

 <p>Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate</p>	TO:	PLANNING COMMITTEE
	DATE:	17 May 2017
	REPORT OF:	HEAD OF PLACES & PLANNING
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AGENDA ITEM:	5	WARD: Redhill East

APPLICATION NUMBER:	16/02680/F	VALID:	16 November 2016
APPLICANT:	Rainier Developments Limited	AGENT:	Barton Willmore
LOCATION:	FORMER LIQUID AND ENVY, STATION ROAD, REDHILL		
DESCRIPTION:	Full planning application for the development of up to 133 apartments, associated car parking, landscaped areas including a new public realm, sustainable drainage measures, highways and associated works, including the demolition of all existing structures on site.		
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SUMMARY

The proposed development seeks planning permission to demolish the locally listed former Odeon façade and the subsequent redevelopment of the site to provide 133 apartments in a building ranging from 8 to 11 storeys with associated parking, landscaping and new public realm on Station Road/Marketfield Way.

The façade remains following the partial implementation of previous planning consent 14/00846/F which granted permission for “Retention of existing facade and redevelopment to provide 76 residential units (use class C3), ground floor retail unit (use class A1/A2) with associated parking, highways works and landscaping.”

As a locally listed building, Policy Pc10 of the 2005 Borough Local Plan is relevant which states that the demolition of such buildings or removal of their key features will be resisted. Under the provisions of the National Planning Policy Framework (NPPF) 2012, locally listed buildings are not identified as a designated heritage asset and the façade therefore falls to be considered as a non-designated heritage asset. Paragraph 135 of the NPPF states “*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*”

The significance of the façade as a non-designated heritage asset is considered to be significant and the proposed development would result in its total demolition. It is extremely well-regarded in historical and townscape terms by the Council's own Conservation Officer as well as Historic England and The Cinema Theatre Association, all of which have objected or expressed significant concerns at the proposed demolition of the building.

The site is the subject of previous planning consents which incorporated the façade into new development. The current applicants state that these consents could not be built out due to a number of reasons and provided structural reports to demonstrate that the structural condition renders the façade incompatible with its incorporation as part of a development, including the failure of any warrant providers to indemnify any new development. In order to understand the prospects of retaining the façade, the Council appointed its own structural consultants. Whilst much of the applicant's findings on the structure are upheld, it is not considered proven conclusively that the structure could not be retained in a new development in any form. This evidence does however indicate there would be considerable uncertainty to the feasibility, viability and deliverability of a façade retention scheme and therefore uncertainty as to whether public and planning benefits of development could be achieved with the façade remaining in situ.

However, as the structural evidence is not wholly conclusive, it falls – in accordance with the Framework - to undertake a balancing exercise to assess the harm by virtue of the loss of the heritage asset against the benefits of the proposed development. As explained previously, the harm to the significance of the asset is considered to be total and significant. Whilst the asset is non-designated (and therefore cannot attract the highest weight in the hierarchy of heritage structures), it is nonetheless considered that the benefits in order to outweigh this must also be great.

The proposal would provide 133 residential apartments in a sustainable town centre location. This would make efficient and optimal use of a highly accessible site, which finds favour in both local and national policy and would be a positive contribution to the housing needs of the borough, whilst also giving rise to associated social, economic, financial and regenerative benefits, all of which attract weight in favour of the scheme. Public realm improvements further add to the overall benefit of the scheme

Furthermore the application provides 15 affordable housing units, all as shared ownership, is considered to attract particular and considerable weight in favour of the scheme, particularly in view of the fact that it exceeds the level which is felt to be justified by viability, is very unlikely to be achievable on a façade retention scheme (if one were deliverable) and has also not been possible to achieve on other major schemes in the town. In this case, an open book appraisal was submitted with the application and independently appraised by consultants on behalf of the Council who concluded that the provision of 8 affordable housing units would be justified given the viability of the scheme. As above, the offer by the applicants therefore exceeds this level and represents an additional benefit at the expense of the developer accepting below what they would consider a market acceptable return. It should be noted that the applicant has offered – as an alternative to the on-site provision – a financial contribution of £1.2million which the Committee could consider as an alternative; however, given the challenges of finding land and opportunities to deliver affordable housing, the on-site provision in the town is considered to be preferable and more beneficial in this case.

The proposed building would be a prominent addition to the Redhill townscape and it has been designed to follow many of the architectural conventions and design language established with the recently approved Marketfield Way development (opposite). Whilst it is recognised that the proposal would represent a demonstrable increase in scale of built form on the site and would be a more imposing addition than – for example Marketfield Way - on balance the height, scale, massing and design of the building is felt to be acceptable given the existing and emerging context of larger scale development along the A23 and is not considered to give rise to material harm to the setting of the nearby Conservation Area. However, whilst acceptable and policy compliant, the design is not considered to be so outstanding or innovative so as to attract significant positive weight in the overall planning balance.

Two options are presented in terms of parking provision and public realm. In terms of urban design and providing a coherent and meaningful public space, the option excluding the surface car park to the front of the building is preferred and has the potential to offer much more to the arrival to the town from the station. Whilst this results in a consequent reduction in parking spaces, the County Highway Authority has raised no objection to the parking level in either option. Whilst parking would be at a relatively low ratio in both schemes, this is considered justified in such a highly accessible location and the County Highway Authority has raised no objection to the development proposals as a whole subject to a number of conditions and various planning obligations. In addition, the highway authority note that the single use (residential) development proposed in this application is likely to give rise to less movements than the previous mixed use applications on the site.

No material harm is identified to the amenity of neighbouring properties and, subject to conditions, it is considered that the development would offer a good standard of accommodation and amenity for future occupants. In addition, whilst the scheme is partially in Flood Zone 2 and the Redhill Brook is culverted under the site, the Environment Agency are satisfied that subject to conditions, the development would be acceptable in terms of impact on flooding and safety of future occupants.

On balance, whilst the loss of the locally listed façade (a non-designated heritage asset) is regrettable, taking a balanced judgement as required by national policy, the considerations and benefits in favour of the scheme and achieving a positive development of the site are considered to cumulatively be of sufficiently great weight so as to outweigh the loss and therefore significant harm to the heritage asset. Accordingly, the application is recommended for approval subject to the conditions and planning obligations specified in the report.

RECOMMENDATION

Subject to the completion of all documentation required to create a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure

- (i) Fifteen (15) units of affordable housing as shared ownership tenure
- (ii) A contribution of £168,000 towards sustainable travel measures in and around Redhill town centre, in particular improving the linkage between the site, the town centre, the railway station and the bus station

- (iii) The design and construction of a shared cycle footway around the border of the site in accordance with a scheme to be submitted to and approved in writing by the local planning authority. All associated costs including agreement/legal fees, civil engineering and traffic management will be met by the developer and the proposed cycle footway shall become highway maintainable at the public expense;
- (iv) The Council's legal costs in preparing said agreement

In the event that a satisfactorily completed obligation is not received by 31 June 2016 or such longer period as may be agreed, the Head of Places and Planning be authorised to refuse permission for the following reason:

The proposal fails to provide make adequate provision for affordable housing and adequate contributions towards necessary improvements to local transport infrastructure and is therefore contrary to policies Mo4 and Mo7 of the Reigate and Banstead Borough Local Plan 2005 and policies CS12, CS15 and CS17 of the Reigate and Banstead Core Strategy 2014.

Consultations:

County Highway Authority: No objection on highway safety, capacity and policy grounds subject to a number of suggested conditions and a section 106 agreement to secure site specific highway/footway works and a financial contribution towards sustainable travel measures in Redhill.

See paragraphs 6.48-6.51 for further detail.

Conservation Officer: Recommends refusal from a conservation viewpoint, with the following comments made:

“The Odeon Redhill was designed in 1936 by Andrew Mather and Keith P. Roberts. Historic England have previously noted that cinemas by Roberts are some of the most noteworthy of the Odeon cinemas.

It is a Locally Listed building adjacent to Redhill Conservation Area. The proposal for demolition would be contrary to Council policy due to the loss of the historic building and impact on the setting of the Conservation Area. Previous floor space granted was intended as enabling development for the retention of the façade of the original cinema. We have commissioned own structural engineer’s assessment of the facade which concluded it would be quite possible to retain the façade and it seems difficult to believe that façade retention would not be viable given the amount of development proposed. The need to retain the façade was evident at the time of purchase and should have been taken account of in any purchase price.

The Odeon is also important as part of the identity of Redhill and its replacement with a grid block would be harmful to the positive character of the town.

I consider that the proposal is unacceptable as the substantial harm due to the loss of the locally listed building is not necessary to achieve other public benefits on the site and retention of this heritage asset would be possible given the amount of development proposed on this site.”

Historic England: Historic England has concerns regarding the application on heritage grounds.

“The cinema front has an attractive sculptural form and retains the clerestorey, porthole windows and some faience tiles at the lower level. The building is unlisted, and not in a Conservation Area, but is recognised as a locally listed building by your Authority.

Historic England has produced a series of selection guides which describe various asset types and provide an indication of the characteristics that would typically support a statutory designation. Our publication in this series for Culture and Entertainment buildings sets out that for later (post 1914) cinemas, the architectural quality and extent of alteration are key considerations for listing. Regrettably, the Odeon at Redhill is now so altered that it is highly improbable that it could be considered for statutory designation.

