

 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:	PLANNING COMMITTEE
	DATE:	3 rd October 2018
	REPORT OF:	HEAD OF PLACES & PLANNING
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AGENDA ITEM:	6	WARD: Nork

APPLICATION NUMBER:	18/01313/F	VALID:	18 th June 2018
APPLICANT:	Denton Homes Ltd	AGENT:	WS Planning & Architecture
LOCATION:	REAR OF 35-49 WARREN ROAD BANSTEAD SURREY SM7 1LG		
DESCRIPTION:	Demolition of 37 Warren Road, and erection of 8 dwellings to the rear of 35-49 Warren Road.		
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SUMMARY

This is a full application for the demolition of 37 Warren Road, and erection of 8 dwellings to the rear of 35-49 Warren Road.

The application follows the refusal of a scheme of 11 houses on the site in 2015, under reference 15/02416/F, which was dismissed at appeal. The appeal decision and layout is attached and the specific concerns leading to the dismissal of the appeal were as follows:

- The greater ridge height of the terraced houses and their narrow width compared with the adjacent proposed detached properties would give the development a cramped appearance. In addition, extensive parking and circulation areas are proposed, with soft landscaping visible from the public realm limited to small front garden areas for the 3 detached houses and strips of planting to the front of the remaining dwellings or between parking areas and along the access road. Furthermore, Plots 2, 3, 6 and 7 have very small rear gardens. As a result the development would have an urban appearance at odds with the more spacious, suburban character of Warren Road.
- In relation to the siting of Plot 11, the proposal would harm the living conditions of neighbouring occupiers by reason of outlook.

An application followed this dismissed appeal in 2017 for a scheme of 9 dwellings. This application was refused by virtue of the layout and number of units, resultant small plot sizes and the isolated position of the house on plot 1 was considered to result in a cramped overdevelopment of the site which would be at odds with, and detrimental to, the more spacious character of the area.

This current scheme for 8 dwellings is considered to have overcome the particular concerns identified with the previous application for 9 and is considered acceptable. In particular the following changes have been made to overcome the three main concerns identified:

- The reduced number of dwellings creates a more spacious layout with greater separation distances between dwellings. There are greater levels of visual separation and increased areas of soft landscaping.
- The linear layout allows for increased rear garden depths and increased plot sizes.
- The linear layout increases the separation distances to neighbouring dwellings overcoming harm to neighbour to neighbour amenity previously identified.

These changes are considered to significantly improve the scheme from that dismissed at appeal and also the 9-unit scheme recently submitted. As a result the proposal appears more spacious with generous distances to site boundaries and improved relationships of built form to neighbours. It is not therefore considered to be harmful to the character of the area.

No concern was raised previously in the appeal decision with the detailed design of the proposed dwellings, access, parking, refuse or any other matters which are all considered to remain acceptable as now proposed.

RECOMMENDATION(S)

Planning permission is **GRANTED** subject to conditions.

Consultations:

Highway Authority: The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements subject to conditions.

Neighbourhood Services Team – require a plan to show vehicle tracking to ensure access can be achieved.

Nork Residents' Association – objects on the grounds of cramped layout, overlooking, out of character with surrounding area, design, inadequate parking, car dominated, noise and disturbance and development of greenfield site.

Representations:

Letters were sent to neighbouring properties on 21st June 2018 and a site notice was posted 13th July 2018. 28 responses have been received raising the following issues:

Issue	Response
Crime fears	See paragraph 6.33
Inadequate parking	See paragraph 6.23 and condition 10
Inconvenience during construction	See paragraph 6.31 and condition 5
Increase in traffic and congestion	See paragraph 6.24
Noise and disturbance	See paragraph 6.32
Overlooking and loss of privacy	See paragraph 6.13 to 6.18 and condition 13 and 14
Impact on foundations	See paragraph 6.35
Light pollution	See paragraph 6.33
Impact on infrastructure	See paragraph 6.36
Harm to wildlife habitat	See paragraph 6.26 to 6.29 and condition 11
Alternative location/proposal preferred	See paragraph 6.1
Covenant conflict	See paragraph 6.35
Drainage/sewage capacity	See paragraph 6.30
Flooding	See paragraph 6.30
Harm to Conservation Area	See paragraph 6.34
Harm to listed building	See paragraph 6.34
Hazard to highway safety	See paragraph 6.23 and 6.24 and conditions 5, 6, 9 and 10
Loss of buildings.	See paragraph 6.34
Loss of private view	See paragraph 6.35

Loss of/harm to trees	See paragraph 6.20 to 6.22 and conditions 5 and 8
No need for the development	See paragraph 6.1
Out of character with surrounding area	See paragraph 6.3 to 6.12
Overbearing relationship	See paragraphs 6.13 to 6.18
Overdevelopment	See paragraph 6.3 to 6.12
Overshadowing	See paragraphs 6.13 to 6.18
Poor design	See paragraph 6.3 to 6.12
Property devaluation	See paragraph 6.35
Health fears	See paragraph 6.33
Human rights	See paragraph 6.33

1.0 Site and Character Appraisal

- 1.1 The site consists of all of 37 Warren Road and rearmost sections of the rear gardens of No's 35 to 49 Warren Road. The frontage houses are predominantly semi-detached and detached with short front and long rear gardens and good levels of trees and hedging on boundaries. The dwellings vary in style and character however they are of a similar scale.
- 1.2 Warren Road is characterised by a mix of detached and semi-detached dwellings relatively wide within their plots, set back from the highway, generally with open aspect but with good levels of trees and hedging. Gardens to the rear are also long with mature trees that rise gradually in gradient towards the rear of the site. The dwellings follow a uniform building line, with green verges with street trees to the front.
- 1.3 Recent backland development has introduced cul-de-sacs within the locality, including within Reigate Road, Nork way and Fir Tree Road.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: The applicant did not approach the Council for pre-application advice; therefore the opportunity to secure improvement in this way did not arise.
- 2.2 Improvements secured during the course of the application: During the course of the application amendments have been sought to overcome concerns regarding the proposed layout raised in the previous reason for refusal. This includes amending the scheme to a linear layout to better reflect the grain and pattern of development along Warren Road, switching two detached houses for a semi-detached pair to enable improved building spacing and plot sizes.
- 2.3 Further improvements to be secured through planning conditions or legal agreement: Conditions regarding landscaping and materials are recommended to ensure the development is high quality and complements the character of the area.

