 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:	PLANNING COMMITTEE
	DATE:	29 th November 2017
	REPORT OF:	HEAD OF PLACES & PLANNING
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AGENDA ITEM:	7	WARD: Nork

APPLICATION NUMBER:	17/01981/F	VALID:	25 August 2017
APPLICANT:	Denton Homes Ltd	AGENT:	WS Planning & Architecture
LOCATION:	32-40 NORK WAY BANSTEAD SURREY SM7 1HW		
DESCRIPTION:	Demolition of number 32 Nork Way, erection of 8 dwellings. As amended on 13/10/2017 and on 18/10/2017.		
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SUMMARY

This is a full application for the demolition of no.32 Nork Way and the erection of 8 dwellinghouses. No.32 would be demolished in order to accommodate the proposed access that would serve the development, and the 8 dwellings would be built within the rear gardens of numbers 32 to 40 Nork Way.

The application follows the refusal of a scheme of 8 houses on the site last year, under reference 16/02298/F, which was dismissed at appeal. The appeal decision is attached and the specific concerns leading to the dismissal of the appeal were as follows:

- Proximity of full-height and deep flank elevation of Plot 5 to rear garden of 40 Green Curve appearing overbearing;
- Overlooking of 54 Green Curve from the rear elevation of Plot 1; and
- Cramped positioning between Plots 5 and 6 being out of keeping with the character of the area.

Submitted alongside this application for 8 houses was an application for 7, with three houses proposed in the siting of Plots 5 to 8 which is also to be reported to Planning Committee.

This current scheme for 8 dwellings is considered to have overcome the particular concerns identified with the previous application for 8 dwellings in regard to impact upon neighbour amenity. In particular the following changes have been made to overcome the two main amenity concerns identified:

- Increasing the distance from Plot 5 to the rear garden of 40 Green Curve from 1.4 metres to 3 metres with new landscaping and a switch from the full, two-storey flank elevation to the smaller scale of development associated with the attached garage and cat-slide over;
- Plot 1 re-sited and re-aligned away from properties within Green Curve to avoid any potentially harmful overlooking; and

These changes are considered to significantly improve the scheme from that dismissed at appeal in regard to impact upon neighbour amenity. However, the contrived positioning of the uncharacteristically narrow dwelling of plot 6 is considered to remain a cramped form of development in this part of the site, out of keeping with the character of the area.

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

As such this proposal is considered to have overcome the harm to neighbour amenity, however not the harm identified in relation to impact upon the character of the area and is recommended for refusal accordingly.

RECOMMENDATION(S)

Planning permission is **REFUSED**.

Consultations:

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

Nork Residents Association – objects on the grounds of car domination, overlooking, siting of plot 1, loss of visual amenity, site is greenfield not brownfield, inadequate parking and hazard to highway safety.

Housing – no comments received

Sutton and East Surrey Water Company – no comments received

Environmental Health – no comments received

Representations:

Letters were sent to neighbouring properties on 8th September 2017 and 20th October 2017.

175 responses have been received and a petition of 398 signatures raising the following issues:

Issue	Response
Neighbour notification letters	See paragraph 6.29
Overbearing relationship	See paragraph 6.10, 6.12
Overlooking and loss of privacy	See paragraph 6.11 – 6.14
Out of character with surrounding area	See paragraph 6.3 – 6.8
Harm to visual amenity	See paragraph 6.7 – 6.8
Hazard to Highway safety	See paragraph 6.17 – 6.18
Cramped	See paragraph 6.3 – 6.8
Repeated application	See paragraph 6.28
Back garden land development	See paragraph 6.1, 6.3
Loss of/harm to trees	See paragraph 6.17 – 6.18
Similar to previous applications	See paragraph 6.28
Increase in traffic and congestion	See paragraph 6.17 – 6.18
Lack of parking enforcement	See paragraph 6.27
Overdevelopment	See paragraph 6.3, 6.7, 6.8
Impact on services	See paragraph 6.22
Harm to wildlife habitat	See paragraph 6.26

Air pollution	See paragraph 6.27
Plot size	See paragraph 6.5, 6.7
Separation distances between dwellings	See paragraph 6.4, 6.5, 6.7
Use of parking bays at rear of 58 Green Curve	See paragraph 6.17 – 6.18
Loss of light	See paragraph 6.12
Conflict with a covenant	See paragraph 6.29
Density	See paragraph 6.3
Overflow parking	See paragraph 6.17 – 6.18
Crime fears	See paragraph 6.27
Flooding	See paragraph 6.27
Refuse access	See paragraph 6.17
Health fears	See paragraph 6.27
Property devaluation	See paragraph 6.29
Set a precedent	See paragraph 6.28
Sewage/drainage capacity	See paragraph 6.27
Harm to Conservation Area	See paragraph 6.29
Harm to Green Belt/countryside	See paragraph 6.29
Inconvenience during construction	See paragraph 6.15
Noise and disturbance	See paragraph 6.15
Loss of a private view	See paragraph 6.29
Overshadowing	See paragraph 6.12
Alternative location/proposal preferred	See paragraph 6.1
Inadequate parking	See paragraph 6.17 – 6.18
Loss of buildings	See paragraph 6.29
Poor design	See paragraph 6.3
No need for the development	See paragraph 6.1
Lack of affordable housing	See paragraph 6.23 – 6.24
Antisocial behaviour	See paragraph 6.27

1.0 Site and Character Appraisal

1.1 The application site comprises number 32 Nork Way, and part of the rear gardens of 34-40 Nork Way. The site increases in level to the south and east and is bound by the rear gardens of properties within Nork Way and in Green Curve.

- 1.2 The surrounding area is predominantly residential in character, and the neighbouring dwellings are generally two storey with a traditional design. To the east there is a local shopping area and the site is located immediately adjacent to a restaurant - Galu. There are protected trees on the site.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: The applicant did not approach the Council for pre-application advice therefore the opportunity to secure improvements did not arise
- 2.2 Improvements secured during the course of the application: siting of Plot 1 moved further from northern boundary and vehicle swept path analysis requested and submitted.
- 2.3 Further improvements could be secured: Improvements have not been sought because the proposal is considered unacceptable on a point of principle

3.0 Relevant Planning and Enforcement History

- | | | | |
|-----|------------|---|---|
| 3.1 | 89/15150/F | 49 sheltered dwellings residents lounge wardens flat and office | Refused
08 August 1990 |
| 3.2 | 89/15160/F | 45 sheltered dwellings residents lounge wardens flat and office | Refused
02 August 1990 |
| 3.3 | 04/00900/F | Demolition of existing houses and garages and erection of part two storey and part three story building containing 12 x 1 bed and 12 x 2 bed sheltered apartments, 8 parking spaces and formation of 2 vehicle and pedestrian access off of Nork Way. | Non determination
Appeal dismissed |
| 3.4 | 05/00883/F | Demolition of existing houses. Erection of two storey building, with accommodation within roof space, containing 10 number of two bed and eight number of one bed apartments with guest | Non determination
Appeal dismissed
22 September
2005 |
| 3.5 | 15/02224/F | Erection of 9 dwellings | Refused
23 February 2016
Appeal dismissed
23 June 2016 |

3.6	15/02579/F	Demolition of 34 and 32 Nork Way, erection of 11 dwellings	Refused 17 February 2016 Appeal dismissed 23 June 2016
3.7	16/00830/F	Demolition of 32 & 34 Nork Way, erection of 11 dwellings within the rear gardens of 32-40 Nork Way	Refused 28 July 2016
3.8	16/02298/F	Demolition of 32 & 34 Nork Way, erection of 8 dwellings within the rear gardens of 32-40 Nork	Refused Appeal dismissed 13 April 2017
3.9	17/01985/F	Demolition of 32 & 34 Nork Way, erection of 6 dwellings within the rear gardens of 32-40 Nork	Recommended for approval with conditions

4.0 Proposal and Design Approach

4.1 This is a full application for the demolition of 32 Nork Way and the erection of 8 dwellings. No.32 would be demolished to accommodate the access road, which would be landscaped throughout and include the provision of two visitor parking bays.