Notwithstanding this, the National Planning Policy Framework (NPPF) states at paragraph 135 that ‘The effect of an application on the significance of a non-designated heritage

asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

Here the loss of significance would be total. There is an extant scheme that includes the retention of the façade, and we suggest that your Authority should carefully scrutinise the arguments put forward to now demolish the remaining part of the locally listed building, to understand whether similar public benefits could be achieved while also retaining the locally listed building.”

Tree Officer: No objection subject to conditions. Comments as follows:

“Virtually all the existing trees are located off site on operational ‘railtrack’ land; removal of these trees is highly probable as Railtrack have an aggressive vegetation management strategy which seems to favour entire removal of trackside trees and vegetation. The proposed development would not have any significant or long lasting impact on trees and vegetation located both on and off site.

The plan prepared by Barton Wilmore sets out the general landscape arrangement, whilst plant, tree species selection and size are broadly acceptable the council would consider the use of ‘box’ headed or cuboid trees for this location to be too formal. The bulk an overall scale of the proposed development lends itself to the use of medium/large structural landscape trees, particularly some of the Tilia (lime) species cultivars, rather than the formal landscape shown, a balanced compromise can in my opinion be reached. The site has the potential to offer and provide significant opportunity for structural planting, which I feel would be more in line with other approved schemes in the locality.

The arboricultural and landscape issues do not provide or warrant a sustainable reason for refusal and these matters can be adequately dealt by imposing appropriate and suitable conditions should the proposed development be approved.”

Environmental Health: No objection subject to conditions regarding contaminated land investigation/remediation and air quality measures in accordance with submitted AQ report.

Surrey Sustainable Drainage and Consenting Team: Satisfied that the proposed drainage scheme meets the requirements set out in National Policy and Guidance, and Non-Statutory Technical Standards for SuDS and can recommend that planning permission be granted subject to conditions.

Environment Agency: No objection subject to conditions regarding improvement/repairs of Redhill Brook culvert, accordance with submitted FRA. Recommends a Flood Emergency Plan.

Surrey Police Crime Prevention Officer: recommends conditions requiring compliance with Secured by Design standards

UK Power Networks: no objection

Network Rail: no objection subject to standard developer requirements in relation to development near Network Rail land/operational infrastructure.

Reigate Society: Object to the loss of the existing cinema façade and supports Conservation Officer's comments. Considers building to be excessively high and that the proposals could create significant overshadowing and possible wind turbulence.

The Cinema Theatre Association: Objects strongly on the grounds that:

- “1. The scheme represents severe over-development in a prominent location: there is no justification for the almost doubling the number of flats, from 76 to 133.*
- 2. The block would be three storeys higher, of a bulky and over-bearing design that would make no contribution to the townscape of the eastern part of Redhill.*
- 3. The scheme would demolish both the façade and the pylon of the Odeon, which are locally listed heritage assets of considerable value as visual markers in the eastern gateway to the town.*
- 4. Demolition of the façade and pylon would remove a much-loved landmark of great communal value to the people of Redhill, while offering no balancing public or amenity benefits.*
- 5. The scheme approved in 2014/15 was carefully considered in townscape and conservation terms, and should be constructed. If it cannot be built for technical reasons, any new scheme should be designed on the same lines.*
- 6. Even if the Odeon façade is demolished, the free-standing pylon on Station Road must be retained and restored. The application shows this as simply a landscaped area. Restoration of this landmark should be imposed as a condition of any planning permission.”*

Response also provides details of the history and in terms of architectural significance considers that *“Despite some losses of original fabric around the entrance, the façade remains an impressive and striking feature of Redhill. With the loss of the buildings to the west, the façade is now more prominent than when first built: it dominates the eastern gateway to the town, and is the most prominent feature seen from the station and adjacent roundabout. The pylon was designed to catch the eye of potential patrons leaving the station and walking along Station Road. It remains a prominent feature next to the roundabout, and makes an interesting group with the retained façade behind.”*

Representations:

Letters were sent to neighbouring properties on 19th September 2016 and 7th December 2016, a site notice was posted 23rd November 2016 and 12 May 2016 and advertised in local press on 29th September 2016.

3 responses objecting to the application have been received raising the following issues:

Issue	Response
Harm to listed building	See paragraphs 6.3 – 6.34 and condition 5
Increase in traffic and congestion	See paragraph 6.47 – 6.51 and conditions 12 to 16

Hazard to highway safety	See paragraph 6.47 – 6.51 and conditions 12 to 16
Inadequate parking	See paragraph 6.47 – 6.51 and conditions 12 to 16
Out of character with surrounding area	See paragraph 6.35-6.46
Poor design	See paragraph 6.35-6.46
Overdevelopment	See paragraph 6.35-6.46
Overshadowing	See paragraphs 6.52-6.58

An additional response was received as a result of a consultation exercise carried out by the applicant during the application process raising concerns about number of flats, concerns over traffic and parking and the need for affordable housing.

3 responses in support of the proposals were also received directly to the Council as a result of the consultation/notification above.

A further 55 comments in support were submitted by the applicants having been received following their own consultation exercise following submission of the application. Reasons for support for the proposals can be summarised as benefit to housing need, community/regeneration benefits, economic growth/jobs, visual amenity benefits. These benefits are discussed variously throughout the report but most notably are summarised at paragraphs 6.26-6.29.

1.0 Site and Character Appraisal

- 1.1 The site is prominently situated at the junction of the A23 Redstone Hill with Princess Way, Marketfield Way and Station Road, opposite the entrance to Redhill railway station. The site comprises the locally listed façade of the former Odeon cinema building which is currently surrounded by a steel propping structure, the remainder of the building having been demolished as part of the now aborted redeveloped. Aside from the façade, the site is clear albeit there are groundworks and foundations which were put in place before works stopped on the previous abandoned scheme. The existing site access is off the roundabout to the front, where an informal car parking area is currently laid out.
- 1.2 The site lies partially within Flood Zone 2 as identified by the Environment Agency as is also identified as being at risk of surface water flooding. In addition, the Redhill Brook is partially culverted under the site. The site is also within a designated Air Quality Management Area. There are various trees around the periphery of the site, particularly on the railway embankment, but none of which are significant in their amenity value.
- 1.3 The site is bounded by major infrastructure in the form of the A23 Marketfield Road which runs along its western flank and a railway embankment running alongside the other. To the rear (south) of the site is a single storey youth club hall, beyond which is a pedestrian subway linking Marketfield Way to Redstone Hill. On the opposite side of the road is Marketfield Way car park which, along with the frontage buildings on High Street, was recently granted consent for a major mixed use redevelopment

comprising leisure, retail and residential uses. The site is also in close proximity to the Redhill Town Centre Conservation Area which covers the locally listed buildings on Station Road. In terms of scale, neighbouring buildings are predominantly 3-4 storeys, albeit there are

- 1.4 The site lies outside the designated town centre shopping or business areas of Redhill as per the adopted Borough Local Plan 2005 but is identified as an Integrated Mixed Use Site. In the emerging Development Management Plan, the site is identified within the proposed town centre boundary and is identified for retail and residential development.
- 1.5 As a whole, the application site comprises a site area of approximately 0.27ha.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: Pre-application advice relating to the redevelopment of the site has been sought on several occasions since 2011 and most recently in 2016 with the current applicant relating to the latest proposals.
- 2.2 Improvements secured during the course of the application: Amendments to element of the building adjacent to Marketfield Way to break up into three, stepped "blocks", reducing in height from 10 storeys to 8 storeys at the southern point of the building. Presentation of two options in respect of car parking/public realm configurations to the front of the building. Extensive negotiations also undertaken in order to secure 15 affordable units.
- 2.3 Further improvements could be secured: Conditions will be imposed to ensure a high quality design and ensure the use of materials and design detailing which is appropriate to the locality (i.e. the Conservation Area). Conditions will also be required regarding drainage and highways.