Conditions removing certain permitted development rights are exceptionally considered necessary in this case given the nature of the development and to preserve the amenity of existing and prospective occupants.

3.0 Relevant Planning and Enforcement History

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|-----|------------|--|--|
| 3.1 | 17/02931/F | The demolition of 37 Warren Road and the construction of a new access road to the site. The proposed construction of 5 detached houses and 4 semi-detached houses with associated parking and landscape. | Refused
9 February 2018
Appeal in progress |
| 3.2 | 15/02416/F | Proposed development of 11 new dwellings | Refused
5 April 2016
Appeal dismissed
28 April 2017 |
| 3.3 | 15/00455/F | Proposed development of 14 no. new dwellings | Withdrawn
15 June 2015 |
- 3.4 Application 15/00455/F was withdrawn by the applicant at their request.
- 3.5 In dismissing the appeal under 15/02416/F, the Inspector raised no in principle objection to back land development on this site but found the proposal for 11 units including terraced houses to result in a cramped appearance. Furthermore, the Inspector identified concerns regarding the “*extensive parking and circulation areas proposed*” which they considered would result in an urban appearance, at odds with the more spacious, suburban character of Warren Road. The Inspector also identified in that scheme that there would be harm to the amenity of no.43 Warren Road by way of overbearing from Plot 11.

4.0 Proposal and Design Approach

- 4.1 This is a full application for the demolition of 37 Warren Road, and erection of 8 dwellings to the rear of 35-49 Warren Road. The dwellings would be accessed by a new access road, created in replacement of No. 37 Warren Road. The access road would be sited centrally within the channel vacated by No.37 Warren Road, before meandering into the development.
- 4.2 The proposed dwellings would be in the form of two detached houses and three pairs of semi-detached houses. All dwellings would be two storeys in height and would be of a traditional design with a mix of hipped and gable roof features. The two detached dwellings would feature catslide roofs to the front elevation with a dormer window above the integral garage. The semi-detached houses would have hipped roofs and would include a relatively modest single storey rear projection.

- 4.3 All dwellings would include two off street parking spaces and two additional parking spaces are proposed on the northern side of the access road opposite the front of the new dwellings. The new dwellings would have rear gardens ranging in depth from 15.3m to 16.2m and gaps between the dwellings would be 3.6m in width.
- 4.4 A design and access statement should illustrate the process that has led to the development proposal, and justify the proposal in a structured way, by demonstrating the steps taken to appraise the context of the proposed development. It expects applicants to follow a four-stage design process comprising:
Assessment;
Involvement;
Evaluation; and
Design.
- 4.5 Evidence of the applicant's design approach is set out below:

Assessment	The character of the surrounding area is assessed as a predominantly residential area to the west of the local town centre of Banstead. The general character reflects 1930s-1950s suburbia with few buildings which pre-date the 20th Century. The area is primarily detached dwellings of varying designs built on large elongated mature plots. The area is similarly interspersed with smaller infill developments comprising apartments, semi-detached and detached housing built to traditional design. No site features worthy of retention were identified.
Involvement	No community consultation took place.
Evaluation	The statement does not include any evidence of other development options being considered.
Design	The applicant's reasons for choosing the proposal from the available options were informed by the planning and appeal history.

- 4.5 Further details of the development are as follows:

Site area	0.41 hectares
Net increase in dwellings	7
Proposed parking spaces	18
Parking standard	16
Proposed site density	19.9 dwellings per hectare (dph)
Density of the surrounding area	16.25 dph (Chaucer Close) 16.1 dph (Burns Drive) 32.2 dph (Ash Close)

5.0 Policy Context

5.1 Designation

Urban area

5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development)
CS4 (Valued Townscapes and Historic Environment)
CS10 (Sustainable Development),
CS11 (Sustainable Construction),
CS13 (Housing delivery)
CS14 (Housing Needs)
CS15 (Affordable Housing)

5.3 Reigate & Banstead Borough Local Plan 2005

Landscape & Nature Conservation	Pc4
Housing	Ho9, Ho13, Ho14, Ho16
Utilities	Ut4
Movement	Mo5, Mo6, Mo7

5.4 Other Material Considerations

National Planning Policy Framework	
National Planning Practice Guidance	
Supplementary Planning Guidance	Surrey Design Local Distinctiveness Design Guide Householder Extensions and Alterations Affordable Housing SPD Developer Contributions SPD
Other	Human Rights Act 1998 Community Infrastructure Levy Regulations 2010 (as amended)

6.0 Assessment

6.1 The application site is within the urban area, where there is a presumption in favour of sustainable development and where the principle of residential development is acceptable.

6.2 The main issues to consider are:

- Design appraisal
- Neighbour amenity
- Access and parking

- Impact on trees
- Highway matters
- Ecology
- Other matters
- Infrastructure contributions
- Affordable Housing

Design appraisal

- 6.3 The proposed development would result in the demolition of No. 37 Warren Road and the erection of 8 dwellings to the rear of 35-49 Warren Road. The proposal follows recent applications for the redevelopment of the site, one which was dismissed on appeal (15/02416/F – 11 new dwellings – appeal dismissed April 2017). Whilst no in principle objection was raised to the redevelopment of the site, the Inspector noted:

'of the 11 proposed dwellings, 6 would be terraced houses, set in two blocks of three. The greater ridge height of these terraced houses and their narrow width compared with the adjacent proposed detached properties would give the development a cramped appearance. This would be reinforced by the narrow gaps between most of the dwellings in the scheme...'