4.2 The 8 dwellings would comprise of a mix of semi-detached and detached dwellings, with two pair of semi-detached dwellings on plots 3 and 4 and 7 and 8, and would be located to the rear of numbers 32 to 40 Nork Way. The dwellings would be two storeys and would have a traditional design. Each dwelling would accommodate two parking spaces.

4.3 This application follows a number of refused applications and a recent dismissed appeal. In order to seek to address the Inspector's comments there has been a number of amendments including:

- Increasing the distance from Plot 5 to the rear garden of 40 Green Curve from 1.4 metres to 3 metres with new landscaping and a switch from the full, two-storey flank elevation to the smaller scale of development associated with the attached garage and cat-slide over;
- Plot 1 re-sited and re-aligned away from properties within Green Curve to avoid any potentially harmful overlooking; and

4.4 A design and access statement should illustrate the process that has led to the development proposal, and justify the proposal in a structured way, by demonstrating the steps taken to appraise the context of the proposed development. It expects applicants to follow a four-stage design process comprising:

- Assessment;
- Involvement;
- Evaluation; and

- Design.

4.5 Evidence of the applicant's design approach is set out below:

Assessment	The character of the surrounding area is assessed as the general character reflects 1930s-1950s suburbia with few buildings which pre-date the 20th Century. Nork is lined primarily by detached dwellings of varying designs built on large elongated mature plots. The same can be said of properties in Green Curve, although houses and gardens tend to be smaller. The area is similarly interspersed with smaller infill developments comprising of apartments, semi-detached and detached housing built to traditional design.
	No site features worthy of retention were identified.
Involvement	No community consultation took place.
Evaluation	The design and access statement identifies the concerns that the Inspector outlined within the appeal decision.
Design	The statement outlines how the proposal seeks to address the Inspectors comments. A reduction in the number of dwellings is proposed and an amended site layout is also proposed.

4.6 Further details of the development are as follows:

Site area	0.46 hectares
Proposed parking spaces	18
Parking standard	16 (maximum)
Net increase in dwellings	7
Proposed site density	24
Density of the surrounding area	Approx. 28 dwellings per hectare at Acorn Close

5.0 Policy Context

5.1 Designation

Urban Area
Tree Preservation Order No. RE972 - T2,
Tree Preservation Order No. RE972 - T1,
Tree Preservation Order No. RE1058 - G1

5.2 Reigate and Banstead Core Strategy

CS1 (Sustainable Development)
CS4 (Valued Townscapes and Historic Environment),
CS10 (Sustainable Development),
CS11 (Sustainable Construction),
CS12 (Infrastructure Delivery),
CS14 (Housing Needs)
CS15 (Affordable Housing)

5.3 Reigate & Banstead Borough Local Plan 2005

Landscape & Nature Conservation	Pc4
Housing	Ho9, Ho9A, Ho13, Ho14, Ho16,
Movement	Mo5, Mo7, Mo13

5.4 Other Material Considerations

National Planning Policy Framework	
National Planning Practice Guidance	
Supplementary Planning Guidance	Surrey Design Local Distinctiveness Design Guide A Parking Strategy for Surrey Parking Standards for Development Householder Extensions and Alterations Affordable Housing
Other	Human Rights Act 1998 Community Infrastructure Levy Regulations 2010

6.0 Assessment

6.1 The application site is situated in the urban area where there is a presumption in favour of sustainable development and where the principle of such residential development is acceptable in land use terms. The Inspector also raised no in principle objection to the previous appeal schemes.

6.2 The main issues to consider are:

- Impact on local character
- Neighbour amenity
- Access and parking
- Infrastructure contributions
- Affordable Housing
- Other matters

Impact on local character

- 6.3 The proposed development would result in the demolition of no.32 Nork Way and the erection of 8 dwellings. The proposal follows recent applications for the redevelopment of the site, which were dismissed on appeal. When dismissing the previous appeals on the site, the Inspector stated that those proposals would not have introduced an alien form of development within the locality as there are other examples of infill development present. As such, no in principle objection was made to the redevelopment of the site for infill development.
- 6.4 The key issues identified by the Inspector related to the impact of the proposals on the character of the area, and in relation to the 8 dwelling scheme, its impact on the amenity of no.40 and no. 54 Green Curve. The current proposal seeks to overcome the Inspectors concerns and the appeal decision is a material consideration in the assessment of this application.
- 6.5 Plots 2, 3 and 4 remain unchanged from that of the most recent application, as does the position and layout of the access road. The orientation of plot 1 has been amended so that it faces the Nork Way. The views up the access road would not be dominated by a large blank façade, as with the earlier appeal scheme (15/02579/F) as the front, well articulated elevation would be visible. As a result of this, the set back nature of the dwelling and the spacious and well landscaped access, the proposal is considered to cause no harm to the character of the street scene. The proposed frontage would complement the character of the area and would overcome the Inspector's earlier concerns in this regard in the appeal against the refusal of application 15/02579/F.
- 6.6 No concern was raised previously in the appeal decision with the detailed design of the proposed dwellings. The traditional design of the dwellings is considered to integrate sufficiently well with the character of the locality, which has a variance of dwelling types and styles.
- 6.7 One of the key issues identified by the Inspector in regard to the character of the area was the cramped positioning between Plots 5 and 6 being out of keeping with the character of the area. To address this issue this application proposes an amended site layout in south western section of the site, plots 5 to 8. Comparison between spacing as previously and now proposed is set out in the table below (metres – approx.):

	16/02298/F	This application
Boundary to Plot 8	2.7	3.2
Plot 7 to Plot 6	3.7	3.5
Plot 6 to Plot 5	2.0	3.5
Plot 5 to Boundary	1.4	3.1

Distances between the dwellings and site boundaries have been increased and the width of the dwellings decreased. Plot 6 has been significantly decreased from 9.4m, and now proposes a detached dwelling with a width

of 5.9m. However, the plot sizes are still considered to be uncharacteristically narrow and the contrived positioning of the uncharacteristically narrow dwelling of plot 6 is considered to emphasise the cramped form of development in this part of the site. This element of the proposal is not considered to overcome the harm to the character of the area identified by the Planning Inspectorate in the dismissal of the appeal against the refusal of 16/02298/F and would be out of keeping with and harmful to the character of the area. The harm associated with this is considered comparable to that found unacceptable by the appeal inspector and is sufficient to warrant refusal on its own, despite the other issues having been addressed.

- 6.8 The proposed development, by virtue of the cramped form of development in the south western section is not considered to overcome the concerns identified by the Inspector with regards to the previous appeal decision. As such, it would cause harm to the character of the area and would conflict with policies Ho9, Ho13, Ho14 and Ho16 of the local plan.

Neighbour amenity

- 6.9 The proposed development has been assessed with regards to its impact on the amenity of neighbouring properties.
- 6.10 One of the key issues identified by the Inspector was the proximity of a full-height and deep flank elevation of Plot 5 to rear garden of 40 Green Curve appearing unacceptably overbearing. In order to address this issue this application proposes increasing the distance from Plot 5 to the rear garden of 40 Green Curve from 1.4 metres to 3 metres with new landscaping to provide a level of screening and a switch from the full, two-storey flank elevation to the smaller scale of development associated with the attached garage and cat-slide over. This would result in a decrease in the bulk and massing of this dwelling and combined with the increased separation distance is considered to overcome the Inspector's concerns in this regard and is not considered to result in a harmful impact upon the amenity of No. 40.
- 6.11 Another key issue in terms of impact upon neighbour amenity identified by the Planning Inspectorate was overlooking of 54 Green Curve from the rear elevation of Plot 1. To address this issue Plot 1 has been re-sited and re-aligned away from properties within Green Curve to avoid any potentially harmful overlooking. No flank windows are proposed that would give rise to overlooking and the rear elevation would be separated from the rear garden of No. 46 by between 9.3m to 13m which on balance is considered to be sufficient enough to ensure that no significant overlooking would occur to this property. Accordingly the amended layout of this plot is considered to overcome the concerns of the Planning Inspectorate and would not give rise to a harmful degree of overlooking or loss of privacy to neighbouring dwellings in Green Curve.

