(INCORPORATING VALLEY AND HARESTONE WARDS)

Minutes of the meeting of Caterham Valley Parish Council Planning Committee held at Caterham Valley Library, Stafford Rd, Caterham, on Wednesday 11th May 2022 at 8:00pm

Cllr Jeremy Webster – Chairman
Cllr Victor Emmanuel
Cllr Sakina Bradbury
Cllr Annette Evans
Cllr Alun Jones

Mrs M Gibbins - Clerk & RFO

M I N U T E S

1. **Election of Chairman**
Cllr Jeremy Webster self-nominated, seconded by Cllr Annette Evans. All in favour

2. **Election of Vice Chairman**
Cllr Webster nominated Cllr Emmanuel – elected
3 votes for Cllr Emmanuel; 1 vote for Cllr Evans

3. **Apologies for absence:**
Caroline Hollins, Peter Brent, Deborah Brent

4. **Declarations of Disclosable Pecuniary Interest:** *To receive any disclosure by members of personal pecuniary interests in matters on the agenda, the nature of any interests, and whether the member regards the interest to be prejudicial under the terms of the new Code of Conduct. Anyone with a prejudicial interest must, unless an exception applies, or a dispensation has been issued, withdraw from the meeting.* There was none declared

5. **Public session:** There was none present

6. **To consider and make comment on the following Planning Applications:**

4.1 TA/2022/347
Replacement roof tiles (Certificate of Lawfulness for proposed use or development)
Blossom Cottage, 6 Weald Way, Caterham CR3 6EG *Case Officer: Hannah Middleton*
Comment: Decision made prior to the meeting

4.2 TA/2021/1752
Erection of a single storey rear extension (Proposal Description Amended).
46 Tupwood Gardens, Caterham CR3 6EW *Case Officer: Errol Reid*
Comment: The Parish Councillors leave to TDC Officers with a condition no permitted development should allow the flat roof to be used as a terrace.

4.3 TA/2022/406
Variation of condition 3(Materials) of planning permission ref: 2017/2351 (Erection of 8no. semi-detached dwellings with associated access, parking and landscaping) due to discontinuation of external materials. (Change of address to reflect application site)
Land to South of The Crescent, Bradenhurst Close, Caterham CR3 6FG
Case Officer: Hannah Middleton
Comment: The Parish Councillors leave to TDC Officers

4.4 TA/2021/1886/Cond1
Details pursuant to the discharge of condition 5 (Tree Planting) of planning permission ref:2021/1886 dated 5 Jan 2022 (Erection of rear extension to existing Sports Centre building)
Caterham School, Harestone Valley Road, Caterham CR3 6YA
Comment: The Parish Councillors leave to the Arboriculturist

4.5 TA/2022/513/TPO
T1) - Beech tree - Full reduction by 2-3M all over (Please refer to photos provided.)
41 Harestone Hill, Caterham CR3 6SG *Case Officer: Alastair Durkin*
Comment: The Parish Councillors leave to the Arboriculturist

4.6 TA/2022/296
Variation of Condition 2 (Plans) of planning permission ref: 2020/511 (Demolition of office buildings; Erection of 7x two-storey detached dwellings. Construction of access road from Harestone Drive and provision of associated parking and landscaping) to enable amendments to the approved drawings.
Hut, 1 Harestone Drive, Caterham CR3 6YQ *Case Officer: Sangeeta Ratna*
Comment: The Parish Councillors leave to TDC Offices to ensure the condition is adhered to.

4.7 TA/2022/342
Variation of condition 2 (Approved tree plans) of planning permission ref: 2020/511 (Demolition of office buildings; Erection of 7x two-storey detached dwellings. Construction of access road from Harestone Drive and provision of associated parking and landscaping).
Hut, 1 Harestone Drive, Caterham CR3 6YQ *Case Officer: Michael Eastham*
Comment: The Parish Council notes the revision concerns trees around a retaining wall on the east of the site. Residents who live on the other side of the retaining wall understand that the trees in question do need to be replaced, and the wall is being rebuilt/repaired due to the existing trees having caused the damage. The residents in Harestone Drive request that TPO's are placed on the new trees to protect against new occupiers wishing to remove trees to enlarge their gardens. The Parish Council will apply for the TPO's once the planting is completed.