3.0 Relevant Planning and Enforcement History

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|-----|------------|--|---|
| 3.1 | 12/00477/F | Retention of the existing façade and redevelopment behind to provide for 47 residential units (Use Class C3), ground floor retail unit (Class A1/A2) with associated car parking, highways works and landscaping | Approved with conditions
12 September 2012 |
| | 13/00420/F | Retention of the existing façade and redevelopment to provide 61 residential units (Use Class C3), ground floor retail unit (Class A1/A2) with associated parking, highways works and landscaping | Approved with conditions
12 June 2013 |
| | 14/00846/F | Retention of existing façade and redevelopment to provide 76 residential units (Use Class C3), ground floor retail unit (Use Class A1/A2) with associated parking, highways works and landscaping | Approved with conditions
07 April 2015 |

4.0 Proposal and Design Approach

- 4.1 The application seeks planning permission for demolition of the locally listed former Odeon cinema façade and redevelopment of the site to provide a new building, graded in height, comprising 133 residential apartments (a mix of one and two bedrooms) with parking, landscaping, new public realm and associated works.
- 4.2 The new building follows the orientation of the building previously on site, with elevations principally onto Marketfield Way and the station corner roundabout. The building comprises two conjoined blocks, a taller 11 storey block adjacent to the railway line along with a further block, set back further back from the station corner roundabout and staggered in height from 10 storeys to 8 storeys at the southern end of the site.
- 4.3 The design approach for the most part reflects a contemporary grid building, albeit with highly glazed top storey and glazing to the exposed elevations of the rear block where it fronts onto Marketfield Way. The staggered block fronting Marketfield Way has been designed to appear as three distinct sections, with vertical glazed spines in between. Within the grid form, the elevations incorporate inset panels, recessed balconies and brick reveals as a means of adding visual interest, along with some details designed to reference the art deco history of the site.
- 4.4 An area of public realm incorporating new hard and soft landscaping, and tree planting, is proposed provided in front of the building on station corner and would continue along the Marketfield Way frontage. Two options have been offered for public realm and parking; one which incorporates a surface car park (10 spaces) in front of the building on station corner and one which removes this in favour of a larger area of public realm.
- 4.5 Car and cycle parking would be provided in an undercroft at the ground floor of the building incorporating 26 car spaces accessed from Marketfield Way. Additional surface car parking to the front of the building on the station corner (10 spaces) would also be provided in one of the proposed landscaping options but not in the other.
- 4.6 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.
- 4.7 Evidence of the applicant's design approach is set out below:

Assessment	The site is on a prominent location on the corner of Marketfield Way and Redstone Hill, and has the potential to emphasis the gateway at Redhill Station. The immediate context consists of a variety of uses. In terms of scale the surrounding context is relatively uniform with the majority of the neighbouring buildings being 3-4 storeys. Two buildings stand out within the immediate context, Quadrant house and Kingsgate offices being circa 8-9 storeys. The emerging site context in respect of Marketfield Way and Redhill station developments is noted. The change in level between the rail embankment and Marketfield Way is identified as a constraint.
Involvement	The application was supported by a Statement of Community Involvement. The development was developed through pre-application meetings with the Council. A public consultation/exhibition was held out in October 2016. Consultation was undertaken with Surrey Police in respect of Secured by Design.
Evaluation	The DAS identifies a number of options which were considered in respect of the massing of a new building on the site which were discussed through pre-application process. Two options are presented in the application in respect of landscaping/public realm.
Design	The applicant's reasons for choosing the design were to provide a building massing which connects emerging schemes at Marketfield Way/Redhill Station, create a gateway into the town by virtue of the height at Redhill Station and create a welcoming public space. The detailing and design language seeks to break down the massing of the building, horizontally and vertically, and give a sense of verticality. The materials palette seeks to reference the predominant red brick in the town but also provide differentiation and create a lighter top to the building reduce perceived massing.

4.8 Further details of the development are as follows:

Site area	0.27ha
Existing use	Vacant site
Proposed use	Residential and public realm
Proposed parking spaces	36 (or 26 based on landscape design Option 2)
Parking standard	161 (based on BLP 2005 maxima. The draft Redhill Town Centre AAP required 25-50% of borough standard given the accessibility of the town)

Net increase in dwellings	133
Of which affordable housing	8
Proposed site density	493dph
Density of the surrounding area	Varied up to 382dph at Queensway/Nobel House and 260dph at Marketfield Way (proposed - 16/01066/F)

5.0 Policy Context

5.1 Designation

Urban area
Locally Listed Building
Flood Zone 2
Air Quality Management Area
Integrated Mixed Use Scheme

5.2 Reigate and Banstead Core Strategy

CS1 (Presumption in favour of sustainable development)
CS4 (Valued townscapes and historic environment)
CS5 (Valued people/economic development)
CS10 (Sustainable development)
CS11 (Sustainable construction)
CS12 (Infrastructure delivery)
CS13 (Housing delivery)
CS15 (Affordable housing)
CS17 (Travel options and accessibility)

5.3 Reigate & Banstead Borough Local Plan 2005

Landscape & Nature Conservation	Pc4
Heritage	Pc10, Pc13
Employment	Em7
Housing	Ho9, Ho10, Ho13
Movement	Mo4, Mo5, Mo6, Mo7

5.4 Other Material Considerations

National Planning Policy Framework	
National Planning Practice Guidance	
Redhill Town Centre Area Action Plan Consultation Draft 2012	
Supplementary Planning Guidance/ Supplementary Planning Documents	Local Distinctiveness Design Guide Affordable Housing
Other	Human Rights Act 1998

Community Infrastructure Levy
Regulations 2010 (as amended)

6.0 Assessment

- 6.1 The application site comprises the former Liquid & Envy nightclub which has now been largely cleared following the previously aborted development, save for the locally listed Odeon cinema façade which has been retained and is currently propped. The site is adjacent to Redhill station and the Redhill Town Centre boundary (as per the 2005 Borough Local Plan) and falls within a designated Integrated Mixed Use development area. The site is partially within Flood Zone 2 and the Redhill Brook is culverted under the site.
- 6.2 The main issues to consider are therefore:
- loss of the locally listed Odeon façade
 - design and effect on the character of the area, including the nearby Redhill Conservation Area
 - accessibility, parking and traffic implications
 - effects on the amenity of neighbouring properties,
 - flooding and drainage,
 - amenity offered to occupants of the proposed development
 - affordable housing and infrastructure contributions
 - benefits of the scheme and the overall planning balance

Loss of the locally listed Odeon façade

- 6.3 The retained Odeon façade is a locally listed building and therefore constitutes a non-designated heritage asset for the purposes of the National Planning Policy Framework. Development affecting the façade therefore falls to be considered against Policy Pc10 of the 2005 Borough Local Plan – which seeks to resist the demolition or removal of Locally Listed Buildings, Policy CS4 of the Core Strategy which seeks to ensure development would respect and conserve heritage assets and their settings, and the provisions of chapter 12 of the National Planning Policy Framework.
- 6.4 Policy Pc10 – insofar as it seeks to conserve locally listed (non-designated) heritage assets, is considered to be broadly consistent with the thrust of the Framework which seeks to “conserve heritage assets in a manner appropriate to their significance” and requires local planning authorities to take account of “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation”. However, in dealing with applications relating to non-designated heritage assets, it is recognised that the Framework – and particularly the balancing exercise in paragraph 135 – is a material consideration of significant weight.
- 6.5 By way of context, the façade was designed by notable architects Andrew Mather and Keith Roberts, dates to 1938 and is in Art Deco style. Whilst much of the building has been demolished following the previous aborted development, it is the retained façade which – architecturally – is the noteworthy element and, whilst altered over time, many of the features evocative of the era – including curved form,

clerestory, porthole windows and faience tiles – remain intact. The facade, given its situation, is considered to be a prominent and visible feature on exit from the rail station and in the eastern part of the town. Whilst not within the current Redhill Town Centre Conservation Area, the façade is visible within the setting and backdrop to it and the Conservation Officer actually considers merit in its inclusion, consistent with his initial observations when the Area was designated in 2013.

Significance:

- 6.6 The Framework (paragraph 129) requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal for development.
- 6.7 In this regard, the application was supported by a Heritage Statement which sets out the applicant's position in respect of the heritage importance of the façade. This concludes that the asset has only limited significance as an asset of historic or architectural interest. Specifically, the applicant's assessment of heritage significance can be summarised as follows:
- a) the architectural interest derives from the art deco styling; however, the façade has been altered in a number of respects since its construction which affects its architectural significance in an unsympathetic manner
 - b) the Redhill façade is be a fairly standardised and unremarkable building which is not significant in the history of the development of cinemas or the best example of the architect Andrew Mather's work.
 - c) the asset is deficient in terms of historic associations, concluding that the cinema was not linked to any important events or persons.
 - d) the main body of significance derives from its communal value as a place of meeting and enjoyment, from both its time as a cinema – although this will have faded due to the cinema being closed for over 40 years – and to a lesser extent from its operation as a nightclub
 - e) the setting of the building has changed significantly and been adversely impaired since its construction such that the façade is now *"a sad and faded remnant isolated from both the town centre and the railway station by the modern road layout and traffic"*.
- 6.8 In contrast, the Council's Conservation Officer considers the Odeon is *"important as part of the identity of Redhill"*. He also notes that *"Historic England has previously noted that cinemas by Roberts are some of the most noteworthy of the Odeon cinemas"*. The response of the Cinema and Theatres Trust takes a similar view, concluding that *"despite some losses of original fabric around the entrance, the façade remains an impressive and striking feature of Redhill. With the loss of buildings to the west, the façade is now more important than when first built: it dominates the eastern gateway to the town, and is the most prominent feature from the station and adjacent roundabout"*. Historic England has also note, in their response that *"the cinema front has an attractive sculptural form and retains the clerestory, porthole windows and some faience tiles"*; however, the comments also conclude that *"the Odeon at Redhill is now so altered that it is highly improbable that it could be considered for statutory designation"*. There are therefore differences between the applicant's assessment of the heritage significance of the

asset and the views expressed by other consultees to the application, including the Council's own Conservation Officer.

