 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:	8	WARD: Nork

APPLICATION NUMBER:	17/01985/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 7 dwellings. As amended on 13/10/2017 and 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 7 dwellinghouses. No.32 would be demolished in order to accommodate the proposed access that would serve the development, and the 7 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 and layout 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.

Alongside this application for 7 houses was an application for 8, with 4 houses proposed in the siting of Plots 5 to 7. This has been recommended for refusal as it is considered cramped and harmful to the wider character of the area.

This current scheme for 7 dwellings is considered to have overcome the particular concerns identified with the previous application for 8 and is considered acceptable. In particular the following changes have been made to overcome the three main 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
- Reduction from four dwellings to 3 rear of 40 Nork Way with distances in excess of 3 metres between dwellings and to site boundaries.

These changes are considered to significantly improve the scheme from that dismissed at appeal and also the 8-unit scheme concurrently submitted. As a result the proposal appears more spacious with generous distances to site boundaries and improved relationships of built form to neighbours.

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 all identified concerns and is acceptable in all regards.

RECOMMENDATION(S)

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

Consultations:

Highway Authority: The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and 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 9th September 2017 and 20th October 2017.

176 responses and a petition of 399 signatures have been received raising the following issues:

Issue	Response
Neighbour notification letters	See paragraph 6.28
Overbearing relationship	See paragraph 6.9, 6.11
Overlooking and loss of privacy	See paragraph 6.9 – 6.13
Out of character with surrounding area	See paragraph 6.3 – 6.7
Harm to visual amenity	See paragraph 6.17
Hazard to Highway safety	See paragraph 6.16
Cramped	See paragraph 6.5 – 6.6
Repeated application	See paragraph 6.27
Back garden land development	See paragraph 6.1, 6.3
Loss of/harm to trees	See paragraph 6.18 – 6.20
Similar to appeal (13/04/17)	See paragraph 6.27
Increase in traffic and congestion	See paragraph 6.16
Lack of parking enforcement	See paragraph 6.16
Overdevelopment	See paragraph 6.7
Impact on services	See paragraph 6.21
Harm to wildlife habitat	See paragraph 6.25 and condition 16

Air pollution	See paragraph 6.26
Plot size	See paragraph 6.5 – 6.7
Separation distances between dwellings	See paragraph 6.5, 6.6
Use of parking bays at rear of 58 Green Curve	See paragraph 6.16
Oppressive	See paragraph 6.9 – 6.11
Loss of light	See paragraph 6.11
Conflict with a covenant	See paragraph 6.28
Density	See paragraph 6.7
Overflow parking	See paragraph 6.16, 6.17
Crime fears	See paragraph 6.26
Flooding	See paragraph 6.26
Refuse access	See paragraph 6.16
Health fears	See paragraph 6.26
Property devaluation	See paragraph 6.28
Set a precedent	See paragraph 6.27
Sewage/drainage capacity	See paragraph 6.26
Harm to Conservation Area	See paragraph 6.28
Harm to Green Belt/countryside	See paragraph 6.28
Inconvenience during construction	See paragraph 6.14
Noise and disturbance	See paragraph 6.14
Loss of a private view	See paragraph 6.28
Overshadowing	See paragraph 6.9, 6.11
Alternative location/proposal preferred	See paragraph 6.1
Inadequate parking	See paragraph 6.16
Loss of buildings	See paragraph 6.28
Poor design	See paragraph 6.7
No need for the development	See paragraph 6.1
Lack of affordable housing	See paragraph 6.22, 6.23
Antisocial behaviour	See paragraph 6.26
Community/regeneration benefit	See paragraph 6.21

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: conditions to secure landscaping and good quality materials.

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	17/01981/F	Demolition of 32 & 34 Nork Way, erection of 8 dwellings within the rear gardens of 32-40 Nork	Recommended refusal

4.0 Proposal and Design Approach

4.1 This is a full application for the demolition of 32 Nork Way and the erection of 7 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 7 dwellings would comprise of mainly detached dwellings, with one pair of semi-detached dwellings on plots 2 and 3, 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 have 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
- Reduction from 4 dwellings to 3 to the rear of 40 Nork Way with distances in excess of 3 metres between dwellings and to site boundaries.