'In addition, extensive parking and circulation areas are proposed, with soft landscaping visible from the public realm limited to small front garden areas for the 3 detached houses and strips of planting to the front of the remaining dwellings or between parking areas and along the access road. Furthermore, Plots 2, 3, 6 and 7 have very small rear gardens. As a result the development would have an urban appearance at odds with the more spacious, suburban character of Warren Road.'

- 6.4 The key issues identified by the Inspectorate related to the cramped form of development, the extensive levels of hardstanding and small plot sizes. The more recent application (17/02931/F) for 9 dwellings was not considered to overcome the concerns raised by the Inspector by virtue of the layout and number of units, resultant small plot sizes and the isolated position of the house on plot 1 which was considered to result in a cramped overdevelopment of the site.
- 6.5 The current proposal seeks to overcome the Inspectors concerns. Both the most recent reason for refusal and, more pertinently, the appeal decision are material considerations in the assessment of this application.
- 6.6 One of the key issues identified by the Inspector in regard to the character of the area was the cramped layout proposed, at odds with the character of the area. To address this issue, this application proposes a reduction in the number of dwellings to 8 dwellings, arranged in a linear layout. The dwellings would be in the form of two detached dwellings at either end of the row, and three pairs of semi-detached dwellings. This reduction in the number of units and built form compared to the appeal scheme and consequent increase in separation distances between the dwellings would create greater visual separation between the houses. As a result the proposal appears more spacious with generous distances to site boundaries

and is considered to overcome the Inspector's concerns in this regard and the previous reason for refusal.

- 6.7 The now proposed linear layout and combination of semi-detached pairs and detached units complements the pattern and grain of development along the frontage of Warren Road. It is notable that the number of units accommodated across the width of the site would be no different to the number of units occupying the frontage of Warren Road over the same width. This reinforces the view that the overall pattern of development would be respected.
- 6.8 In terms of plot sizes, the linear layout allows for rear garden depths of between 15.3m and 16.2m. The garden depths allow for more generous plot sizes, as do the increased separation distances between dwellings. Accordingly, the reduction in the number of units, increased plot depths and separation distances are considered acceptable and overcome the Inspector's concerns. To avoid future overdevelopment of the plots, conditions would be attached to remove permitted development rights for extensions and other enlargements including dormers. Given the nature of the development, this is considered justified in both character and amenity terms.
- 6.9 The proposed layout allows for views into the site from Warren Road to be of the three most easterly of the proposed dwellings. All three of these dwellings would have areas for parking as well as areas of soft landscaping to the front gardens. Given the revised form of the dwellings, their extent of set back into the site and the opportunities for landscaping to the front of them, it is no longer considered that they would be dominant or prominent in views from Warren Road, even acknowledging the rising land level.
- 6.10 Unlike the appeal scheme, the current proposal also allows for substantially greater landscaping in the public areas of the site. This includes a generous belt of soft landscaping between the access road and the northern boundary of the site and front gardens to each plot. The access road would also include areas for landscaping along both sides and is more centred in its position when compared to the appeal scheme, allowing for increased levels of landscaping. As a result, it is considered that the current scheme would achieve an appropriate balance between hard and soft landscaping: it would no longer have the urban appearance that the previous Inspector found harmful but instead would assimilate comfortably into the suburban character of Warren Road and the wider surroundings. A condition is recommended to secure the detail of the planting and landscaping proposals in order to ensure that a high quality outcome is achieved.
- 6.11 The traditional design and appearance of the dwellings themselves is considered to integrate well with the character of the locality, which has a variance of dwelling types and styles.
- 6.12 Taking all of the above into account, the proposed development for 8 units is considered to overcome the concerns identified by the Inspector with regards to the previous appeal decision and the issues identified by the Council in the recent refused application for 9 units. The current scheme would not be detrimental to the

character of the area and would consequently comply with policies Ho9, Ho13, Ho14 and Ho16 of the Local Plan and the relevant provisions of the Framework.

Neighbour amenity

- 6.13 The proposed development has been assessed with regards to its impact on the amenity of neighbouring properties.
- 6.14 In refusing the most recent application at the site, no harm was found to occur in terms of impact upon neighbour amenity. However, in dismissing the earlier appeal the Inspector concluded that in relation to the siting of Plot 11, the proposal would harm the living conditions of neighbouring occupiers by reason of outlook. This was as a result in the proposed flank wall extending partway across the rear boundary of No 41 and most of the way across the rear boundary of No 43. The revised layout would overcome this issue as the dwellings proposed would be sited between 12.3m and 21.2m from the rear boundaries of the frontage dwellings along Warren Road. This separation is more than adequate to ensure that there would not be unacceptable adverse impacts in terms of overbearing or overshadowing, even acknowledging the change in levels. Similarly, the separation distances would ensure that any views between properties would be sufficiently long range so as to not cause a harmful loss of privacy. Opportunity for landscaping along the northern boundary would further assist in screening the development front Warren Road.
- 6.15 The proposed dwellings would have a rear garden depth of between 15.3m and 16.2m. This would create a separation distance of approximately 33m to 36m to the rear elevations of 14 and 16 Roundwood Way. Due to the gradient of the land, these neighbouring dwellings occupy a higher land level than the application site and both dwellings have mature boundary vegetation providing some screening to the application site. Given the change in levels, boundary screening level of separation, the proposal is not considered to result in harmful overbearing impact when viewed from these dwellings. The level of separation is considered acceptable to avoid issues of overlooking were the application to be approved.
- 6.16 No.12a Roundwood Way is a dwelling or more recent construction and sits approximately 2m from the southern boundary of the application site. This dwelling has a ground floor w/c window and mid story window serving a staircase/hallway area. A close boarded fence of approximately 2m in height delineates the boundary. This flank wall would have a separation distance of approximately 19m to the first floor part of the rear elevations (17.5m at ground floor) of the nearest semi-detached dwellings. The main amenity space for 12A is sited to the north of this dwelling, with windows serving primary living spaces facing north and west. Give the non habitable nature of the windows facing the proposal, the separation distance and the arrangement of No. 12A the proposal is not considered to result in a harmful impact upon the amenities of this dwelling.
- 6.17 In regard to 23 Ash Close, the Inspector previously concluded that No 23 *'has a blank flank wall along the boundary and a detached garage. In addition, there is extensive mature landscaping of about 3 metres in height alongside the flank wall of No 23 outside the appeal site and there is nothing to suggest that this would be*

removed. Consequently there would be no unacceptable loss of outlook from No 23. The previous layout presented the flank wall of plot 4 closest to No. 23. The layout proposed within this application proposes the rear elevation of the most easterly dwelling facing the side boundary of No. 23. Given the presence of the mature hedge is still in place at a height of approximately 3m, and the change in levels resulting in the proposal occupying a lower land level, it is considered the hedge would provide adequate screening to overcome issues of overlooking and loss of privacy. A levels condition would be attached to a grant of permission requiring details of land levels and finished floor levels to ensure an acceptable relationship between the properties.