- 6.12 The proposed dwellings would be well separated from neighbouring properties within Green Curve and the donor properties within Nork Way to ensure that no significant loss of light, overlooking or overbearing impact would occur as a result of the proposed development.
- 6.13 The rear elevations of plots 5-8 would face the rear garden of no.42 Nork Way. This may result in a degree of overlooking of part of the rear garden of no.42, however due to the significant depth of this garden, and the separation distances that would exist, the impact is not considered harmful enough to warrant refusal of the application. It is also worth noting that this relationship is fairly typical of many other infill developments within the locality that have been allowed on appeal and the Planning Inspectorate raised no concern in this regard.
- 6.14 Some of the dwellings proposed include first floor side facing windows; a condition has been recommended to ensure that these windows would be obscure glazed and fixed shut to ensure no overlooking occurs between the units or to neighbouring properties.
- 6.15 Concern has been raised regarding noise and disturbance and inconvenience that may occur during construction. Although the proposed 7 dwellings on the site may result in a slight increase in noise and disturbance, the site would remain in residential use and this would not be sufficient to warrant refusal of the application. Some inconvenience may occur during construction; however this is part and parcel of development and would not result in a sustainable reason for refusal. Statutory nuisance legislation exists to control any significant harm should it occur.
- 6.16 The proposal is considered to overcome the concerns raised by the Planning Inspectorate and is considered to cause no harm to the amenity of neighbouring properties and would comply with policies Ho9 and Ho14 in this regard.

Access and parking

- 6.17 The County Highway Authority (CHA) acknowledges that a significant number of objections have been made in relation to the proposed development, particularly in terms of traffic generation and parking provision. The local residents' concerns and objections have been fully considered in the assessment of this application. However, the CHA has reached a different conclusion in terms of the severity of the impact of the development on the local highway network. The CHA has addressed the main highway concerns below.

"Highway Safety

The CHA has to assess proposals in the context of national and local planning policy guidance. The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are "severe". Although the proposed development of 8 dwellings (comprising 1

replacement dwelling and 7 new dwellings) would lead to an increase in vehicular movements to and from the site, the CHA considers that the net additional traffic generation associated with 7 new dwellings would not lead to a “severe” impact on the safety and operation of the adjoining public highway.

The NPPF guidance advises that larger scale development proposals, which generate significant amounts of movement, should be supported by a Transport Statement (TS) or a Transport Assessment (TA). The County Council’s ‘Transport Development Planning Good Practice Guide’ sets out indicative thresholds as to when a TS or a TA is required. Generally, residential developments comprising between 50-80 units require a TS, whereas developments comprising more than 80 units require a TA. On this basis, the proposed development of 8 dwellings would not warrant either a TS or a TA. Nevertheless, the applicant has submitted a TS alongside the planning application, which provides details on access, parking, trip generation, and servicing.

Access and Visibility

The guidance in the DfT ‘Manual for Streets’ recommends that visibility splays of 2.4m ‘x’ distance by 43m ‘y’ distance should be provided at a new access onto a road where vehicle speeds are 30mph. Nork residents have suggested that visibility splays of 2.4m by 90m should be provided at the site access, however the 90m requirement is based on old guidance which has been superseded by the guidance in ‘Manual for Streets’. The applicant has submitted a plan to demonstrate that visibility splays of 2.4m by 43m are achievable at the proposed access in both directions. The CHA has checked these measurements on site, and visibility is in fact in excess of this distance, due to the combined width of the footway and highway verge, and the parking restrictions on the south-east side of Nork Way, which means the visibility splays would remain permanently clear of parked vehicles in both directions. The fact that the visibility splays are contained wholly within the public highway makes them more enforceable.

This section of Nork Way is busy in terms of vehicular and pedestrian activity, due to the shops and the presence of on-street parking bays and continuous accesses and driveways. Driver behaviour tends to be influenced by the environment, so these place characteristics are likely to make drivers more cautious, resulting in lower speeds. Therefore, the CHA does not consider the busy nature of the road to be hazardous from a highway safety point of view, and the additional traffic generated by the development is unlikely to make the existing situation materially worse.

The proposed access road to the development is 4.8m wide, which is sufficient to allow two cars to enter and exit the site simultaneously, and a car and a large vehicle to pass each other within the site. Following a request from the CHA, the applicant has submitted a plan showing the tracking of a 2.5m wide by 10.3m long refuse vehicle turning around within the site. This is the size of the refuse vehicles operated by Reigate and Banstead Borough Council. The CHA is therefore satisfied that the

proposed development would not result in any vehicles waiting or queuing on Nork Way to access the site, or to vehicles reversing out of the site onto the public highway.

Nork residents have raised concerns about the spacing between the proposed site access and the existing private access road known as Nork Gardens, which is located on the opposite side of Nork Way. Reference has been made to the guidance on junction spacing in The Planning Service's Development Control Advice Note 15: Vehicle Access Standards, which is dated August

1999. However, this Advice Note is out of date, has no statutory force, and is not used by the CHA. The proposed site access and the Nork Gardens access both form minor junctions with Nork Way. The junctions are not located directly opposite each other, hence they create a staggered junction, which would reduce the potential for vehicle conflict. The CHA considers that the potential for interaction between the two junctions, and the consequent effect on user delay and road safety, would be very low due to the small number of dwellings they both serve, and the associated level of traffic that would be generated.

Parking

Local residents are concerned that the parking provision for the proposed development is inadequate. The CHA has assessed the parking provision against the parking standards in the Reigate and Banstead Borough Local Plan (2005), and Surrey County Council's 'Vehicular and Cycle Parking Guidance' (2012). The guidance in these documents recommends that new dwellings with 3 or more bedrooms should be provided with 2 car parking spaces each. On this basis, the proposed development of 3 x 3 bedroom houses and 5 x 4 bed houses should be provided with 16 car parking spaces. The proposed development satisfies this requirement, therefore the CHA does not share the view that the parking provision is inadequate.

It should be emphasised that the CHA will only raise an objection regarding parking if there is a shortfall that would lead to danger on the adjoining highway. In this case, there is not a shortfall in parking, so it is highly unlikely that the development would lead to displacement parking on Nork Way and the surrounding roads. Nevertheless, if displacement parking were to occur, the CHA considers that this would not create a highway safety issue in this location. There are double yellow line waiting restrictions on the south-east side of Nork Way and around the junctions in the vicinity of the site, which would prevent on street parking from taking place in locations where it could be considered dangerous. There are also designated parking bays on the north-west side of Nork Way, with timed restrictions on parking. Although residents are concerned that this would result in residents and visitors having to park further away from the site on the surrounding roads, this would be more likely to create an amenity issue rather than a safety issue, which is a matter for the Local Planning Authority to take into account."

- 6.18 In light of the above, no objection is raised from highways with regards to the proposed development. In relation to displacement parking, although some parking may occur on the public highway, it is not considered to be so harmful in amenity terms as to warrant refusal of the application. As such, no objection is raised from highways or the Local Planning Authority in relation to parking or highway matters.

Impact on trees

- 6.19 The layout will require a similar number of trees to be removed including T35 and T36, both of which are part of TPO RE:1058 (G1) which covers a mixture of group and individual specimens in the neighbouring gardens. The report has identified where substantial replacement trees can be planted in the rear of no. 40 to mitigate against the loss of T35 and T36. T2, T29 and T30 are also subject to a TPO and they are shown to be incorporated into the layout.
- 6.20 The trees in the central part of the site are low quality and so their loss will not have a significant impact on the character of the area. The layout has retained groups of mature trees in the rear of no. 36, 38 and 40 therefore preserving some of the existing landscape. Moreover, along the eastern part of the site trees of various quality and value are to be retained therefore providing an established screen for the residents of the existing properties. Were the application to be approved it will be necessary to attach a landscape condition to the decision notice to ensure there is adequate replacement planting which will enhance the site and character of the area.
- 6.21 Therefore, based on the current arboricultural information the Tree Officer supports this application subject to the recommended conditions attached to a grant of decision.