- 6.9 Based on the information and evidence available, including the views of stakeholders, the significance of the asset is felt to be as follows. Firstly, the external architectural interest of the original building was substantially derived from the Art Deco façade which remains, with many of the features of interest and details also still present. It is not agreed that the asset is "unremarkable" in terms of design, and a review of other cinemas by Roberts and the Mather studio suggests that the sculpted, rounded and streamlined style and fenestration detailing was not as "standardised" as the applicant's Heritage Statement suggests, with the only similar façade identified being the Odeon South Norwood which has been demolished. The asset is therefore considered to have aesthetic/architectural significance, greater than that ascribed by the applicant, even though it is appreciated that the asset has been altered over time. Furthermore, whilst the setting of the building has, and will be changed with the construction of Marketfield Way, the façade is considered to remain a landmark and prominent building in the identity of Redhill, and thus has some social significance in this regard. The historic use of the building as a cinema, as the applicant's heritage statement identifies, also imbues the asset with some cultural value, albeit there has not been any significant public objection to the loss of the façade.
- 6.10 Overall, the asset is a locally listed building (and is therefore indisputably a non-designated heritage asset for the purposes of the National Planning Policy Framework), is considered to be important locally and, based on the assessment above, is considered to have great significance as a non-designated heritage asset rather than limited as suggested by the applicant.

Harm:

- 6.11 The proposal would result in the demolition of the façade. As such, the scale of harm would be substantial as the loss of the significance of the asset would be total. In the context of policies Pc10, CS4 and the provisions of the Framework, this harm weighs against the proposal.
- 6.12 The Council's Conservation Officer also raises concerns as to the impact of the loss of the locally listed façade, which sits comfortably with, and acts as a transition from, the Station Road Conservation Area buildings in terms of scale and orientation and its replacement with a building of significant scale on the setting of the Conservation Area.

Balanced judgement as to whether the scale of harm is justified:

- 6.13 Having established the significance of the asset (locally of great significance, moderate in the overall hierarchy of heritage assets) and level of harm, the next step – as advised by national policy, is to weigh up whether the harm is justified, taking a balanced judgement (paragraph 135 of the Framework). In this case there are two main issues to consider in reaching this judgement: viability/feasibility of retaining the façade and the overall public benefits of the proposal.

Viability/feasibility of façade retention:

- 6.14 In determining planning applications, national policy dictates that local planning authorities should take account of “*the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation*”.
- 6.15 Previously consented schemes on the site, including the most recent and aborted development, had sought to achieve exactly the aim above by retaining the façade with extensive development in behind. This history site is considered to provide some indication and suggestion as to the complexities and challenges of retaining the façade albeit the first applicant (Angle Property) sought to obtain planning permission with a view to selling the site, which was acquired by the second applicant (Mar City) who implemented a consented scheme with façade retention only to be forced to sell due to wider financial difficulties with the company.
- 6.16 In support of the application, the applicants have also submitted a *Structural Overview of Options* and a supplementary structural note from structural and civil engineers Walsh Associates. In terms of condition of the façade, the report identifies significant structural issues including concrete defects, deterioration and carbonation and evidence of shear failure/deflection in the beam above the feature window which would require major and extensive repairs and which the author considered may ultimately negate building warranty. The report also identified significant issues with the construction methodology and logistics of the current consented scheme, including:
- a) lack of approvals from building warranty providers for the modular units and logistical problems (crane and over sailing of railway land) proposed requiring a change in structural approach
 - b) insufficient foundation pile capacity to support the loading of an industry standard reinforced concrete scheme thus necessitating additional piles close to the façade and removal of existing pile caps which results in “*a very dangerous and difficult situation*”.
- 6.17 In view of these issues, the report concludes that the most realistic way forward is to avoid retention of the existing façade.
- 6.18 This report was supplemented by a further note which sought to address comments raised by the Council’s independent structural engineers in relation to the façade and construction methods. This note argues that, in view of the NHBC unwillingness to provide a warranty, and the extent and nature of concrete replacement suggested by the Council’s engineers (underpinning), the best option would be to demolish and rebuild the façade. This would result in the loss of the historic fabric. They also question the suitability of lightweight framing or construction systems which raising concerns about their appropriateness and suitability for a residential construction of the nature/scale proposed.
- 6.19 The applicant also provided correspondence with three building warranty providers – NHBC, LABC and Premier Guarantee regarding whether they would provide a warranty for a redevelopment in view of the condition of the façade. All three

confirmed that they would not offer any form of cover if the façade was retained, with NHBC stating “*we do not believe that even with extensive, intrusive and somewhat destructive investigations followed by conclusive remedial actions that the façade would last the life expectancy we would ask of the building, a 60 year period.*” The Council’s own structural engineers had dialogue with both NHBC and LABC to understand and test their respective positions. NHBC in particular confirmed their decision was based on the risk that the façade, in its current condition, could lead to a claim on warrant provision, is a potential risk to the health and safety of public and residents and would lead to significant disruption to homeowners if repairs needed to be undertaken during the design life of 60 years.

- 6.20 The applicants approach to the warranty providers was based on their own structural report and the providers were not provided with the assessment of the Council’s independent structural engineers. This initially gave rise to concerns regarding the weight which could be attached to the views of the warranty providers as some key statements in the applicants *Structural Overview of Options* report, such as concrete carbonation levels, were based on estimates rather than actual investigations. To corroborate these estimates, and give credence to both the *Structural Overview of Options* and thus satisfy that the conclusions which the warranty providers had reached was based on an accurate assessment of the condition of the concrete elements of the façade, the Council requested further concrete testing from the applicants. Whilst the applicant initially declined to provide this information, their position changed and they subsequently carried out the testing and the results have been provided to the Council. These results show that – based on sample testing in 16 locations – the levels of carbonation in the main concrete elements of the façade (including reinforced beams, ground level columns and pile caps) is as bad as, or worse exceeding than that which was estimated by the applicants engineers. This gives some credence to the applicants *Structural Overview of Options* and some comfort as to the basis on which the warranty providers reached their conclusions, adding some weight to this evidence. As below, the Council’s own structural engineers agree that “*the depth of carbonation implies the risk of corrosion of the embedded reinforcement is high*”.
- 6.21 The Council commissioned independent structural engineers (Morton Partnership) to review and comment upon the applicants’ evidence and provide their own views as to retention of the façade. All of the information provided by the applicant, including the recent concrete carbonation testing results, was provided to the independent engineers. As above, the engineers were also given opportunity to have dialogue with NHBC in particular regarding the warranty issue.
- 6.22 On the basis of the information available, the Council’s consultants do not agree that the façade is incapable or retention. They particularly note that options such as auger piling have not been explored to overcome the risks of installing additional piles close to the façade – which the applicants argue presents significant risks to its stability and more generally to health and safety. The Council’s consultants also note that development options which might reduce loading close to the façade (e.g. stepping back the line of the building behind the façade) have not been reviewed. On the condition of the façade, the Council’s consultants initially argued that further surveys were undertaken. The Council’s consultants also note that the concrete survey provided late in the process does not comment on the extent of corrosion to

reinforcement but they do concede that *“the carbonation testing revealed that the concrete carbonation depth was near or exceeded the concrete cover depth. The depth of carbonation implies the risk of corrosion of the embedded reinforcement is high”*. Overall, the Council’s consultants do not agree that the façade is beyond repair or incapable of retention based on the information presently presented.

- 6.23 At this point, it is important to reflect on the “balanced judgement” test which national policy dictates is applied to non-designated heritage assets. This differs from the more stringent tests which national policy applies to designated (i.e. statutory listed) assets (paragraph 133 of the Framework) which does require a more exhaustive approach of demonstrating that *“the nature of the heritage asset prevents all reasonable uses of the sites”* and that *“no viable use of the heritage asset can be found in the immediate term...”*. The proportionality of the structural evidence provided and the reasonableness of requiring further evidence to exhaust all options must be viewed in the context of this policy.
- 6.24 With the above in mind, on balance, it is agreed (as per the Council’s consultants views) that based on the evidence available, it cannot conclusively be said that every option has been exhausted and that the façade is physically and structurally incapable of repair and retention. The evidence is sufficient to demonstrate that there is uncertainty as to the realistic prospects of retention and that there would be challenges and consequently costs associated with doing so which would impact upon the feasibility and viability of development.
- 6.25 The challenges associated with retention of the façade within a development scheme are considered to attract modest weight in terms of justification for its loss. The conclusions regarding feasibility of retention of the façade are also considered to be a relevant factor in determining the weight to be given to the public benefits arising from the proposed scheme. This is discussed further below.

Public and planning benefits of the proposed scheme:

- 6.26 In this case, the scheme is considered to offer a number of positive public and planning benefits. The site is previously developed land within a highly accessible location, adjacent to the town centre and rail station. In this regard, it is considered to be a good location for development and bringing the site back into effective use would be consistent with local policy – including the “urban areas first” approach – in the Core Strategy, paragraph 111 of the Framework and the recent Government rhetoric regarding increasing densities around commuter hubs.
- 6.27 Although the Council is able to demonstrate a five year supply, the proposal – in providing 133 units – would make a positive contribution to meeting local housing requirements set out in Policy CS10 of the Core Strategy, with the associated social, economic and financial (e.g. New Homes Bonus and Council Tax) which flow from this. The benefit of providing additional housing and associated regenerative effect attracts some modest weight in favour of the scheme but is not in itself considered sufficient to outweigh the harm arising from the total loss of the non-designated heritage asset.

