Reigate & Banstead BOROUGH COUNCIL Banstead I Horley I Redhill I Reigate		TO:		PLANNING COMMITTEE
		DATE: REPORT OF:		26 JULY 2017
				HEAD OF PLACES & PLANNING
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AGENDA ITEM:	6	I	WARD:	Tattenhams

APPLICATION NUMBER: 17/00762/F		VALID:	27 April 2017	
APPLICANT:	Churchill Retirement Living		AGENT:	Planning Issues
LOCATION:	130-138 GREAT TATTENHAMS, EPSOM DOWNS			
DESCRIPTION:	<b>ESCRIPTION:</b> Demolition of existing buildings and redevelopment to form 34 one and two bed retirement apartments for the elderly including communal facilities, access, car parking and landscaping.			
All plans in this report have been reproduced, are not to scale, and are for illustrative purposes only. The original plans should be viewed/referenced for detail.				

This application is referred to Committee at the request of Cllr Harrison.

## SUMMARY

This is a full application for the demolition of the existing dwellings on the site and the erection of a building comprising 34 one and two bedroom retirement apartments with communal facilities, associated parking and communal gardens.

The site is within the urban area and there is no "in principle" objection to redevelopment of the site for retirement housing in terms of the sustainability/accessibility and overconcentration. The scheme would contribute to meeting local housing requirements, including specific needs for retirement housing, and would bring consequent social, economic and financial benefits all of which weigh in favour of the scheme.

The replacement building would be largely sited on a similar building line to the existing buildings and would be of T-shaped form with a rear "wing" projecting into the site. Whilst the scale, massing and projection of the building into the site would represent a change and demonstrable increase over that which presently exists on the site, overall, the scheme is considered to be well-designed to break the building up such that it would not appear unduly dominant or out of keeping with the character of the surrounding area. The design of the frontage building, which reads as three domestically sized semi-detached houses with deeply recessed links, is a successful example of this. Landscaping to the frontage, in terms of replacement hedgerow and areas of new shrubbery and tree planting, would soften the frontage parking area and assimilate the development into the soft landscape dominated frontage of Great Tattenhams.

The design and layout of the development is such that reasonably generous separation distances would be retained between the proposed building and neighbouring properties, including the rear projecting leg. As a result, whilst there would be some change experienced by adjoining occupiers, it is not considered that the proposal would cause unacceptable harm to their amenities in terms of overbearing, loss of light or loss of privacy. In most cases, this would be aided further by the retained boundary landscaping which provides a high level of screening.

The Tree Officer was consulted on the application and has raised no objection and has confirmed that a detailed landscaping scheme can be implemented which will contribute to the character of the area. The Tree Officer specifically highlights the importance of mature hedging within the street scene and has confirmed that an appropriate replacement could be achieved based on the layout submitted but the species should be appropriate to the locality. Trees along the adjoining footpath are outside the application site and a tree protection condition would ensure that these are not harmed by the development.

Under Core Strategy policy, the development should provide on-site affordable housing at a rate of 30% of the proposed dwellings. In this case, a financial contribution is proposed in lieu of on-site provision – given the specialist nature of the accommodation, this position is supported by the Affordable Housing SPD.

In this case, the applicants have also submitted an open book appraisal demonstrating that once all costs and developer profit were taken account of, the scheme was unable to provide the full contribution required. This appraisal was scrutinised and greater scope for contributions has been identified from the scheme. As a result, whilst full provision is not possible, there is a surplus of £485,000 which the applicant has agreed to provide as a financial contribution towards off-site provision of affordable housing. This would be secured through a legal agreement. The applicant has confirmed that they would be unwilling to accept a clawback mechanism (a position which they support with numerous appeal decisions), and as such the application must be considered on that basis. This approach would be consistent with the Council's adopted SPD on the delivery of affordable housing.

A total of 16 parking spaces are proposed to serve the development. Whilst this is below adopted standards, the application is supported by parking accumulation studies from other similar developments which demonstrate that this provision would be sufficient. This evidence has been reviewed by Officers and on this basis the parking provision is considered justified.

The proposal includes a single access to the site from Great Tattenhams. Due to the combination of the vehicle speeds along the road, the obstructions which exist within the required visibility splays, most notably the existing parking layby to the west and the marked intensification in the use of the access (compared to the existing five family dwellings), the County Highway Authority have confirmed that they are not satisfied that adequate visibility would be achievable on the proposed access and therefore the proposal could give rise to conditions which would be prejudicial to the safety of motorists and other road users on Great Tattenhams. The proposed access would thereby be contrary to policy and, whilst the benefits of the scheme are appreciated, these would not outweigh the potential harm resulting from compromised visibility at the site access.

## **RECOMMENDATION(S)**

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

## **Consultations:**

<u>County Highway Authority</u>: Recommends refusal on the following grounds:

It has not been demonstrated to the County Highway Authority's satisfaction that adequate visibility is achievable at the proposed vehicular access to Great Tattenhams, particularly in the leading traffic direction (to the west). The proposed development could therefore lead to conditions prejudicial to highway safety, which would be contrary to the objectives of the NPPF (2012), policy Mo5 of the Reigate and Banstead Borough Local Plan (2005), and objective 3 of the Surrey Transport Plan 2011-2026 'To improve road safety and the security of the travelling public in Surrey'

The CHA response also contains the following informative notes:

The County Highway Authority (CHA) has previously raised concerns that visibility splays of 2.4m by 43m at the proposed vehicular access may not appropriate for the speed of traffic on Great Tattenhams. The CHA therefore requested that actual speed measurements were carried out, to demonstrate whether or not a 43m 'y' distance would be sufficient in each direction.

A speed survey was undertaken between Sunday 9th July and Wednesday 12th July 2017, and the recorded 85th percentile speeds were 33.1mph for eastbound traffic, and 31.8mph for westbound traffic. Great Tattenhams is a bus route, therefore the CHA has calculated the 'y' distance requirement using a perception-reaction time of 1.5 seconds and a deceleration rate of 0.375g, which is appropriate for HGVs and buses, as these have different deceleration characteristics to cars and light vehicles. Using these criteria and the recorded 85th percentile speeds, the actual 'y' distance requirement would be 53m to the west, and 49m to the east. On this basis, the proposed visibility splays of 2.4m by 43m are considered inadequate. Even if the recorded speeds are adjusted for wet weather, the required 'y' distance is still greater than 43m, particularly in the leading traffic direction (to the west).

The applicant has submitted a plan showing visibility splays of 2.4m by 59m at the proposed access in both directions. However, the CHA is not satisfied that these can actually be achieved in practice. The visibility splay to the west of the access incorporates an existing layby on Great Tattenhams, therefore cars parked in the layby would obstruct visibility in this direction. To the east of the access, there are two street trees located within the visibility splay, and the applicant has not assessed the extent to which these trees restrict visibility.

To overcome the CHA's concerns, it may be necessary to relocate the site access to a position where greater visibility is available in each direction, or relocate the existing layby so that it does not fall within the visibility splay. The proposed development would lead to an increase in vehicular movements to and from the site, when compared with the existing dwellings. Therefore, it is important that the applicant demonstrates, to the CHA's satisfaction, that safe and suitable access can be achieved.