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	16
Parking standard	14 (maximum)
Net increase in dwellings	6
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
- Impact on trees
- 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 7 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 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 a reduction from 4 dwellings to 3 to the rear of 40 Nork Way with distances in excess of 3 metres between dwellings and to site boundaries. This reduction in built form and increase in separation distances between plots 5, 6, and 7 would create greater visual separation between the dwellings and to the site boundaries. As a result the proposal appears more spacious with generous distances to site boundaries and is considered to overcome the Inspector's concerns in this regard. A table setting out the previously and currently proposed spacing is set out below (approximate metres):

	16/02298/F	This application
Boundary to 40 Nork Way	2.7	3
Plot 7 to Plot 6	3.7	3.3
Plot 6 to Plot 5	2.0	3.3
Plot 5 to Boundary	1.4	3.4

- 6.6 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 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 the appeal against the refusal of application 15/02579/F.

- 6.7 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 well with the character of the locality, which has a variance of dwelling types and styles. The proposed development is considered to overcome the concerns identified by the Inspector with regards to the previous appeal decisions. As such, it would cause no harm to the character of the area and would comply with policies Ho9, Ho13, Ho14 and Ho16 of the local plan.

Neighbour amenity

- 6.8 The proposed development has been assessed with regards to its impact on the amenity of neighbouring properties.
- 6.9 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 3.4 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 roof 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.
- 6.10 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.
- 6.11 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.

- 6.12 The rear elevations of plots 5-7 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.
- 6.13 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.
- 6.14 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.
- 6.15 The proposal is considered to overcome the concerns raised by the Planning Inspectorate and is not considered to result in an unacceptable impact upon the amenity of neighbouring properties and would comply with policies Ho9 and Ho14 in this regard.

Access and parking

- 6.16 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 7 dwellings (comprising 1 replacement dwelling and 6 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 6 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 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 7 x 4 bedroom houses should be provided with 14 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."

- 6.17 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

- 6.18 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.
- 6.19 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.
- 6.20 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

- 6.21 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 £105,840 being required.

Affordable Housing

- 6.22 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

- 6.23 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

- 6.24 A number of representations have been received regarding the impact of the proposed development on wildlife, health, pollution, drainage/sewage, crime, and flooding.
- 6.25 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.
- 6.26 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.
- 6.27 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.
- 6.28 Neighbour notification letters were sent on 5th 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.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason:
To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Type	Reference	Version	Date Received
Location Plan	J002771-DD01		23.08.2017
Elevation Plan	J002771-DD18		23.08.2017
Floor Plan	J002771-DD17		23.08.2017
Elevation Plan	J002771-DD15		23.08.2017
Roof Plan	J002771-DD14		23.08.2017
Floor Plan	J002771-DD13		23.08.2017
Elevation Plan	J002771-DD12		23.08.2017
Roof Plan	J002771-DD11		23.08.2017
Floor Plan	J002771-DD10		23.08.2017
Elevation Plan	J002771-DD09		23.08.2017
Roof Plan	J002771-DD08		23.08.2017
Floor Plan	J002771-DD07		23.08.2017
Elevation Plan	J002771-DD06		23.08.2017
Roof Plan	J002771-DD05		23.08.2017
Roof Plan	J002771-DD05		23.08.2017
Floor Plan	J002771-DD04		23.08.2017
Block Plan	J002771-DD02		23.08.2017
Proposed Plans	583-007		13.10.2017
Block Plan	J002771-DD03	C	18.10.2017
Block Plan	J002771-DD19		18.10.2017
Street Scene	J002771-DD16	A	18.10.2017

Reason:

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

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

Reason:

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

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

Reason:

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

- No development shall commence including groundworks preparation and demolition until all related arboricultural matters, including arboricultural

supervision, monitoring and tree protection measures are implemented in strict accordance with the approved details contained in the Tree Protection Plan and Arboricultural Method Statement compiled by ACS Consulting dated 4th August 2017, reference ha/aiams/NW/7unit

Reason:

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

6. No development shall commence on site until a scheme for the landscaping of the site including the retention of existing landscape features has been submitted to and approved in writing by the LPA. Landscaping schemes shall include details of hard and soft landscaping, including any tree removal/retention, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation and management programme.