Community Infrastructure Levy

- 6.22 The Community Infrastructure Levy (CIL) is a fixed charge which the Council will be collecting from some new developments from 1 April 2016. It will raise money to help pay for a wide range of infrastructure including schools, roads, public transport and community facilities which are needed to support new development. This development would be CIL liable although, the exact amount would be determined and collected after a grant of planning permission. However, an informal assessment would indicate a contribution of around £112,952 being required.

Affordable Housing

- 6.23 Core Strategy Policy CS15 and the Council's Affordable Housing SPD require financial contributions towards affordable housing to be provided on housing developments of 1-9 units. However, in November 2014, the Government introduced policy changes through a Written Ministerial Statement and changes to the national Planning Practice Guidance which restrict the use of planning obligations to secure affordable housing

contributions from developments of 10 units or less. These changes were given legal effect following the Court of Appeal judgement in May 2016

- 6.24 In view of this, and subsequent local appeal decisions which have afforded greater weight to the Written Ministerial Statement than the Council's adopted policy, the Council is not presently requiring financial contributions from applications such as this resulting in a net gain of 10 units or less. The absence of an agreed undertaking does not therefore warrant a reason for refusal in this case.

Other matters

- 6.25 A number of representations have been received regarding the impact of the proposed development on wildlife, health, pollution, drainage/sewage, crime, and flooding.
- 6.26 An ecology report has been submitted stating that the site is dominated by low relative nature conservation, biodiversity and protected species interest. A condition will be applied to the grant of permission to ensure the development is built in accordance with this statement and its recommendations.
- 6.27 The net addition of 7 dwellings on the site is not considered to cause health, pollution and crime issues. The site is not located within a flood zone, and issues relating to sewage and drainage would be addressed at building control stage. Parking enforcement of existing parking restrictions would be a matter for Parking Services.
- 6.28 The application does follow recent similar proposals however is materially different to those that have been submitted before it by way of the amendments discussed above in the report and therefore must be assessed on its own merits.
- 6.29 Neighbour notification letters were sent on 8th September 2017 and again on 20th October 2017 following an amendment that was made to the site layout. Conflicting with a covenant, property devaluation and loss of a private view are not material planning considerations. The site is not within nor adjacent to a Conservation Area or the Metropolitan Green Belt. No. 32 Nork Way is not a listed building, and is of average architectural merit, the loss of this building is not considered to warrant refusal of the application.

RECOMMENDATION FOR DECISION

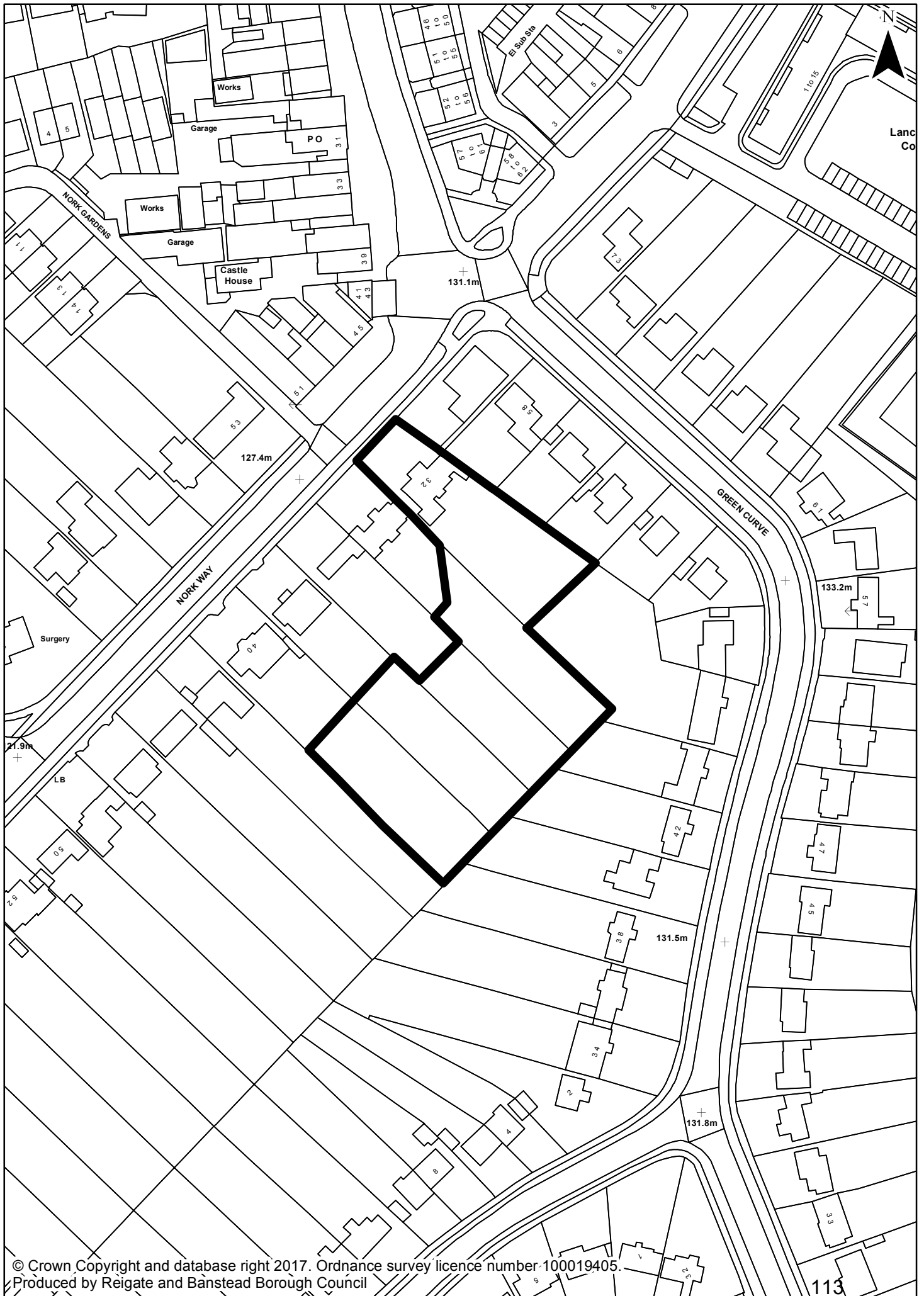
1. The proposed development would, by virtue of the cramped spacing, narrow plot sized and contrived positioning of the uncharacteristically narrow dwelling of plot 6, result in a cramped form of development and an overdevelopment of the site, contrary to policies Ho9, Ho13 and Ho14 of the Reigate and Banstead Local Plan 2005, policies CS1 and CS4 of the Reigate and

Banstead Core Strategy 2015 and the Reigate and Banstead Local Distinctiveness Guide 2004.

For the reason set out above, it is considered that planning permission should be refused.

Pro-active Statement:

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 been refused regard has been had to the presumption to approve sustainable development where possible, as set out within the National Planning Policy Framework.



Do not scale from this drawing, except for planning purposes.
 Any discrepancies are to be reported to WS Planning & Architecture.
 Refer to Structural Engineers details for structural design criteria.
 This drawing remains the copyright of WS Planning & Architecture.