## Tree Officer: No objection subject to conditions – comments as follows

"The arboricultural report (BTC, 16356 AA3-AS, dated 21st April 2017) identifies the trees and vegetation to be removed to facilitate this development. The existing trees/vegetation are not key features within the local area and so their removal will not have an impact on the character of the area. The landscape strategy produced by James Blake Associates, reference 16/3359/01 demonstrates that detailed landscape scheme can be implemented and overtime will contribute to the character of the area. The existing streetscene is characterised by mature hedging of various species and it is important that a replacement hedge is planted along the front to maintain the existing streetscene. The landscape master plan shows individual trees along the front which along with the hedge will screen the car park from the highway. The species of the hedge has not been identified but it is important that it is in keeping with the area."

## UK Power Networks: No objections

Surrey Lead Local Flood Authority: No objection subject to conditions

SES Water: No comments

## **Representations:**

Letters were sent to neighbouring properties on 10<sup>th</sup> May 2017; a site notice was posted 18<sup>rd</sup> May 2017 and the application was advertised in local press on 18<sup>rd</sup> May 2017.

12 responses have been received raising the following issues:

Issue	Response
Out of character with surrounding area	Paragraphs 6.11 to 6.19
Overdevelopment	Paragraphs 6.11 to 6.19
Overlooking and loss of privacy	Paragraphs 6.20 to 6.26
Overshadowing	Paragraphs 6.20 to 6.26
Noise and disturbance	Paragraph 6.27
Loss of buildings	Paragraph 6.56
Loss of/harm to trees	Paragraphs 6.38 to 6.42
Inadequate parking	Paragraph 6.31
Increase in traffic and congestion	Paragraph 6.32
Hazard to highway safety	Paragraphs 6.33 to 6.37
Inconvenience during construction	Paragraph 6.27
Flooding	Paragraph 6.57
Drainage/sewage capacity	Paragraph 6.57
Crime fears	Paragraph 6.56
Health fears	Paragraph 6.56

No need for development	Paragraphs 6.7 to 6.10
Loss of private view	Not a material planning consideration
Property devaluation	Not a material planning consideration

## **1.0** Site and Character Appraisal

- 1.1 The application site comprises two pairs of semi-detached dwellings along with a single detached dwelling located on the northern side of Great Tattenhams. The existing dwellings are set within long plots and comprise predominantly two storey dwellings. The site is set slightly down from the road along Great Tattenhams and land levels continue to fall away to the rear of the plots. The site is located on a shallow bend in the road which somewhat lengthens the frontage.
- 1.2 Adjacent to the site is a small area of public amenity land, and a public footpath runs along the eastern boundary of the site. There are a number of trees in the rear portion of the site and along the eastern boundary with the area of amenity land; however, none are subject to protection through TPO.
- 1.3 The surrounding area is characterised predominantly by semi-detached pairs or detached properties, with a variety of styles but some overall coherence with groups of similar appearance. The area has an established suburban feel. Properties on the southern side of Great Tattenhams are elevated above the road. There is a consistent and well established building line on Great Tattenhams, with properties typically set back a modest distance from the street frontage.
- 1.4 As a whole, the application site extends to approximately 0.37ha.

## 2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: Pre-application advice relating to the redevelopment of the site was sought earlier this year. Advice was given in respect of the design, scale and massing of the building, the need for landscaping to the frontage and parking. The submitted proposals reflect a reduction in scale and depth of the building (including the rear projecting leg) and improvements to the landscaping to the frontage of the building.
- 2.2 Improvements secured during the course of the application: Improvements to the design of the frontage buildings (particularly in respect of fenestration) and changes to the palette of materials to better reflect local distinctiveness.
- 2.3 Further improvements to be secured through planning conditions or legal agreement: Improvements cannot be secured in this way as the application is to be refused. Consideration has been given to whether the issues identified could be overcome or mitigated through planning conditions or legal agreement; however, it is concluded that they cannot.

## 3.0 Relevant Planning and Enforcement History

3.1 There is some planning history pertaining to domestic extensions and householder improvements to no's. 130 and 136 Great Tattenhams; however, there is no history relating to full redevelopment of the site.

## 4.0 **Proposal and Design Approach**

- 4.1 The proposed development seeks planning permission for the demolition of the existing dwellings on the site and the erection of a building comprising 34 one and two bedroom retirement apartments with communal facilities, associated parking and communal gardens.
- 4.2 The replacement building would be largely sited to follow the prevailing building line of the buildings to be demolished and would be of T-shaped form. The front wing of the building would be 2 storey within the street scene but would read as 2.5 storey internally within the site due to a change in levels. The rear projection would predominantly be a combination of 2/2.5 storey.
- 4.3 To the front, the building has been designed to read as three pairs of semi-detached dwellings. Design detailing and materials would include hipped roofs, front gable and hipped bay projections, brick, tile hanging and areas of render with glazing link sections.
- 4.4 An access road and parking area served by a single crossover from Great Tattenhams would be created to the front of the building with the rear of the plot landscaped to create communal gardens.
- 4.5 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.
- 4.6 Evidence of the applicant's design approach is set out below:

Assessment	There is a distinct residential character in the immediate surrounding area of larger buildings of mainly detached and semi-detached properties set within large plots and set back from the road with open front gardens/driveways. Buildings are typically 2 storey in height. Ground levels on the site slope away to the rear of the site and the rear of the site is well screened by mature trees.
	Mature trees and hedgerows are a prominent feature along Great Tattenhams.
Involvement	Pre-application advice was sought from the Council in early 2017 and design of the scheme amended in response. A public exhibition was undertaken at Downswood Lawn Tennis Club in March 2017 and an invite extended to over 600 residents in the

	area as well as local MPs, councillors and community representatives. The public exhibition identified concerns in respect of need for retirement accommodation, lack of on-site parking and impact on amenities.
Evaluation	The Design & Access Statement and Planning Statement set out the evolution of the design of the scheme, as a result of the pre-application discussions. This includes a revised footprint, reduced depth, amendments to the frontage buildings and improved parking layout. These changes resulted in a reduction in units from 40 to 34. A prerequisite of the applicant's schemes is that they must be within half a mile level walk of essential facilities and services, hence the reason for selecting the application site.
Design	The applicant's justification for the chosen design is that a T- shaped block maintains good distances to boundaries. The broken frontage with use of wide, set back and glazed recesses seeks to maintain the prevailing building line and reflect the urban grain of the existing detached/semi-detached pairs. The building has been articulated to provide visual interest and design features have been drawn from local vernacular.

4.7 Further details of the development are as follows:

Site area	0.37ha
Existing use	Residential – 5 dwellings
Proposed use	Residential (retirement housing – 34 units)
Net increase in dwellings	29
Proposed site density	92 dwellings per hectare (dph)
Density of the surrounding area	28 dph – north side of Great Tattenhams/Downland Way 25dph – Straight Mile Place
	17 dph – south side Great Tattenhams/The Spinney/Tattenham Grove
	60 dph – flats at corner of Great Tattenhams/Tattenham Crescent
Proposed parking spaces	16
Parking standard	BLP 2005 – 34 (1 space per 1 or 2 bedroom dwelling unit)
	Surrey standards 2012 – as above but also individual assessment
Estimated CIL contribution	c.£317,000
Affordable housing contribution	£485,000

## 5.0 Policy Context

5.1 <u>Designation</u>

Urban Area Flood Zone 1

## 5.2 Reigate and Banstead Core Strategy

CS1(Presumption in favour of sustainable development) CS4 (Valued townscapes and historic environment) CS10 (Sustainable development), CS11 (Sustainable construction), CS12 (Infrastructure delivery) CS13 (Housing delivery) CS14 (Housing needs of the community) CS15 (Affordable housing) CS17 (Travel options and accessibility)