- 6.28 Other factors to consider in the balancing exercise include the impact on the townscape and provision of new public realm facing Redhill Station and along Marketfield Way. However, these factors are considered to attract limited weight as a benefit, particularly given an alternative scheme, including those previously approved with façade retention, also included full public realm provision facing Redhill Station and also provided activity at ground floor level through the provision of a retail unit. As below, the design of the scheme is considered to be acceptable however, it is not considered to be a building of such outstanding or innovative design so as to attract significant positive weight in the overall planning balance (e.g. as per paragraph 63 of the NPPF). Taken individually and cumulatively, and taking a balanced judgement, the benefits of bringing back into use the site, the provision of housing (and associated flowing benefits) and other factors such as public realm, townscape and design are not considered to be sufficient to outweigh the harm associated with the loss of the locally listed façade.
- 6.29 In addition to the above, the scheme would provide as part of the overall housing provision, 15 units of on-site affordable housing – offered as shared ownership. As per the discussion below, whilst this is below policy compliant, it exceeds (by a considerable margin) the level considered to be acceptable/justifiable in viability terms and represents the developer in question taking less than what they consider to be an optimal return for the scheme. The provision of affordable housing on-site in general is considered to be a benefit, particularly in the context of other recent schemes in the town centre and the very low likelihood of on-site provision (or even an in lieu contribution) on a façade retention scheme and the additional (over and above viability position) affordable housing is considered to be a particularly positive feature which attracts significant weight in favour of the scheme.

Overall conclusions in respect of the loss of the locally listed Odeon façade:

- 6.30 As above, the locally listed Odeon façade is a non-designated heritage asset. It is considered to be of great significance as a non-designated heritage asset and of moderate significance as a heritage asset within the overall hierarchy. The proposal would result in the total loss of this significance which weighs heavily against the proposal.
- 6.31 Structural evidence is submitted in relation to the condition of the façade and feasibility of its incorporation into a new development. Whilst it cannot conclusively be said that every option has been exhausted and that the façade is physically and structurally incapable of repair and retention, the evidence is considered to demonstrate that there is significant uncertainty as to the realistic prospects of retention and that there would be significant challenges and consequently costs associated with doing so which would impact upon the feasibility and viability of development.
- 6.32 Set against this harm are the public benefits arising from the scheme discussed above, including making best use of a highly accessible urban site, delivery of housing – including most notably the provision of affordable housing at a level above that indicated as acceptable in viability terms – and other associated and regeneration benefits, and public realm and townscape improvements.

- 6.33 Taken together, these considerations are felt to cumulatively reach the threshold where, taking a balanced judgement, the factors and benefits in favour of the scheme outweigh the harm arising from the loss of the locally listed façade.
- 6.34 As such, whilst the proposal would strictly be contrary to the provisions of Policy Pc10 of the 2005 Borough Local Plan and the general thrust of CS4 of the Core Strategy, it is considered that in this case, material considerations – including the NPPF (paragraph 135) and the balanced judgement which it requires in respect of benefits and harm in such cases – justify departure from policy and the loss of this locally listed asset.
- 6.35 In view of the provisions of paragraph 136 of the Framework which advises that “*Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred*”, a condition is recommended to prevent further demolition of the façade until such time as a binding building contract has been signed for the construction of the new scheme. This will safeguard the risk of further loss of the asset without development actually being achieved.

Design and effect on the character of the area, including the nearby Redhill Conservation Area

- 6.36 The application was subject to pre-application consultation including discussions with Council Planning Officers regarding the proposed scale and design. Concern was raised at the scale of development and requests made to reduce this but could not be agreed with the applicant. Instead improvements to the design, particularly in terms of the way in which the building relates and is presented onto Marketfield Way, were secured during the course of the application. The application is supported by a detailed design and access statement and townscape and visual impact assessment which explain the context, rationale and impact of the proposed development.
- 6.37 The building has been designed as two conjoined blocks; a taller 11 storey block would be positioned on the eastern side of the site adjacent to the railway line and a block of staggered height – ranging from 8 to 10 storeys – adjacent to Marketfield Way.
- 6.38 At 11 storeys, the eastern part of the building would be of lower height than the proposed 13 storey element of Marketfield Way and similar in height to the office building at Kingsgate House. By way of comparison, this part of the building would be approximately 4m taller than the tallest part of the previously approved scheme (14/00846/F). The block adjacent to Marketfield Way would be staggered in height, reaching 10 storeys at its highest at the northern end of the building close to station roundabout and 8 storeys at the southern end of the building. It would have a greater length than the residential element of the Marketfield scheme and, this combined with the lack of ground floor retail would contribute to giving it a slightly greater looming presence.
- 6.39 This area of the town was identified as being sensitive to tall buildings within the draft Redhill Town Centre Area Action Plan and the Regulation 18 DMP, although

the height and scale of the proposed building is, on balance, considered acceptable in itself. In particular, the building would be read part of the larger development – existing (e.g. Kingsgate) and proposed (e.g. Marketfield Way/Redhill Station) – along the A23.

- 6.40 Whilst the combined length and height of the building is great, the staggering of the western block avoids, as best it can, a dominant single mass onto Marketfield Way and assists in achieving an appropriate relationship onto this thoroughfare. It also ensures that the height of the building complements rather than competes with the proposed residential blocks on the Marketfield Way scheme by ensuring that the taller elements of that development continue to act as identifiable wayfinding features in their own right. Taken together, the two schemes achieve a building to street proportion typical for the core of an urban environment such as this. The positioning of the 10 storey element adjacent at the northern end of the building reflects a building of scale around the station (which the previous approval for the Redhill station site itself also sought to do). The setting back of the western block, and the general positioning of the building within the site, helps achieve an acceptable backdrop of buildings in the Redhill Conservation Area along Station Road, although this remains an element of concern to the Conservation Officer who considers the site could and should be included within the Conservation Area. As such, whilst the proposal would represent an increase in scale and mass of built form compared to the existing situation and previous proposals, it is considered to be acceptable in terms of its own townscape impact and effect on the setting of the Conservation Area.
- 6.41 The building principally takes the form of a grid composition, which helps articulate the building vertically and horizontally. A combination of recessed glazed balconies, window reveals and brick panels inset into the grids provide detail and add visual interest to the elevations. The elevation onto Marketfield Way in particular has been improved during the course of the application. The staggering of height, variation in plane and use of materials – in particular vertical glazed elements – provides articulation to this part of the building as three distinct blocks and overcomes the previous unyielding presentation onto this frontage.
- 6.42 The materials palette is appropriate employing red brick, locally distinctive to Redhill, for the eastern block combined with a lighter toned grey/buff brick to the western block. The use of extensive glazing within the scheme is considered to be appropriate and has been successfully handled, both in helping to reduce the perceived massing of the building at upper floors and in breaking up the Marketfield Way elevation. The quality of materials chosen will however be critical to the success of such a significant scheme and, as such, a condition is recommended requiring the submission and approval of materials to be used.
- 6.43 Unlike previous schemes, the application proposes residential units at ground floor rather than commercial uses as has previously been the case. The proposals seek to mitigate this through design – both in the detailing of the building (which has double height glazing at ground floor level) and the proposed new public realm/landscaping along this frontage. These aspects are considered to be successful as best they can be in providing some impression and perception of

activity between the station and town centre, albeit not to the same degree that commercial, retail or leisure uses would.

- 6.44 The plans include for new public realm and soft landscaping around the building, both in front facing the station and along Marketfield Way. As above, two options have been presented in terms of external landscaping; one allowing for a larger area of public realm and consequently more soft landscaping and tree planting in favour of the surface car park to the front of the building. In terms of urban design and providing a coherent and meaningful public space, the option excluding the surface car park (i.e Option 2 – plans L104A Rev A and FPR01-MBC-XX-GF-DR-A-00109 D5-P1) is preferred. Whilst this results in a consequent reduction in parking spaces, the County Highway Authority has raised no objection to the parking level in either option.
- 6.45 The Tree Officer originally raised concerns in respect of the planting proposals, particularly the formality of the proposed cuboid/box head trees. Amended plans were received during the application showing more natural species, providing a more informal landscape which better reflects the character of the area and other approved schemes in the locality (e.g. Marketfield Car Park).
- 6.46 With this amendment, the scheme is considered to provide reasonable opportunities – subject to condition – for a quality landscaping scheme and additional tree planting which will add to the character and visual amenity of the locality and help to soften both the building and the immediate urban and pedestrian environment. A full landscaping condition is recommended to ensure that a high quality planting and hard landscaping scheme is put forward for this prominent location and the important Marketfield Way thoroughfare.
- 6.47 Overall, it is recognised that the proposal would represent a demonstrable increase in scale of built form on the site; however, on balance the height, scale, massing and design of the building is felt to be acceptable given the existing and emerging context of larger scale development along the A23 and is not considered to give rise to material harm to the setting of the nearby Conservation Area and locally listed buildings so as to warrant refusal on this basis.