Actual sightline, taking into account street tree's trunk

"Standard" sightline taken to kerbside 43m from junction

43m x 2.4m sightline

2m x 2m pedestrian sightlines

Sightline takes into account street tree

2 No. Visitor parking spaces

No. 34

Plot 1 Type 4B

Plot 2 Type 1

Plot 3 Type 1

Plot 4 Type 3

Plot 5 Type 3

Plot 6 Type 2

Plot 7 Type 2

Plot 8 Type 2

Screen Planting

Screen Planting

GREEN CURVE

NORK WAY

127.4m

51

53

89

36

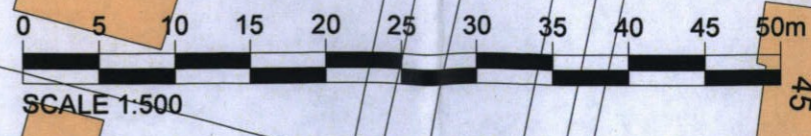
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As Proposed Site Block Plan



Rev	Date	Description
C	12.10.17	Plot 1 position amended
B	09.10.17	Sightlines added
A	14.08.17	Landscape Update

WS PLANNING & ARCHITECTURE

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Date: July 2017
 Scale: 1:500@A3
 Drawn By: LB
 Checked:

Client: Denton Homes

Project: Land at 32-40 Nork Way Banstead SM7 1HW

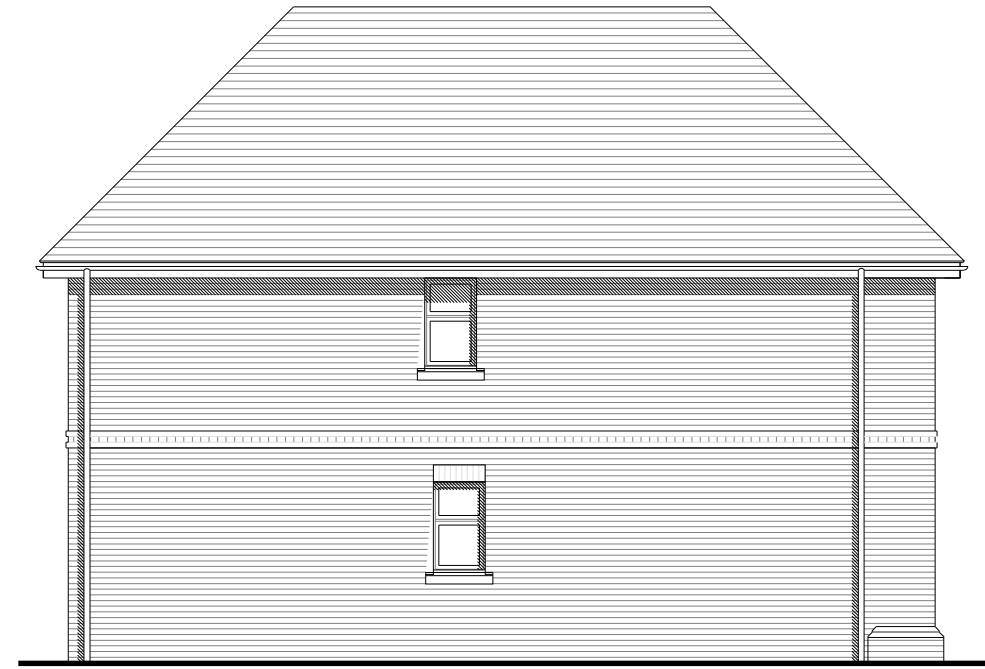
Title: As Proposed Site Block Plan

Drawing No. J002770-DD003 Rev. C

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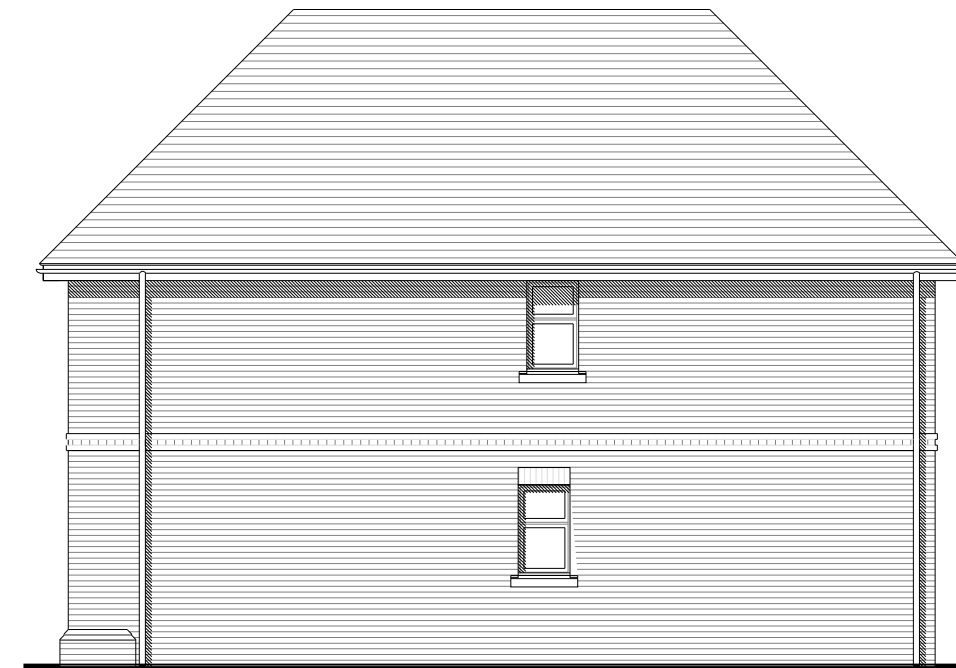
Front



Side

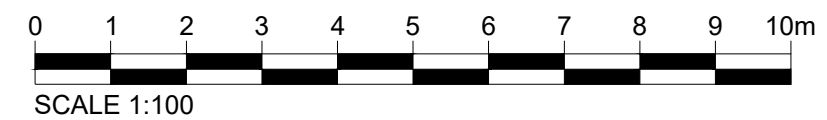


Rear



Side

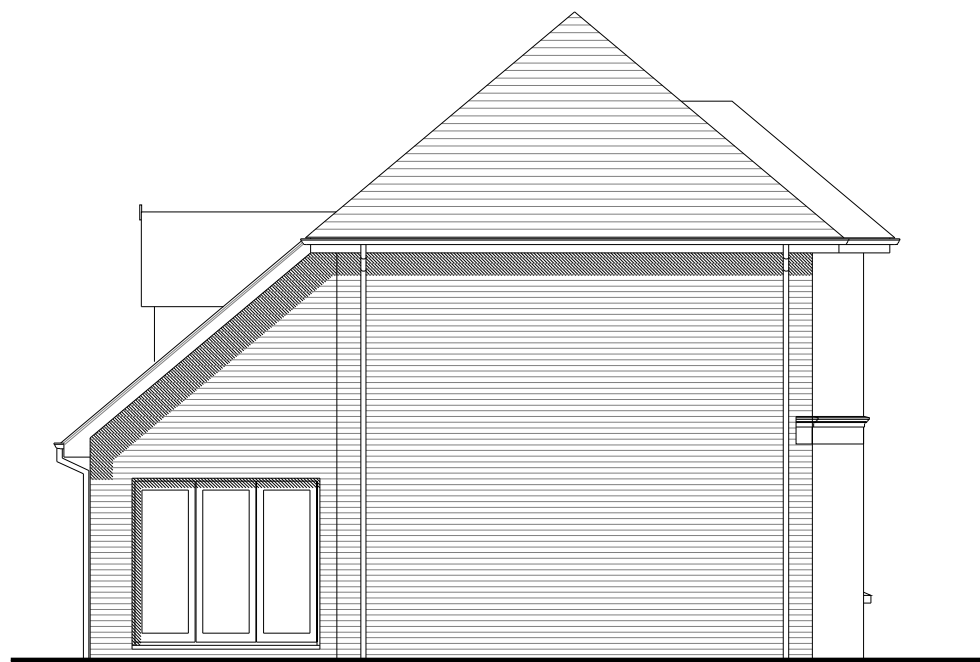
House Type 2 - Elevations



Rev	Date	Description
 Europe House Bancroft Road, Reigate Surrey, RH2 7RP T. 01737 225711 F. 01737 226311 www.wspa.co.uk		
Date	July 2017	Drawn By JJR
Scale	1:100@A3	Checked LB
Client Denton Homes		
Project Land at 32-40 Nork Way Banstead SM7 1HW		
Title House Type 2 Elevations Plot 7,8		
Drawing No.	J002770-001	Rev.



