sports sites in the District) or specifically identify indoor tennis as an area for new/additional provision.

34. I note at section 3.7 of the Indoor Sport Study that neither 'Active Surrey' (the County Sports Partnership) or the Surrey Lawn Tennis Association identify a particular need or demand for indoor tennis with the latter saying there are no plans for additional indoor tennis courts in Tandridge. Overall, there is no persuasive evidence that any anticipated or latent demand to participate in tennis would be made hindered by the loss of the appeal site.
35. The appeal proposal would result in the loss of a poor-quality facility that has been fading for some time in terms of its offer. Without significant capital investment it is not a site that can readily boost its capacity to provide tennis for all users or readily adapt to accommodate another sports use. It has been satisfactorily demonstrated that the existing low level of usage at the site and any latent demand within this part of Tandridge can be readily absorbed in a good number of alternative facilities within an appropriate local catchment. I therefore conclude that the appeal site is surplus to requirements in accordance with NPPF paragraph 97 criterion (a). Accordingly, the proposal would not conflict with TDCS Policy CSP13 or TLP Policy DP18.

Other Matters

36. The development plan requires schemes of 10 or more homes to contribute towards meeting the need for affordable homes in the District. The appellant has submitted a viability appraisal which has been independently assessed on behalf of the LPA. Both appraisals utilise similar existing use values (EUV) and sales values to correspondingly show that the scheme cannot viably support an affordable housing contribution. Even under the adjusted (lower) construction costs used in the LPA assessment an affordable housing contribution would not be viable. I am also satisfied that were the uplift premium removed as an addition to the EUV the scheme would still not be in a viable position to make an affordable housing contribution. I therefore find the scheme accords with the viability requirements of TDCS Policy CSP4.
37. Whilst the appeal proposal would generate fewer vehicle movements compared to the existing established use, the distribution of vehicle movements during the day may be different. However, there is no substantive evidence that any vehicle movements in peak periods arising from the appeal proposal would give rise to a residual cumulative impact on the safety of the local road network that would be severe. Sufficient visibility can be achieved from the site entrance within the 40mph speed limit of Crab Hill Lane. The appeal proposal would accord with the relevant parking standards.
38. The appeal site has been subject to biodiversity survey work including Phase 1 habitat mapping. The biodiversity survey has addressed amphibians and notwithstanding the pond in the adjacent garden at 'Wayside' the appeal site

itself contains very little suitable habitat for newts. The removal of existing car parking closest to this neighbouring pond and its replacement with vegetation has the potential to be beneficial. No objections have been received from either Natural England or Surrey Wildlife Trust subject to recommendations in the appellant's biodiversity report being secured by condition. Given the significant reductions in hard-surfacing and the footprint of built structures at the appeal site in combination with proposed green infrastructure there would be an overall net gain for biodiversity compared with the existing use.

39. The M23 is highly audible at the appeal site. Measures are proposed to mitigate the impact of noise, including acoustic fencing, sound-reducing double glazing and optional mechanical ventilation with heat recovery units. These recognised solutions, which are shown to be effective in the appellant's noise impact assessment, could be secured by condition to ensure that they are implemented. Consequently, I find that there would be acceptable living conditions for future occupants of the proposed flats in relation to noise.
40. A signed and dated Section 106 Agreement seeks to address matters regarding sustainable location by way of an obligation to provide a financial contribution of £30,000 towards sustainable transport initiatives at Nutfield railway station. The Surrey Transport Plan includes a Local Transport Strategy and Forward Programme for Tandridge (the LTS). The LTS identifies a desire to improve all train stations in Tandridge including specifically improvements to encourage sustainable access such as cycle parking facilities. This is presented in Scheme ID5 of the LTS and paragraph 8.13 of the LTS is clear that station improvements will be funded by, amongst other things, financial contributions secured under Section 106 mechanisms.
41. At present Nutfield railway station has only a modest provision of 10 sheltered secure cycle parking spaces on the eastbound platform. There is no provision on the westbound platform (towards Redhill) which is the platform closest to the appeal site. Whilst there is a pedestrian overbridge connecting the platforms, cycle access from the appeal site to the eastbound platform is more circuitous. I therefore find the contribution would assist in encouraging cycling as a sustainable transport mode in respect of mitigating the degree of reliance on the car at the appeal location. The obligation has a realistic prospect of being implemented within the timeframe set out in the agreement. The contribution therefore accords with the required tests and so I have taken it into account.

