

Agenda

Planning Committee

Wednesday, 8 February 2023 at 7.30 pm

New Council Chamber, Town Hall, Reigate



This meeting will take place in the Town Hall, Castlefield Road, Reigate. Members of the public, Officers and Visiting Members may attend remotely or in person.

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Members:

S. Parnall (Chairman)

M. S. Blacker
J. Baker
J. S. Bray
P. Chandler
Z. Cooper
P. Harp
A. King

J. P. King
S. A. Kulka
S. McKenna
R. Michalowski
C. Stevens
D. Torra
S. T. Walsh

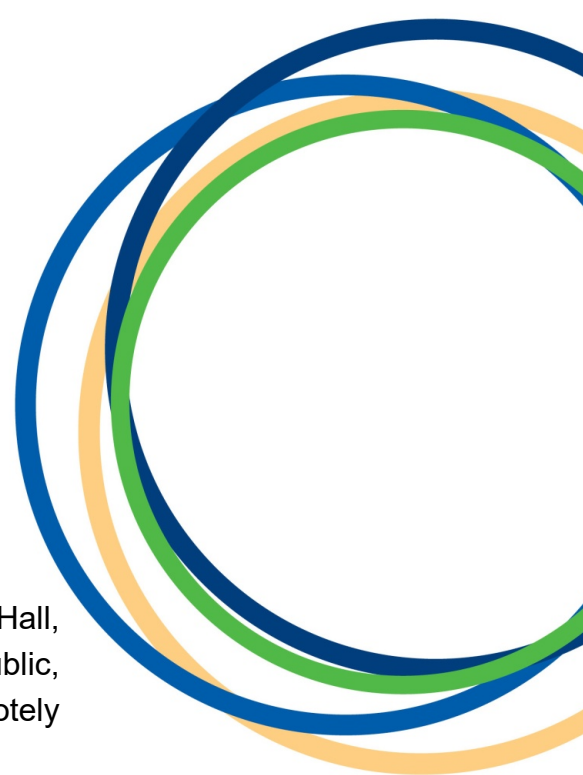
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Published 31 January 2023

Reigate & Banstead
BOROUGH COUNCIL
Banstead | Horley | Redhill | Reigate



Substitutes:

Conservatives:	R. Absalom, H. Avery, J. Hudson, N. C. Moses, M. Tary and R. S. Turner
Residents Group:	G. Adamson, R. Harper, N. D. Harrison and G. Hinton
Green Party:	J. Booton, V. Chester, J. C. S. Essex, A. Proudfoot, S. Sinden and R. Ritter
Liberal Democrats	M. Elbourne

Mari Roberts-Wood
Managing Director

1. Minutes (Pages 7 - 8)

To confirm as a correct record the Minutes of the previous meeting.

2. Apologies for absence

To receive any apologies for absence.

3. Declarations of interest

To receive any declarations of interest.

4. Addendum to the agenda (To Be Tabled)

To note the addendum tabled at the meeting which provides an update on the agenda of planning applications before the Committee.

PLANNING APPLICATIONS:

NOTES:

1. The order in which the applications will be considered at the meeting may be subject to change.
2. Plans are reproduced in the agenda for reference purposes only and are not reproduced to scale. Accordingly, dimensions should not be taken from these plans and the originals should be viewed for detailed information. Most drawings in the agenda have been scanned, and reproduced smaller than the original, thus affecting image quality.

To consider the following applications :

5. 22/00885/F - 5 - 13 West Street, Reigate (Pages 9 - 32)

Demolition of single-storey structure. Expansion of breweryn facility amounting to an additional 186 sq m. Creation of one office unit (Class E) at ground floor level; three additional residential units; extensions and alterations to four units already approved through prior approval ref: 21/01323/PAP30 (room refs: 11a_1, 11a_3, 11a_8 and 13a_3). New bin store, cycle store, parking and associated works. (All other flats are per the prior approval consent ref: 21/01323/PAP30.) As amended on 09/11/2022.

6. 22/02228/S73 - Land to the North of Merrywood Park, Reigate (Pages 33 - 60)

Construction of a three storey building comprising 8no. two bedroom dwellings and associated parking provision for both the proposed building and for residents of Merrywood Park. Variation of condition 1 of permission 15/02914/F. Amendment to approved plans. Variation of conditions 1, 5, 6, 8 and 10 of permission 17/01757/S73. Amendment to alter the site layout and landscaping design to incorporate a turning head for a refuse vehicle and fire vehicle as required by condition 8 of the original decision notice and building regulations. The introduction of this turning head requires the relocation of a number of parking spaces to the south-eastern corner of the site. Variation of Conditions 1, 5 and 8 of 18/01877/S73. Condition 1: Revised plans to remove car parking at grass verge. Condition 5: Amended wording to update Tree Protection Plan for clarity. There is no development at the grass verge that requires tree protection. Condition 8: Amended wording to remove plan that is no longer required by removing car parking. As amended on 01/11/2022 and on 17/11/2022.

7. 22/02650/F - Land R/O 43-49 High Street, Horley (Pages 61 - 90)

Proposed erection of 3 no. dwellinghouses.

8. 22/00062/F - 1 Trowers Way, Redhill (Pages 91 - 120)

Demolition of an existing light industrial building and the erection of a replacement light industrial building (Class E). As amended on 10/05/2022, 18/08/2022 and on 16/11/2022.

9. 22/01974/S73 - Dormer Cottage, The Chase, Kingswood (Pages 121 - 138)

Demolition of existing two storey detached dwelling with attached garage blocks and construction of 1 detached dwelling and 2 semi-detached dwellings and associated access + associated works.

10. Development Management Quarter 3 2022-23 Performance (Pages 139 - 142)

To inform members of the 2022/23 Q3 Development Management performance against a range of indicators.

11. Any other urgent business

To consider any item(s) which, in the opinion of the Chairman, should be considered as a matter of urgency.



Our meetings

As we would all appreciate, our meetings will be conducted in a spirit of mutual respect and trust, working together for the benefit of our Community and the Council, and in accordance with our Member Code of Conduct. Courtesy will be shown to all those taking part.



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Notice is given of the intention to hold any part of this meeting in private for consideration of any reports containing "exempt" information, which will be marked accordingly.

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Minutes of a meeting of the **Planning Committee** held at the **New Council Chamber - Town Hall, Reigate** on **Wednesday, 11 January 2023** at **7.30 pm**.

Present: Councillors S. Parnall (Chairman); M. S. Blacker (Vice-Chair), J. Baker, J. S. Bray, P. Chandler, Z. Cooper, A. King, J. P. King, S. A. Kulka, S. McKenna, R. Michalowski, C. Stevens, D. Torra and S. T. Walsh

Attended remotely: Councillor Harp

82 Minutes

RESOLVED that the minutes of the previous meeting held on 14 December 2022 be approved as a correct record.

83 Apologies for absence

An apology for absence had been received from Councillor Harp, however he joined the meeting virtually.

84 Declarations of interest

There were none.

85 Addendum to the agenda

It was **NOTED** that there was no addendum.

86 Conservation Areas Review

The Head of Planning explained that The Borough currently has 24 Conservation Areas. The Council has a statutory duty to regularly review designations and boundaries, and a review of all boundaries took place in 2007. It was noted that the Committee had considered conservation areas at its meetings over the last couple of years and this was due to the areas concerned requiring designation prior to the broader consultation currently being proposed; this was the final stage of the review process in this round.

The review identified 4 new conservation areas and 9 extensions to existing conservation areas as follows:

Proposed New Conservation Areas

- Gatton (Country House, church & Estate village)
- Blanford Rd (Old English style housing circa 1900)
- Warwick Rd (Victorian housing)
- Horley Row (medieval settlement, with later Georgian and Victorian elements)

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Proposed Conservation Area extensions

- Banstead (Medieval church, Lambert estate inc 18th century courthouse & lodges etc)
- Chipstead (large arts & crafts estate)
- Reigate Hill (Victorian mansions)
- Wray Common (Victorian mansions)
- Redhill (High Street)
- Linkfield Street (Victorian houses)
- St Johns (extension east & west inc arts & crafts houses)
- Church Rd Horley (cemetery plus exclusion of modern housing)
- Massetts Rd (Edwardian villas and Police Station)

It was noted that the hospital in the proposed extension to the Linkfield Street conservation area, as shown in Appendix 1 to the report, was not included.

The Conservation Officer gave the Committee a comprehensive overview of the proposals, for which he was thanked.

The Committee expressed their pleasure regarding many of the proposals within the report. During the meeting members also suggested a number of buildings and areas they felt should be considered within the designations. The Committee was reminded that during the consultation period members and the public were able to suggest changes to the proposals.

A member raised concerns received from members of the public whose properties fell within the proposed designations. Their concerns were around their future ability to improve their homes, for example the installation of energy efficiency products. It was explained that there would be some degree of impact, however the degree of this was perhaps misunderstood. Consideration did need to be given to the impact on the heritage asset against the environmental impact, however it was still possible to install double glazing and photovoltaic panels for example. It was agreed that the consultation letter would also summarise the basic aspects of energy and renewable energy permitted development in the proposed areas, however there was an element of self-learning that was required by residents.

RESOLVED that:

- 1) Officers be authorised to formally consult on the areas identified in the Conservation Areas review and report these views back to the Planning Committee for further consideration; and
- 2) The consultation letter will also summarise the basic aspects of energy and renewable energy permitted development in the proposed areas.