Front



Side

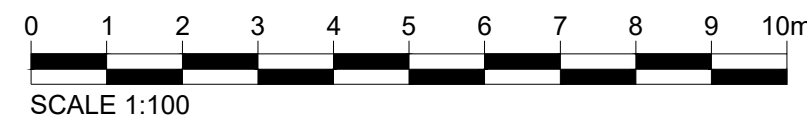


Rear



Side

House Type 4B - Elevations

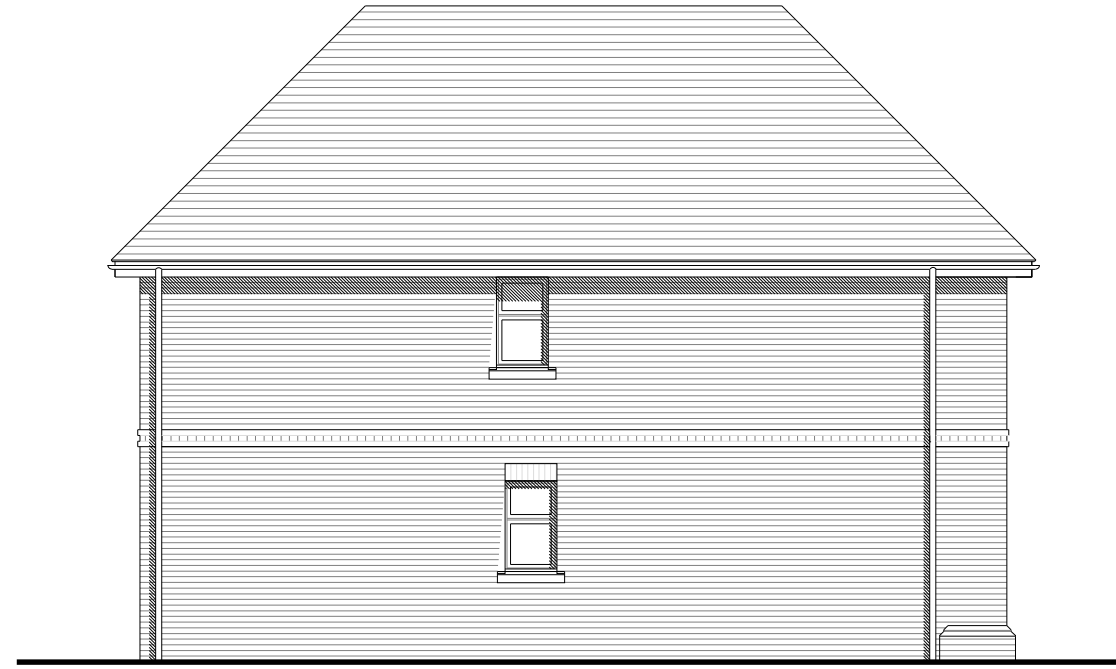


Rev	Date	Description
<p>WS PLANNING & ARCHITECTURE</p> <p>Europe House Bancroft Road, Reigate Surrey, RH2 7RP</p> <p>T. 01737 225711 F. 01737 226311 www.wspa.co.uk</p>		
Date	July 2017	Drawn By JJR
Scale	1:100@A3	Checked LB
Client Denton Homes		
Project Land at 32-40 Nork Way Banstead SM7 1HW		
Title House Type 4B Elevations Plot 1		
Drawing No.	J002770-0015	Rev.

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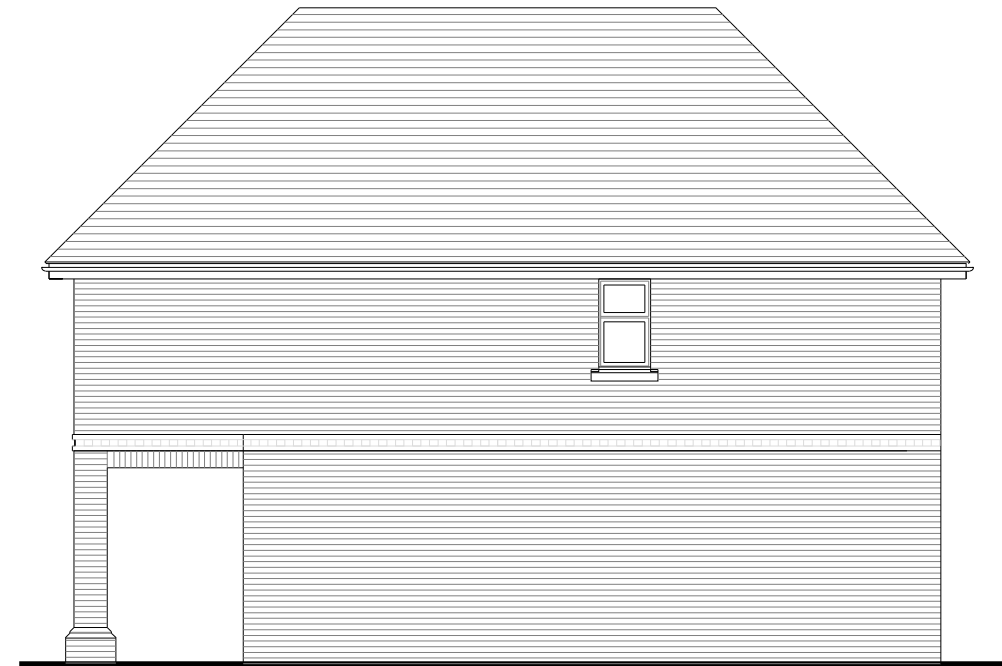
Front



Side

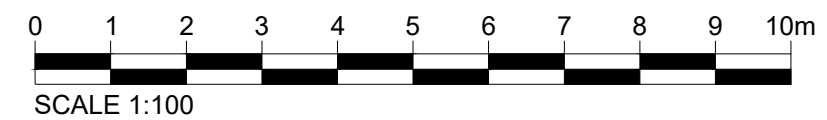


Rear



Side

House Type 2 - Elevations

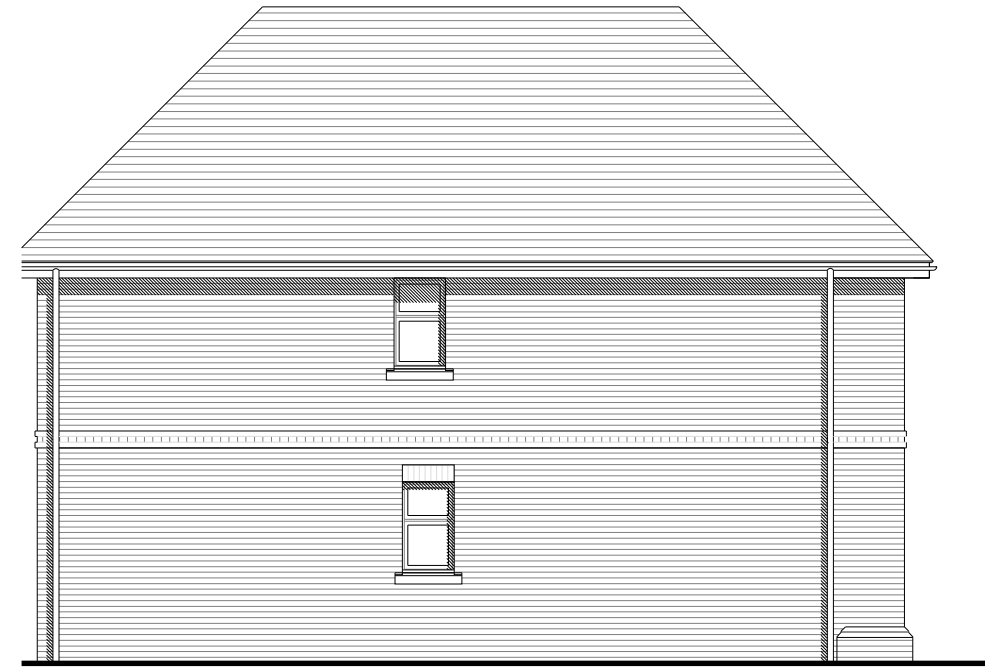


Rev	Date	Description
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Date July 2017		Drawn By JJR
Scale 1:100@A3		Checked LB
Client Denton Homes		
Project Land at 32-40 Nork Way Banstead SM7 1HW		
Title House Type 2 Elevations Plot 6		
Drawing No. J002770-0008		Rev.