Accessibility, parking and traffic implications

- 6.48 The primary vehicular access to the site would be from Marketfield Way, serving the undercroft car park and servicing areas. Depending on the landscaping option, a second vehicular access serving the surface car park to the front of the building would be provided onto Redstone Hill, in a similar location to the existing site access. Servicing (e.g. deliveries to residents and refuse collection) would occur from a dedicated restricted hours loading on Marketfield Way, the provision of which would be secured through a legal agreement and funded by the developer. The application was supported by tracking/swept path analyses for the access points and the County Highway Authority has raised no objection to these accesses on grounds of highway safety or operation. It should be noted that the access arrangements are practically identical to those approved on previous schemes on the site.

- 6.49 The applicant has presented two options in relation to external landscaping of the site. As above, one option removes the surface car park to the front of the building and, whilst this is favoured in urban design terms, it does result in the loss of the 10 surface spaces to the front of the building and thus reduces overall parking provision to 26 spaces.
- 6.50 In both cases, the parking provision (either 26 or 36 spaces, equivalent to 0.20 or 0.27 spaces per unit) would be below recommended standards, even allowing for the reduced provision of 0.25 per 1 bed flat and 0.37 per 2 bed flat advocated in the draft Redhill Town Centre Area Action Plan due to the highly accessible nature of the town. However, the County Highway Authority has considered both parking options and, whilst noting the limited provision, does not object to either option on highway safety grounds. In particular, the Highway Authority notes that *“there are extensive on-street parking restrictions in and around the town centre, therefore it is unlikely that the proposed development would lead to any on-street parking problems on the adjacent highway networks. It is more likely that occupiers of the proposed units would choose not to keep a car, given that Redhill is a highly sustainable transport hub.”* Secure and covered parking for 133 cycles (1 per unit) would be provided within the undercroft parking area, in line with County standards.
- 6.51 A Transport Statement was submitted to support the application. This particularly highlights the sustainable and accessible nature of the site. The statement also assesses trip generation from the proposed development, concluding that the current scheme would attract significantly less traffic than the extant scheme permitted at the site, and thus have a beneficial impact on the network. The County Highway Authority similarly concludes that *“a wholly residential development of 133 apartments on this site would be likely to generate less vehicular traffic than the previously approved mixed-use schemes”*.
- 6.52 Subject to the conditions proposed by the County Highway Authority, the proposal is considered to comply with policies Ho9, Mo4, Mo5, Mo7 and Mo10 of the Borough Local Plan and policy CS17 of the Core Strategy.

Effects on the amenity of neighbouring properties

- 6.53 The nearest neighbouring properties are those on the opposite side of Marketfield Way and on Station Road. These comprise a mixture of commercial uses; but with some residential uses at upper floors. In addition, further residential units could be introduced in the immediate locality through the two approved schemes at Redhill Station and Marketfield Car Park. These neighbours would potentially experience some change in relationship and amenity as a result of the development and an assessment needs to be made with regard to the level of harm in terms of privacy, light and overbearing.
- 6.54 The application was supported by a detailed daylight and sunlight assessment which provides a comprehensive assessment of the impact of the proposed block on daylight within neighbouring residential properties, including consented schemes at Marketfield and Redhill Station. The Council's own Supplementary Planning Guidance advocates 45 and 25 degree rules; however, these mechanisms are simplistic and the findings of a more in depth analysis of vertical sky component,

average daylight factors and sunlight hours should be favoured for complex schemes and urban environments such as this.

- 6.55 The submitted assessment concludes that the development would result in a negligible alteration in light to neighbours on High Street, much of Station Road and the Redhill Station scheme in terms of the metrics above. In terms of loss of light, the amenities of these properties would not therefore be harmed. A single window in the flat above The Abbott public house (corner of Station Road) is identified as experiencing some change in daylight distribution; however, it would remain acceptable in terms of visible sky component and any change in daylight factor would be imperceptible. On this basis, the impact on this residential property is not considered to be so harmful as to warrant refusal. The assessment also concludes that a number of lower floor windows in the residential blocks of the proposed Marketfield Way car park scheme would experience alterations in daylight; however, these would be negligible due to the design (recessed windows), existing low levels of light and the fact that all affected rooms are served by secondary windows which ensure that adequate access to and distribution of light would be retained. Overall, the proposed development is not considered to give rise to undue harm to neighbours in respect of loss of light.
- 6.56 The proposal would represent a demonstrable increase in the scale of built form on the site – even compared to that which existed pre-demolition. However, the nearest existing residential property (the flat above The Abbott) would be approximately 30m from, and is positioned north of, the proposed building such that it would not be excessively dominated and any views would be oblique. Other residences on Station Road and High Street would be further still from the site and therefore any change in dominance or privacy would be immaterial. The residential blocks proposed as part of the Marketfield Way approval would be sited further south than the southernmost part of the building and some 27m from it. Whilst these would ultimately be the closest residential properties to the site, the separation distances and orientation of the buildings is such that future occupants of these properties would not experience undue loss of privacy or perception of overbearing.
- 6.57 Overall, the proposed building is not considered to give rise to an unacceptable loss of amenity and would achieve acceptable relationships to neighbours – existing and proposed – which would not be uncharacteristic in a central urban town centre environment such as this.
- 6.58 Whilst some disturbance might arise during the construction process, this would by its nature be a temporary impact. Other environmental and statutory nuisance legislation exists to protect neighbours and the public should any particularly issues arise. A construction management plan will be required through condition to manage any effects on the highway network.
- 6.59 Subject to the condition proposed, the proposal would is not considered to give rise to any adverse impacts on neighbour amenity and therefore complies with policy Ho9 and Ho13 of the Borough Local Plan 2005.

Amenity offered to occupants of the proposed development

- 6.60 The proposed units would be a combination of 1 and 2 bedrooms, ranging from 50sqm to 72sqm which meets the nationally described standard. In this respect, the units are considered to provide adequate internal space to meet the needs of day to day life.
- 6.61 No communal outdoor amenity space would be provided within the development; however, each flat would have access to a modest private balcony. Whilst outdoor amenity provision would therefore undoubtedly be quite limited, future occupants would have very close access to the town centre and Memorial Park and would benefit from the amenities these provide. On balance, it is therefore considered that the provision would be acceptable and not inconsistent with such an urban setting.
- 6.62 In contrast to previous schemes, the current proposal incorporates five flats at ground floor level, principally fronting onto Marketfield Way. These street level units have the potential to experience exposure to air pollution; however, the Council's Environmental Health team have confirmed that they have no objection subject to the development following the ventilation approach set out in the applicant's Air Quality Assessment report. A condition to this effect will be imposed to ensure future occupants of these units would not experience unacceptable air quality which would be detrimental to health and amenity.
- 6.63 The application was supported by a noise assessment, which identifies the level of background noise likely to be experienced on different facades of the building, and potential noise intrusion into dwellings. This identifies that the Marketfield Way elevation is most sensitive in this respect but identifies that mitigation can be implemented in respect of fabric, glazing and ventilation to ensure that future occupants would not be exposed to unacceptable noise. The findings and recommendations of this report are agreed and a condition will be imposed requiring submission of final details of noise mitigation measures to be installed. Whilst external balconies would experience noise which is unlikely to be capable of adequate mitigation; for the reasons identifies above (e.g. availability of other open space in the locality), this is not considered to result in such as harm to amenity of future occupants that refusal would be warranted.
- 6.64 In view of the above, the proposed development is considered to offer an acceptable level of amenity for future occupants and complies with the requirements of Policy Ho9 of the Borough Local Plan 2005 in this regard.

Affordable housing, Community Infrastructure Levy (CIL) and requested contributions

- 6.65 Under Policy CS15 of the Council's Core Strategy and the Affordable Housing SPD 2014, the development should provide affordable housing as an on-site provision at a rate of 30%. Both the Policy and SPD make allowance for a lower level to be negotiated where it is demonstrated that the provision of affordable housing would make the development unviable, in accordance with national policy.