Conclusions

42. The appeal proposal would not comprise inappropriate development in the Green Belt by virtue of complying with the exception provided for at NPPF paragraph 145(g) for previously developed sites. In terms of impact on character and appearance of the locality, there would be no significant adverse impact and the effect overall would be positive. In terms of the loss of the existing sports facility, I have found this would be justified and that no significant harm would arise. Consequently, on three of the four main issues in this appeal the proposal would accord with up-to-date development plan policies and national planning policy.
43. The location of the site means the proposal would be contrary to the spatial strategy of TDCS Policy CSP1. Whilst the overall tenet of the strategy in securing sustainable patterns of travel remains an over-arching valid objective,

how that is to be applied in Tandridge pre-dates the NPPF. This includes the approach to sustainable development in rural housing (NPPF paragraph 78) and the more nuanced approach to managing patterns of growth and the varying sustainable transport solutions that will exist between urban and rural areas (NPPF paragraph 103). Significantly, the aging strategy at Policy CSP1 is not delivering the homes needed resulting in a substantial shortfall in the supply of deliverable housing land.

44. TDCS Policy CSP1 is therefore out-of-date and so for decision-taking planning permission should be granted unless criteria (i) and (ii) at NPPF paragraph 11(d) lead to an alternative conclusion. In respect of criterion (i) for the reasons given above, there is no clear reason to refuse the appeal proposal on Green Belt grounds. In respect of criterion (ii), notwithstanding the cogency of the overall objective in Policy CSP1 because of its lack of consistency with national policy and inability to secure a deliverable supply of housing land, the policy and the conflict with it, should only be ascribed limited weight. The degree of conflict with the objective of Policy CSP1 is lessened further by the ability of the proposal to offer a choice of transport modes and its relatively proximity to a good range of facilities. This is recognised in NPPF paragraph 103 which is an important material consideration. I attach significant weight to the financial contribution towards improving sustainable access to Nutfield railway station which, if implemented, would have wider community benefits. I have also taken into account, and give significant weight to, the evidence that trip generation from the flats compared to established use at the appeal site would be less, over an average weekly period. As such, the residual harm, in terms of the degree of conflict with TDCS Policy CSP1 is small.
45. The appeal proposal would provide moderate economic benefits in terms construction and increased spend in local facilities in South Nutfield. The increased open space, additional landscaping and removal of hardstanding at the appeal site would present modest on-site environmental benefits. The provision of 23 additional homes on a previously developed site, in an environmentally constrained district, where there is currently a significant undersupply of deliverable land for housing, would represent a demonstrable social benefit. Given the uncertainties around the timeframe of the emerging Local Plan to recover housing delivery, the proposed housing mix of smaller 1 and 2 bedroom properties and the existing sizeable shortfall of deliverable land supply for new homes, I attach substantial weight to the social benefits of the additional homes proposed.
46. I therefore conclude that in the particular circumstances of the appeal proposal, the degree of conflict with the spatial strategy at Policy CSP1 would not amount to an adverse impact that would significantly and demonstrably outweigh the benefits of the proposal. In engaging the tilted balance at NPPF paragraph 11(d) I find that the appeal proposal would comprise sustainable development for which a presumption in favour of applies, and so planning permission should be granted. Having had regard to all other matters raised, including the objections from the Parish Council and others, there is nothing to indicate other than that the appeal should be allowed.