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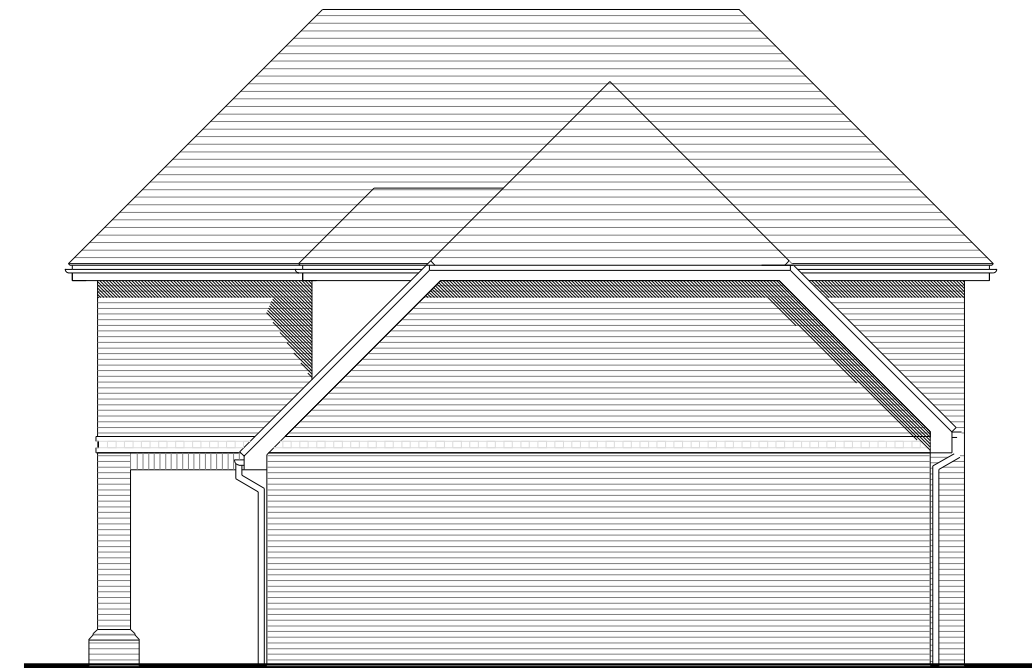
Front



Side

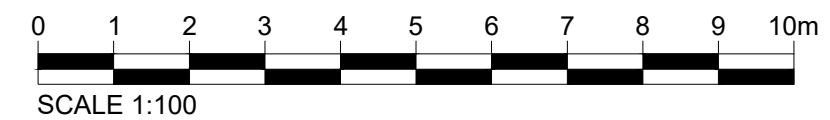


Rear



Side

House Type 3 - Elevations
 Plot 5 Handed

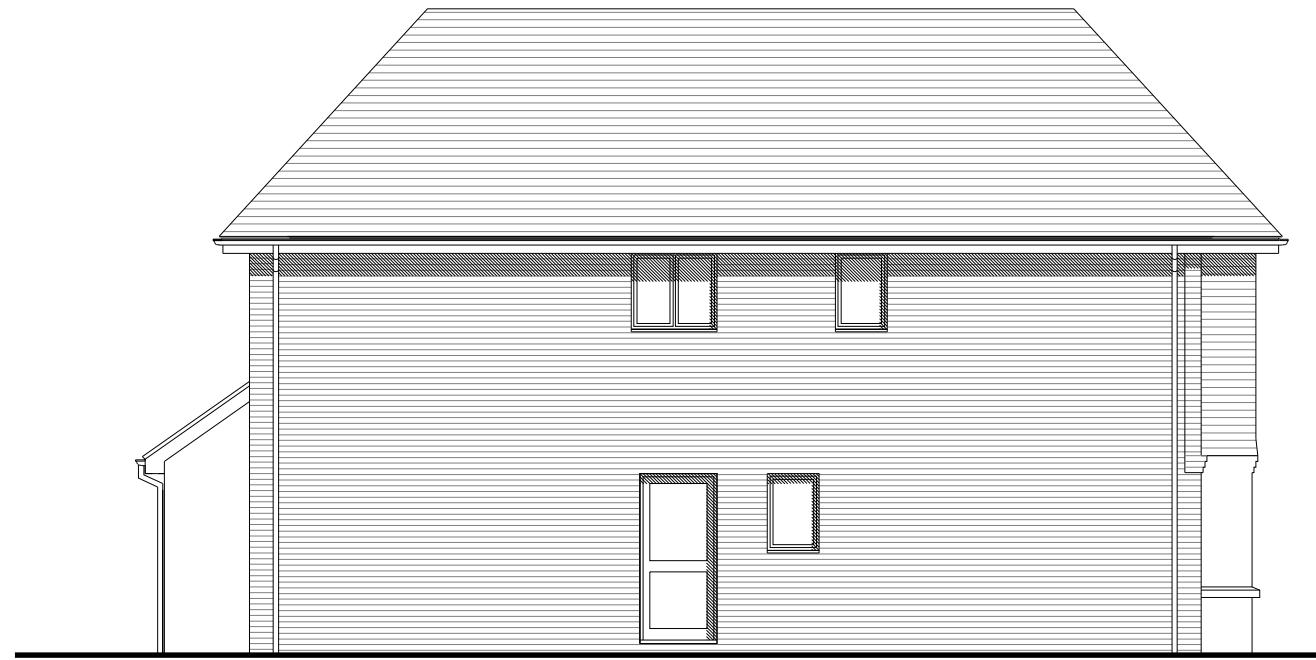


Rev	Date	Description
 Europe House Bancroft Road, Reigate Surrey, RH2 7RP T. 01737 225711 F. 01737 226311 www.wspa.co.uk		
Date	July 2017	Drawn By JJR
Scale	1:100@A3	Checked LB
Client Denton Homes		
Project Land at 32-40 Nork Way Banstead SM7 1HW		
Title House Type 3 Elevations Plot 4,5		
Drawing No.	J002770-003	Rev.

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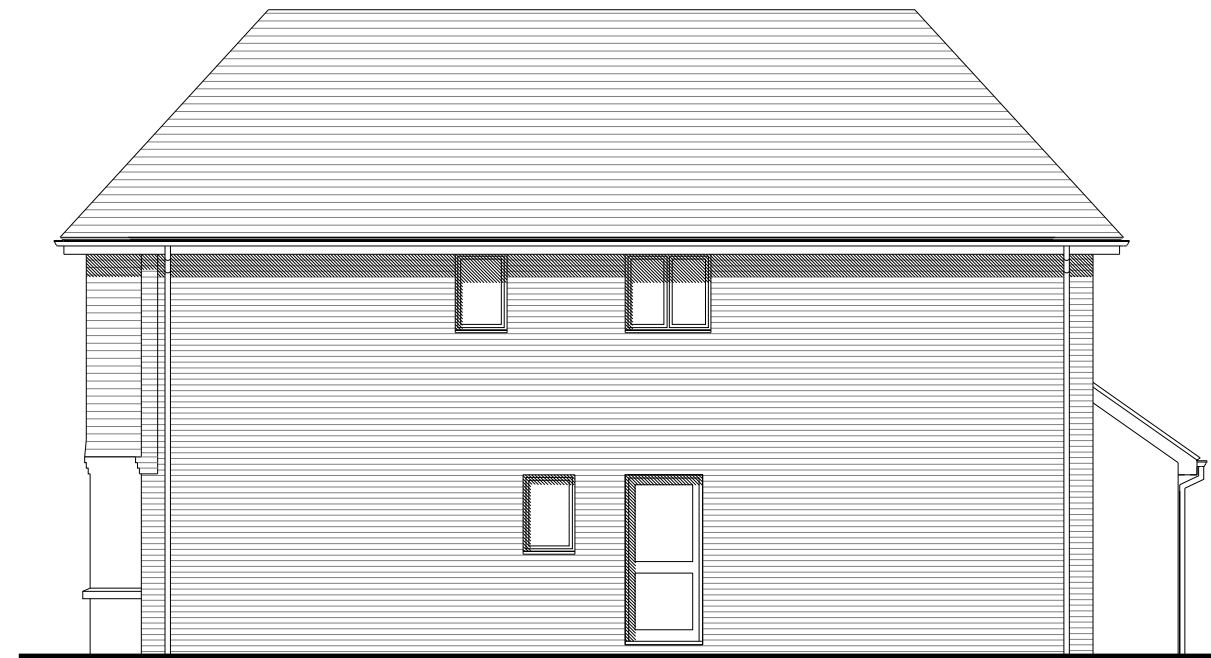
Front



Side

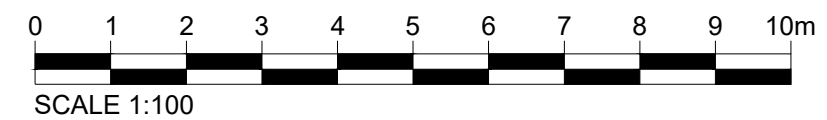


Rear



Side

House Type 1 - Elevations



Rev	Date	Description
Europe House Bancroft Road, Reigate Surrey, RH2 7RP		T. 01737 225711 F. 01737 226311 www.wspa.co.uk
Date	July 2017	Drawn By JJR
Scale	1:100@A3	Checked LB
Client Denton Homes		
Project Land at 32-40 Nork Way Banstead SM7 1HW		
Title House Type 1 Elevations Plots 2,3		
Drawing No. J002770-0006		Rev.