87 Any other urgent business

The meeting finished at 8.39 pm

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22/00885/F

 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:	PLANNING COMMITTEE
	DATE:	8 th February 2023
	REPORT OF:	HEAD OF PLANNING
	AUTHOR:	Hollie Marshall
	TELEPHONE:	01737 276010
	EMAIL:	Hollie.marshall@reigate-banstead.gov.uk
AGENDA ITEM:	5	WARD: Reigate

APPLICATION NUMBER:	22/00885/F	VALID:	17 th May 2022
APPLICANT:	London Green Ltd & Pilgrim Brewery	AGENT:	JMS Planning & Development Ltd
LOCATION:	5-13 WEST STREET REIGATE SURREY RH2 9BL		
DESCRIPTION:	Demolition of single-storey structure. Expansion of brewery facility amounting to an additional 186 sq m. Creation of one office unit (Class E) at ground floor level; three additional residential units; extensions and alterations to four units already approved through prior approval ref: 21/01323/PAP30 (room refs: 11a_1, 11a_3, 11a_8 and 13a_3). New bin store, cycle store, parking and associated works. (All other flats are per the prior approval consent ref: 21/01323/PAP30.) As amended on 09/11/2022.		
All plans in this report have been reproduced, are not to scale, and are for illustrative purposes only. The original plans should be viewed/referenced for detail.			

This application is referred by Cllr Absalom

SUMMARY

The site comprises the upper floors of 5 - 13 West Street in Reigate and an existing brewery sited at the rear of 11 West Street. The are comprised of a set of early 20th century arts and crafts buildings in the Reigate Conservation Area. In terms of the brewery, the demolition of a single-storey structure is proposed and expansion of the brewery facility including extensions to both sides and the front of the building are proposed. The extensions would create an enlarged taproom, private function space, a cold store, storage area and w/c's at ground floor level and at first floor a community space, offices, stores, a kitchen and w/c's are proposed. In regard to the residential extension to the existing flats, a prior approval application has been approved to change the use of the first, second and third floor from office use into 14 residential flats. The proposal is for a rear extension to the building to create one office unit (Class E) at ground floor level, three additional residential units, and extensions and alterations to four units already approved through prior approval ref: 21/01323/PAP30.

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Following amendments to the design of the brewery building, the Conservation Officer has confirmed the extensions are considered appropriate subject to conditions. This element of the proposal is also considered to be acceptable in terms of impact upon neighbour amenity, subject to recommended conditions to protect the amenities of adjoining occupiers and the surrounding area.

Turning to the flats, the proposal would see a rear extension, with a large flat roof extension and increasing the box form of the box dormer above by increasing its projection and raising its height. The proposed rear extensions to the flats would cause harm to the Conservation Area as a designated heritage asset, as they would not respect the arts and craft form of the original buildings, which contributes to the special architectural and historic interest of the area. Having special regard to enhancing as well as preserving the Conservation Area, it is considered that the proposal would have a negative effect on the special architectural and historic interest of the Conservation Area. The proposals would not, therefore, preserve or enhance the character or appearance of this part of the Conservation area, or the Conservation Area overall, contrary to Local and National Policy.

In this case there are public benefits to the scheme weighing in favour of the development, by way of 3 new dwellings adding to housing supply, and the improvements to the brewery site and the associated social and economic benefits this would provide. However, the associated brewery benefits are not directly linked to the residential development and accounting for all the benefits of the proposal they are not considered to outweigh the significant harm to heritage assets identified which national policy directs should be given great weight, and the proposals conflict with the policies of the statutory development plan. This is a matter that attracts significant weight against the scheme, and therefore the benefits of the scheme do not outweigh the harm from the development, do not form sufficient material considerations and as required by the Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused.

RECOMMENDATION(S)

Planning permission is **REFUSED**

Reason for refusal

The proposed development, by virtue of the design of the rear extensions to 5 – 13 West Street, would fail to respect the arts and craft form of the original buildings, which contribute to the special architectural and historic interest of the area and would harm the Conservation Area. The benefits associated with the proposal are considered insufficient to outweigh the harm, and the proposal is thereby contrary to policies DES1 and NHE9 of the Reigate and Banstead Borough Council Development Management Plan 2019 and Section 16 of the NPPF.

Consultations:

Highway Authority: The County Highway Authority has assessed the application on safety, capacity and policy grounds and has raised no objection subject to condition.

Environmental Health (Contaminated Land): There is some potential for contamination to be present, as such a condition to deal with contaminated land and an informative to provide additional guidance is recommended.

Sutton and East Surrey Water Company – no comments received

Reigate Business Guild – no comments received

Surrey Archaeological Society – no comments received

Principal Archaeologist SCC – no below ground archaeological concerns

The Reigate Society – Agree with Conservation Officer views on the residential aspect of the rear of the building. Considers the amendments to the brewery building in terms of trying to match the existing more traditional have not been successful.

Environment Agency – No objection. Land contamination, foundation design and contamination and drainage design and contamination guidance recommended

Reigate Park Lane Residents Association - The Association is wholly supportive of the retention of the Pilgrim Brewery Business in Reigate and the modernisation of the Brewery building and courtyard itself. The residential units are a welcome addition to the Town centre as well. Our only reservation is that local residences have been impacted by noise levels from outside events at the Brewery in the past and this should be addressed by controls surrounding any new plans.

Representations:

Letters were sent to neighbouring properties on 13th June 2022, a site notice was posted 24th June 2022 and advertised in local press on 15th June 2022. Neighbours were re-notified on the revised plans for a 14 day period commencing 10th November 2022.

56 responses have been received raising the following issues:

Issue	Response
Noise and disturbance	See paragraph 6.13 – 6.22
Support – Economic growth/jobs	See paragraph 6.42
Support – Community/regeneration benefits	See paragraph 6.42
Support – visual amenity benefits	See paragraph 6.3 – 6.8

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Support – benefit to housing need See paragraph 6.42

1.0 Site and Character Appraisal

- 1.1 The site comprises the upper floors of 5 - 13 West Street and an existing brewery sited at the rear of 11 West Street in Reigate. The site comprises a set of early 20th century Arts and Crafts buildings in the Reigate Conservation Area. The main building is the former Charlwoods bakery and rear Coach House (now brewery) at 11 West Street which was designed by the Reigate architect Edward Penfold in c.1905. 13 West Street is of c.1904 and perhaps by the same architect and 5 to 9 are in similar style but of 1927. The buildings face the Priory Cricket ground and visually the Coach House and rear buildings share the same low visual eaves line by the Coach House being set forward. The Coach House is in the Arts and Crafts style and the Coach House was carefully designed to be in keeping with the Georgian brick boundary wall when viewed from the cricket ground.
- 1.2 The front of the application building is in a prominent location, facing onto the A25 and close to the traffic-light controlled pedestrian crossings. The brewery site is set back from the road and largely screened from the street scene in West Street.
- 1.3 The surrounding area is characterised by attractive, historical buildings, including a statutory listed building on the opposite side of the A25. The surrounding uses are both commercial and residential in nature. To the rear of the site lies Prior Cricket Ground and a line of protected lime trees. The site is relatively flat.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: The applicant entered into pre-application discussions with the Council (PAM/22/00053). Concern was expressed over the bulk and height of the flats extension that would be at odds with the scale of development in the locality and create an addition that would be out of keeping with the character of the area. The box style dormer would fail to comply with the Council's SPG. Overall, the proposed scale and design of the extension to the flats was not considered acceptable.

Concern was raised over the metal cladding and concrete tiles that would not be acceptable from a Conservation viewpoint. The box dormer design to the rear would not comply with the Council's SPG design guidance and parapet walls should be avoided.

The proposed layout is strongly encouraged to incorporate areas of landscaping or retention of the existing.

- 2.2 Improvements secured during the course of the application: During the course of the application amendments were sought to address concerns raised by the Conservation Officer in terms of the design the brewery and flats. Amended plans for the brewery were submitted.

- 2.3 Improvements have not been sought because the proposal is considered unacceptable on a point of principle

3.0 Relevant Planning and Enforcement History

Brewery

There is a long planning history to the brewery site, the most recent application is included below:

- | | | | |
|-----|------------|---|---|
| 3.1 | 18/01421/F | Proposed change of use from a brewery to a mixed use of a brewery and drinking establishment, and the retention of a timber canopy/pergola over part of the brewery yard. | Approved with conditions
27 th May 2021 |
|-----|------------|---|---|

5 - 13 West Street

There are various applications to the individual buildings, the most recent planning history includes

- | | | | |
|-----|----------------|--|---|
| 3.2 | 21/01323/PAP30 | Building 13a - Internal Layout changes and the creating of 3 new flats. Building 11a - Internal Layout changes and the creating of 5 new flats. Building 9a - Internal Layout changes and the creating of 2 new flats. Building 7a - Internal Layout changes and the creating of 2 new flats. Building 5a - Internal Layout changes and the creating of 2 new flats. | Prior approval not required
30 th June 2021 |
| 3.3 | 18/00829/PAP30 | Change of use from B1(a) offices to residential | Prior approval not required
1 st June 2018 |

4.0 Proposal and Design Approach

- 4.1 This is a full application for extensions to the brewery building and flats.
- 4.2 In terms of the brewery, demolition of a single-storey structure is proposed and expansion of the brewery facility including extensions to both sides and the front of the building. The extensions would create an enlarged taproom, private function space, a cold store, storage area and w/c's at ground floor level and at first floor a community space, offices, stores, a kitchen and w/c's are proposed.

