

Caterham on the Hill Parish Council
Statutory response to Appeal Ref. APP/M3645/W/20/3265153
Tandridge District Council Planning Application: 2019/1538
Couldson Lodge, Couldson Road, Caterham CR3 5NE

Caterham on the Hill Parish Council made a formal response to the above planning application on 3rd June 2020. This is available on the Tandridge planning portal. It predates the District Council's Planning Committee decision and the Appellant's subsequent grounds for Appeal. Both have introduced new information not previously available to the Parish Council. We therefore submit an additional response on those specific matters, for consideration at the Appeal. There are three of them.

Caterham, Chaldon and Whyteleafe Neighbourhood Plan – this Parish Council has the lead role in the four Parish group responsible for the emerging Neighbourhood Plan. Our understanding from our own planning advisors is that its relevance for planning decisions is proportional to its progress: the more advanced the stage the greater the weight that may be attached to its policies. In the TDC planning report of 3rd July 2020 the case officer took the view that weight could not be attached for decision making (based on the Regulation 16 NP stage). Since then the Referendum Version has been issued (September 2020). On that basis, the District Council has now agreed that the Neighbourhood Plan may be given significant weight in planning decisions. The Parish Council asks the Inspector to have due regard for two Neighbourhood Plan policies.

The Neighbourhood Plan proceeds to referendum on 6th May 2021. If successful, the tree belt along Couldson Road and Chaldon Road (including part of this site) will be safeguarded as a designated Local Green Space. It should be conserved and enhanced because of its value for local character, amenity, flood resilience, screening and biodiversity. Policy CCW11 of the Neighbourhood Plan applies.

Primarily the Appeal hearing concerns the adequacy of Blackthorn Road to serve the development, especially with regard to road safety. The Parish Council therefore asks the Inspector to give due weight to policy CCW5 e).

Adequacy of Blackthorn Road – this was the single reason for refusal. The wording in the decision notice is specific - “due to its narrow constricted carriageway and site entrance Blackthorn Road is unsuitable to serve the proposed development especially for large construction and service vehicles prejudicing highway safety and the amenity of new and existing residents”.

In that regard the officer report contains an anomaly reflected in the Planning Committee discussion before its decision was made. At para 47 access via Blackthorn Road is stated to have a width of 3.7 metres and to be wide enough to accommodate refuse and emergency vehicles. The road width varies and it was unclear to members where this statement had come from. The Appellant's own Transport Statement (para 2.13) indicates that Blackthorn Road narrows to 3.0 m wide, reducing to 2.85 m outside the site gateway entrance. A cement mixer lorry is a large construction vehicle, normally about 3.2 m wide and weighs 32 tons laden.

For the operational phase, a fire engine is a large service vehicle. The Building Regulations (Part B Fire Safety) normally specify a minimum road width of 3.7 m between kerbs for fire service access (3.1 metres minimum for a gateway). The occupants of the flats would be vulnerable people (perhaps slower to respond in an emergency). The occupants of the three storey market housing may be young families, perhaps with children in upstairs bedrooms. Despite this the Fire Authority has not even been consulted. In a similar case in Stanstead Road where the access was too narrow

for a fire appliance they required the buildings to have a sprinkler system because of the delayed emergency response time.

The Highway Authority specifications for access to new developments are set out in Surrey Design Standards, Technical Appendix 2002, Chapter 3. Section 3.3 indicates that the minimum carriageway width to serve 0 – 25 dwellings is 4.1 metres (excluding pavement). As noted in the planning refusal, Blackthorn Road fails this design standard. The carriageway is stated to be shared space with no pavement. The Appeal Statement notes that the facility would offer specialist care and supported living for residents with complex learning needs. Following closure of the former hospital such facilities are very much a recognised part of Caterham Hill. The supported living begins to introduce vulnerable people to the wider community, gradually and mostly on foot, an objective that the Parish Council fully supports.