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

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

Reason:

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

7. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Nork Way has been constructed and provided with dropped kerbs, tactile paving, and visibility zones of 2.4m by 43m in both directions in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in order to meet the objectives of the NPPF (2012), and to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan (2005).

8. The development hereby approved shall not be first occupied unless and until the existing access from the site to Nork Way has been permanently closed

and any kerbs, verge, footway, fully reinstated, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in order to meet the objectives of the NPPF (2012), and to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan (2005).

9. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking /turning areas shall be retained and maintained for their designated purposes.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in order to meet the objectives of the NPPF (2012), and to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan (2005).

10. No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including any measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
 - (f) HGV deliveries and hours of operation
 - (g) measures to prevent the deposit of materials on the highway
 - (h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (i) on-site turning for construction vehicles

has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in order to meet the objectives of the NPPF (2012), and to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan (2005).

11. The development hereby approved shall not be first occupied unless and until a pedestrian inter-visibility splay measuring 2m by 2m has been provided on each side of the proposed vehicular access to Nork Way, the depth measured from the back of the footway and the widths outwards from the edges of the access, in accordance with the approved plans. No obstruction to visibility between 0.6m and 2m in height above ground level shall be erected within the area of such splays.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users, in order to meet the objectives of the NPPF (2012), and to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan (2005).

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

Reason:

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

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

Reason:

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

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no first floor windows, dormer windows or rooflights other than those expressly authorised by this permission shall be constructed.

Reason:

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

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

Reason:

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

16. The development hereby permitted shall be carried out in accordance with the recommendations set out within Ecology Report, produced by Applied Ecology and dated August 2015.

Reason:

To ensure no harm occurs to the amenity of the locality with regards to policies Ho9 of the Reigate and Banstead Local Plan 2005

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

Reason:

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

INFORMATIVES

1. Your attention is drawn to the safety benefits of installing sprinkler systems as an integral part of new development. Further information is available at www.firesprinklers.info.
2. The applicant is encouraged to provide renewable technology within the development hereby permitted in order to reduce greenhouse gas emissions.
3. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, a 140 litre wheeled bin conforming to British Standard BSEN840 and a 60 litre recycling box should be provided for the exclusive use of the occupants of that dwelling. Prior to the initial occupation of any communal dwellings or flats, wheeled refuse bins conforming to British Standard BSEN840, separate recycling bins for paper/card and mixed cans, and storage facilities for the bins should be installed by the developer prior to the initial occupation of any dwelling hereby permitted. Further details on the required number and specification of wheeled bins and recycling boxes is available from the Council's Neighbourhood Services on 01737 276501 or 01737 276097, or on the Council's website at www.reigate-banstead.gov.uk. Bins and boxes meeting the specification may be purchased from any appropriate source, including the Council's Neighbourhood Services Unit on 01737 276775.
4. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - (c) Deliveries should only be received within the hours detailed in (a) above;
 - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
 - (e) There should be no burning on site;

- (f) Only minimal security lighting should be used outside the hours stated above; and
- (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

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

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

5. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as: (i) how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme; (ii) how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them; (iii) the arrangements that will be in place to ensure a reasonable telephone response during working hours; (iv) the name and contact details of the site manager who will be able to deal with complaints; and (v) how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.
6. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that a permit and a mini Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see: <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>.
7. When an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority Local Highways Service will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform with the existing adjoining surfaces at the developer's expense. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
8. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may