- 6.18 The proposed dwellings would be well separated from other neighbouring properties within Ash Close and Roundwood Way, the donor properties within Warren Road and neighbouring dwellings in Warren Road to ensure that no significant loss of light, overlooking or overbearing impact would occur as a result of the proposed development. A condition is proposed to ensure first floor side facing windows are obscure glazed.
- 6.19 Consequently, while giving rise to a degree of change in the relationship between buildings, the proposed scheme would not seriously affect the amenity or living conditions of neighbouring properties, and thus complies with policy Ho9, Ho13 and Ho14. The revised layout and siting of dwellings overcomes the issues identified by the previous Inspector.

Impact on trees

- 6.20 There are a number of trees and hedges within the application site, as is common for a backland site. Whilst none of these are formally protected, they are considered to contribute to visual amenity, providing a backdrop which reinforces the spacious suburban character.
- 6.21 No objection was raised in relation to trees in the previous scheme. In this case, whilst some trees would be lost as a result of the development, these are mostly less significant lower grade trees whose removal would not have an undue impact on overall tree cover and the local landscape and could be adequately compensated through replacement planting. The submitted AIA also shows how retained trees would be protected during the construction process.
- 6.22 In the previous appealed application, concern was particularly raised regarding the inadequate space for soft landscaping and over-dominance of hardstanding: this was considered to weigh negatively within a planning balance. The Planning Inspector noted the limited space for landscaping contributed towards the urban appearance of this previous application. In this case, the opportunity for landscaping has been substantially increased and it is considered that subject to a tree protection and landscaping condition, the proposal would comply with policy Pc4 of the Borough Local Plan in respect of trees.

Highway matters

- 6.23 The application proposes a new access road in place of No. 37 Warren Road and two off road parking spaces per dwelling, as well as two parking spaces sited to the north side of the access road. The total of 18 would therefore exceed the recommended standards in the Local Plan and would be adequate.
- 6.24 Whilst local residents have raised concerns in respect of traffic and congestion, the County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and are satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.
- 6.25 The County Highway Authority therefore has no highway requirements subject to conditions.

Ecology

- 6.26 Concern has been raised regarding the potential for harm to wildlife. Neighbour comments have noted the presence of bats. An ecology report submitted with the application concluded:

“The Site is not covered by any statutory or non-statutory wildlife site designation and given the distance between such designated sites and the Site, and the scale and type of development being proposed, significant adverse impacts on designated wildlife sites are not anticipated as a result of the proposed redevelopment.

The habitats within the Site were common place garden habitats of low relative botanical and biodiversity value and are not considered to represent a significant development constraint.

The Site had the following potential protected animal species interest:

o The likely presence of a small assemblage of garden nesting birds in trees, introduced shrub and scrub habitats.

o No evidence of bat presence was found during the building inspection of 37 Warren Road and the building was deemed to be of low bat roost potential as it had a small number of potential bat roost features associated with gaps under ridge tiles.’

- 6.27 The development involves the removal of several trees and other vegetation. This development offers opportunities to restore or enhance biodiversity and such measures will accord with paragraphs 170 and 175 of the NPPF to help offset any localised harm to biodiversity caused by the development process.
- 6.28 All bat species, their breeding sites and resting places are fully protected by law and the protected species legislation applies independently of planning permission. A condition would be attached to a grant of planning permission to ensure the proposal is undertaken in accordance with the mitigation methods and enhancements stated within the ecology report.

- 6.29 Whilst the proposal would result in the redevelopment of rear gardens, it is not considered likely to result in significant impact on existing wildlife habitats as evidenced by the submitted appraisal which identifies the habitat potential as low. Subject to compliance with the mitigation and enhancement in the ecology report, the proposal would comply with Policy Pc2G of the Local Plan.

Other matters

- 6.30 Concern has been raised from neighbouring properties regarding flooding and drainage/sewage. The site is located within flood zone 1 and sewage capacity would be assessed at building control stage.
- 6.31 Objection was raised on the grounds of inconvenience during the construction period/noise/vibration. Whilst it is acknowledged there may be a degree of disruption during the construction phase, the proposal would not warrant refusal on this basis and statutory nuisance legislation exists to control any significant disturbance caused during the construction of the proposal. A construction method statement would be secured by planning condition.
- 6.32 The proposed development would be in residential use, and the proposal is not considered to result in a harmful impact in terms of noise and disturbance to neighbouring dwellings.
- 6.33 The proposal would result in the redevelopment of rear gardens, new boundary treatment is proposed and the development is not considered to cause crime issues. No significant health issues are considered to arise as a result of the planning application. Given the scale of the proposed development and residential nature, the proposal is not considered to result in a harmful impact in regard to light pollution or nuisance from headlights. Regard has been had to the Human Rights Act 1998. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.
- 6.34 The site is not within nor adjacent to a Conservation Area or Green Belt designation and does not include any Listed Buildings. The site is not within an area of high archaeological potential or county site of archaeological importance. However, during the course of the previous application the Surrey County Council Archaeological Officer noted there is a potential for archaeology to be present within the site and were the application to be recommended for approval a condition would be attached requiring a programme of archaeological evaluation be undertaken. The loss of the existing dwelling is not considered detrimental to the character of the locality.
- 6.35 Loss of a private view, conflicting with a covenant and property devaluation are not material planning considerations. Any damage to existing properties as a result of the proposal would be a private matter between land owners.