## 5.3 Reigate & Banstead Borough Local Plan 2005

Landscape & Nature Conservation	Pc4
Housing	Ho9, Ho13, Ho14, Ho16, Ho20
Movement	Mo4, Mo5, Mo6, Mo7
Utilities	Ut4

## 5.4 Other Material Considerations

National Planning Policy Framework National Planning Practice Guidance Supplementary Planning Guidance

Other

Developer Contributions SPD Affordable Housing SPD Local Distinctiveness Design Guide Surrey Design Human Rights Act 1998 Community Infrastructure Levy Regulations 2010 (as amended) Conservation of Habitats and Species Regulations 2010 Planning Committee 26 July 2017

## 6.0 Assessment

- 6.1 The application site is situated in the urban area and comprises the site of five existing dwellings.
- 6.2 The main issues to consider are therefore:
  - Principle of redevelopment for retirement housing
  - design and impact on the character of the area
  - effects on the amenity of neighbouring properties
  - access, parking and highway implications
  - trees and landscaping
  - CIL and infrastructure contributions
  - other matters

## Principle of redevelopment for retirement housing

- 6.4 Being situated within the urban area, there is no in principle objection to redevelopment of the site. Redevelopment of sites such as the application site is consistent with the Council's "urban areas first" approach which is embodied within the Core Strategy and the general national policy encouragement for making effective use of brownfield sites provided they are not of high environmental value.
- 6.5 In respect of the specific proposal for retirement housing, the provisions of policy Ho20 of the Borough Local Plan and CS14 of the Core Strategy are relevant.
- 6.6 In this case, the proposal is considered to be in an appropriately accessible and sustainable location, suited to retirement housing provision. Tattenham Corner local shopping parade which provides a reasonably good range of services (as well as a Doctor's Surgery and Library) is a relatively short walk from the site (250m) and the gradient/nature of the route is not considered to be prohibitive for older or less mobile residents. Great Tattenhams is also on a bus route (460/480 which runs between Gatwick, Redhill/Reigate and Epsom) with the nearest bus stop less than 50m from the site.
- 6.7 It is noted that concerns have been raised regarding need for retirement housing in this location. As below, there is considered in broad terms to be a need for additional housing of this nature given the ageing population of the borough. In addition, there is not considered to be an undue concentration of similar provision so as to warrant refusal against Policy CS14. In the vicinity of the site there is limited provision of age-restricted/retirement housing and a small number of care/nursing homes (e.g. Roseberry Manor); however, these are materially different to the proposal. Even taking account of the greater level of provision which exists in the wider north of the borough (e.g. including the accommodation in and around Banstead and Tadworth), this is not considered to amount to an over-concentration over an area of this size and still represents only a small fraction of the overall housing stock.
- 6.8 There are also considered to be specific benefits associated with a retirement housing scheme such as that proposed. In addition to contributing generally to the borough's housing supply requirements, it is acknowledged and accepted that the

proposed development would help to meet specific needs for housing for older people, with such provision encouraged by the NPPF (particularly paragraph 50) and national Planning Practice Guidance. In doing so, the proposal is considered to be consistent with the wider aims and priorities in the Council's corporate plan (Our Five Year Plan) which seek to support the growing over-65 populations to lead independent lives, free from social exclusion and to deliver the types of housing needed by our communities. This weighs positively in favour of the scheme.

- 6.9 The potential consequent social, economic and financial benefits of specialist housing for older people as put forward by the applicant and identified within the national Planning Practice Guidance are also recognised. These include freeing up under-occupied larger homes by providing opportunities for downsizing, promoting social inclusion and more independent living with associated quality of life benefits and reduced pressure on health/social care services. All of these material considerations also weigh positively in the planning balance.
- 6.10 Based on the above, there is no "in principle" objection to redevelopment of the site for retirement housing in terms of the sustainability/accessibility and overconcentration criteria in policies Ho20 and CS14 and the type of provision proposed is also considered to bring specific benefits as discussed above. The detailed matters of design, character, amenity and access are discussed below.

## Design and impact on the character of the area

- 6.11 The replacement building would be largely sited on a similar building line to the existing buildings on site and would broadly follow the prevailing building line along Great Tattehams.
- 6.12 The building itself would be of T-shaped form with a rear "wing" projecting into the site. Whilst the scale, massing and projection of the building into the site would represent a change and demonstrable increase over that which presently exists on the site, it is considered that this has been well-designed and sensitively treated such that it would not have an unduly detrimental impact on the character of the area. Furthermore, it is noted that there are already some examples of development in behind the frontage, including Straight Mile Place on the opposite side of the public footpath. Whilst that development is in the form of individual dwellings in a backland scheme, its presence is such that projection of development into the rear on this site would not appear so out of place or alien along this footpath so as to warrant refusal.
- 6.13 As above, the bulk, scale and massing of the building would be materially greater than existing; however, the design approach of the scheme is considered to be successful in mitigating this for a number of reasons. Firstly, whilst a single wide block would occupy the frontage where presently the individual or pairs of dwellings exist, this block has been successfully designed to appear as three semi-detached pairs within the street scene, with the building broken up with deeply set back and subservient glazed link sections (set back by approximately 6m from the front elevation) as well as some variation in detailing and materials which would ensure that the buildings appear individual whilst remaining as a cohesive group. Landscaping to the frontage would help to reinforce this. As such, whilst the

development would introduce a frontage building which is much wider than those in the locality, the design of this is such that it would not be unduly disruptive or uncharacteristic within the street scene (which is characterised by reasonably well spaced detached and semi-detached dwellings) so as to give rise to harm to the pleasant suburban character of the locality. Furthermore, the proposed frontage building would provide greater space and separation to the outer boundaries of the site than the existing dwellings at no.130 and 138 which are built right up to the boundaries.

- 6.14 From the front, the proposed building would also respect the prevailing 2 storey height of surrounding buildings and has also been designed with a conventional hipped roof form to respect the roofscape and skyline of the immediate streetscene. Whilst there would be sections of bulkier flat crown roof on rear sections of the building, these would not be unduly prominent or obtrusive within public views of the development.
- 6.15 The rear section and projection of the building would be predominantly 2 storeys with accommodation in the roof which would be served by dormers but would reduce in height and scale towards the rear boundary of the site. This rear element of the building would be partially cut into the site, taking advantage of the change in land levels. As a result, the ridge of this element of the building would be some 2.5m lower than the building on the frontage and whilst views of this rear portion would be possible from the adjoining public footpath (and from private gardens of neighbouring properties), its reduced height combined with the higher land level of the adjoining land would ensure that it would not appear unduly bulky or detrimental to the character of the area. This is particularly so given the back-land dwellings of similar scale on Straight Mile Place which is significantly closer to the boundaries than the proposed development. Based on an assessment on site, it is likely that the proposed building would largely be only glimpsed in longer views from Downland Way or the northernmost parts of the public footpath.
- 6.16 The design and appearance of the development is considered to reflect the good standard of design as required by local and national policy. Gabled and hipped projections which are common in the locality are employed to break up and provide variation in plane. The proposed palette of materials including brick, tile hanging and selective areas of render and detailing such as brick corbel and lintel details to fenestration complements and reflects the character of the area and provides additional visual interest. Through the course of the application amendments have been secured which remove the slate from the roof (a material which is not characteristic of the area) and improve the fenestration to the front elevation to reinforce the appearance of three semi-detached pairs.
- 6.17 The siting of the building would broadly respect the prevailing building line although would be set slightly further back from the road than the existing properties. A driveway and parking area would be created to the front of the building. Whilst this would introduce a degree of hardstanding and hard landscaping to the frontage, this is proposed to be interspersed with areas of soft landscaping, new tree planting and proposed hedgerow which would ensure that the car parking area would not unduly urbanise or be at odds with the character and appearance of the frontage of Great Tattenhams. In coming to this view, consideration has also been given to the fact

that many properties along Great Tattenhams have relatively large areas of hardstanding/driveways (which are readily visible in the street scene) and the fact that the parking area would be set down from the road level which would further reduce its prominence within the street scene. Subject to a high quality landscaping scheme, which would be secured by condition, the layout to the front of the site is considered to be acceptable.