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- 4.3 In regard to the residential extension to the existing flats, a prior approval application has been approved to change the use of the first, second and third floor from office use into 14 residential flats. This application is extant and could be implemented. The proposal is for a rear extension to the building to create one office unit (Class E) at ground floor level, three additional residential units and extensions and alterations to four units already approved through prior approval ref: 21/01323/PAP3O (room refs: 11a_1, 11a_3, 11a_8 and 13a_3).
- 4.4 Within the site there is also a new bin store, cycle store, car parking and associated works proposed.
- 4.5 A design and access statement should illustrate the process that has led to the development proposal, and justify the proposal in a structured way, by demonstrating the steps taken to appraise the context of the proposed development. It expects applicants to follow a four-stage design process comprising:
Assessment;
Involvement;
Evaluation; and
Design.
- 4.6 Evidence of the applicant's design approach is set out below:

Assessment	The character of the surrounding area is assessed as including numerous independent shops, restaurants, pubs and many local community gatherings through the year. Local transport links are plentiful and within close proximity to the High Street. The site, located immediately to the west of the high street includes several popular independent retailers and a well known local Brewery/Taproom.
	Site features meriting retention are listed as: Brewery - the roof, various internal walls, and some of the previous material palette Flats - West Street Elevation remains unaltered, original brickwork retained and extended,
Involvement	No community consultation took place.
Evaluation	The statement does not include any evidence of other development options being considered.
Design	The applicant's reasons for choosing the proposal from the available options were the need of a more efficient space to create the brewery products, more appropriate areas for community gatherings and better provisions for staff. The proposed layout drastically improves the efficiency of the brewhouse and staff areas, providing

	<p>essential additional space in-line with current growth. As well as this, the increase to the taproom and the introduction of individual event and shop areas provides the necessary additional space for community growth the brewery so direly needs.</p> <p>With regard to the flats the Applicant notes proposal would provide 'more space and a significantly improved layout potential, leading to increased living standards.' Also the proposal seeks 'to improve on the existing office space and previous residential conversion application & layouts' 'The proposals have been designed to complement the site and its surroundings, and make efficient use of previously developed land'</p>
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4.5 Further details of the development are as follows:

Site area	0.17 hectares
Proposed parking spaces	13 (8 allocated for the residential use)
Parking standard	14 (minimum for residential use)
Net increase in dwellings	3
Proposed site density	154 dwellings per hectare
Density of the surrounding area	160 dwellings per hectare [Priory Court]

5.0 Policy Context

5.1 Designation

Urban area
Reigate Town Centre
Reigate Town Centre Conservation Area
Area of High Archaeological Importance
Adjacent to Grade II Curtilage listed Wall to the rear of 21 to 31 West Street

5.2 Reigate and Banstead Core Strategy

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CS1(Sustainable Development)
CS4 (Valued Townscapes and Historic Environment)
CS5 (Valued People/Economic Development),
CS7 (Town/Local Centres),
CS10 (Sustainable Development),
CS11 (Sustainable Construction),
CS14 (Housing Needs)

5.3 Reigate & Banstead Development Management Plan 2019

Design, Character and Amenity (including housing)	DES1, DES4, DES5, DES6, DES8, DES9
Landscape & Nature Conservation	NHE2, NHE3
Heritage	NHE9
Employment	EMP3
Retail	RET1
Transport, Access and Parking	TAP1
Climate Change Resilience and Flooding	CCF1

5.4 Other Material Considerations

National Planning Policy Framework	
National Planning Practice Guidance	
Supplementary Planning Guidance	Surrey Design Local Distinctiveness Design Guide Vehicle and Cycle Parking Guidance 2018 Affordable Housing
Other	Human Rights Act 1998 Community Infrastructure Levy Regulations 2010

6.0 **Assessment**

6.1 The application site is situated within 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.

6.2 The main issues to consider are:

- Design appraisal
- Neighbour amenity
- Highway matters
- Impact on trees

- Amenity for future occupants
- Ecology
- Drainage and flooding
- Sustainable construction
- Affordable Housing
- Community Infrastructure Levy
- Infrastructure contributions
- Planning balance

Design appraisal

6.3 The site lies within the Reigate Town Centre Conservation Area. Policy DES1 of the DMP states all new development will be expected to be of a high quality design that makes a positive contribution to the character and appearance of its surroundings and lists a number of criteria proposals should comply with to ensure this. Policy NHE9 of the DMP states development will be required to protect, preserve, and wherever possible enhance, the Borough's designated and non-designated heritage assets and historic environment.

6.4 The NPPF states:

Conserving and enhancing the historic environment

189. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations

6.5 Starting with the proposed brewery extensions, the design of which has been amended during the course of the application to address concerns raised by the Conservation Officer and resultant impact on the Conservation Area. The brewery building dates from c.1903. There have been negative elements added in the past however the main building is built in an Arts and Crafts style. The building was designed in the context of the cricket ground and finished in high quality, hand made red and multistock brick. The proposed extensions would see additions to both sides of the building and the front. Alterations to the windows are proposed to the rear elevation. Single storey extensions are proposed to the front of the building and a two storey extension proposed to the eastern side. A smaller single storey addition is proposed to the western side. Externally keg storage is proposed to the eastern side as well as the brewery bin store area. To the western side, an external seating area and breakout space is proposed as well as cycle parking. In the central part of the site, between the brewery and the flats, a total of 13 parking spaces are proposed, along with bin store areas and further cycle parking for the residential use.

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6.6 Following amendments to the design of the brewery building, the Conservation Officer has confirmed the extensions to this portion of the proposals are considered appropriate subject to conditions.

6.7 Turning to the flats, the proposal would see a rear extension with a large flat roof extension and increasing the box form of the box dormer above by increasing its projection and raising its height. The Conservation Officer provided the following comments:

'In regard to the extension to the residential element this would be harmful by raising the eaves line with a large flat roof rendered extension and increasing the box form of the box dormer above by increasing its projection and raising its height down to floor level. We consider that the residential extensions should respect the arts and crafts form of the original buildings which would have been possible with the use of pitched roofs but a box like form approach has been pursued instead. The side of the box dormer is extended to the side to combined with the parapet which will create a flat side elevation. The adjacent turret is raised and has an insipidly low roof pitch compared with the steep roof pitches of the building and as can be seen in the photograph there is an error in the ridge line as ridge of 13 is much lower and therefore this proposal cannot be built as proposed. I consider the raised eaves including rendered flat roof main built elements, combined with errors in the ridge line, are unacceptable. I would therefore recommend this application for refusal from a conservation viewpoint.'

6.8 The proposed rear extensions to the flats would cause harm to the Conservation Area as a designated heritage asset, as they would not respect the Arts and Craft form of the original buildings, which contribute to the special architectural and historic interest of the area. Having special regard to enhancing as well as preserving the Conservation Area, it is considered that the proposal would have a negative and harmful effect on the special architectural and historic interest of the Conservation Area. This impact would be localised and as a result would cause less than substantial harm. The proposals would not, therefore, preserve or enhance the character or appearance of this part of the Conservation area, or the Conservation Area overall. Consequently, the proposals would conflict with Policies DES1 and NHE9 of the Reigate & Banstead Development Management Plan 2019 (the DMP). These policies include that high quality design should make a positive contribution to the character and appearance of its surroundings, including conservation areas. Development should reinforce local distinctiveness and the visual appearance of the streetscene, be sympathetic in layout, height, scale, massing and form, have regard to important views and protect designated heritage assets.

Neighbour amenity

6.9 The proposed development has been considered with regards to its impact on the amenity of neighbouring properties.

- 6.10 In regard to the flats, given the position of the proposed extensions and relationship to neighbouring buildings, the proposal is sufficiently separated so as to avoid issues in terms of overbearing, domination, or loss of light.
- 6.11 The brewery would see extensions to the eastern side, whereby properties that front Park Lane back onto the site, the nearest being No. 6 and No. 8. These properties have rear gardens with a depth of approximately 25m. The proposed extension would bring the property closer to the shared boundary although would retain a separation distance of between 2.5 – 3.m. The eaves height of the eastern side elevation would be between 4m (at the closest point) – 4.8m and the roof would be hipped away, decreasing in height the closer to the boundary.
- 6.12 In view of the level of separation, gap to eastern side boundary and lower eaves height and hipped roof design, the proposal is not considered to result in a harmful impact in terms of overbearing, domination or loss of light to these dwellings.
- 6.13 Objection has been received on the grounds of noise and disturbance from the intensified use of the brewery. The site lies within a mixed use area within Reigate Town Centre. The site is set back from the West Street frontage where the neighbouring buildings line the road. To the front of the site and the neighbouring buildings either side (odd numbers between 5 - 17 West Street) are commercial properties (although granted consent to change to residential and forms part of this application to create residential uses). To the north-west of the application site lies a terrace of three residential dwellings, 21 Priory Cottage, 21a and 21b West Street, the nearest to the application site being 21 Priory Cottage. These dwellings front West Street to the north and have south facing rear gardens. Priory Cottage lies approximately 38m north-west of the canopy building, measured to the closest point of the rear boundary of this dwelling, increasing to 42m to the rear elevation, and approximately 26m measured from the closest point of the boundary of No. 21 and the closest point of the application site. 21, 21a and 21b all have relatively small rear gardens of approximately 3m depth and car parking immediately to the rear of the site.
- 6.14 Immediately to the west of the site is a car park and beyond this is a flatted development, Priory Court. This is a 2 and a half storey building in residential use, comprising of 8 flats. The east elevation of the building faces toward the application site and at ground floor level comprises parking, and at first and second floor includes a small window at each level. The roof is hipped in design and the second floor partially occupies the roof. Plans (ref: 93/200) show 2 x 1 bedroom units on this eastern side of the building; the east facing windows are secondary windows that serves a lounge/dining room and this room has a primary window facing south. The kitchen windows face north and the bedroom window also faces south, to the west of the lounge/dining room.
- 6.15 To the south of the site lies Reigate Priory Football Club and Reigate Priory Cricket Club.