- 6.66 The application was accompanied by an open book viability appraisal which was submitted which indicated that the margin/developer profit generated by the scheme – even without the provision of affordable housing – would be 13.3% of gross development value (GDV), which the applicant considered to be below the level at which a willing developer would proceed.
- 6.67 This appraisal was scrutinised by independent development viability experts Aspinall Verdi appointed by the Council who managed to extract further value from the scheme in their own appraisal, particularly through adjustments to a number of variables – most notably the value of the site, the value attributed to sale of proposed car parking spaces and the investment value of ground rents.
- 6.68 On the back of this review, the Council, its consultants, and the applicant have engaged in extensive negotiations regarding the acceptable and appropriate level of affordable housing for the scheme based on the viability position and the various inputs to the appraisals. Whilst full agreement as to the inputs has not been reached, the Council's consultants have advised that – in their assessment – 10 mixed tenure affordable housing units (equivalent to 8%) would be achievable and viable.
- 6.69 This position has been relayed to the applicant and, cognisant of the planning balance discussed above (i.e. the need for benefits of the scheme to outweigh harm through loss of the locally listed building), the applicant has offered the provision of 15 shared ownership affordable housing units – thereby exceeding the level considered justified by the Council's own consultants and significantly above the "nil" position which the applicant maintains is justified. Whilst the units are proposed as shared ownership tenure only, this is supported by discussions with locally active registered providers who have indicated that mixed tenure would not be attractive on this scheme due to the associated management and service charge complications. The registered providers contacted also supported a significant need for shared ownership tenure in the Redhill area.
- 6.70 It should be noted that the applicant has agreed to the above on a without prejudice basis in the interests of progressing the application positively at the local level and maintains the position that a nil provision is justified and that this is the position they would revert to were the application to be refused and appealed.
- 6.71 Taking account of the viability position, which has been independently scrutinised by the consultants commissioned by the Council, the level of affordable housing provision is considered to be acceptable in the context of Policy CS15 of the Core Strategy and the provisions of the Framework which support negotiation. Moreover, the efforts of the applicant to exceed the minimum level of affordable housing which is felt to be justified means that the scheme will make a more positive contribution to meeting the affordable housing needs in the Redhill area and is considered to attract great weight in the planning balance (as per the discussion above). Based on the information available, it is considered very unlikely that – if deliverable which the applicant disputes – a scheme retaining the façade would offer a similar level of affordable housing. The provision of affordable housing has also been proven to be challenging on other major sites within Redhill (as demonstrated by previous applications on this site, Redhill Station and most latterly Marketfield Way), although

it is accepted that those schemes provide other benefits to the town and in each case the provision has been justified by viability.

- 6.72 As the proposals involve the creation of new dwellings, the development would technically be CIL liable. However, the site falls within the Redhill and Horley town centre charging zone (Zone 1) which is subject to a nil charge for residential development, reflecting the viability challenges which can be associated with high density town centre development. As such, no contributions would be due through this mechanism.
- 6.73 The Community Infrastructure Levy (CIL) Regulations were introduced in April 2010 which states that it is unlawful to take a planning obligation into account unless its requirements are (i) relevant to planning; (ii) necessary to make the proposed development acceptable in planning terms; and (iii) directly related to the proposed development. As such only contributions that are directly required as a consequence of development can be requested and such requests must be fully justified with evidence including costed spending plans to demonstrate what the money requested would be spent on.
- 6.74 In this case, the County Council has requested financial contributions of £168,000 towards sustainable transport measures in Redhill town centre, in particular improving the linkage between the site, the town centre and local public transport facilities. This includes improvements through the Redhill Balanced Network project, which were put in place – and forward funded – in anticipation of town centre developments such as this. Similar contributions were required on previous applications on the site and the level and nature of contribution sought in this case is considered to meet the tests above, particularly in view of the very low parking ratio which is achieved on this development (and the greater demand for sustainable travel measures which will result).

Flooding and drainage

- 6.75 The site is identified as being partially within Flood Zone 2 on the Environment Agency flood maps. In addition, the Redhill Brook – a main watercourse – flows under the site in a culvert. Informed by the Flood Risk Assessment, the proposal is designed to incorporate a finished floor level which provides adequate freeboard in a flood event to ensure that residents would not be put at risk. The Environment Agency (EA) has commented on the application and has raised no objections subject to conditions, confirming that the proposed finished floor levels are acceptable. The EA have recommended a condition requiring improvements and structural repairs to the culvert under the site, this is considered reasonable and necessary to ensure that the development would not compromise the passage of water which could give rise to risk of flooding on site and elsewhere.
- 6.76 The application was accompanied by a drainage strategy and drainage plan which illustrates how surface water run-off will be managed, including through the use of channels and a proposed attenuation tank. This strategy has been considered acceptable by the Surrey CC Sustainable Drainage Consenting Team; however, conditions are recommended to ensure the scheme is properly implemented and

maintained. Such conditions are considered necessary and reasonable to ensure the longevity of the drainage system and avoid future risk of flooding.

- 6.77 Subject to the conditions recommended, the scheme would meet the requirements of the Borough Local Plan policy Ut4 and Core Strategy Policy CS10 and the requirements of relevant national policy and guidance in relation to flooding and sustainable drainage.

Other matters

- 6.78 Within the main part of the site, there is currently relatively limited arboricultural interest. The majority of trees are off-site on the adjoining railway embankment, on operation railway land. The Council's Tree Officer has considered the plans and concluded that they can be carried out without significant or long lasting impact to these off-site trees.
- 6.79 The site is not subject to any specific nature conservation designations and no significant or specific harm has been identified in relation to wildlife or habitat. Other legislation exists to protect specific species of animals and as discussed above, significant trees would be retained and additional landscaping will secured through condition.
- 6.80 The application was supported by an Air Quality assessment in view of its location within an Air Quality Management Area. This has been reviewed by the Council's Environmental Health team who have no objection from an air quality perspective, subject to implementation of the recommendations of the Air Quality assessment submitted. In particular, the ventilation approach recommended in the AQ assessment is required to ensure that residents of ground floor, road facing flats would not experience an unacceptable exposure to air pollution.

CONCLUSIONS

- 6.81 The main starting point for the consideration is that the proposal is within the urban area, in a highly accessible location and a redevelopment of the site to provide a more effective and efficient use of the site would be acceptable in principle and indeed supported by local and national policy which both seek to make optimal use of such sites.
- 6.82 However, the site contains a non-designated heritage asset – namely the retained Odeon façade, whose loss would be total, therefore giving rise to significant harm to the significance of that asset. Whilst policy Pc10 seeks to resist the loss of such assets, the more contemporary Framework (paragraph 135) requires decision-takers to make a “balanced judgement” when harm to a non-designated heritage asset is proposed, having regard to the scale of harm or loss to the asset on the one side and the planning and public benefits of the scheme on the other.
- 6.83 In this case, the scheme is considered to offer a number of positive public and planning benefits. The bringing back of the site back into effective use of this highly accessible, urban site and the associated regenerative benefits attracts positive weight in favour of the scheme. Furthermore, whilst the Council is able to

demonstrate a five year supply, the significant contribution towards housing requirements (133 units) within an acceptably designed and scaled scheme, together with the associated social, economic (e.g. construction jobs and local trade) and financial (e.g. New Homes Bonus and Council Tax) which flow from this also attracts modest weight in favour of the scheme. Other factors to consider in the balancing exercise include the impact on the townscape and provision of new public realm facing Redhill Station and along Marketfield Way.

- 6.84 The on-site affordable housing provision which the development would achieve is considered to attract particular weight in favour of the scheme, particularly in view of the fact that it exceeds the level which is felt to be justified by viability, is very unlikely to be achievable on a façade retention scheme (if one were deliverable) and has also not been possible to achieve on other major schemes in the town.
- 6.85 Furthermore, regard must be had to the structural position presented by both sides. Whilst, it cannot conclusively be said that every option has been exhausted and that the façade is physically and structurally incapable of repair and retention, this evidence does indicate that there is considerable uncertainty as to the feasibility, viability and deliverability of a façade retention scheme.
- 6.86 On balance, these factors and benefits are felt – taking a balanced judgement – to cumulatively reach the threshold where they outweigh the harm to the locally listed asset (due to its loss). There being no other objections to the design, amenity impacts, highways and transport, flooding and other considerations which would warrant refusal, it is recommended that planning permission be GRANTED subject to the conditions and planning obligations set out elsewhere in this report.

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
Location Plan	59009 FPR01-MBC-XX-GF-DR-A-00100	D5-P6	16.02.2017
Site Layout Plan	59009 FPR01-MBC-XX-GF-DR-A-00101	D5-P4	16.02.2017
Site Layout Plan	59009 FPR01-MBC-XX-GF-DR-A-00109	D5-P1	16.02.2017
Elevation Plan	59009 FPR01-MBC-XX-ZZ-DR-A_00112	D5-P4	16.02.2017
Section Plan	59009 FPR01-MBC-XX-ZZ-DR-A_00122	D5-P3	16.02.2017

Section Plan	59009 FPR01-MBC-XX-ZZ-DR-A_00121	D5-P3	16.02.2017
Section Plan	59009 FPR01-MBC-XX-ZZ-DR-A_00120	D5-P3	16.02.2017
Elevation Plan	59009 FPR01-MBC-XX-ZZ-DR-A_00115	D5-P1	16.02.2017
Floor Plan	59009 FPR01-MBC-XX-GF-DR-A-00102	D5-P4	16.02.2017
Floor Plan	59009 FPR01-MBC-XX-ZZ-DR-A-00103	D5-P4	16.02.2017
Floor Plan	59009 FPR01-MBC-XX-08-DR-A-00106	D5-P2	16.02.2017
Floor Plan	59009 FPR01-MBC-XX-09-DR-A-00107	D5-P2	16.02.2017
Floor Plan	59009 FPR01-MBC-XX-10-DR-A-00108	D5-P2	16.02.2017
Roof Plan	59009 FPR01-MBC-XX-ZZ-DR-A-00105	D5-P4	16.02.2017
Elevation Plan	59009 FPR01-MBC-XX-ZZ-DR-A-00110	D5-P6	16.02.2017
Elevation Plan	59009 FPR01-MBC-XX-ZZ-DR-A-00111	D5-P6	16.02.2017
Elevation Plan	59009 FPR01-MBC-XXZZ-DR-A-00116	D5-P1	16.02.2017
Floor Plan	59009 FPR01-MBCXX-ZZ-DR-A-00150	D5-P3	16.02.2017
Floor Plan	59009 FPR01-MBC-XX-ZZ-DR-A-00151	D5-P3	16.02.2017
Floor Plan	59009 FPR01-MBCXX-ZZ-DR-A-00152	D5-P3	16.02.2017
Other Plan	59009 FPR01-MBC-XX-SI-DR-C-00300	S2 P3	16.02.2017
Landscaping Plan	26554 L104	A	16.02.2017

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.