require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

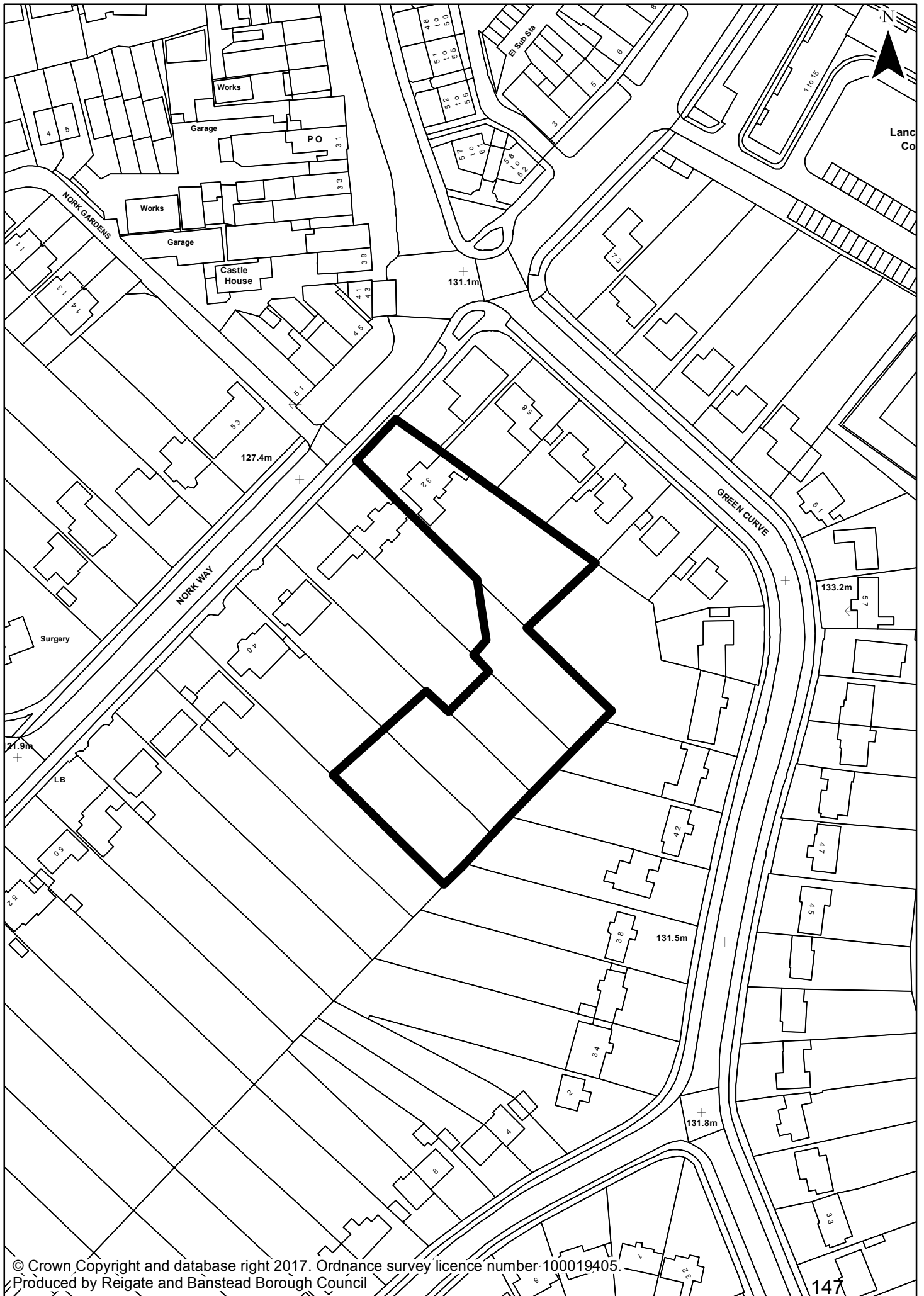
9. The use of landscape/arboricultural consultant is considered essential to provide acceptable submissions in respect of the above relevant conditions. The planting of trees and shrubs shall be in keeping with the character and appearance of the locality. There is an opportunity to incorporate substantial sized trees into the scheme to provide for future amenity and long term continued structural tree cover in this area. It is expected that the replacement structural landscape trees will be of Extra Heavy Standard size with initial planting heights of not less than 4m, with girth measurements at 1m above ground level in excess of 14/16cm.
10. The use of a suitably qualified arboricultural consultant is essential to provide acceptable supervision and monitoring in respect of the arboricultural issues in respect of the above condition. All works shall comply with the recommendations and guidelines contained within British Standard 5837.