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- 6.16 To the east and south east lies 6 - 12 (even numbers) Park Lane. These dwellings front Park Lane to the east and have west facing rear gardens. The rear boundary of 6, and part of the rear boundary 8 Park Lane adjoin the application site. The building at the brewery lies between these properties and the outdoor seating area. These dwellings have rear gardens of approximately 25m in depth and the outdoor seating area of the application site is sited approximately 21m from these rear boundaries, on the western side of the brewery building.
- 6.17 No. 10 Park Lane lies to the south-east of the application site, with a separation distance of approximately 21m between the rear boundary of No. 10 and the outdoor seating area of the application site, and approximately 38m to the rear elevation of this dwelling. No. 12 Park Lane has a separation distance of 37m from the rear boundary to the seating area, increasing to 55m to the rear elevation.
- 6.18 To the north-east of the site are 1 and 3 West Street, these properties are commercial at ground floor with residential use above. There is a separation distance of approximately 26m to No. 3, the nearer of the two properties.
- 6.19 During the course of the application the Council consulted their Noise Consultants who consider the proposed redevelopment affords an improved ability to control noise from the Pilgrim Brewery. Clearly, the introduction of new residential occupiers will mean that the events and functions will need to be carefully controlled if complaints are to be avoided. However, this issue will also be addressed through the licensing process. They have recommended that hours of operation, playing of amplified music and an operational management plan are subject to condition. This will give additional support to the licencing controls.
- 6.20 Noise Consultant comments:

The application details the development of residential accommodation above the retail units at 5-13 West Street and the redevelopment of the existing Pilgrim Brewery to create a larger internal bar area and community room on the first floor.

The application for residential development was previously approved under the prior approval process. This limits matters that can be taken into account. Matters excluded from consideration under prior approval include environmental noise such as road traffic noise. As this application is a full planning application, these matters must be considered to ensure the application is properly determined.

Given the location of the development it is important that the impact of road traffic noise is considered.

Scheme of sound insulation and ventilation.

A Noise Impact Assessment Report prepared by KP Acoustics reference 24227.NIA.01 Rev B and dated 11/04/22 has been submitted. This report has

identified the need for measures to ensure that recommended noise levels within habitable rooms are achieved. Ventilation may also be required to prevent overheating.

The report is considered acceptable, and a condition is proposed to ensure a suitable scheme is designed and implemented.

Fume and extraction equipment

Both the proposed dwellings and brewery facility may require fume and extraction equipment to be installed, either to facilitate ventilation or to control odour from the brewing process. Noise and vibration from the operation of this equipment may be an issue and a condition is proposed to ensure full details are provided.

Building services and plant.

A Noise Assessment has been provided but this has not considered noise from building services or plant in detail. A condition is proposed to ensure that noise and vibration from building services and other plant, machinery or equipment is properly controlled. Details of measures to control vibration may also be required.

Hours of operation- Brewery facility

The acceptability of late-night uses is a matter for the local planning authority to determine with respect to relevant policies. Suggested hours have been proposed to protect residential amenity of the adjoining residential occupiers should the late-night use be considered acceptable.

Playing of amplified sound - Brewery facility

A condition is proposed to limit the noise from live or recorded amplified sound to protect the amenity of adjoining occupiers

Operational Management Plan- Brewery facility

A condition is proposed to ensure a suitable operational management plan is submitted to and approved by the local planning authority.

Delivery and Servicing Management Plan- Brewery facility

A condition is recommended to ensure a Delivery and Servicing Management Plan is submitted to and approved in writing by the local planning authority.

- 6.21 In terms of the house of opening, it is recommended a condition be attached to secure the following:

The permitted hours of operation for the brewery facility are restricted to the following times:

08:00 Hours to 23:00 Hours – Monday through to Thursday.

08:00 Hours to 23:00 Hours – Fridays and Saturdays.

10:00 Hours to 22:00 Hours – Sundays, Bank Holidays or Public Holidays

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Reason: To protect the amenities of adjoining occupiers and the surrounding area (Policy CS10 Sustainable Development of RBBC Core Strategy (2014)).

- 6.22 These hours are consistent with the existing closing time of the tap room at the Brewery. Records from the Environmental Protection Team have been checked and there has not been a noise complaint regarding the brewery site since 2018. Accordingly, these hours are considered acceptable to avoid a harmful impact in terms of noise and disturbance to neighbouring residents.

Highway matters

- 6.23 Prior approval application 21/01323/PAP3O for 14 dwellings did not include any provision for residential parking. This application proposes a total of 13 parking spaces. The Applicant proposes these are designated as follows:

- One car parking bay is a disabled car parking space.
- Two car parking spaces are currently linked to the ground floor commercial units.
- One car parking space is proposed for the proposed office unit
- Two spaces for the brewery
- Three spaces are allocated for the proposed additional residential units
- The five remaining car parking spaces could be allocated to the approved PD units as required.

- 6.24 The County Highways Authority were consulted upon the application and noted *'The site is located in a sustainable location in Reigate Town Centre, close to services, amenities and good transport links within walking / cycling distance. The application includes provision for secure and covered cycle parking which meets Reigate & Banstead Borough Council standards. The applicant has allocated 13 car parking spaces to the development, with 5 spaces allocated to the 3 x residential units, and 1 space to the office unit (186sqm). This meets both Reigate & Banstead BC and Surrey CC standards for town centre locations. It is not considered that the proposal will give rise to any significant highway issues*

- 6.25 Conditions are recommended to secure the development shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for 13 vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes. Also a construction transport management plan, electric vehicle charging and cycle parking. Subject to these conditions the proposal is considered acceptable in this regard.

Impact on trees

- 6.26 To the rear of the site is group of lime trees protected by way of a tree preservation order. These trees are an important arboricultural feature affording significant visual amenity. The Tree Officer has been consulted and

at the time of this report comments are awaited. This shall be updated in the addendum.

Amenity for future occupants

- 6.27 The NPPF provides that planning decisions should provide a high standard of amenity for future users. DMP Policy DES5 relates to the delivery of high quality homes and requires, inter alia, that as a minimum, all new residential development (including conversions) must meet the relevant nationally described space standard for each individual units except where the Council accepts that an exception to this should be made in order to provide an innovative type of affordable housing that does not meet these standards. In addition, the policy also requires all new development to be arranged to ensure primary habitable rooms have an acceptable outlook and where possible receive direct sunlight.
- 6.28 The application proposes three new residential dwellings as well as extensions and alterations to four out of the fourteen units permitted under a recent prior approval application.
- 6.29 The application proposes the following units:

Flat number	Floor area (sqm)	Bedrooms	Persons
5a_1	58.29	2	3
7a_1	65.42	2	3
9a_1	68.31	2	3
11a_2	39.55	1	1
11a_3	68.63	1	2
11a_4	43.81	1	1
13a_1	51	1	2
13a_2	40.48	1	1
5a_2	70.34	2	4
7a_2	64.04	2	3
9a_2	67	2	3
11a_5	42.2	1	1
11a_7	41.78	1	1
11a_6	71.43	1	2
13a_3	42.89	1	1
13a_4	41.24	1	1
11a_8	74	2	4

- 6.30 Flat 5a_1 does not meet the minimum space standards for a two bedroom 3 person dwelling. This is on the basis the unit is less than 61sqm, bedroom 2 is less than 7.5sqm and less than 2.15m in width. This would be contrary to policy DES5 of the DMP, and therefore amended floor plans have been sought to amend this unit to a one bedroom, two person dwelling that would meet the minimums standards. An update shall be provided in the addendum upon the receipt of amended floor plans.

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- 6.31 Although only one of the units would have an area of private outdoor amenity space, the site is in very close proximity to the Town Centre where there are a number of local amenities and Priory Park is approximately 200m walk away where future occupants would have access to outdoor space, woodland, sports pitches, tennis and basketball courts and a playground. On this basis the proposal is considered to be acceptable and future occupants would have access to outdoor recreation space within close proximity of the site.

Ecology

- 6.32 The site is not subject to any designation to indicate a particular importance for nature conservation interests. Given the uses of the site, the town centre location and the nature of the buildings it is unlikely that there would be an impact on protected species. In line with policy NHE2 biodiversity enhancement measures will be required which should be designed, wherever possible, to achieve a net gain in biodiversity. Were the application to be approved, a condition would be attached to secure biodiversity enhancements.