Infrastructure Contributions

- 6.36 The Community Infrastructure Levy (CIL) is a fixed charge which the Council will be collecting from some new developments from 1 April 2016. It will raise money to help pay for a wide range of infrastructure including schools, roads, public transport and community facilities which are needed to support new development. This development would be CIL liable although, the exact amount would be determined and collected after a grant of planning permission. However, an informal assessment would indicate a contribution of around £98,000 being required.

Affordable Housing

- 6.37 Core Strategy Policy CS15 and the Council's Affordable Housing SPD require financial contributions towards affordable housing to be provided on housing developments of 1-9 units such as this.
- 6.38 However, in November 2014, the Government introduced policy changes through a Written Ministerial Statement (WMS) and changes to the national Planning Practice Guidance which restrict the use of planning obligations to secure affordable housing contributions from developments of 10 units or less and with a gross floor area of 1,000sqm or less. These changes were given legal effect following the Court of Appeal judgement in May 2016 and have subsequently been incorporated into the most recent version of the NPPF. This scheme falls within the scope of this exception.
- 6.39 In view of the above, and the resolution of the Planning Committee in November 2016, greater weight is therefore given to the national policy position in the WMS than the Council's adopted policy. For this reason, it is not considered justified to seek contributions towards affordable housing in this case and the absence of an agreed undertaking does not therefore warrant a reason for refusal in this case.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Type	Reference	Version	Date Received
Street Scene	060-02-33	A	28.08.2018
Elevation Plan	060-01-32	A	28.08.2018
Floor Plan	060-01-31	A	28.08.2018
Elevation Plan	060-01-28	A	28.08.2018
Floor Plan	060-01-27	A	28.08.2018
Location Plan	060-02-21	A	28.08.2018
Block Plan	060-02-26		28.08.2018
Site Layout Plan	060-02-25	A	28.08.2018
Survey Plan	S14/4352/01		15.06.2018
Elevation Plan	060-02-23		15.06.2018

Floor Plan 060-02-22

15.06.2018

Reason:

To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.

3. No development shall take place until the developer obtains the Local Planning Authority's written approval of details of both existing and proposed ground levels and the proposed finished ground floor levels of the buildings. The development shall be carried out in accordance with the approved levels.

Reason:

To ensure the Local Planning Authority are satisfied with the details of the proposal and its relationship with adjoining development and to safeguard the visual amenities of the locality with regard to Reigate and Banstead Borough Local Plan 2005 policy Ho9.

4. No development shall commence including demolition or any groundworks preparation until a detailed, scaled Finalised Tree Protection Plan (TPP) and the related Finalised Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority (LPA). These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of trees (RPA) shown to scale on the TPP, including the installation of service routings. The AMS shall also include a pre commencement meeting with the LPA, supervisory regime for their implementation & monitoring with an agreed reporting process to the LPA. All works shall be carried out in strict accordance with these details when approved.

Reason:

To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with British Standard 5837:2012 'Trees in Relation to Design, demolition and Construction – Recommendations' and policies Pc4 and Ho9 of the Reigate and Banstead Borough Local Plan.

5. 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) provision of boundary hoarding behind any visibility zones
 - (f) measures to prevent the deposit of materials on the highway
 - (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.

Reason:

The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and Policy Mo5 highway safety, Policy Mo7 Parking, and policy Mo6 Turning Space of the Reigate and Banstead Local Plan 2005.

6. Notwithstanding the approved plans, no development shall commence until a revised layout for the turning head of the access road and associated vehicle tracking demonstrating the manoeuvrability of a refuse lorry has been submitted to and approved in writing by the Local Planning Authority, and on development shall be carried out in accordance with the approved details.

Reason:

The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and Policy Mo5 highway safety, of the Reigate and Banstead Local Plan 2005.

7. No development above ground floor slab level shall take place until written details of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the Local Planning Authority, and on development shall be carried out in accordance with the approved details.

Reason:

To ensure that a satisfactory external appearance is achieved of the development with regard to Reigate and Banstead Borough Local Plan 2005 policies Ho9 and Ho13.

8. No development above ground floor slab level shall take place until a scheme for the landscaping and replacement tree planting of the site including the retention of existing landscape features has been submitted and approved in writing by the local planning authority. Landscaping schemes shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or use of the approved development or in accordance with a programme agreed in writing with the local planning authority

All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837. Trees in relation to construction.

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species.

Reason:

To ensure good arboricultural and landscape practice in the interests of the maintenance of the character and appearance of the area and to comply with policies Pc4 and Ho9 of the Reigate and Banstead Borough Local Plan 2005 and the recommendations within British Standard 5837.

9. Notwithstanding the approved plans, the development hereby approved shall not be occupied until the proposed belmouth vehicular access to Warren Road has been provided with dropped kerbs and tactile paving at the pedestrian crossing points across the access in accordance with a revised scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason:

The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and Policy Mo5 highway safety, of the Reigate and Banstead Local Plan 2005.

10. The development shall not be occupied until the proposed parking and turning area have been provided in accordance with the approved plans, all to be permanently retained.

Reason:

The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2012 and Policy Mo5 highway safety, Policy Mo7 Parking, and policy Mo6 Turning Space of the Reigate and Banstead Local Plan 2005.

11. The development hereby permitted shall be carried out in accordance with the recommendations set out within Ecology Report, produced by Applied Ecology and dated October 2017.

Reason:

In order to preserve and enhance the wildlife and habitat interest on the site and ensure species present on the site are afforded appropriate protection during construction works with regard to Reigate and Banstead Borough Local Plan 2005 policy Pc2G.

12. The development shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the occupation of the development hereby permitted.

Reason:

To preserve the visual amenity of the area and protect neighbouring residential amenities with regard to the Reigate and Banstead Borough Local Plan 2005 policies Ho9 and Pc4.