REASON FOR PERMISSION

The development hereby permitted has been assessed against development plan policies Ho9, Ho9a, Ho13, Ho14, Pc4, Mo5, Mo7 and Mo13, and material considerations, including third party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.

Proactive and Positive Statements

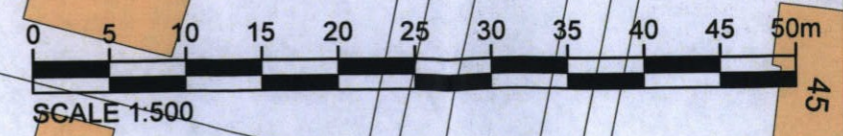
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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



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As Proposed Site Block Plan



Rev	Date	Description
C	13.10.17	Plot 1 position amended
B	09.10.17	Sightlines added
A	14.08.17	Landscape Update

WS PLANNING & ARCHITECTURE **25**

Europe House
Bancroft Road,
Reigate
Surrey, RH2 7RP

T. 01737 225711
F. 01737 226311
www.wspa.co.uk

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.	Rev.
J002771-DD03	C

148

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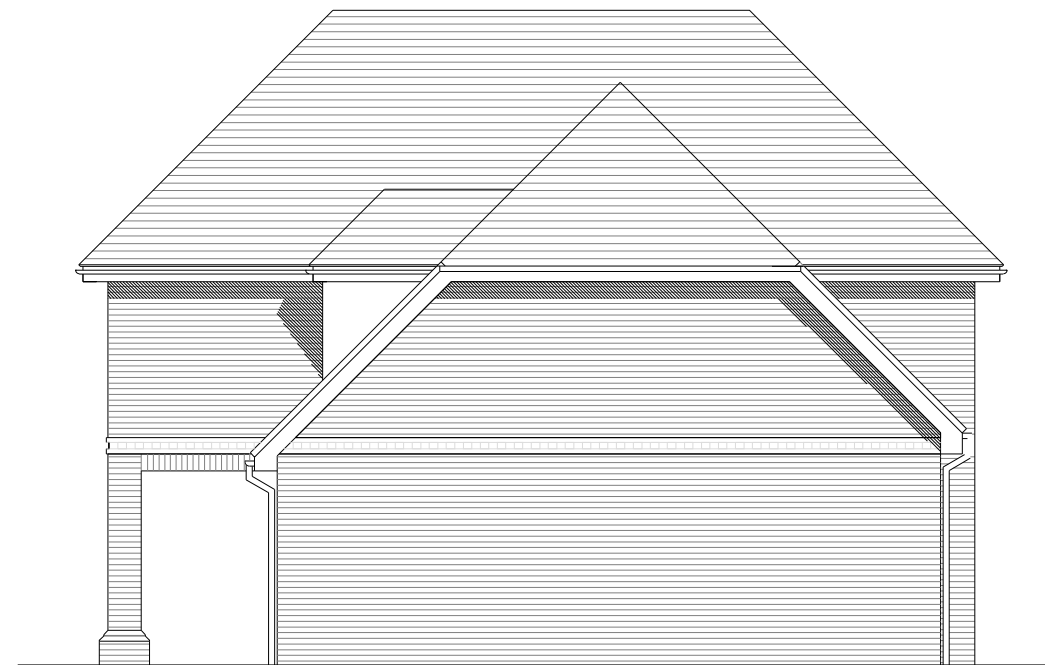
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Side