Drainage and flooding

- 6.33 The site is within Flood Zone 1, and not within areas of surface water flooding. On this basis there is no objection to the proposal in this regard.

Sustainable construction

- 6.34 DMP Policy CCF1 relates to climate change mitigation and requires new development to meet the national water efficiency standard of 110litres/person/day and to achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations. However the 2022 changes to Part L of the Building Regulations have taken effect from 15th June and provide a 30% improvement on emission rates so effectively superseding this policy requirement.
- 6.35 Were the application to be recommended for approval, a condition would be recommended to ensure that each dwelling is fitted with access to fast broadband services in accordance with policy INF3 of the DMP.

Affordable Housing

- 6.36 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.

- 6.37 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.

Community Infrastructure Levy (CIL)

- 6.38 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, road, public transport and community facilities which are needed to support new development. This development would be CIL liable and, although the exact amount would be determined and collected after the grant of planning permission.

Infrastructure Contributions

- 6.39 In terms of other contributions and planning obligations, The Community Infrastructure Levy (CIL) Regulations were introduced in April 2010 which state that it is unlawful to take a planning obligation into account unless its requirements are (i) relevant to planning; (ii) necessary to make the proposed development acceptable in planning terms; and (iii) directly related to the proposed development. As such only contributions, works or other obligations that are directly required as a consequence of development can be requested and such requests must be fully justified with evidence. In this case, no such contributions or requirements have been requested or identified. Accordingly, any request for an infrastructure contribution would be contrary to CIL Regulation 122.

Planning Balance

- 6.40 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.
- 6.41 NPPF para 199 directs that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The weight is applied irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para 202 of the NPPF directs that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Agenda Item 5

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8th February 2023

Agenda Item: 5
22/00885/F

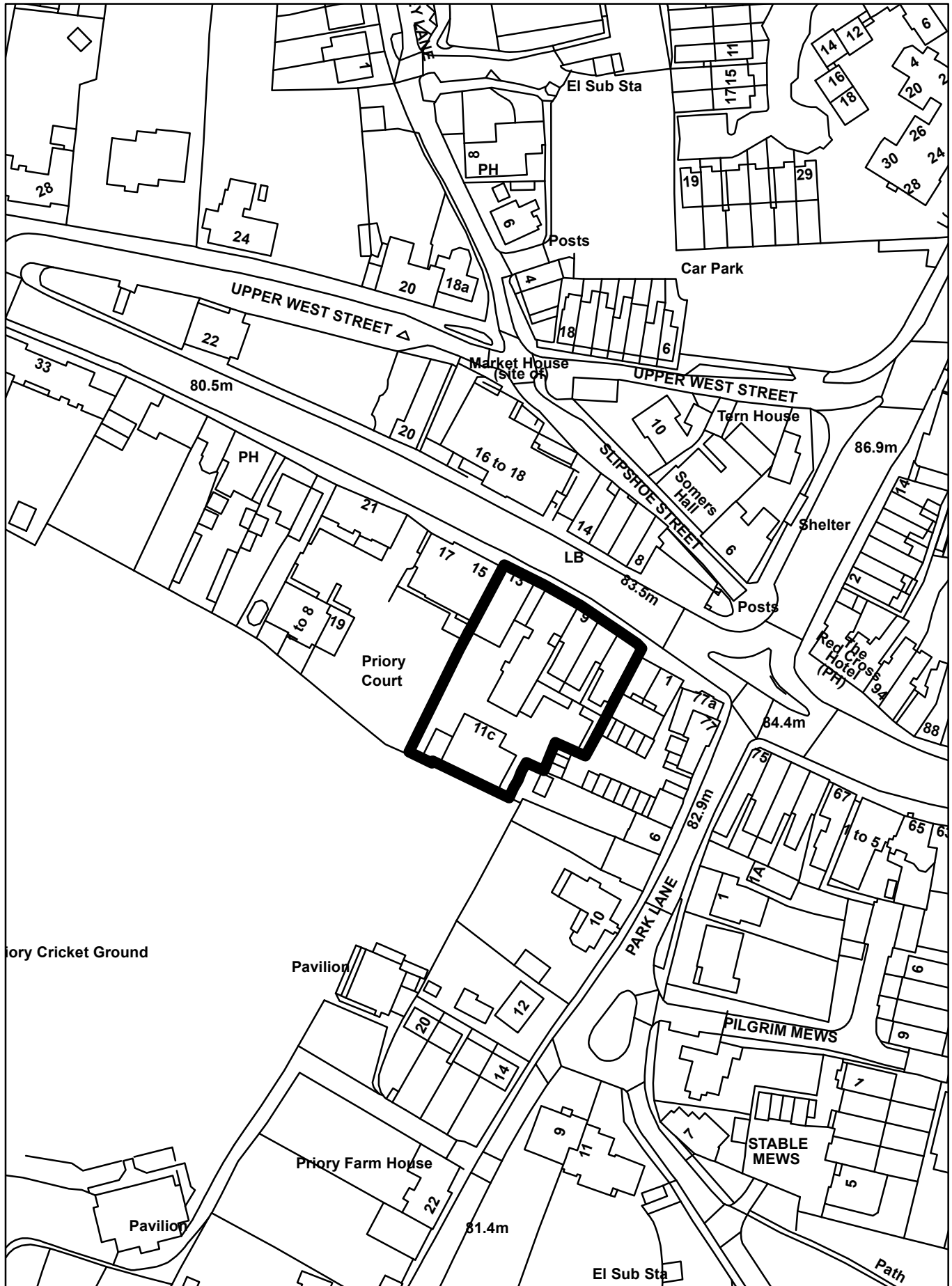
- 6.42 In this case there are public benefits to the scheme weighing in favour of the development, by way of 3 new dwellings adding to housing supply, and the proposal would provide a temporary economic benefit during design and construction and an ongoing spend in the local economy once occupied and are given moderate weight. Subject to conditions then further enhancements to the scheme could be made in respect to biodiversity and to energy and water use, and these are also given moderate weight in the planning balance.
- 6.43 The improvements to the brewery site would provide associated social and economic benefits. Notwithstanding the benefits associated with the extensions to the brewery, these are not directly linked or dependent upon the flats extensions and therefore are afforded only moderate weight.
- 6.44 However, these are not considered to outweigh the significant harm to heritage assets identified, and the proposals conflict with the policies of the statutory development plan.
- 6.45 In summary, the proposed development conflicts with the aims of policies in the statutory development plan and the policies of the Framework in respect of harm to designated assets. This is a matter that attracts significant weight against the scheme, and therefore the benefits of the scheme do not outweigh the harm from the development and as required by the Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused.

REASON FOR REFUSAL

The proposed development, by virtue of the design of the rear extensions to 5 – 13 West Street, would fail to respect the Arts and Crafts form of the original buildings, which contribute to the special architectural and historic interest of the area and would harm the Conservation Area. The benefits associated with the proposal are considered insufficient to outweigh the harm, and the proposal is thereby contrary to policies DES1 and NHE9 of the Reigate and Banstead Borough Council Development Management Plan 2019 and Section 16 of the NPPF.

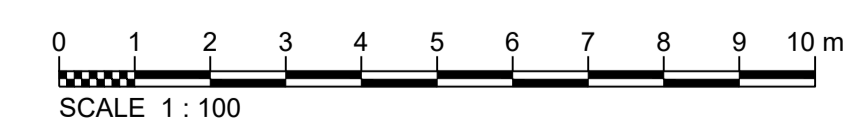
Proactive and Positive Statements

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 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.





Proposed Site Plan 1:100



DRAWING REVISIONS				
REV	DESCRIPTION	DATE	BY	CHK
A	Revised following pre-app meeting comments	10.03.2022	MJA	NJ
B	Revised following transport refuse comments	24.03.2022	MJA	NJ

NOTES
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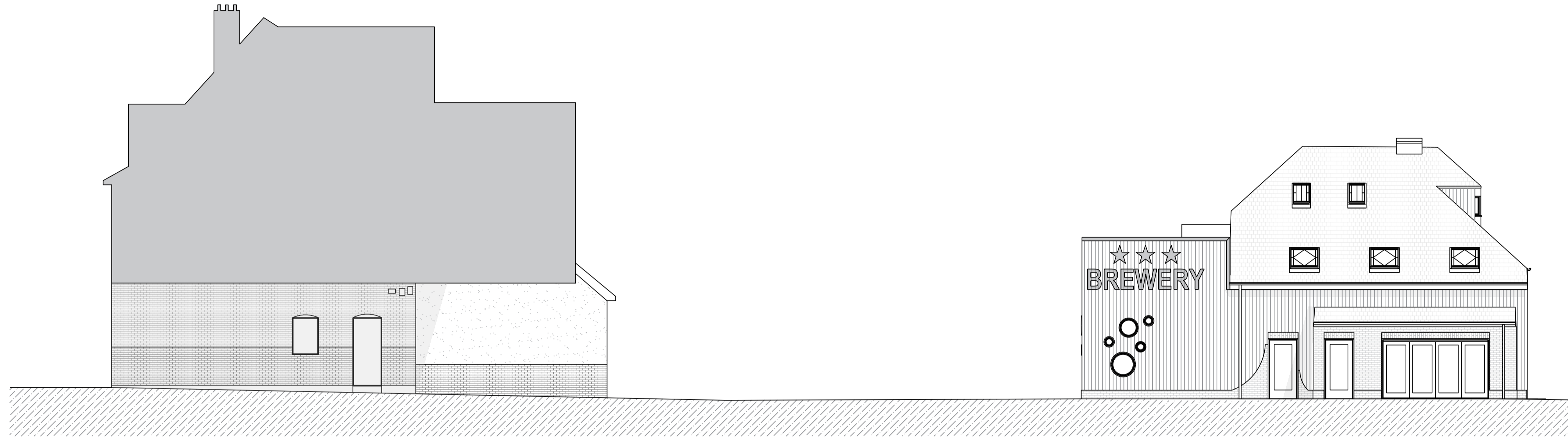
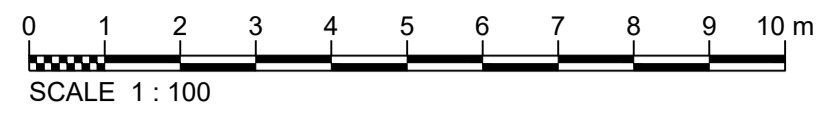
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CLIENT
 London Green Ltd.