- No development shall commence 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.

4. No development shall commence on site until a scheme for the landscaping 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 and materials, 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 and management programme.

All hard and soft landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or within the first planting season following completion of the development hereby approved or in accordance with a programme agreed in writing with the local planning authority.

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.

5. No demolition of the remaining façade or removal of existing propping and support structures shall take place until a binding contract has been signed with a building contractor (or similar) for the construction of the permitted scheme. Such a contract shall ensure the commencement of construction within six months of the signing of the contract.

Reason:

To preserve the historic interest of the site with regard to Reigate and Banstead Borough Local Plan policy Pc10 and Reigate and Banstead Core Strategy policy CS4.

6. No development shall commence until a scheme to improve the Redhill Brook within the bounds of the site has been submitted to, and approved in writing, by the Local Planning Authority. Such a scheme shall include, as a minimum, repairs to the existing culvert to ensure its structural integrity and on-going ability to convey the flow of water.

On development, the scheme shall be implemented in strict accordance with the approved details.

Reason:

To reduce the risk of flooding and to seek the enhancement of the biodiversity value of the Redhill Brook in accordance with policy Ut4 of the Reigate and Banstead Borough Local Plan 2005 and Policy CS10 of the Reigate and Banstead Core Strategy.

7. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by Mayer Brown Limited dated November 2016.

Reason:

To reduce the risk of flooding and ensure the development will be safe over its lifetime in accordance with policy Ut4 of the Reigate and Banstead Borough Local Plan 2005 and Policy CS10 of the Reigate and Banstead Core Strategy.

8. The finished ground floor levels of the development hereby permitted shall be no lower than 76.15m AOD.

Reason:

To reduce the risk of flooding and ensure the development will be safe over its lifetime in accordance with policy Ut4 of the Reigate and Banstead Borough Local Plan 2005 and Policy CS10 of the Reigate and Banstead Core Strategy.

The development hereby approved shall not be occupied until a Flood Emergency Plan for the development has been submitted to and approved in writing by the Local Planning Authority. The Flood Emergency Plan shall be made available to all occupiers and any measures identified in the plan shall be installed or made available prior to the first occupation and thereafter maintained.

Reason:

To reduce the risk of flooding and ensure the development will be safe over its lifetime in accordance with policy Ut4 of the Reigate and Banstead Borough Local Plan 2005 and Policy CS10 of the Reigate and Banstead Core Strategy.

9. No development shall commence until the following details and drawings have been submitted to and approved in writing by the local planning authority:

- (a) a finalised drainage layout detailing the exact location of SUDs elements, pipes, control devices, impervious areas and drainage sub-catchments (if applicable)
- (b) details of all SuDS elements and other drainage features, including long and cross sections, pipe diameters and respective levels
- (c) associated final calculations showing that the system will not flood under the requirements of the SUDS standards
- (d) details of how the Sustainable Drainage System will cater for system failure or exceedance events, both on and offsite

The development shall thereafter be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority

Reason:

To ensure that the SuDS are adequately planned, delivered and that the development is served by an adequate and approved means of drainage and to prevent flooding with regard to Policy Ut4 of the Reigate and Banstead Borough Local Plan 2005 and Policy CS10 of the Reigate and Banstead Core Strategy 2014, as well as the requirements of the Non-statutory technical standards.

10. No development shall commence until details of the proposed maintenance regimes for each of the SuDS elements must be submitted to and approved by the Local Planning Authority. This should include during and post construction phases. The system shall thereafter be maintained in accordance with the approved details.

Reason:

To ensure the drainage system is maintained throughout its life time to an acceptable standard and to prevent flooding with regards to Policy Ut4 of the

Reigate and Banstead Borough Local Plan 2005 and Policy CS10 of the Reigate and Banstead Core Strategy.

11. Prior to occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme.

Reason:

To ensure that the SuDS are adequately planned, delivered and that the development is served by an adequate and approved means of drainage to comply with Policy Ut4 of the Reigate and Banstead Borough Local Plan 2005 and Policy CS10 of the Core Strategy 2014, as well as the requirements of the Non-statutory technical standards.

12. No development shall commence unless and until the proposed restricted hours loading bay within Marketfield Way and the associated Traffic Regulation Order have been designed and implemented and all associated costs have been met by the developer, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development would not prejudice highway safety nor cause inconvenience to other highway users to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan 2005 and the objectives of the NPPF 2012.

13. No development shall commence until an updated Construction Transport Management Plan, to include details of:

- (a) parking and turning 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) deliveries and hours of operation
- (g) construction vehicle access and routing to and from the site
- (h) measures to prevent deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused

has been produced in general accordance with the Construction Logistics Plan dated July 2014 – Rev B, 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:

To ensure that the development would not prejudice highway safety nor cause inconvenience to other highway users to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan 2005 and the objectives of the NPPF 2012.

14. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Marketfield Way (A23) has been constructed in

accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development would not prejudice highway safety nor cause inconvenience to other highway users to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan 2005 and the objectives of the NPPF 2012.

15. The development hereby approved shall not be first occupied unless and until the existing redundant vehicular accesses from the site to Redstone Hill (A25) and the Station Roundabout have been permanently closed and any kerbs, verge or footway fully reinstated.

Reason:

To ensure that the development would not prejudice highway safety nor cause inconvenience to other highway users to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan 2005 and the objectives of the NPPF 2012.

16. The development hereby approved shall not be first occupied unless and until secure parking of bicycles of 133 bicycles has been provided within the development site in accordance with the approved plans.

Thereafter, the said approved facility shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

To ensure that the development would promote sustainable transport choices with regard to Policy CS17 of the Reigate and Banstead Core Strategy 2014 and in recognition of Section 4 "Promoting Sustainable Transport" in the National Planning Policy Framework 2012

17. The development hereby permitted shall be carried out in accordance with the approved Air Quality Assessment produced by Mayer Brown Limited dated November 2016, with particular regard to the recommendations in relation to:

- (a) managing construction dust,
- (b) the use of low NOx heating plant (p.25 para 6.10)
- (c) ventilation of the building (p25 para 6.11 to 6.13)

Details of the plant and machinery to be installed within the development shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and shall thereafter be maintained.

Reason:

To ensure that the development would not give rise to unacceptable impacts on air quality or put future occupants at unacceptable risk of poor air quality with regard to policy Ho9 of the Reigate and Banstead Borough Local Plan 2005 and policy CS10 of the Reigate and Banstead Core Strategy.

18. The development hereby permitted shall be carried out in accordance with the approved Noise Assessment produced by Mayer Brown Limited dated November 2016, with particular regard to the recommendations in relation to:

- (a) managing construction noise

- (b) building fabric and external façade specifications to prevent noise intrusion into residential units

Reason:

To ensure that the development would not give rise to unacceptable impacts on noise pollution or put future occupants at unacceptable risk of noise disturbance with regard to policies Ho9 and Ho10 of the Reigate and Banstead Borough Local Plan 2005 and policy CS10 of the Reigate and Banstead Core Strategy.

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, appropriate refuse (conforming to British Standard BSEN840) and 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.
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 use of a suitably qualified arboricultural consultant is essential to provide acceptable supervision and monitoring in respect of the arboricultural issues in respect of the above conditions. All works shall comply with the recommendations and guidelines contained within British Standard 5837.
6. 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, including along the Marketfield Way frontage. It is expected that the structural landscape trees will be, as a minimum, of Advanced Nursery Stock sizes with initial planting heights of not less than 4.5m with girth measurements at 1m above ground level in excess of 16/18cm.
7. The application site is situated on or in close proximity to land that could be potentially contaminated by virtue of previous historical uses of the land. As a result, there is potential for a degree of ground contamination to be present beneath part(s) of the site. Groundworkers should be made aware of this so suitable mitigation measures and personal protective equipment measures (if required) are put in place and used. Should significant ground contamination be identified, the Local Planning Authority should be contacted promptly for further guidance.
8. The site is situated next to and plans to discharge into the Redhill Brook, which is a main river within the remit of the Environment Agency. The applicant will require an Environment Agency flood risk activity environmental permit prior to works being undertaken. This is clearly set out within the applicant's submitted drainage strategy and consultation has previously taken place with the Environment Agency.
9. The developer is reminded of the need to comply with Network Rail requirements and standards for the safe operation of the railway and the protection of Network Rail's adjoining land, both during construction and after completion of works.
10. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that a permit and 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 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: www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme
11. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road marking, highway

drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

12. When a temporary access is approved or an access is to be closed as a condition of planning permission and agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the adjoining existing surfaces at the developers expense.
13. 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).