13. The first floor windows in the east and west side elevations of the development hereby permitted shall be glazed with obscured glass which shall be fixed shut, apart from a top hung opening fanlight whose cill height shall not be less than 1.7 metres above internal floor level, and shall be maintained as such at all times.

Reason:

To ensure that the development does not affect the amenity of the neighbouring property by overlooking with regard to Reigate and Banstead Borough Local Plan 2005 policy Ho9.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that

Order with or without modification), no first floor windows, dormer windows or rooflights other than those expressly authorised by this permission shall be constructed.

Reason:

To ensure that the development does not affect the amenity of the neighbouring property by overlooking and to protect the visual amenities of the area in accordance with Reigate and Banstead Borough Local Plan 2005 policy Ho9.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or enlargements permitted by Classes A and B of Part 1 of the Second Schedule of the 2015 Order shall be constructed.

Reason:

To control any subsequent enlargements in the interests of the visual and residential amenities of the locality with regard to Reigate and Banstead Borough Local Plan 2005 policies Ho9, Ho13, and Ho16

16. The garages hereby permitted shall not be used for purposes other than ancillary to the residential use of the property and shall not be used as living accommodation.

Reason:

To ensure sufficient off street car parking exists within the development to prevent the development or surrounding area appearing car dominated with regard to Policy Ho9 of the Reigate and Banstead Borough Local Plan 2005.

INFORMATIVES

1. Your attention is drawn to the safety benefits of installing sprinkler systems as an integral part of new development. Further information is available at www.firesprinklers.info.
2. The applicant is encouraged to provide renewable technology within the development hereby permitted in order to reduce greenhouse gas emissions.
3. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, a 140 litre wheeled bin conforming to British Standard BSEN840 and a 60 litre recycling box should be provided for the exclusive use of the occupants of that dwelling. Prior to the initial occupation of any communal dwellings or flats, wheeled refuse bins conforming to British Standard BSEN840, separate recycling bins for paper/card and mixed cans, and storage facilities for the bins should be installed by the developer prior to the initial occupation of any dwelling hereby permitted. Further details on the required number and specification of wheeled bins and recycling boxes is available from the Council's Neighbourhood Services on 01737 276501 or 01737 276097, or on the Council's website at www.reigate-banstead.gov.uk. Bins and boxes meeting the specification may be purchased from any appropriate source, including the Council's Neighbourhood Services Unit on 01737 276775.
4. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

- (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
- (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
- (c) Deliveries should only be received within the hours detailed in (a) above;
- (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
- (e) There should be no burning on site;
- (f) Only minimal security lighting should be used outside the hours stated above; and
- (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit.

In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with the Considerate Constructors Scheme - www.ccscheme.org.uk/index.php/site-registration.

5. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as: (i) how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme; (ii) how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them; (iii) the arrangements that will be in place to ensure a reasonable telephone response during working hours; (iv) the name and contact details of the site manager who will be able to deal with complaints; and (v) how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements
6. The use of a suitably qualified arboricultural consultant is essential to provide acceptable submissions in respect of the arboricultural tree condition above. All works shall comply with the recommendations and guidelines contained within British Standard 5837
7. The use of landscape/arboricultural consultant is considered essential to provide acceptable submissions in respect of the above relevant conditions. Replacement planting of trees and shrubs shall be in keeping with the character and appearance of the locality. There is an opportunity to incorporate structural landscape trees into the scheme to provide for future amenity and long term continued structural tree cover in this area. It is expected that the replacement structural landscape trees will be of minimum Advanced Nursery Stock size with initial planting heights of not less than 4.5m with girth measurements at 1m above ground level in excess of 16/18cm.

8. The permission hereby granted shall not be construed as authority to carry out anyworks on the highway or any works that may affect a drainage channel/culvert or watercourse. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.
9. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
10. The applicant is advised that as part of the detailed design of the highway works required by the above condition(s), the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