- 6.18 To the rear, the plot would be landscaped to provide communal gardens for the residents. In line with the provisions of Policy Ho9, the development proposed to retain and make use of much of the existing landscaping, tree cover and boundary hedging/shrubs within the site, including the majority of mature trees. Additional planting and landscaping to supplement this and provide quality amenity space is also proposed.
- 6.19 Overall, whilst the proposed building would be larger and to a degree more prominent than that which it replaces particularly given the projection into the rear of the site the design approach, scale and massing, and the layout of the site have been well considered and would adequately respect the pleasant suburban character of the locality and Great Tattenhams. The proposal is therefore considered to comply with policies Ho9, Ho13 and Ho16 of the 2005 Borough Local Plan and policies CS4 and CS10 of the Core Strategy.

## Effects on the amenity of neighbouring properties

- 6.20 The proposal seeks to replace the existing dwellings with a single larger and deeper block of accommodation with rear projecting leg. Careful consideration has therefore been given, as required by policies Ho9 and Ho20, to the relationship with and amenities of neighbouring properties.
- 6.21 In relation to the neighbour at no.140 Great Tattenhams, the proposed two storey frontage building would be approximately 3.8m from the shared boundary with this property. This separation distance would not be dissimilar to the current separation which exists between the two storey element of the existing property at no.138 and the shared boundary. The rear portion of the frontage building, which would be a 7.5m deep, would be set back further from this shared boundary by at least 6.5m. At these distances, whilst the building would represent an increase in depth and scale of built form, it is not considered that the building would be overbearing on, or give rise to a harmful loss of outlook for, this neighbour either from the rear rooms of the property or in relation to the enjoyment of their garden. Furthermore, it is considered that the setting in of the rear portion of the frontage building, coupled with the lower level and ridge height of this element of the building, is sufficient to ensure that the proposal would not give rise to a harmful loss of light or overshadowing of this neighbour and would not infringe the 45 degree rules (either in the vertical plane or both the horizontal/vertical plane) when taken from windows in the rear elevation. The rear projecting "wing" of the proposed block would be set in some 16m from garden boundary such that, even though the building would be up to 2.5 storey at this point (with a height of c.6.6m above the natural ground level of this neighbours garden), it would be sufficiently distant so as to not give rise to harmful overbearing effect, particularly given proposed and retained boundary landscaping which would go a long way to obscuring views of this part of the building.

- 6.22 The proposals would introduce a reasonably large number of additional windows which would face towards the rear garden of the neighbour at no.140, particularly in the "rear wing". Two first floor windows in the side elevation of the front "wing" of the building would be closest to the neighbour at approximately 5m and 7m separation; however, in both cases the plans indicate that these would be obscure glazed and a condition reinforcing this is recommended to be imposed in order to ensure these windows would not give rise to potential for overlooking. The additional first and second floor windows in the rear "wing" which would look directly towards the neighbour would be approximately 15m from the boundary with this neighbour and as shown on the plans, and as confirmed by a site visit, the landscaping along this boundary is dense and substantial, including a 3m+ hedgerow which would obscure views. As such, it is not considered that there would be sufficient harm to neighbour amenity from overlooking to warrant refusal.
- 6.23 To the rear, the site adjoins the rear gardens of the maisonettes which front onto Downland Way. These properties are set at a lower land level than the application site due to the sloping land. The rear projecting "wing" of the building would retain separation distances to the boundaries with these neighbours of approximately 10m to the rearmost single storey element and over 12m to the two storey element at the nearest point and over 35m to their rear elevation. Furthermore, due to the orientation and shape of the plot, the separation would be much greater for the most part. Given these separation distances, and the extensive landscaping and tree cover which exists along this shared boundary (and which is shown to be retained), it is not considered that the proposed building would be unduly harmful to this neighbour in terms of overbearing, dominance or loss of light. Only two windows are proposed in the elevation facing towards these neighbours on Downland Way these would be at the equivalent of first floor level (due to the proposed lower ground floor). Whilst these serve bedrooms, it is considered for the reasons above (separation/boundary landscaping) that they would not give rise to a level of overlooking or loss of privacy which would warrant refusal. Were a different view to be taken, these windows could be conditioned to be obscure glazed given they are secondary windows to a habitable room (bedrooms).
- 6.24 Concerns have been raised by neighbours on Straight Mile Place, particularly in respect of overshadowing and loss of privacy. The two properties most closely related to the application site are No.1 and No2. In respect of No.2, any overlooking of this property would be either sufficiently long range (in the case of windows in the rear elevation of the proposed block) or oblique (in the case of windows in the side elevations of the rear "wing") so as to not give rise to a level which would warrant refusal or be seriously harmful to the amenities of this neighbour. These separation distances, coupled with the fact that the eaves height of the rear wing would not be dissimilar to that of no.2 Straight Mile Place, would ensure that the building would not be overbearing on this neighbour or cause a material change in overshadowing (particularly given the dappled overshadowing which is already created by the dense tree line along the public footpath).
- 6.25 In terms of No.1 Straight Mile Place, the nearest window to window relationship would be over 22m which is sufficient to ensure no mutual overlooking would occur. Whilst it is acknowledged that there would be a greater number of windows in the

rear part of the front wing which would look towards No.1 and its garden, the separation to the rear fence of this neighbour would still be over 10m which is considered sufficient to prevent an unacceptable loss of privacy. As with No.2 substantial boundary shrubbery and tree cover which is on the outside of the site along the public footpath would provide screening which would further mitigate any potential views. Based on the plans and topographical survey submitted, the part of the building nearest to No.1 Straight Mile Place would again be similar to that existing property such that, given the separation, it would not be unduly overbearing, dominant or cause overshadowing to this neighbour.

- 6.26 The relationship between the proposed building and neighbours opposite on Great Tattenhams would not be dissimilar to the existing situation (given the height of the proposed buildings on the frontage). The separation distances would remain significant and it is also noted that dwellings on the south side of Great Tattenhams have a much elevated position compared to the application site (eaves height approximately 4-5m above the existing and proposed on the application site).
- 6.27 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 particular issues arise. A condition requiring a Construction Transport Management Plan is recommended which would also assist in ensuring the construction and logistics associated with the site are appropriately managed and would not cause undue disruption. Whilst intensified, the site would remain in residential use and is not considered to give rise to on-going issues of noise or disturbance to neighbouring properties.
- 6.28 On this basis, whilst giving rise to a degree of change in relationship to surrounding properties, particularly by virtue of the projection into the rear of the site, the proposal is not considered to give rise to any seriously adverse impacts on neighbour amenity and therefore complies with policies Ho9 and Ho21 of the Borough Local Plan 2005.