Conditions

47. The LPA has presented a number of proposed conditions which it considers necessary in the event that the appeal was allowed. The appellant has

confirmed in writing that there is no objection to the LPAs proposed pre-commencement conditions. I have considered the suggested conditions in light of the content of the Planning Practice Guidance on the use of conditions and the guidance at paragraph 55 of the NPPF and where necessary amended the wording slightly for comprehension.

48. In addition to the standard time limit condition (1), a condition (2) requiring the development is carried out in accordance with the approved plans, including the location plan (drawing 2759-A-1001-A), is needed in the interests of proper planning and for avoidance of doubt. In order to make condition (5) effective I have also included in the list of approved drawings at condition (2) technical drawing 1810073-01 provided at appendix A of the submitted Transport Statement which shows access arrangements and visibility splays.
49. Notwithstanding the details shown on the approved plans, conditions (3) and (4) requiring details of soft and hard landscaping and external finished surfaces respectively are both necessary in terms of securing good design and protecting local character. I have amended the wording of these two conditions to make clear that the details are required to be submitted and approved prior to construction work so as not to inhibit progress on preparing the site by demolishing and removing the existing structures. In respect of highway safety and the amenity of nearby residents, conditions (5), (6) and (8) are all necessary including the pre-commencement submission of a Construction Transport Management Plan.
50. In terms of ensuring a genuine choice of sustainable transport modes at the appeal location conditions (7), (9) and (16) requiring cycle storage provision, electric vehicle charging points and the submission and implementation of a travel plan respectively, are all necessary to satisfy development plan policy at Core Strategy Policy CSP12 and TLP Policies DP5 and DP7. Given the presence of protected trees at the appeal site conditions (11) and (12) are both necessary as pre-commencement conditions to ensure that adequate tree protection measures are agreed up front, implemented and then strictly adhered to throughout both demolition and construction.
51. To make the development safe from flood risk during its lifetime, condition (10) in respect of finished floor levels is necessary. It is also necessary to impose a condition (13) requiring drainage details to ensure the effective and safe management of surface water. Given the proximity of the M23 and to ensure acceptable living conditions for future occupants a condition (14) requiring implementation of the recommended measures in the Syntegra Consulting Noise Impact Assessment report (November 2018) is necessary. To address the impacts of climate change arising the energy use of buildings a further condition (15) requiring the implementation of measures contained in the NRG Consulting Renewable Energy Statement (November 2018) is also necessary.
52. A condition requiring implementation of the recommendations at Section 4 of the LUC Biodiversity Report 2018 would, in practice, result in significant overlap and potential tension with the soft and hard landscaping details required at condition (3). I therefore do not consider a specific condition necessary or particularly precise given the low ecological impact of the appeal proposal and the relatively general nature of the recommendations in the report. I have therefore amended condition (3) to include additional specificity to ensure the provision of peripherally located bat and bird boxes and that the

proposed soft landscaping reflects the general biodiversity recommendations in the report.

David Spencer

Inspector.

APPEARANCES

FOR THE APPELLANT:

Douglas Edwards QC – Francis Taylor Building (instructed by ROK Planning)
Alun Evans MRTPI – ROK Planning
Ben Croot – LDA Design
Craig Mulhall – LK2

FOR THE LOCAL PLANNING AUTHORITY:

Alda Song – Principal Planning Officer
Cllr Liz Lockwood – Tandridge District Council, Planning Committee Member

INTERESTED PERSONS:

Stephen Hall – Chairman, Nutfield Parish Council

DOCUMENTS received during/after the hearing:

- Doc 1. Glossary from the Tandridge Local Plan – Part 2, 2014.
- Doc 2. Signed Section 106 Agreement dated 10 September 2020
- Doc 3. Extracts from the Surrey Transport Plan (LTP3)