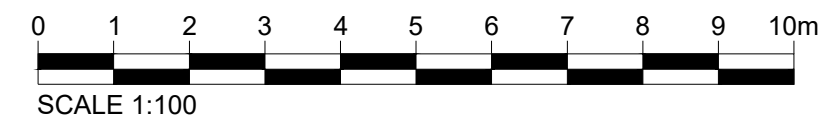


Rear



Side

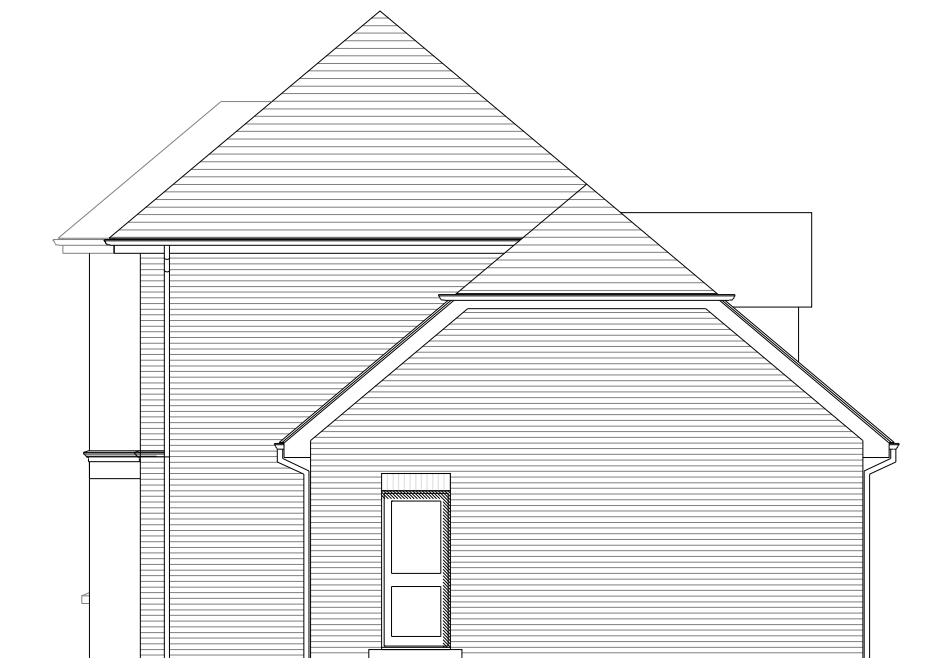
As Proposed Elevations - Type 3



Rev	Date	Description
Europe House Bancroft Road, Reigate Surrey, RH2 7RP		
Date July 2017		Drawn By JP
Scale 1:100@A3		Checked LB
Client Denton Homes		
Project Land at 32-40 Nork Way Banstead SM7 1HW		
Title As Proposed Elevations Plot 4		
Drawing No. J002771-002		Rev. 002



Front



Side

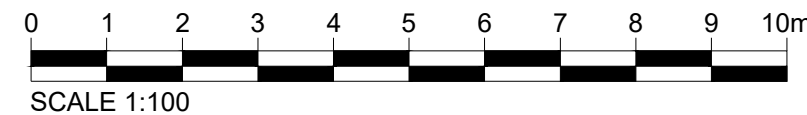


Rear



Side

As Proposed Elevations - Type 4B



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 JP
Scale	1:100@A3	Checked LB
Client Denton Homes		
Project Land at 32-40 Nork Way Banstead SM7 1HW		
Title As Proposed Elevations Plot 4B		
Drawing No.	J002771-0015	Rev.