Pedestrians may include the special care residents or young families with child buggies. Without a pavement how would their safety be assured in the presence of vehicles entering and exiting? Could larger vehicles such as a cement mixer, fire engine or removals lorry enter and exit the site safely via the gateway? If not would they have to operate from within Blackthorn Road, blocking access for the residents? The tracked hydraulic excavators normally used in residential construction may weigh 30 tons. They are delivered on a large low loader lorry, normally straight into the site because they cannot operate on the highway without causing damage. The surface of Blackthorn Road is only light pavements. How would that work?

Since a car parking space is normally 2.4 m wide there would clearly be no room for even two private cars to pass each other in opposite directions in Blackthorn Road or at the site entrance. Therefore would there be a priority give way system? These are all questions that affect the safety and welfare of existing and new residents. As a public body representing residents the Parish Council is entitled to ask them but no information has been provided.

Local Councillors raised such matters with the Highway Authority who are responsible for road safety and the Surrey highway design standards. Blackthorn Road is private and unadopted. The Highway Authority confirmed that it does nevertheless consider road safety in such cases (Appendix IV of Appeal Statement). Despite having done so for the originally proposed construction access onto Chaldon Road, the HA has not evaluated the safety aspects of Blackthorn Road. Their only response has been to recommend a Construction Transport Management Plan condition covering matters such as parking for construction staff, times of loading and unloading, storage of plant and materials, vehicle routing and highway cleaning. A CTMP can address these matters of detail but not the safety of the carriageway fundamentals. It cannot make Blackthorn Road wider or a cement mixer narrower. It offers nothing for the operational phase post-construction.

All this explains why local Councillors were correct in raising these matters and expressing concern at the Planning Committee. That is their legitimate elected role. The Parish Council submits that the carriageway geometry of Blackthorn Road is crucial. In our view it is a design issue of access layout, not a matter that can be left as an afterthought to planning condition.

The Appellant appears to recognise this point. The Appeal Case introduces new information regarding Blackthorn Road and the Appellant's right of access. It states at para 2.14 that "the right of access includes land either side of the physical access (as existing) and as such the right of access extends to areas adjacent to the physical access. It is apparent that this right of access has been physically obstructed following the development/construction of Blackthorn Road." A new plan has also been introduced showing the extent of the claimed right of access, different to the existing

layout of Blackthorn Road (Appeal Statement Appendix VIII). It is not clear though whether the Appellant intends to reconfigure Blackthorn Road in accordance with the new plan.

The Parish Council asks the Inspector to disregard this information because it was not available to the Planning Committee. Therefore it has no bearing upon whether the Committee acted reasonably in reaching its decision. It may in any case be disputed by the residents and Berkeley Homes. Instead the correct course of action would be to reach agreement with Berkeley Homes and if necessary submit a revised planning application showing clearly the proposed configuration of the access road. That could then be evaluated in the usual way – for example would it require the removal of additional TPO trees? Not doing so and instead pursuing an application that has left unresolved the central question of access layout has caused considerable problems for everyone.

The Appellant states two formal grounds for Appeal. The first is that the Planning Authority failed to give due weight and consideration to the findings of the Transport Statement, specifically to the turning head and swept path analysis (Statement of Case, p. 23). The Statement highlights in bold the text the Appeal relies upon. “The layout includes a turning head that accommodates occasional deliveries associated with a minor residential development. Swept path analysis has been undertaken that demonstrates that delivery vehicles (delivery vans etc) can access the site via the existing access”. This Appeal argument is invalid. Firstly the turning head is internal to the site whereas the reason for refusal concerns the adequacy of Blackthorn Road at and beyond the site entrance. Secondly the swept path analysis concerns private cars, delivery vans and a small refuse truck whereas the reason for refusal concerns the logistics of larger vehicles. At 2.85 m wide it remains the case that the existing gateway appears too narrow for such vehicles eg a cement mixer lorry (3.2 m) or a fire appliance (3.1 m).