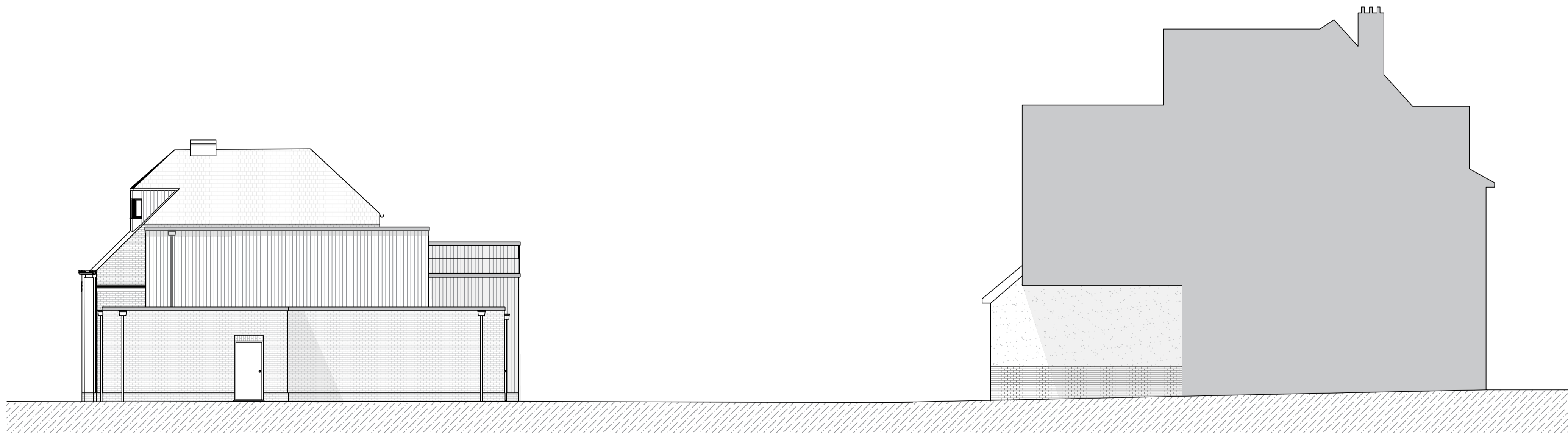
PROJECT
 Reigate Dwelling Development
 West Street
 Reigate, RH2 9BL

DRAWING TITLE
 Proposed Site Plan

DRAWING STATUS		
PLANNING		
SCALE	DATE	
1:100 @ A1	04.01.22	
DRAWN BY	CHECKED BY	
MJA	NJ	
JOB NO.	DWG NO.	REV
L1016	901	B



PROPOSED SITE ELEVATION EE



PROPOSED SITE ELEVATION FF



Site Side Elevation Key Plan

DRAWING REVISIONS				
REV	DESCRIPTION	DATE	BY	CHK
A	Updates to suit design progression	15.03.2022	MJA	NJ

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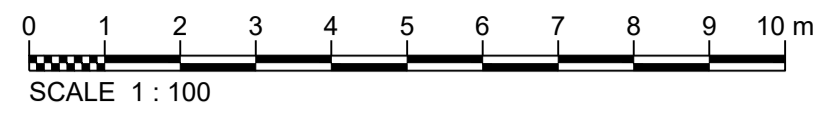
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PROJECT
 Reigate Dwelling Development
 West Street
 Reigate, RH2 9BL

DRAWING TITLE
 Site Elevations
PROPOSED SITE SIDE ELEVATIONS

DRAWING STATUS		
PLANNING		
SCALE	DATE	
1:100 @ A1	14.02.22	
DRAWN BY	CHECKED BY	
MJA	-	
JOB NO.	DWG NO.	REV
L1016	600	A



PROPOSED REAR ELEVATION
RESIDENTIAL BUILDING



PROPOSED FRONT ELEVATION
RESIDENTIAL BUILDING (INC. COMMERCIAL UNITS)

DRAWING REVISIONS				
REV	DESCRIPTION	DATE	BY	CHK
A	Revised following pre-app meeting/ comments	10.03.2022	MJA	NJ
B	Revised for additional turret to be tile hung	08.11.2022	AT	NJ

NOTES
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CLIENT
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PROJECT
Reigate Dwelling Development
West Street
Reigate, RH2 9BL

DRAWING TITLE
Residential Building
Proposed Elevations

DRAWING STATUS		
PLANNING		
SCALE 1:100 @ A1	DATE 04.01.22	
DRAWN BY MJA	CHECKED BY NJ	
JOB NO. L1016	DWG NO. 400	REV B



Proposed Front/ North Elevation - Brewery Building
1 : 100
(North Facing Inside Pilgrim Court)



Proposed Side/ West Elevation - Brewery Building
1 : 100
(West Facing Inside Pilgrim Court)



VISUAL SCALE 1:100

DRAWING REVISIONS				
REV	DESCRIPTION	DATE	BY	CHK
A	Revised following pre-app meeting/ comments	18.03.22	MA	NJ
B	Revised following meeting	10.08.22	AT	NJ
C	Revised Roof	11.08.22	AT	NJ
D	Revised Windows	17.08.22	AT	NJ
E	Revised in line with comments 28.09.22	04.10.22	AT	NJ
F	Revised rooflightst	05.10.22	AT	NJ

NOTES
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CLIENT
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PROJECT
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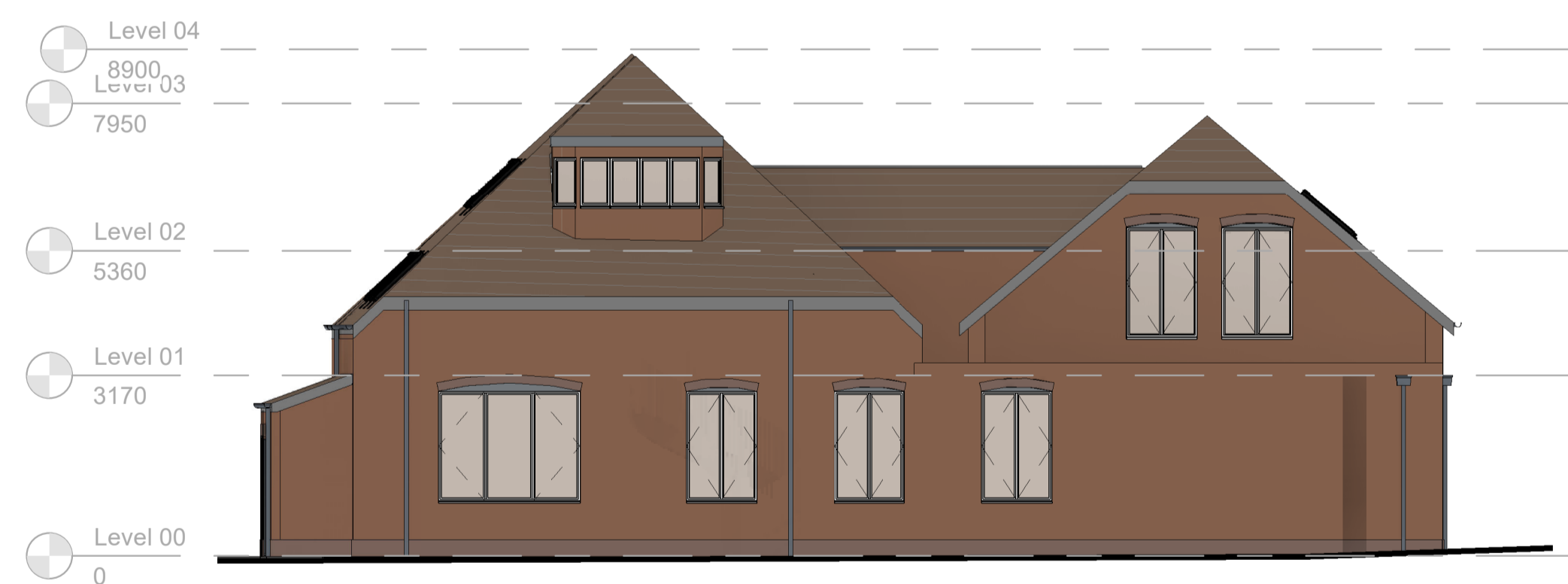
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Proposed Elevations