Accessibility, parking and highway implications

- 6.29 The development would be served by a front parking court, with space for a total of 16 vehicles which would be accessed by a single central crossover from Great Tattenhams.
- 6.30 As discussed above, the site is considered to be appropriately accessible for a retirement housing scheme in terms of its proximity to shops, facilities and services in the nearby local centre on Tattenham Crescent and access to bus services (which run along Great Tattenhams and stop very close the application site).
- 6.31 Concerns have been raised in numerous consultation responses regarding the adequacy of the proposed parking provision. In this respect, the application was accompanied by a Transport Statement which includes details of parking accumulation survey at other established Churchill Retirement Living sites across the south of England as part of the evidence to justify the level of parking proposed on this scheme. The results of these surveys, undertaken across eight separate

sites during a "neutral" period in 2016, show an average parking accumulation across a 12 hour day (7am to 7pm) of broadly at or below 0.30 cars per unit throughout the day which is significantly less than the 0.48 spaces per unit proposed in this application. Officers have reviewed the sites relied upon in the survey and consider that they represent an appropriate sample and comparator for the application site in terms of location (in particular accessibility to shops, services and public transport), size and mix, and underlying levels of car ownership in the area within which they are located. The closest comparators from the sample are considered to be the sites in Epsom, Romsey, Lilliput and Emsworth and even based solely on these most comparable sites, the accumulation of parking across the day as indicated by the survey would remain comfortably below the level proposed in this application (0.48 spaces per unit). On the basis of this evidence, it is considered that the level of parking – whilst below the standard in the Borough Local Plan - is appropriate and would not give rise to unacceptable displacement parking on-street. The County Highway Authority has raised no objection to the proposal in respect of parking provision.

- 6.32 According to the applicants Transport Statement, the proposal would give rise to a noticeable increase in traffic movements (50 compared to 17 under the existing use). Whilst this is acknowledged, given the nature of Great Tattenhams and existing volumes of movements, it is not considered that this would cause issues in terms of highway capacity or congestion nor has the County Highway Authority objected on that basis. The issue of increased movements is however also material in respect of access and safety which is discussed below.
- 6.33 As above, the site is proposed to be served by a single central access from Great Tattenhams. Significant dialogue has occurred between the applicant and the County Highway Authority in respect of the access arrangements and in particular whether adequate visibility would be achievable to ensure the safety of motorists and other road users.
- 6.34 The application was supported by a plan which indicated visibility splays of 2.4m x 43m; however, the CHA raised concern about the adequacy of these visibility splays for the speed of traffic on Great Tattenhams. The CHA therefore requested speed measurements be undertaken to demonstrate real vehicle speeds on the road. These were undertaken by the applicant between Sunday 9<sup>th</sup> July and Wednesday 12<sup>th</sup> July and the results show 85<sup>th</sup> percentile speeds of 33.1m for eastbound traffic, and 31.8mph for westbound traffic. Taking account of the fact that Great Tattenhams is a bus route (and therefore allowing for the appropriate reaction/deceleration rates for these such larger vehicles such as buses), the CHA advise that splays of 53m and 49m would be required to the west and east respectively. Even adjusting for wet weather which occurred during part of the survey period, the required distances are still greater than the 43m splay illustrated by the applicant.
- 6.35 During the course of the application, a plan was submitted by the applicant showing visibility splays of 2.4m x 59m in each direction. However, upon review, the CHA confirmed that they are not satisfied that these splays could actually be achieved. This is because to the west visibility is obscured and obstructed by the parking layby which exists outside of 136-140 Great Tattenhams. Whilst is acknowledged

that parking can occur at times in visibility splays causing some obstruction, the fact that this is a designated parking layby means that the propensity for parking to occur in this case is much greater and thus visibility is likely to be obstructed and materially reduced for a significant proportion of the time. Indeed, the advice in Manual for Streets 2 is clear that *"ideally, defined parking bays should be provided outside the visibility splay. However, in some circumstances, where speeds are low, some encroachment may be acceptable"*. Given the nature of the road and the outputs of the speed survey which show 85<sup>th</sup> percentile speeds in excess of the posted speed limit at over 33mph in an eastbound direction, this is not considered to be a case where speeds are sufficiently low to allow encroachment. In addition, in the easterly direction, visibility is also obscured by two street trees and no evidence has been provided by the applicant that these would not materially restrict visibility (as also advised by the Manual for Streets) – this adds to the general inadequacy of the access arrangements.

- 6.36 It is acknowledged that the proposal would "rationalise" the existing multiple independent residential driveway accesses onto Great Tattenhams to a single access from which vehicles would be able to leave in forward gear. It is also noted that there is not a record of personal injury accidents historically. These existing situations are recognised. However, as the applicants Transport Statement shows in existing use each of these accesses would be relatively lightly used in terms of movements (total movements from the 5 existing properties estimated to be 17 per day) whereas the new access would be much more intensively used with an estimated 50 movements per day. Given the marked intensification in the movements through the proposed access which would be located close to the curve in the road the existing situation in not considered to be comparable such that a substandard access would be justified in this case.
- 6.37 Taking account of the considerations and consultation responses discussed above, it is concluded that the proposal, by virtue of the inadequate visibility at the proposed vehicular access, would cause prejudice to highway safety on Great Tattenhams. In this respect, it would fail to comply with policy Mo5 of the Local Plan and the provisions of the Framework, most notably paragraph 32 which requires that decisions should take account of whether "safe and suitable access can be achieved for all people".

## Trees and landscaping

- 6.38 The site currently benefits from significant landscaping and tree cover, in particular within the rear gardens/boundaries of the site and along the road frontage where there are established, mature hedgerows. In addition, there are a number of mature trees along the public footpath outside of the application site. This extensive existing planting contributes to and reinforces the highly landscaped character of the Great Tattenhams street scene.
- 6.39 The application was supported by an Arboricultural Assessment & Method Statement which sets out the implications of the development for trees, tree cover and hedgerow on the site and the tree protection measures to be put in place. A number of removals/losses are proposed, all of which are either Grade U or C trees or hedges within the rear gardens. All significant boundary tree cover would remain

intact, save for the hedgerow to the front of the site which would be removed and replaced. The tree report and landscaping strategy plan conclude that the removals would have no significant impact on the character of the area and there would be substantial opportunity for replacement, compensatory planting which could improve the contribution of the site to local character.

- 6.40 The Tree Officer was consulted on the application and confirmed that the trees/vegetation proposed to be removed are not key features in the local area and would not have an impact on the character of the area. He also notes that the indicative landscape strategy provided demonstrates that a detailed landscaping scheme can be implemented which will contribute to the character of the area. The Tree Officer specifically highlights the importance of mature hedging within the street scene and has confirmed that an appropriate replacement could be achieved based on the layout submitted but the species should be appropriate to the locality.
- 6.41 Tree cover on the outside of the site along the public footpath would also remain and plans submitted provide an indication of the measures which would be put in place during the construction process to safeguard this tree screen. The Tree Officer has raised no objections or concerns to these measures; however, a condition securing their implementation and full compliance is recommended and is considered necessary and justified.
- 6.42 Accordingly subject to conditions requiring submission and implementation of a landscaping scheme and tree protection the proposal would not have an undue impact on the arboricultural interest of the site and has the potential to enhance the landscape character and visual amenity of the locality and would therefore comply with policy Pc4 and Ho9 of the Borough Local Plan 2005.