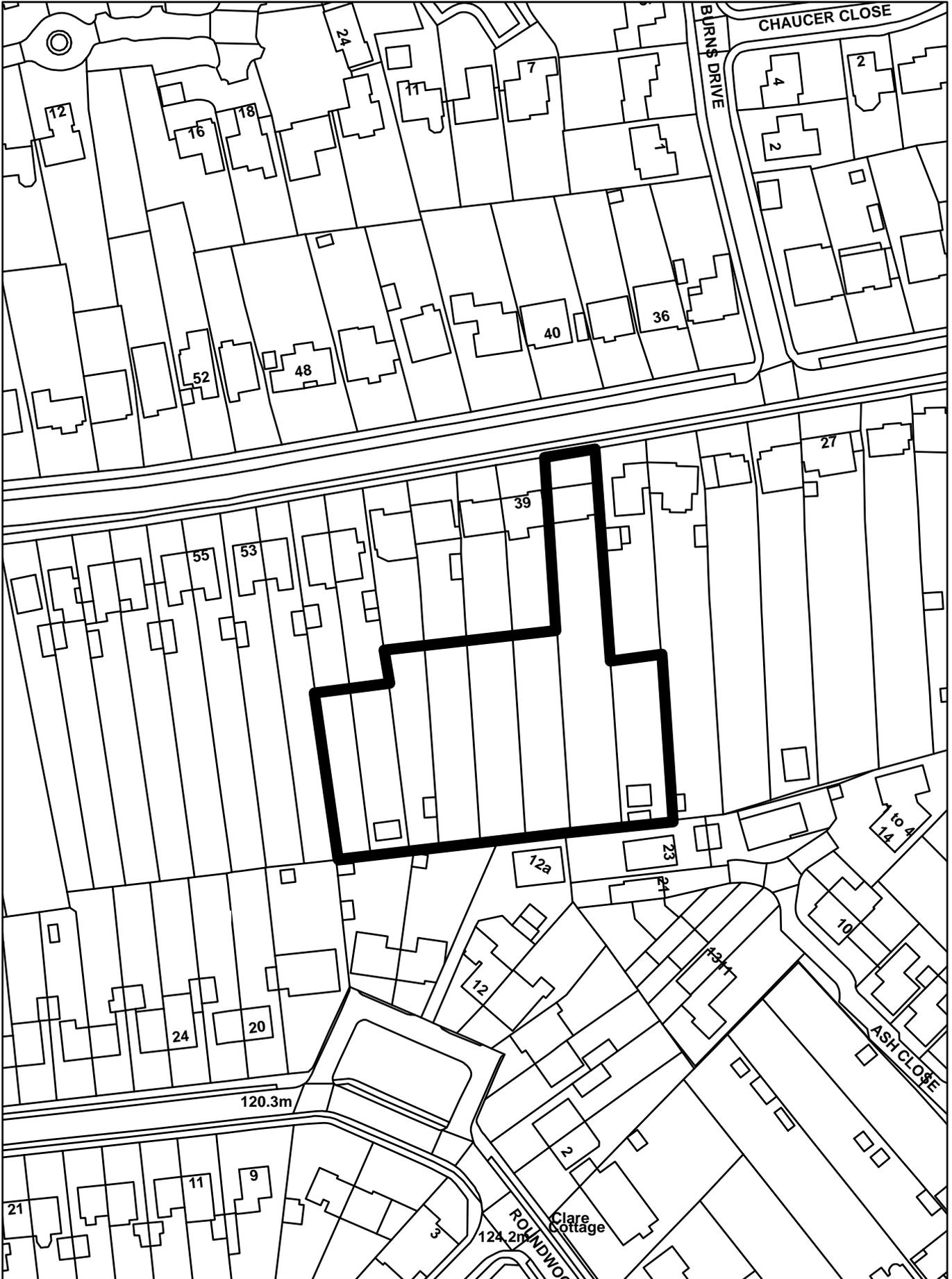
REASON FOR PERMISSION

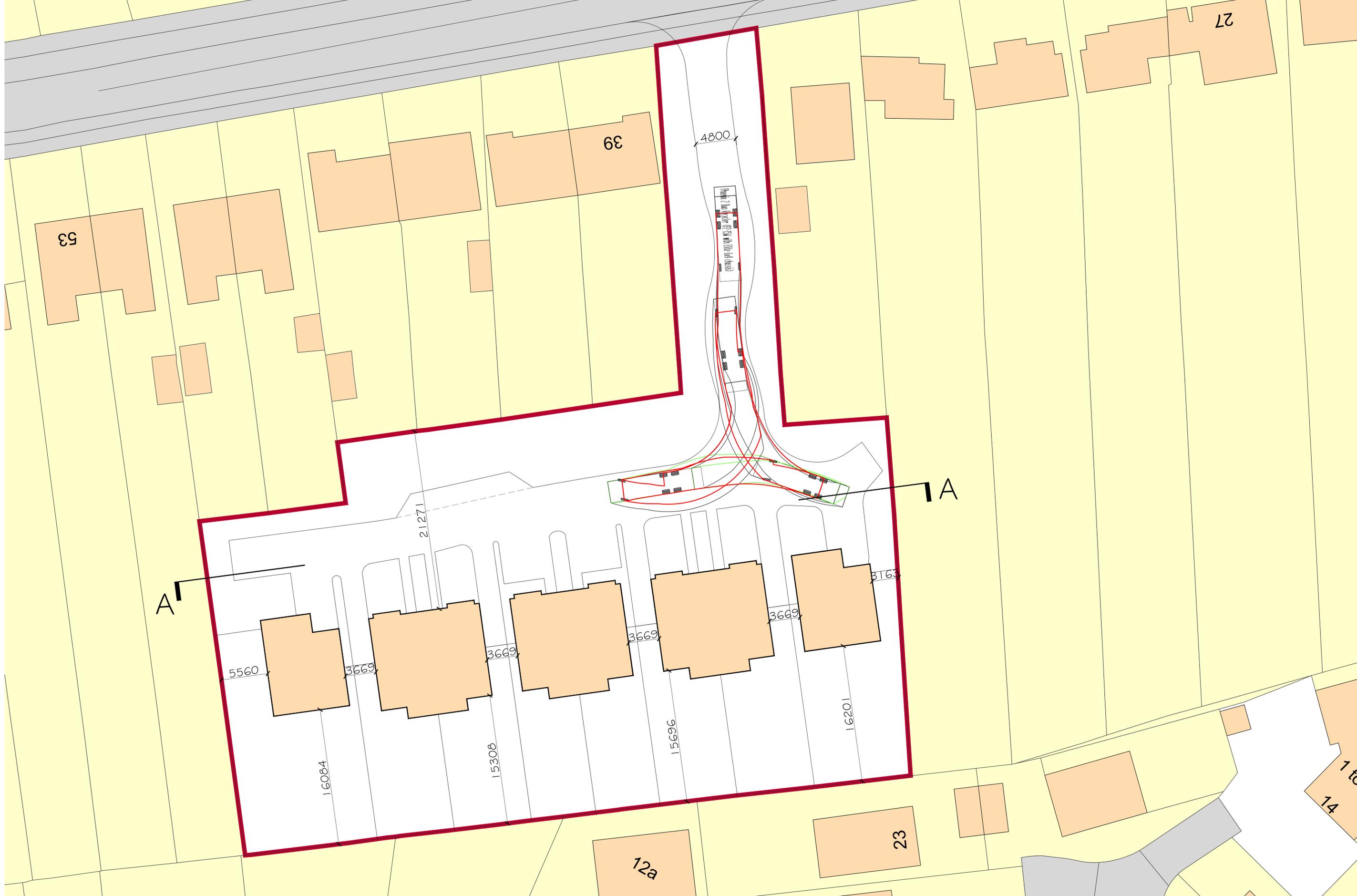
The development hereby permitted has been assessed against development plan policies Pc4, Ho9, Ho13, Ho14, Ho16, Ut4, Mo5, Mo6, and Mo7 and material considerations, including third party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.

Proactive and Positive Statements

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development where possible, as set out within the National Planning Policy Framework.