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall start not later than the expiration of 3 years from the date of this permission.
2. Unless otherwise agreed in writing by the local planning authority, the development shall be carried out in accordance with the following approved drawings: 2759-A-1001-A; 2759-C-1005-J, 2759-C-1021-B, 2759-C-1010C, 2759-C-1011-C, 2759-A-3000-D, 2759-A-3001-D; 2759-C-3002-D; and 1810073-01 (Proposed Access Arrangements and Visibility Splays).
3. Prior to the commencement of construction works, full details of both hard and soft landscape shall be submitted to and approved in writing by the District Planning Authority and these works shall be carried out as approved. These details shall include:
 - (a) means of enclosure
 - (b) car parking layouts
 - (c) other vehicle and pedestrian access and circulation areas
 - (d) hard surfacing materials
 - (e) the provision and location of bat and bird boxes

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. The planting and maintenance details of the soft landscaping shall reflect the recommendations for native and wildlife friendly planting set out at Section 4 of the LUC Biodiversity Survey Report (November 2018). 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.

4. Prior to the commencement of construction works, details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and approved in writing

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

5. The development hereby approved shall not be first occupied unless and until the proposed modified vehicular / pedestrian access to Crab Hill Lane has been constructed, widened to a minimum of 5.5m and provided with visibility zones in accordance with the approved drawings and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.
6. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking / turning area shall be retained and maintained for their designated purpose.
7. The development hereby approved shall not be first occupied unless and until the facilities have been provided in accordance with the approved plans for the secure parking of bicycles (minimum of 31 spaces) within the development site, and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the District Planning Authority.
8. No development shall commence until a Construction Transport Management Plan, 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) measures to prevent the deposit of materials on the highway
 - (f) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (g) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority.

Only the approved details shall be implemented during the construction of the development.

9. The development hereby approved shall not be occupied unless and until at least 20% of the available parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The approved charging sockets shall be

retained and maintained to the satisfaction of the District Planning Authority.

10. The development hereby permitted shall be carried out in accordance with the following mitigation measures:

(a) Finished floor levels are set no lower than 61.75 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and retained thereafter.

11. No development shall start until an arboricultural method statement, to include details of hard standing construction works within the root protection areas of retained trees, has been submitted to and agreed in writing by the District Planning Authority. These details shall include specifications which have been designed to minimise harm to the roots of the retained trees, including provision for above ground permeable and load spreading construction and non-invasive edge restraints/curbs. 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 District Planning Authority.
12. No development shall start until the protection measures detailed within the approved RPS Arboricultural Report (JMK9721, dated November 2018) and Tree Protection Plan (JMK9721-RPS-Figure 2 Rev 1) have been implemented. Thereafter these measures shall be retained and any specified staging of works strictly adhered to throughout the course of development and shall not be varied without the written agreement of the District Planning Authority. In any event, the following restrictions shall be strictly observed unless otherwise agreed by the District Planning Authority:
- (a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.
- (b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees
- (c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.
13. Prior to the commencement of the construction of the dwellings, details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided the submitted details shall:

- (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- (b) include a timetable for its implementation; and
- (c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

- 14. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in section 7 of the Noise Impact Assessment produced by Syntegra Consulting dated November 2018. The noise mitigation measures shall be fully implemented prior to occupation and retained thereafter.
- 15. Before the development hereby approved is occupied, the renewable energy systems as set out in the Renewable Energy Statement produced by NRG Consulting dated November 2018 shall be installed and this system shall thereafter be retained in accordance with the approved details.
- 16. Prior to the commencement of construction works, a Travel Plan shall be submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework, Surrey County Council's "Travel Plans Good Practice Guide", and in general accordance with the 'Heads of Travel Plan' document (if appropriate, specify). The applicant shall implement the approved travel plan prior to the occupation of the development hereby permitted and for each and every subsequent occupation of the development thereafter maintain and develop the Travel Plan to the satisfaction of the Local Planning Authority.

Schedule Ends.