## Community Infrastructure Levy (CIL) and requested contributions

- 6.43 The Community Infrastructure Levy (CIL) is a fixed charge which the Council will be collecting from some new developments from 1 April 2016. It will raise money to help pay for a wide range of infrastructure including schools, roads, public transport and community facilities which are needed to support new development.
- 6.44 The proposal, being for a C3 use in the form of separate retirement living apartments, falls within the uses which attract a charge based on the Council's adopted Charging Schedule and as such the development would be liable to pay CIL. The amount due would be formally determined in due course should permission be granted; however, based on the plans submitted the indicative charge would be in the region of £317,000.
- 6.45 In terms of other contributions and planning obligations, the Community Infrastructure Levy (CIL) Regulations which 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, works or other obligations that are directly required as a consequence of development can be requested and such requests

must be fully justified with evidence. In this case, no such contributions or requirements have been requested or identified.

## Affordable housing

- 6.46 Core Strategy Policy CS15 and the Council's Affordable Housing SPD sets out that, on schemes of 15 of more net units such as this, the Council will expect 30% of units on-site to be provided as affordable housing.
- 6.47 The SPD (at paragraph 6.2.3 and 6.3.1) does however specifically recognise that on retirement housing schemes such as this, the Council may accept an off-site financial contribution rather than on-site provision. In this case, given the nature and size of the scheme, and in consultation with the Council's Housing Team, it is agreed that an off-site contribution would be more appropriate than on-site provision.
- 6.48 Using the mechanism set out in the SPD, the full policy compliant financial contribution which would be required in this case is £1,618,452. However, both the policy and SPD make allowance for a lower provision/contribution to be negotiated where it is demonstrated that the provision of affordable housing would make the development unviable, in accordance with national policy.
- 6.49 In this case, an open book viability appraisal was submitted with the application which indicated that based on the applicants' assumptions and with all costs and developer profit taken into account the surplus available for affordable housing contributions was £169,734 (in addition to the CIL liability which as above is estimated to be £317,000).
- 6.50 This appraisal was scrutinised by officers who managed to extract additional value from the scheme. This was achieved through two main areas of negotiation: a) revisiting and reducing the approach to, and allowance for, marketing costs which although recognised as being more intensive than general needs housing were felt to be unjustified based on the originally proposed figure and b) removal of some "abnormal" costs elements for which insufficient justification or evidence was provided by the applicant to demonstrate that these were real and present site specific risks.
- 6.51 Taking account of these changes, the revised appraisal shows a surplus of £485,000 which would be secured as a contribution towards off-site provision of affordable housing elsewhere in the borough. This would represent broadly 10% provision based on a simple comparison against the full policy complaint figure set out above. This would be secured through a legal agreement and represents an acceptable contribution based on the viability of the scheme. The applicant has confirmed that they are unwilling to accept a clawback, review or overage agreement, a position which they argue is supported by Practice Guidance and a number of appeal decision, including one very recently in the adjoining London Borough of Sutton in which the imposition of such an arrangement was specifically addressed.

Planning Committee 26 July 2017

- 6.52 In view of the viability position, which has been examined and scrutinised carefully, it is concluded that the scheme is unable to meet the affordable housing requirement in full but can support a contribution of £485,000. Requiring a greater contribution (or requiring a clawback arrangement) would risk stalling the development and, given the recent decisions, would likely be considered unreasonable at appeal.
- 6.53 However, at this stage, a completed legal agreement has not been received. As the application is recommended to be refused, a second "technical" reason for refusal relating to the absence of an agreed contribution is therefore proposed. This would not be pursued further if an acceptable agreement was forthcoming prior to any appeal.

## Other matters

- 6.54 The site is not subject to any specific nature conservation designations; however, the application was supported by a Preliminary Ecological Survey. This study concludes the habitats on the site which is dominated by buildings, hardstanding, grassland and some ornamental tree and shrub planting have low biodiversity and comprise common species. The study does however make a number of high level recommendations, particularly in relation to vegetation works and future landscaping to protect and promote biodiversity. A condition requiring the development to be carried out in broad accordance with the recommendations of this study is considered reasonable and necessary to ensure the development would not harm or result in a net loss of biodiversity.
- 6.55 In terms of bats, the study identifies the existing dwellings as having low suitability of roosting bats but recommends a bat emergence survey is undertaken. A condition requiring such a survey to be carried out and the development to be completed in accordance with any recommendations therein is recommended to ensure that there would be no harm to the habitat of this protected species with respect to policy CS2 of the Core Strategy and relevant legislation.
- 6.56 Concerns have been raised in relation to loss of existing buildings. The existing buildings, whilst reflective of the character of the area, are not considered to be of particular merit (e.g. architectural/historic) to warrant resisting their loss. In this case, the replacement building is considered to be acceptable in terms of its impact on the character of the area. Whilst some existing family housing would be lost, there would be an overall net gain in housing on the site of a specific type for which there is a local need. Concerns in relation to crime and health fears have also been raised; however, there is no specific evidence that the development will cause detriment to either issue.
- 6.57 The site is in Flood Zone 1 according to Environment Agency Flood Maps and is therefore at low risk of river flooding. The application was supported by a surface water drainage strategy which has been reviewed by Surrey County Council (as the Lead Local Flood Authority) who has confirmed that it would be acceptable subject to conditions. It is therefore concluded that the proposal would comply with Policy Ut4 of the Local Plan and CS10 of the Core Strategy in relation to flooding and drainage. A condition is also recommended requiring the development to meet

higher standards of water efficiency in order to minimise the use of natural resources. No other specific issues have been identified.

## **REASONS FOR REFUSAL**

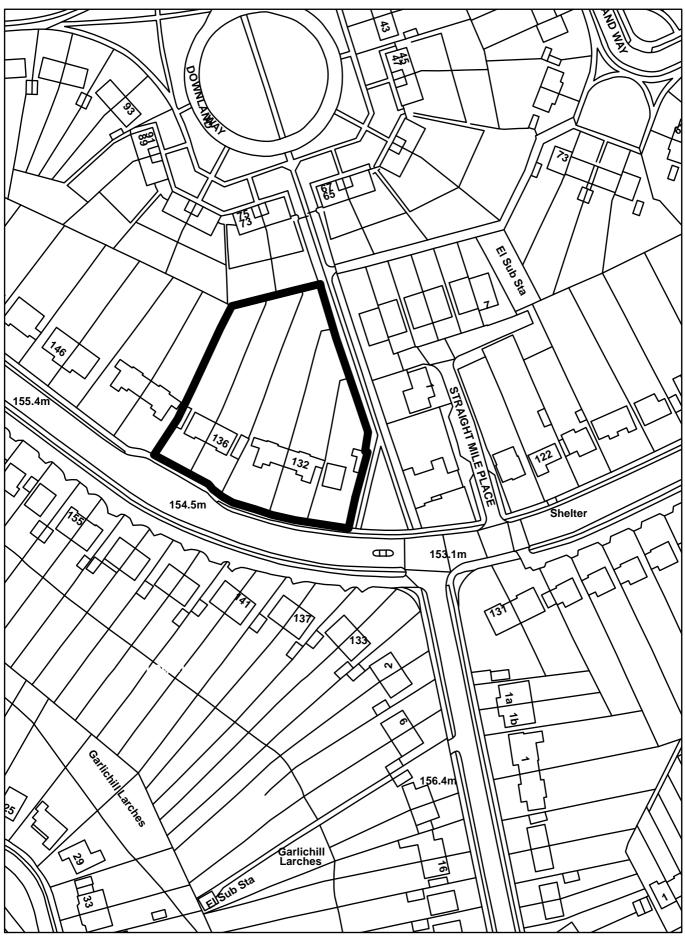
- 1. It has not been demonstrated to the County Highway Authority's satisfaction that adequate visibility is achievable at the proposed vehicular access to Great Tattenhams, particularly in the leading traffic direction (to the west). The proposed development could therefore lead to conditions prejudicial to highway safety, which would be contrary to the objectives of the NPPF (2012), policy Mo5 of the Reigate and Banstead Borough Local Plan (2005), and objective 3 of the Surrey Transport Plan 2011-2026 'To improve road safety and the security of the travelling public in Surrey'.
- 2. In absence of a completed legal agreement, the proposal fails to make adequate provision for affordable housing and is therefore contrary to policy CS15 of the Reigate and Banstead Core Strategy 2014.