DRAWING STATUS
FOR COMMENT

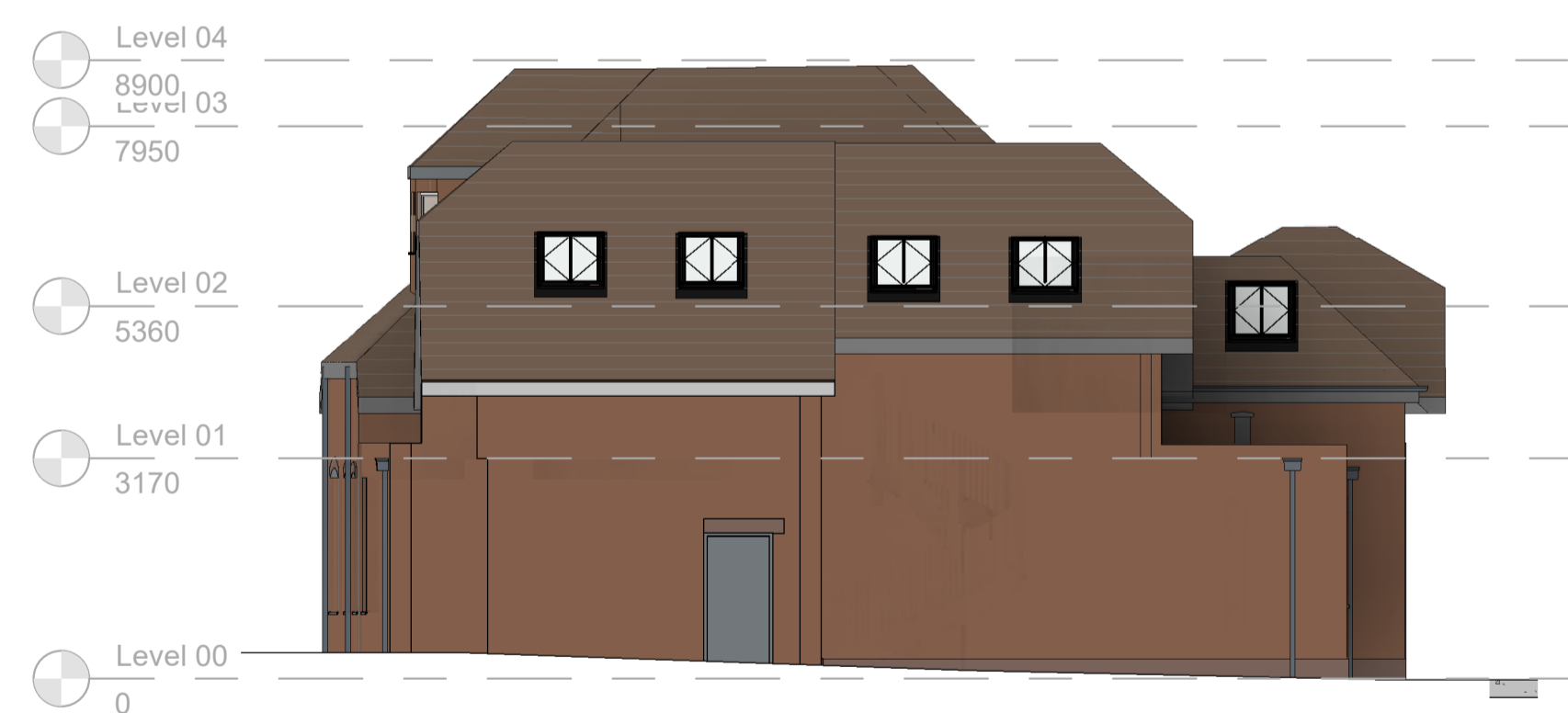
SCALE	DATE
	10/08/222

DRAWN BY	CHECKED BY
MJA	NJ

JOB NO.	DWG NO.	REV
L1016	500	F



Proposed Rear/ South Elevation - Brewery Building
1 : 100
(South Facing Reigate Priory Football Club)



Proposed Side/ East Elevation - Brewery Building
1 : 100
(East Facing Inside Pilgrim Court)

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Agenda Item 6

Planning Committee
14th December 2022

Agenda Item: 6
22/02228/S73

 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:	PLANNING COMMITTEE
	DATE:	14 th December 2022
	REPORT OF:	HEAD OF PLACES & PLANNING
	AUTHOR:	Hollie Marshall
	TELEPHONE:	01737 276010
	EMAIL:	Hollie.marshall@reigate-banstead.gov.uk
AGENDA ITEM:	6	WARD: Reigate

APPLICATION NUMBER:	22/02228/S73	VALID:	11 th October 2022
APPLICANT:	JS MWP Ltd	AGENT:	Savills
LOCATION:	LAND TO THE NORTH OF MERRYWOOD PARK REIGATE SURREY		
DESCRIPTION:	<p>Construction of a three storey building comprising 8no. two bedroom dwellings and associated parking provision for both the proposed building and for residents of Merrywood Park. Variation of condition 1 of permission 15/02914/F. Amendment to approved plans. Variation of conditions 1, 5, 6, 8 and 10 of permission 17/01757/S73. Amendment to alter the site layout and landscaping design to incorporate a turning head for a refuse vehicle and fire vehicle as required by condition 8 of the original decision notice and building regulations. The introduction of this turning head requires the relocation of a number of parking spaces to the south-eastern corner of the site. Variation of Conditions 1, 5 and 8 of 18/01877/S73. Condition 1: Revised plans to remove car parking at grass verge. Condition 5: Amended wording to update Tree Protection Plan for clarity. There is no development at the grass verge that requires tree protection. Condition 8: Amended wording to remove plan that is no longer required by removing car parking. As amended on 01/11/2022 and on 17/11/2022</p>		
<p>All plans in this report have been reproduced, are not to scale, and are for illustrative purposes only. The original plans should be viewed/referenced for detail.</p>			

This application is referred by Cllr Blacker

SUMMARY

This is a S73 application that seeks a variation of conditions 1, 5 and 8 of 18/01877/S73. The application proposes to remove the requirement for space to be laid out for 7 parking spaces on the grass verge to the front of 5 – 12 Merrywood

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14th December 2022

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22/02228/S73

Park, as per the approved plans for application 18/01877/S73. This was also secured by a unilateral undertaking made under s.106.

There has been extensive planning history at the site and parking has been a significant issue in the consideration and determination of previous planning applications and appeals relating to the land. This is because the development on which the development was sited was historically in use for garages before these were demolished and it used for informal car parking. In this case, planning permission was granted in 2015 for the development of 8 x 2 bed flats with the requirement for 12 parking spaces to serve future occupiers, and 11 parking spaces for existing residents of Merrywood Park within the development site. A further 7 spaces were to be constructed on the grass verge opposite 5 – 12 Merrywood Park.

Although the 2015 application were determined prior to the adoption of the Development Management Plan and the parking standards contained therein, if it were to be assessed against the requirements of the DMP, there would be a requirement for 1 space per flat plus 1 visitor space (i.e. 9). The provision of 12 for the development itself therefore exceeds DMP standards.

The additional 18 spaces were proposed to help address existing shortfalls and those predicted to result from the development of the garages. Of these 11 have been provided and it is the remaining 7 that are the subject of this application.

Justification, evidenced by way of a parking survey, has been submitted that demonstrates there is adequate parking for residents with spare capacity on street and within the development. Furthermore, the parking spaces cannot be constructed without the loss of the protected trees on the grass verge. The submitted reports have been reviewed by the County Highways Authority and Tree Officer in these regards and both raise no objection in view of the findings submitted.

On this basis, the proposal is considered to result in an acceptable impact in terms of adequate parking provision as existing, and the retention of the protected trees is considered positively in terms of visual and environmental benefits. Conditions must meet the relevant NPPF tests for them to be lawfully applied. These are that they be: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects. Without evidence that the 7 spaces in question are required to address shortfalls arising from the development, it cannot be argued that they are necessary or relevant to the development permitted. For these reasons the proposal is considered acceptable and recommended for approval.

RECOMMENDATION(S)

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

Consultations:

Highway Authority: The County Highway Authority has assessed the application on safety, capacity and policy grounds and has raised no objection.

Housing – no comments received

Sutton and East Surrey Water Company – no comments received

Merrywood Park Residents Association – Objects on the grounds of the 7 parking spaces on the grass verge are required in order to ease parking congestion within Merrywood Park, failure to provide the 7 parking spaces will increase the risk of danger and inconvenience to highway users, parking congestion, loss of amenity, and danger and inconvenience to highways, the Report fails to treat Merrywood Park (nos.1-32) and Merrywood Park House as two separate entities with distinct parking requirements and access. The Report contains material errors that negate the validity of the Stress Test.

National Air Traffic Services – ‘The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguard criteria. Accordingly, NATS (En Route) Public Limited Company (‘NERL’) has no safeguarding objection to the proposal.

Representations:

Letters were sent to neighbouring properties on 13th October 2022. Neighbours were re-notified on the additional justification report submitted for a 14 day period commencing 21st November 2022.