Another aspect of the Appellant’s reliance on the Transport Statement concerns the trip analysis (TRICS). The Highway Authority indicates that it is responsible for the safety aspects of unclassified roads when a proposal leads to an increase in vehicle movements to or from the site (Appeal Statement Appendix VIII). The Transport Statement seeks to demonstrate that there would be no such increase in vehicle movements. That evidence is therefore very relevant to the adequacy of Blackthorn Road to serve the development. The consultants assume that vehicle movements along Blackthorn Road under the proposal would reduce because they would be less than under the former site use as a care home. That is a completely false analysis. Blackthorn Road has never served the proposal site. The care home was vacated in 2013, prior to Oakgrove construction. It has remained empty ever since. The Transport Statement (4.27) confirms that the existing care home has not been operational since Oakgrove was built.

The ground for Appeal regarding the Transport Statement appears to be based on the fact that the former care home use could in principle be reinstated under the right of access. That does not imply though that Blackthorn Road would be in any way adequate for such a hypothetical use (that it has never previously had). It is a narrow cul de sac designed to accommodate 4 dwellings. Instead it would be expected to serve 17 under this proposal.

The Parish Council therefore asks the Inspector to disregard the Appellant’s first ground for Appeal based on the Transport Statement for the following reasons:

- the supporting analyses are methodologically flawed and do not address the reason for refusal
- the Transport Statement presented for Appeal (136 pages including appendices) is not the Statement of July 2019 submitted to the Planning Authority (68 pages). The reasonableness of the Committee decision can only be judged against the information available at that time.

The Parish Council submits that the single reason for refusal set out in the decision notice is reasonable and entirely justified, in line with local planning policies and the information that was available to the Committee. The material issue of the adequacy of Blackthorn Road to serve the development, in relation to the Surrey Design Standards, should never have been left unresolved. Local Councillors had raised it in advance with both the District Council and Highway Authority. There is also an unresolved material issue between the Appellant and Berkeley Homes (the existing road layout versus that in the claimed right of access plan). It is unclear which one the Appellant is relying on in seeking approval. In those circumstances members of the Planning Committee are to be commended for their concern to safeguard existing and new residents. We ask the Inspector to give significant weight to ensuring their safety and welfare.

Failure to demonstrate a 5 year supply of deliverable housing (with the appropriate buffer) or where housing delivery was less than 75% of the housing requirement over the past 3 years, contrary to NPPF – the Appellant has introduced this ground for Appeal for the first time. It is an unwelcome and simplistic intrusion into a technically complex matter currently under examination by the Inspector for the emerging Tandridge Local Plan.

Considering first the past 3 year performance. Under the currently adopted Tandridge Local Plan the housing requirement is 125 dwellings per year. Whilst that is accepted as unrealistically low today, nevertheless the current Tandridge Annual Monitoring Report (2019/20) indicates that actual net delivery for past 3 years (2017 – 2020) averaged 279 dwellings per year (123% above requirement).

Of more relevance to future performance is the emerging Local Plan draft. Housing need requirements are based on a detailed formula set by the government. It relies on population data issued by the Office for National Statistics. These population trends have changed markedly in recent years. Tandridge have indicated to the Inspector that there has been a meaningful change potentially affecting Objectively Assessed Need. For example the current Tandridge Annual Monitoring Report (2019/20) indicates that (including Local Plan allocated sites) the 5 year housing delivery requirement (including 20% buffer) gives a 2.67 year forward supply under the MHCLG Standard Methodology when applying the 2014 ONS household projections. However if the 2018 ONS projections are used instead the housing supply becomes 6.17 years.

That dialogue continues with the Inspector and is not yet resolved. It is complicated by other factors. The District Council is proceeding under the 2012 NPPF regime not the current 2019 issue. There are in any case legitimate constraints on delivering to an OAN set under the Standard Methodology, not least the fact that the District is overall 94% Green Belt. The Inspector has recently identified a further constraint that must to be resolved before housing delivery figures can be agreed. It concerns the congested A22 trunk route and its hub at J26 of the M25, with peak traffic already accepted to exceed design capacity. This is regional and national infrastructure and so not something that Tandridge can resolve without external assistance.

The Parish Council submits that it is not appropriate for the Appeal process to override the Local Plan examination in such a complex matter. Coulsdon Lodge is not a new windfall site offering extra supply. It is a site already allocated in the emerging Local Plan and therefore included in the calculations before that Inspector.