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

## **INFORMATIVES**

1. The applicant is advised that if an acceptable legal agreement was provided to secure the affordable housing financial contribution, the Council would not pursue the second reason for refusal in the event of an appeal.

## 17/00762/F - 130-138 Great Tattenhams, Epsom Downs



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Tattenham Corner, KT18 5SF







**EXISTING VIEW 1** 

PROPOSED VIEW 1 Proposed Sheltered Housing at 130-138 Great Tattenhams, Tattenham Corner, KT18 5SF

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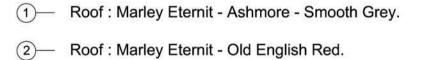


EXISTING VIEW 2

PROPOSED VIEW 2 Proposed Sheltered Housing at 130-138 Great Tattenhams, Tattenham Corner, KT18 5SF

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	Churchill
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- (3)— Brick walls Ibstock Reigate Purple.
- (4)— Brick walls Painted in White
- (5)— Stone

# Proposed Retirement Living Development at 130-138 Great Tattenhams, Tattenham Corner, KT18 5SF

# **ELEVATION D-D**



# **ELEVATION E-E**

Tile hanging: Marley Eternit Acme Plain Tile Single Camber - Heather Blend (6)— Brick walls & Window head/banding/sills -Contrasting brick to main brick - Parham red stock (7)— Window sills - Reconstituted Stone - Portland

(8)— Windows : White UPVC - Manufacturer tbc.

(9)— White Feature Barge Board

- 10- Juliette balcony : Steel Powder coated black -
- 1) Main Entrance Canopy Glass

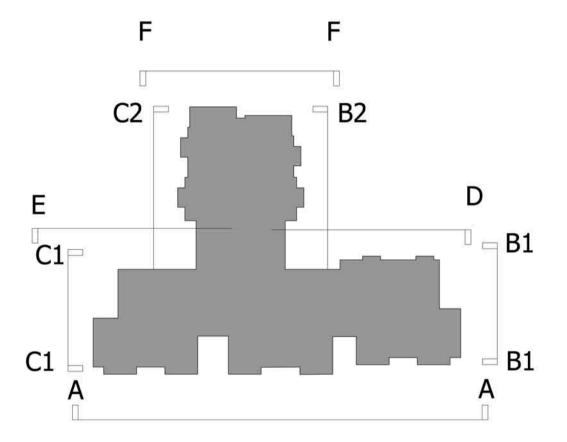
12— Chimneys: GRP

Simple design.

(13)— Dormer Windows:GRP

- (14)— Rainwater goods: Black UPVC.
- (15)— Door: White painted timber door
- (16)— Glass Link: Curtaining wall system: Tinted glass.

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A. Drawings revised following feedback from LPA	02.06.2017	HT









## **ELEVATION B1-B1**

1)—	Roof : Marley Eternit - Ashmore - Smooth Grey.	5—	Tile h Tile S
2—	Roof : Marley Eternit - Old English Red.	6—	Brick Contra
3—	Brick walls - Ibstock - Reigate Purple.	7—	Windo
(4)	Brick walls - Painted in White	8—	Stone Winde

# Proposed Retirement Living Development at 130-138 Great Tattenhams, Tattenham Corner, KT18 5SF

# CONTEXTUAL ELEVATION B-B (SCALE 1:200)



## **ELEVATION B2-B2**

hanging: Marley Eternit Acme Plain Single Camber - Heather Blend walls & Window head/banding/sills trasting brick to main brick - Parham red stock dow sills - Reconstituted Stone - Portland

ndows : White UPVC - Manufacturer tbc.

## (9)— White Feature Barge Board

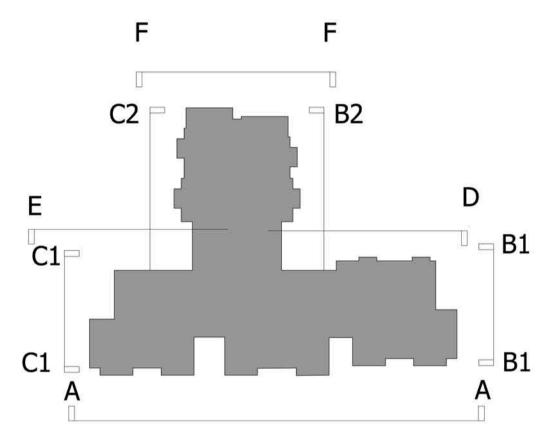
- 10 Juliette balcony : Steel Powder coated black -
- Simple design. (1) Main Entrance Canopy - Glass

12— Chimneys: GRP

(13)— Dormer Windows:GRP

- (14)— Rainwater goods: Black UPVC.
- (15) Door: White painted timber door
- (16)— Glass Link: Curtaining wall system: Tinted glass.

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feedback from LPA		







## **ELEVATION C1-C1**



1)—	Roof : Marley Eternit - Ashmore - Smooth Grey.	
$\bigcirc$		

- (2)— Roof : Marley Eternit Old English Red. 3 Brick walls - Ibstock - Reigate Purple.
- (4)— Brick walls Painted in White
- Stone (8)— Windows : White UPVC - Manufacturer tbc.

# Proposed Retirement Living Development at 130-138 Great Tattenhams, Tattenham Corner, KT18 5SF

## **ELEVATION C2-C2**

## **ELEVATION F-F**

5 \_\_\_\_\_ Tile hanging: Marley Eternit Acme Plain Tile Single Camber - Heather Blend (6)— Brick walls & Window head/banding/sills -Contrasting brick to main brick - Parham red stock (7)— Window sills - Reconstituted Stone - Portland

## (9)— White Feature Barge Board

- 10- Juliette balcony : Steel Powder coated black -
- 11 Main Entrance Canopy Glass

12— Chimneys: GRP

- Simple design.

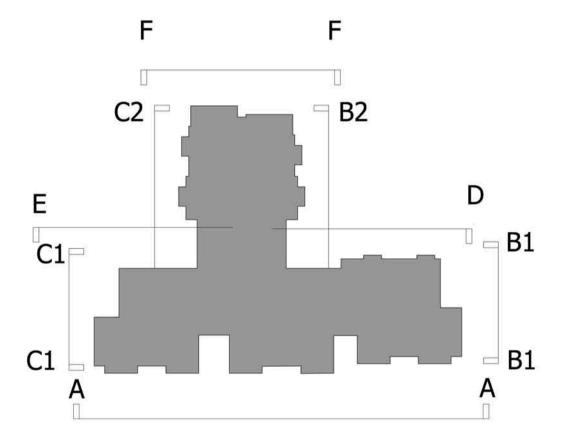
(14)— Rainwater goods: Black UPVC.

(15)— Door: White painted timber door

(13)— Dormer Windows:GRP

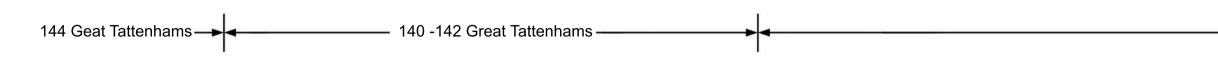
(16)— Glass Link: Curtaining wall system: Tinted glass.