4.8 TA/2022/515/TPO
T1) - Sycamore tree - to be reduced by appx 1-2M (Please refer to photo provided.)
3 Priory Mews, Caterham CR3 6FP *Case Officer: Alastair Durkin*
Comment: The Parish Councillors leave to Arboriculturist

4.9 TA/2022/409
Vehicle crossover and hardstanding to provide 2No off road car parking bays with associated landscaping
110 Croydon Road, Caterham CR3 6QD *Case Officer: Paul Batchelor*
Comment: The Parish Councillors leave to TDC Officers

4.10TA/2022/293/PA
Removal of six antennae to be replaced with six antennae of an updated design with associated ancillary and attaching equipment as shown on the attached drawing. Removal of nine RRU's and three C2 High Level Combiners. - Addition of three RRU's, a C2 High Level Combiner, Six Multicore Fibres and six DC Cables. (Notification of Telecommunications Permitted Development)
Caterham Te, Caterham CR3 6XY *Case Officer: Paul Batchelor*
Comment: The Parish Councillors leave to TDC Officers

4.11TA/2022/488/TPO
T1) - Beech front garden Kretzschmaria deusta at base - Carefully climb and dismantle to as close to ground level as possible using ropes and lowering equipment as necessary (18m x 8m) Diseased tree (Please refer to photos provided.)
T2) - Beech - Reduce Crown height and spread of the tree by up to 3 metres. 18x8m down to 15x5m to maintain balanced crown. (Please refer to photos provided.)
138 Harestone Hill, Caterham CR3 6DH *Case Officer: Alastair Durkin*
Comment: The Parish Councillors leave to Arboriculturist

7. Appeal
TA/2021/1726 130 Harestone Valley Road, Caterham CR3 6HG
APPLICATION APPEAL REF APPEAL START DATE APP/M3645/D/22/3296071 22 April 2022
The Parish Councillors agreed the following comments should be submitted to the appeal:
The applicant has not completed the development as approved under application 2019/899 and therefore comments submitted by the Parish Council are still relevant to the appeal. This is not a genuine fall-back development and therefore does not qualify as a material planning consideration. The site was previously a residential site and remains a residential site. The applicant applied to modify and extend the existing dwelling, which was approved under 2019/899, but has then gone beyond what was agreed in the planning application 2019/899.
When the term "fall back" is used in planning terms, it is relating to an argument where the principle of residential development can be used as a lever to gaining full planning permission. For example, if prior approval had been obtained to carry out the conversion of an agricultural building to a residential dwelling via Class Q (agricultural to residential conversion), this then allows the existing fall-back position (in this case the Class Q prior approval) to be applied to a full planning application for a similar scheme. For a fall-back scheme to be successful, there needs to be some form of public betterment from the proposals
There is no public betterment as a result of the works completed at 130 HVR. The development contravenes the Harestone Design Guide, it is out of character for the area, notably due to its increased ridge height, use of rendering, the portico (size, shape, and appearance), boundary wall, railings, lighting and gate pillars along the front boundary. The change of direction of the driveway and the hardstanding concrete exacerbates the issue of surface rain water to flow away from the property and on to Harestone Valley Road, down into Caterham Valley (a known Flood Risk area).
The building of additional rooms at the rear extension at the ground level taking the side elevation closer to both neighbouring properties, access to a balcony and altered rear fenestration all negatively impact on the privacy and amenity of neighbouring properties ether side.

Additional notes:

The appeal lists a number of cases to claim the position of fall back to challenge the use of planning policies by the planning authorities concerned. The examples include change of use and a technical breach of Greenbelt Planning Policy.

Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314, cited in the appellants report as an example of 'fallback', the development scheme in this case was a Class Q agricultural barn replaced by 4 residential units.

Kverndal v Hounslow LBC 2015 EWHC comprehensive redevelopment of the Samuel Smith Brewery site for residential led mixed use development, including the change of use and alterations and additions to Empire House to residential accommodation (C3) including at plant level with recladding and addition of balconies to the existing tower, provision of residential floor space across the remainder of the site including a erection [sic] of a 7/8 storey block and four 3-storey town houses on Essex Place and a 5-storey block on the corner of Essex Place and Acton Lane, creating a total of 137 dwellings, retention and additions to the existing commercial space (A1 to A3 uses) including additional storeys to existing units, landscaping works and improvements to the public realm, cycle parking and creation of on and off-street parking.

Formby PC versus Sefton Council [2022] the parish council seeks judicial review of the decision of the defendant planning authority to grant planning permission for a development at Formby, Liverpool being a 'change of use of the first floor involving the erection of extensions at the rear to form two self-contained flats involving alterations to the elevations'.

Brentwood Borough Council v Secretary of State for the Environment [1996] 72 P. & CR. 61; [1996] JPL 939 "Planning permission – Permitted development – Outbuilding erected less than 5m from dwelling – Whether siting of building visually harmful to the green belt – Whether breach significant to warrant its removal". The issue was the location of an outbuilding and its relationship to the main dwelling in an area of Green Belt and subsequent use of Green Belt Planning Policy. It was concluded that "Although a technical breach has occurred, it is my opinion that this breach has not, in itself, resulted in any specific visual harm being caused to the appearance or character of the Green Belt" and "in my judgment, that the remainder of the factors constitute overall a conclusion that the degree of harm from this development is slight."

Meeting closed at 1955.

The next planning meeting will be held on Wednesday 1st June 2022

Copies of Parish Council minutes are held by the Clerk and are available on the Parish Council web-site: www.caterhamvalleypc.org.uk

Mrs M Gibbins, Parish Clerk, Tel: 07510 226989