



(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 3rd August 2022 at 6:30pm

Cllr Jeremy Webster - Chairman
Cllr Sakina Bradbury
Cllr Victor Emmanuel
Cllr Alun Jones
Cllr Annette Evans
Mrs Caroline Hollins - co-opted member
Mrs Deborah Brent -co-opted member
Mr Peter Brent - co-opted member
Mr Neil Farrance - co-opted member

Mrs M Gibbins - Clerk & RFO

MINUTES

1. **Apologies for absence:**

There were none

2. **Co-option of new member to the committee**

Cllr Bradbury proposed that Neil Farrance be co-opted onto the committee and all councillors agreed.

3. **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 were none declared

4. **Public session:** There were 3 members of the public in attendance.

One resident attended with regard to applications TA/2022/748/749 and 747. The Chairman thanked the resident for attending and for raising their concerns. The three applications in question were brought to the beginning of the agenda.

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

5.1 TA/2022/728

Erection of ground and first floor extension at entrance (Application for a Certificate of Lawful Development for a Proposed Use or Development)

12 Beechwood, Church Hill, Caterham CR3 6SB Case Officer: Hannah Middleton

Comment: The Parish Councillors leave to TDC Officers

5.2 TA/2022/749

Retain replacement boundary treatment and gated access fronting the highway (Part retrospective).

130 Harestone Valley Road, Caterham CR3 6HG

Case Officer: Tracey Williams

Comment: The application 2021/1726 was refused by the planning officer. It is currently going through appeal.

The Parish Council submitted an objection on 8/1 which still applies. 'The proposed boundary treatment by reason of its scale, height, siting and design results in a harsh and incongruous feature within its setting which is out of keeping with the locality and results in significant harm to the character and appearance of the site and street scene.'

As such it is contrary to Policy CSP18 of TDC core strategy 2008 and DP7 and DP9 of TDC local plan, part 2 detailed policies 2014. Also policies CCW4 and CCW5 of the CCWNP 2021.

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 Harestone Valley Road. 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 either side.

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."

Cllr Annette Evans will take to committee if the Officer is minded to approve

5.3 TA/2022/748

Retention of existing replacement entrance portico to be finished painted
(Retrospective)

130 Harestone Valley Road, Caterham CR3 6HG

Case Officer: Gillian Fensome

Comment: The Parish Council submitted an objection to 2021/749 on the 8/1 which is still relevant and para 1 of the officers reasons for refusal is also still relevant.

'The proposal by reason of its cumulative impact of the scale, form, bulk massing and design would result in a dominant and overpowering form of development which has a harsh and incongruous appearance resulting in significant harm to the character and appearance of the site and surrounding area. As such the proposal is contrary to policy CSP of TDC core strategy 2008 and policies DP7 and DP9 of the TDC local plan, part 2 detailed policies 2014.

It is also contrary to Policies CCW4 and CCW5 of the CCWNP 2021.

In addition the proposal is contrary to the Harestone Design Guide Design principle L1 which states that the development should be in line with the characteristic building line in the area, and should relate to the predominant plot and development rhythm.

The proposal is intrusive and detrimental to the street scene. The external appearance is not characteristic of the Harestone Valley, an area of special residential character.

Cllr Annette Evans will take to committee is the Officer is minded to approve

5.4 TA/2022/747

Use of first floor rear flat roof areas as a single roof terrace

130 Harestone Valley Road, Caterham CR3 6HG

Case Officer: Gillian Fensome

Comment: The application 2021/1726 was refused by the planning officer. It is currently going through appeal.

The Parish Council submitted an objection on 8/1 which still applies. 'The proposed boundary treatment by reason of its scale, height, siting and design results in a harsh and incongruous feature within its setting which is out of keeping with the locality and results in significant harm to the character and appearance of the site and street scene.'

Previous objections from Parish still apply as does para 2 of the report.

'The proposal by reason of the cumulative impact of scale, bulk and massing of the enlargements and relationship of the side boundaries and also the extent design and layout of the balcony area to the rear would result in significant harm to the amenities including privacy and light into a habitable room of no. 128 and 132 Harestone Valley Rd by virtue of overlooking and overbearing effects contrary to CSP18 of the TDC core strategy 2008 and policy DP7 of the TDC local plan part 2 detailed policies 2014.

Cllr Annette Evans will take to committee is the Officer is minded to approve

5.5 TA/2022/725

Installation of wooden gates across private road to separate private and public access.

Road between 15 & 20 Dome Hill

Case Officer: Paul Batchelor

Comment: The Parish Councillors leave to TDC Officers with consideration to residents objections. If the officer is minded to approve there must be a condition to provide signage to show there is a public right of way through the gates.

5.6 TA/2022/761

Erection of side and front extension to garage

6 Harestone Drive, Caterham CR3 6HX

Case Officer: Lydia Hemsley

Comment: The Parish Councillors leave to TDC Officers

5.7 TA/2022/935/TPO

Please refer to document 42663

Roseneath Court, Greenwood Gardens, Caterham CR3 6RX *Case Officer: Alastair Durkin*

Comment: The Parish Councillors leave to the Arboriculturist

5.8 TA/2022/967/TPO

T4) - Fir - Fell (Please refer to photos provided.)

1 Highfield Drive, Caterham CR3 6GR

Case Officer: Alastair Durkin

Comment: The Parish Councillors leave to the Arboriculturist

Meeting closed at 7pm

The next planning meeting will be held on Wednesday 24th August 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