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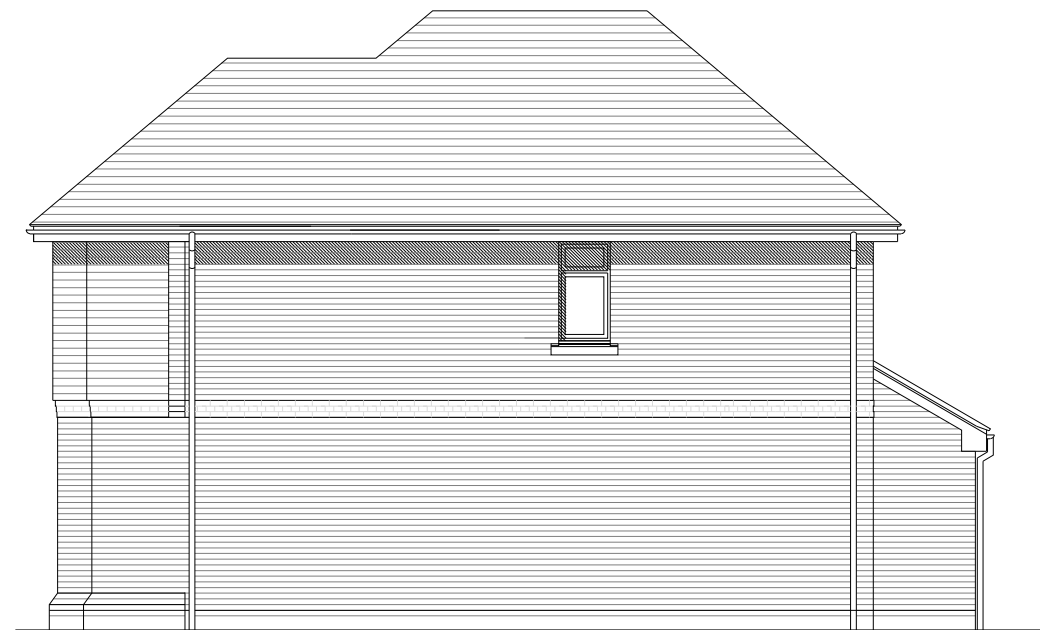
Front



Side

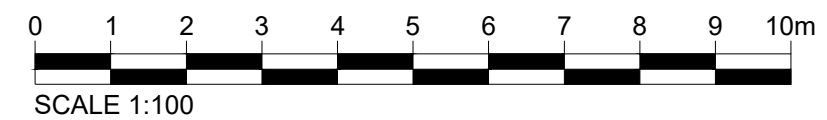


Rear



Side

As Proposed Elevations - Type 2



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 JP
Scale	1:100@A3	Checked LB
Client Denton Homes		
Project Land at 32-40 Nork Way Banstead SM7 1HW		
Title As Proposed Elevations Plot 5, 6, & 7		
Drawing No.	J002771-0309	Rev.