18/01313/F - Rear Of 35-49 Warren Road, Banstead



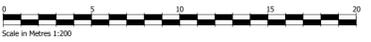


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	Project			
	LAND TO R/O 35-49 WARREN ROAD			
	Drawing Title			
	PROPOSED SETTING OUT			
<small>103 COPYRIGHT IN THE DRAWING AND WORK EXECUTED IN AND REMAINS THE PROPERTY OF THE DENTON HOMES LIMITED AND/OR ITS SUBSIDIARIES IN ACCORDANCE WITH THE PROVISIONS OF THE COPYRIGHT ACT. PERMISSION TO PRODUCE COPIES OR MODIFIED DRAWINGS IN WHOLE OR IN PART FOR ANY PURPOSE SHOULD BE OBTAINED FROM DENTON HOMES LIMITED & ANY SUCH REPRODUCTIONS SHOULD INCLUDE THIS & THE PRECEDING STATEMENT.</small>	Date	Scale	Drawing number	Rev
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	Proposed Trees
	Existing Trees Retained
	Existing Trees Removed



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	Project				
	LAND TO R/O 35-49 WARREN ROAD				
	Drawing Title				
	PROPOSED SITE PLAN				
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	June 2018	1:200@A1		60-02-25	A
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Rev A 27.11.17 Amendment to road layout

	Project				
	LAND TO R/O 35-49 WARREN ROAD				
	Drawing Title				
	SECTION A-A, B-B & STREET VIEW				
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Project
LAND TO R/O 35-49 WARREN GARDENS

Drawing Title
PROPOSED HOUSE TYPE A ELEVATIONS

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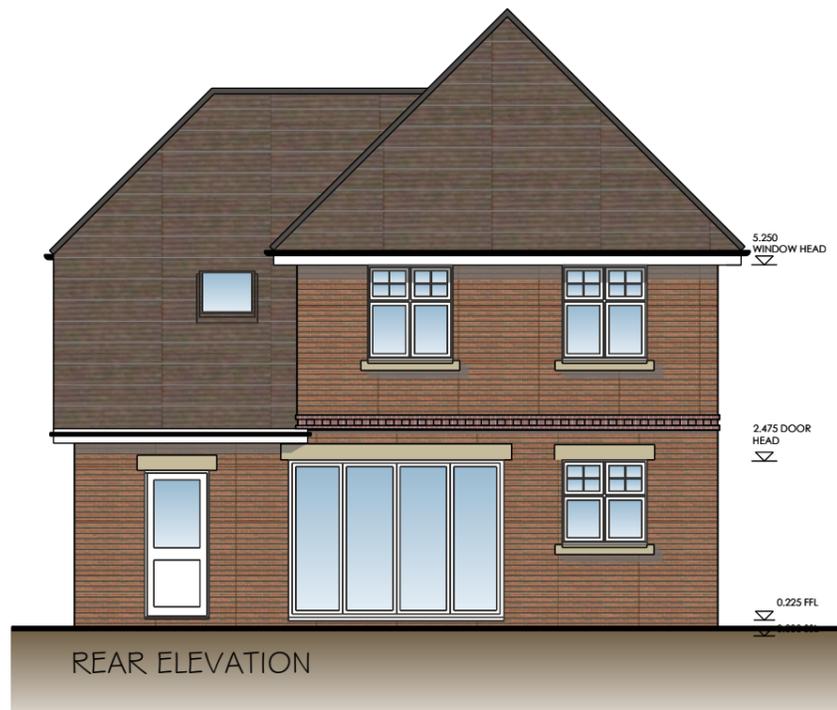
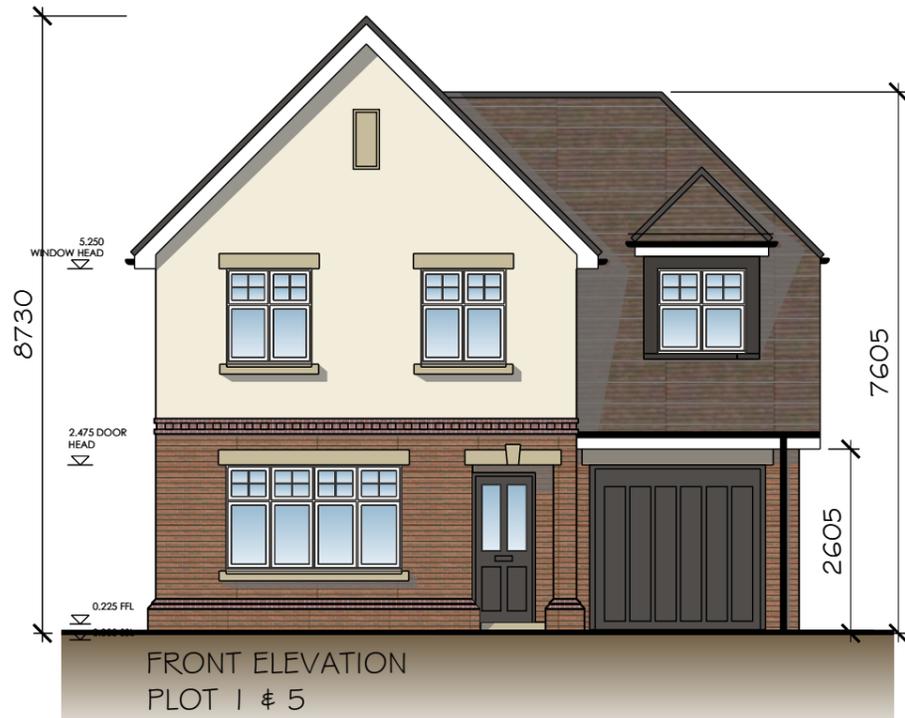
Project
LAND TO R/O 35-49 WARREN GARDENS

Drawing Title
PROPOSED HOUSE TYPE B ELEVATIONS

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 LT2013.dwg



Project
LAND TO R/O 35-49 WARREN GARDENS

Drawing Title
PROPOSED HOUSE TYPE B ELEVATIONS

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June 2018	1:100@A3		060-01-30	

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