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As Existing Street Scene to Nork Way



As Proposed Street Scene to Nork Way

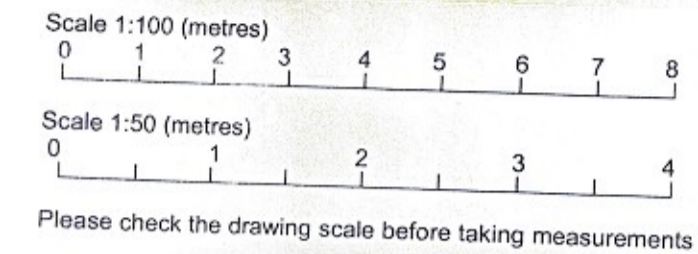
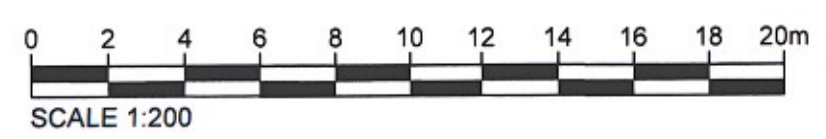


Internal Street Scene A-A

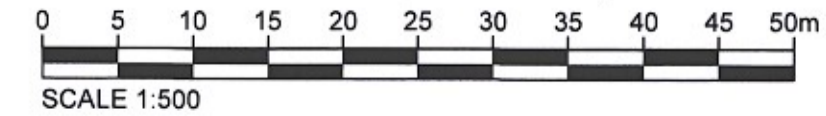


Internal Street Scene B-B

Street Scene Elevations



Block Plan (1:500)



Rev	Date	Description
A	13.10.17	Plot 1 position amended
Europe House Bancroft Road, Reigate Surrey, RH2 7RP		T. 01737 225711 F. 01737 226311 www.wsqa.co.uk
Date	Drawn By	
July 2017	JJR	
Scale	Checked	
1:200/1:500@A1	LB	
Client	Denton Homes	
Project	32 - 40 Nork Way Banstead SM7 1HW	
Title	Street Scene Elevations	
Drawing No.	Rev.	
J002770/ DD 16	A	

Appeal Decision

Site visit made on 27 March 2017

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 April 2017

Appeal Ref: APP/L3625/W/16/3166361
Land at 32-40 Nork Way, Banstead SM7 1HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Denton Homes Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/022298/F, dated 4 October 2016, was refused by notice dated 19 December 2016.
 - The development proposed is the erection of 8 dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the proposal on neighbours and the character of the area.

Reasons

Effects on neighbours

3. The Council has not raised any specific concerns in relation to this issue but a considerable number of residents set out their concerns. The proposal would be accommodated very largely in what are currently rear gardens of houses on Nork Way, which abut other rear gardens including those of a number of houses on Green Curve.
4. Proposed plot 5 would accommodate a detached house sited with its flank wall a very short distance from the rear garden boundary of No 40 Green Curve. This would span the great majority of the rear garden boundary and would appear obvious and intrusive when viewed from the garden area of No 40. I was able to gain access to the rear of No 40 at my site visit and conclude that the proposal would appear unacceptably overbearing, particularly when viewed from within the rear garden. I have taken account of the generous size of the garden at No 40 Green Curve but find that this does not mean that the residents would not be unacceptably affected when using parts of the garden.
5. In relation to overlooking, I note that this was a specific concern in relation to a previous appeal. In contrast to a previous scheme the house on plot 1 would be set at an angle to the boundary with No 54 Green Curve. Whilst this may

reduce overlooking, I still consider that there is a prospect of unreasonable overlooking of the garden at No 54 from the main rear elevation of plot 1.

6. In relation to this issue, I consider that the proposal would appear overbearing and would give rise to the potential for unreasonable levels of overlooking, contrary to Policies CS1 and CS4 of the Core Strategy and Policies Ho9, Ho13 and Ho14 of the Local Plan. In reaching this conclusion I have had particular regard to the conclusions of my fellow Inspector when determining the 2 appeals, Refs APP/L3625/W/16/3145418 and 3145419. I note that there were some matters which were not concluded upon and it seems to me that some issues relating to overbearing impacts could have been within this category.

Character of the area

7. The surrounding area consists mainly of detached and semi-detached houses set within garden areas that vary from medium sized to large and generous. The original development is in a linear form fronting the roads, although I noted a number of examples similar to the proposal wherein large gardens have been used to create cul de sacs of houses in these 'backland' areas.
8. The Council's policies seek to secure development that maintains and enhances the built environment and is of a high quality which takes direction from the existing residential environment. Although I note that a number of the existing houses have relatively small gaps between them, in many instances these are where single storey elements are at the sides of the houses and they are in situations which combine generous front and rear gardens on wide plots. The proposal before me proposes much smaller front and rear gardens on narrower plots and where the distances between dwellings, particularly between plots 5 and 6, are very small.
9. The Council refers to its SPG in relation to gaps between dwellings and states that 2m is seen as the minimum; they add that whilst the walls would be this distance apart on plots 5 and 6, the eaves would be closer. The appellant states that the SPG is intended for extensions and not for new dwellings. In my view the SPG gives an indication of what may be acceptable and whether it refers to extension specifically it may offer a broad indication of what the Council see as a minimum distance. I consider that within this area the distances between dwellings may reasonably be expected to be more than the minimum envisaged by the Council. Within the context that I have set out and in a proposal that displays none of the other attributes (ie generous front and rear gardens and wide plots) the distance between the houses on plots 5 and 6 would be particularly narrow and would be out of character. In this way I find that the proposal would harm the character of the area and would be contrary to Policies CS1 and CS4 of the Core Strategy and Policies Ho9, Ho13 and Ho14 of the Local Plan.

Conclusion

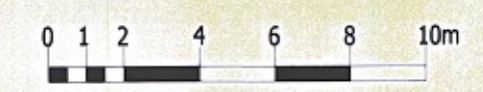
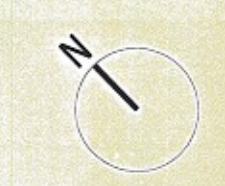
10. I have taken account of the previous schemes and to the differences between them and the one now before me; the identical situation has not been presented in the previous appeals and I have found harm arising from certain aspects of the proposal. I have also taken account of the officer's recommendation to approve the scheme but I have found merit in the Council's reason for refusal and in some aspects of the neighbours' comments. I have

taken account of all other matters but find nothing to alter or add to my conclusions. Therefore, for the reasons set out above, the appeal is dismissed.

S T Wood

INSPECTOR

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Rev	Date	Description
A	18.11.16	Visitor parking spaces added

WS PLANNING & ARCHITECTURE
 Group House
 Bankcroft House
 Regent
 Parkley Way, 750

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 F. 01737 226311
 www.wspa.co.uk

Date: Sept 2016
 Scale: 1:200 @A1

Drawn By: KA
 Checked: *

Client: Denton Homes

Project: 32-40 Nork Way
 Banstead
 SM7 1HW

Title: Proposed Site Plan

16/02298/F
 Drawing No.

J002541/ PL 04 A