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Plot 2

Plot 3

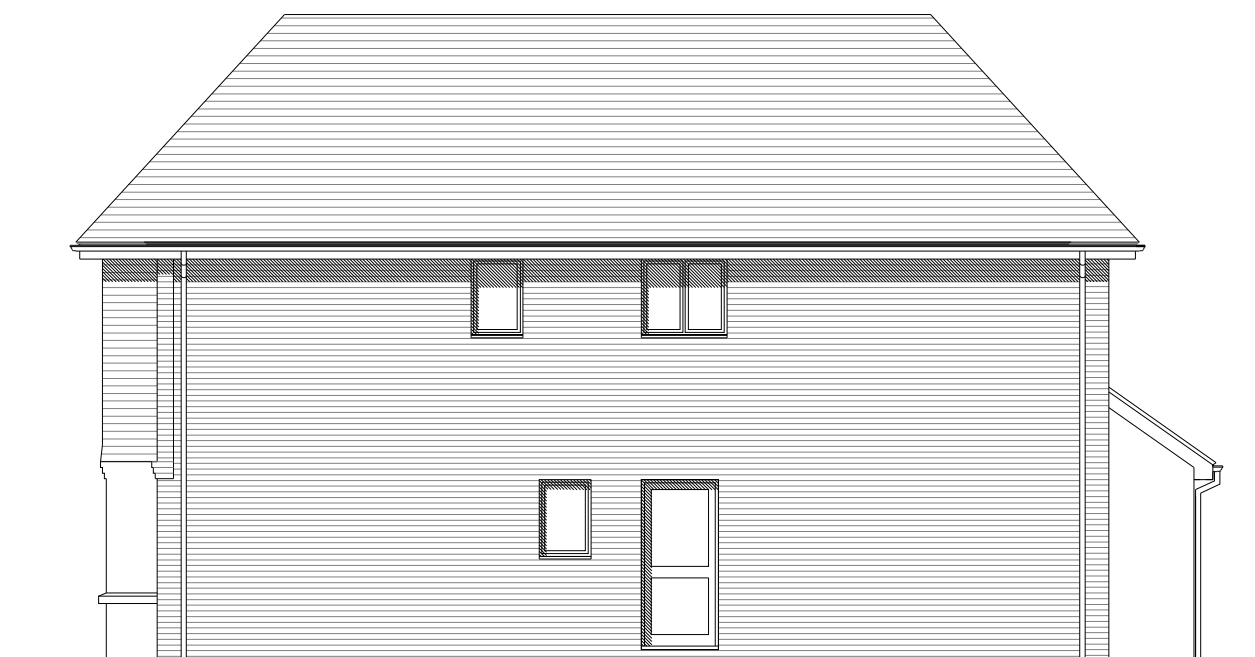
Front



Side

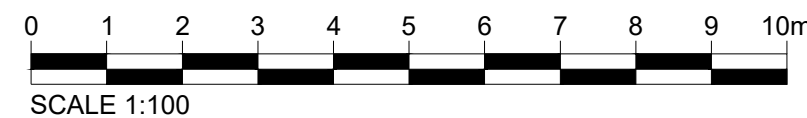


Rear



Side

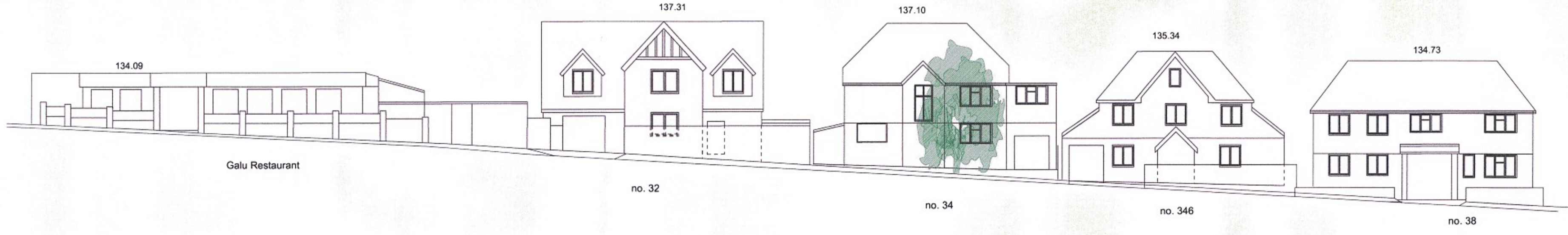
As Proposed Elevations - Type 1



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 JP
Scale	1:100@A3	Checked LB
Client Denton Homes		
Project Land at 32-40 Nork Way Banstead SM7 1HW		
Title As Proposed Elevations Plots 2 & 3		
Drawing No.	J002771-0006	Rev.

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As Existing Street Scene to Nork Way



As Proposed Street Scene to Nork Way

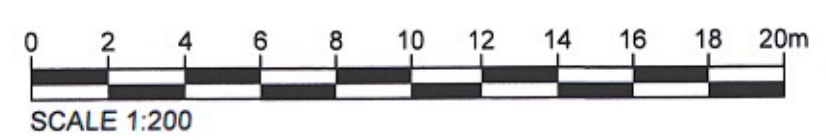


Internal Street Scene A-A

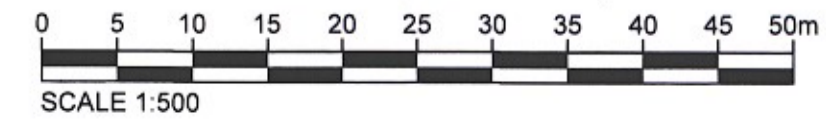


Internal Street Scene B-B

Street Scene Elevations



Block Plan (1:500)



Rev	Date	Description
<p>WS PLANNING & ARCHITECTURE</p> <p>Europe House Bancroft Road, Reigate Surrey, RH2 7RP</p> <p>T. 01737 225711 F. 01737 226311 www.wspla.co.uk</p>		
Date	July 2017	Drawn By JP
Scale	1:200/1:500@A1	Checked LB
Client	Denton Homes	
Project	32 - 40 Nork Way Banstead SM7 1HW	
Title	Street Scene Elevations	
Drawing No.	J002771/ DD 16	Rev. A