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# CONTEXTUAL ELEVATION A-A (GREAT TATTENHAMS)



1	Roof : Marley Eternit - Ashmore - Smooth Grey.	(5)—
2—	Roof : Marley Eternit - Old English Red.	6)—
3—	Brick walls - Ibstock - Reigate Purple.	(7)—
(4)	Brick walls - Painted in White	(8)

# Proposed Retirement Living Development at 130-138 Great Tattenhams, Tattenham Corner, KT18 5SF

Proposed Churchill Retirement Development

## **ELEVATION A-A**

Tile hanging: Marley Eternit Acme Plain Tile Single Camber - Heather Blend Window head/banding/sills - Contrasting brick to main brick - Parham red stock Window sills - Reconstituted Stone - Portland

Windows : White UPVC - Manufacturer tbc.

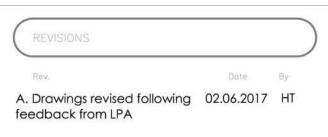
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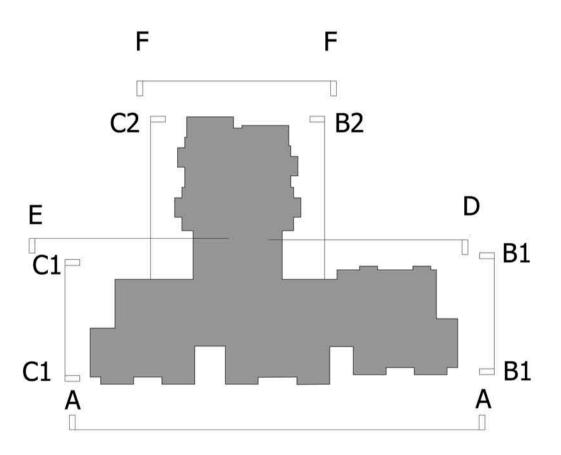
- (9)— White Feature Barge Board
- 10 Juliette balcony : Steel Powder coated black -

- Simple design.
- 1) Main Entrance Canopy Glass

12— Chimneys: GRP

- (13)— Dormer Windows:GRP
- (14)— Rainwater goods: Black UPVC.
- 15 Door: White painted timber door
- (16)— Glass Link: Curtaining wall system: Tinted glass.





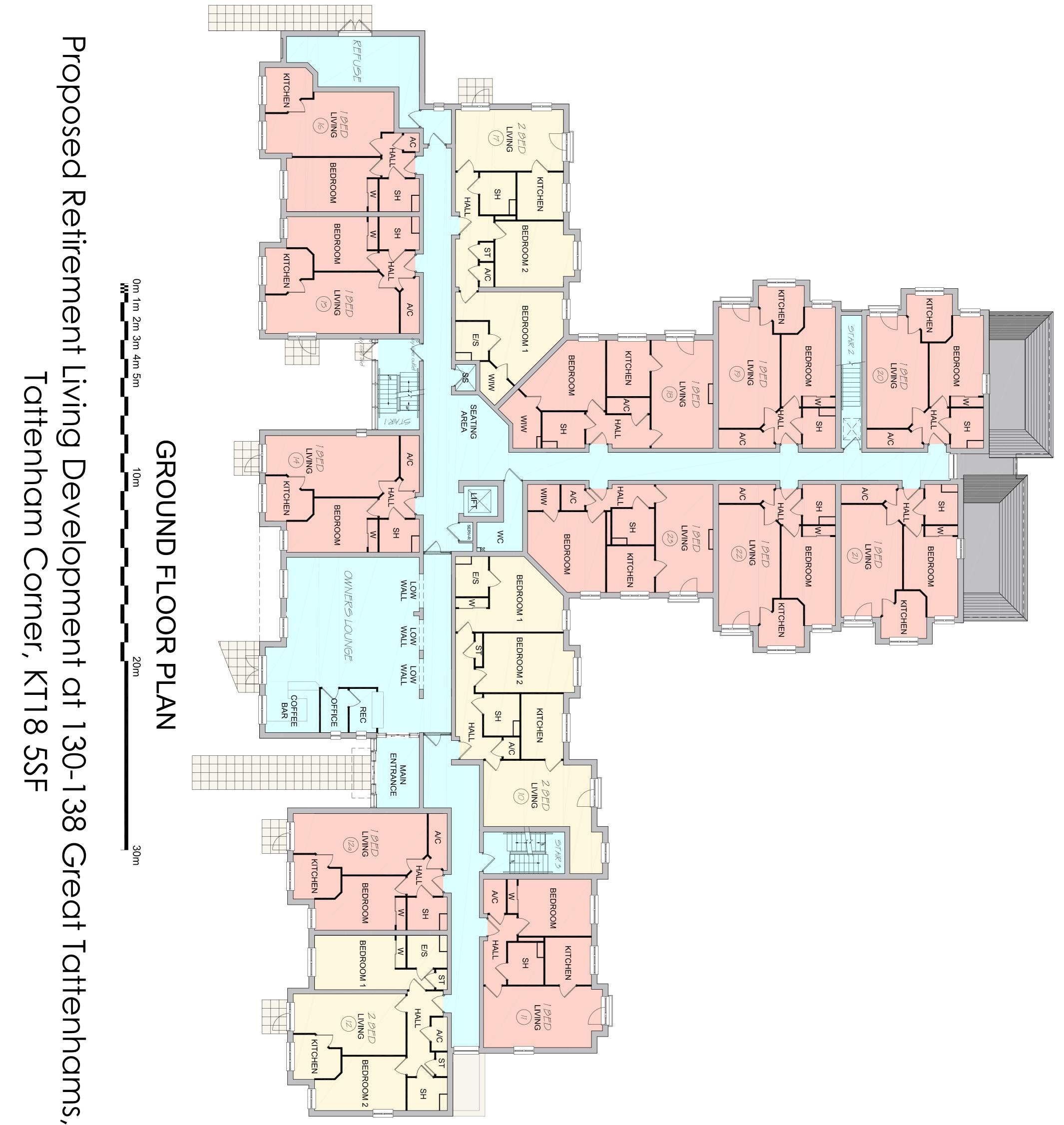


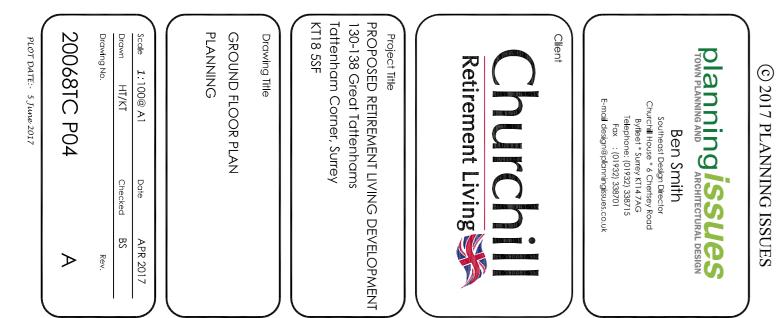


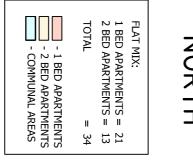
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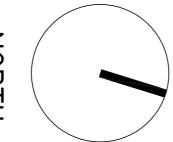
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# NORTH



A. Drawings revised following feedback from LPA Date By 02.06.2017 HT

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