23 responses have been received raising the following issues:

Issue	Response
Inadequate parking	See paragraph 6.7 – 6.11
Flawed parking strategy	See paragraph 6.7 – 6.11
Change in description of proposed worked (18/01877/S73 and 18/01877/NMAMD1)	See paragraph 6.29
Hazard to highway safety	See paragraph 6.7 – 6.11
Drainage/sewage capacity	See paragraph 6.27
Harm to Conservation Area	See paragraph 6.27
Inconvenience during construction	See paragraph 6.27
Increase in traffic and congestion	See paragraph 6.7 – 6.11
Loss of a private view	This is not a material planning consideration
Loss of/harm to trees	See paragraph 6.12 – 6.16

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No need for the development	Each application must be assessed on its own merits
Out of character with surrounding area	See paragraph 6.4
Overbearing relationship	See paragraph 6.27
Overdevelopment	See paragraph 6.27
Overlooking and loss of privacy	See paragraph 6.27
Overshadowing	See paragraph 6.27
Property devaluation	Not a material planning consideration

1.0 Site and Character Appraisal

- 1.1 Merrywood Park is a development of 32 two-storey maisonettes, situated on the eastern side of Reigate Hill. The development is served by a small cul-de-sac, which has a turning head at the northern end that leads to the more recent development of Merrywood Park House (MPH). MPH is a three storey building comprising 8 x 2 bedroom flats.
- 1.2 To the front of 5 – 12 Merrywood Park lies the road and a grass verge beyond. The grass verge is approximately 39m in length and between 7.3 - 10m in width and includes a row of protected trees that screens views to Reigate Hill.
- 1.3 The site is part of a wider area that is designated as a Residential Area of Special Character (RASC) comprising the whole of Merrywood Park and land beyond.

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: None
- 2.3 Further improvements to be secured through the use of conditions: None

3.0 Relevant Planning and Enforcement History

- | | | | |
|-----|-----------------|---|--|
| 3.1 | 15/02914/VS106 | Variation of the section 106 agreements pursuant to 15/02914/F. | Pending consideration |
| 3.2 | 18/01877/NMAMD1 | Non-material amendment to 18/01877/S73 : Vary the | Approved 30 th September 2022 |

description of development that was approved as - Construction of a three storey building comprising 8no. two bedroom dwellings and associated parking provision for the both the proposed building and for residents of Merrywood Park.

3.3 18/01877/S73

Construction of a three storey building comprising 8no. two bedroom dwellings, associated parking with provision of 12no. car parking spaces. An additional 18 no. spaces are proposed for the residents of Merrywood Park adjacent to the proposed building and on the grass verge adjacent to numbers 1-12 Merrywood Park. Variation of condition 1 of permission 15/02914/F. Amendment to approved plans. Variation of conditions 1, 5, 6, 8 and 10 of permission 17/01757/S73. Amendment to alter the site layout and landscaping design to incorporate a turning head for a refuse vehicle and fire vehicle as required by condition 8 of the original decision notice and building regulations. The introduction of this turning head requires the relocation of a number of parking spaces to the south-eastern corner of the site. As amended on 23/10/2018, 04/04/2019 and on 23/05/2019.

Approved with conditions 25th September 2019

3.4 17/01757/S73

Construction of a three storey building comprising 8no. two bedroom dwellings, associated parking with provision of 12no. car parking spaces. An additional 18 no. spaces are proposed for the residents of Merrywood Park adjacent to the proposed building and on the grass verge adjacent to numbers 1-12 Merrywood Park. Variation of condition 1 of permission 15/02914/F. Amendment to approved plans.

Approved with conditions 27th September 2019

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3.5	15/02914/F	Construction of a three storey building comprising 8no. two bedroom dwellings, associated parking with provision of 12no. car parking spaces. An additional 18 no. spaces are proposed for the residents of Merrywood Park adjacent to the proposed building and on the grass verge adjacent to numbers 1-12 Merrywood Park. As amended on 3/2/2016 and 02/03/2016.	Approved with conditions 11 th May 2016
3.6	09/00222/F	Erection of 6 two bedroom apartments	Withdrawn by Applicant 3 rd August 2009
3.7	08/01221/F	Erection of eight x 2 bedroom apartments in one building plus allocated parking spaces.	Withdrawn by Applicant 14 th July 2008
3.8	08/01019/F	Erection of eight x 2 bedroom apartments in one building plus allocated parking spaces	Refused 23 rd July 2008 Appeal Allowed 20 th November 2008
3.9	07/02304/F	Erection of eight two bedroom apartments in one building plus associated parking.	Refused 23 rd April 2008 Appeal Allowed 20 th November 2008
3.10	07/00336/F	Erection of nine two bedroom apartments in one building plus associated parking.	Refused 12 th October 2007 Appeal dismissed 17 th April 2008
3.11	05/02154/F	Erection of 2 storey block of 4 apartments with undercroft parking and also additional parking.	Approved with conditions 28 th June 2006
3.12	04/02776/F	Erection of 6 no. 3 bedroom flats with 9 no. basement parking spaces, 5 surface spaces & 14 auto park spaces in a garage block design.	Refused 25 th May 2005
3.13	01/00716/F	Six bed detached house with	Approved with

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	detached double garage, 8 garages & six parking spaces for residents at Merrywood Park or other permitted users	conditions 31 st May 2002	
3.14	00P/0652/RM	Reserved matters in connection with 98P/0538/OUT	Approved 15 January 2001 Not implemented
3.15	98P/0576/F	Provision of 17 parking spaces	Withdrawn 31 July 1998
3.16	98P/0538/OUT	One detached house plus 14 parking spaces for rental purposes to residents of Merrywood Park	Granted with S106 9 December 1998 Not implemented
3.17	96P/1338/OUT	One detached dwelling	Refused Appeal dismissed 15 January 1998
3.18	95P/1359/F	Provision of 32 car parking spaces	Refused Appeal dismissed 30 September 1996
3.19	92P/0717/OUT	One detached dwelling	Refused Appeal dismissed 7 April 1993
3.20	92P/0716/OUT	Two detached dwellings	Refused Appeal dismissed 7 April 1993
3.21	91P/0090/OUT	Ten flats	Refused Appeal dismissed 10 April 1992
3.22	89P/1160/OUT	Bungalow and two-storey flats	Refused Appeal dismissed 3 July 1990
3.23	89P/0504/OUT	Development of two-storey flats	Refused Appeal dismissed 3 July 1990
3.24	87P/1439/OUT	Development of two-storey flats	Refused Appeal dismissed 20 September 1988

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- 3.25 The Inspector's decision to dismiss the appeal in respect of application 96P/1338/OUT in January 1998 noted that the garage court had been disused for some time and indicated that a revised proposal for a house with provision of some public parking might be acceptable. On that basis the Council approved application 96P/1338/OUT in December 1998, subject to a legal agreement to ensure that the 14 spaces are first offered to residents of Merrywood Park. This was repeated with the approval of 01/00716/F in May 2002 and 05/2154/F June 2006, which secured the provision of a further six spaces outside the application site and within the highway.
- 6.26 Application 95P/1359 sought to provide 32 car parking spaces in the amenity verges within Merrywood Park, including five within the amenity area fronting Reigate Hill. The application was refused and later dismissed on appeal on reasons relating to the impact on the character and amenity of the area and the probable adverse impact on the protected lime trees on the Reigate Hill frontage.
- 3.27 Since that time the research and development covered within British Standard 5837 "Trees in Relation to Construction" refers specifically, to the provision of no-dig construction of parking areas and driveways within protected root areas. Accordingly, a design with both arboricultural and engineering input could resolve the issues of impact on the trees, although in this case the Applicant has submitted justification that this is not possible in this instance.

4.0 Proposal and Design Approach

- 4.1 This is a S73 application that seeks a variation of conditions 1, 5 and 8 of 18/01877/S73.
- Condition 1: Revised plans to remove car parking at grass verge.
 - Condition 5: Amended wording to update Tree Protection Plan for clarity. There is no development proposed at the grass verge that requires tree protection.
 - Condition 8: Amended wording to remove plan that is no longer required by removing car parking.
- 4.2 The application proposes to remove the requirement for space to be laid out for 7 parking spaces on the grass verge to the front of 5 – 12 Merrywood Park, as per the approved plans for application 18/01877/S73. This was also secured by a unilateral undertaking. A separate application has been submitted to vary this legal agreement.
- 4.5 Further details of the development are as follows:

Site area	0.24 hectares
Parking spaces as approved in application 15/02914/F	23 parking spaces within the car parking area for Merrywood House (11 spaces for residents of Merrywood Park, 12 spaces for residents of Merrywood Park House) 7 new spaces to be constructed on grass verge opposite 5 – 12 Merrywood Park. 27 on street parking spaces
Current existing parking spaces	23 parking spaces within the car parking area within Merrywood Park House site. (11 spaces for residents of Merrywood Park, 12 spaces for residents of Merrywood Park House) 27 on street parking spaces
Proposed parking spaces	As above – equates to 38 spaces for Merrywood Park residents and 12 spaces for Merrywood Park House residents.
Parking standard	Merrywood Park House – 10 parking spaces (8 for residents, 2 for visitors) Merrywood Park – 39 parking spaces (32 for residents, 7 for visitors)

5.0 Policy Context

5.1 Designation

Urban area

Tree Preservation Order RE596

Residential area of special character

Parking Standards – medium accessibility

5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development)

CS4 (Valued Townscapes and Historic Environment)

CS5 (Valued People/Economic Development),

CS7 (Town/Local Centres),

CS10 (Sustainable Development),

CS11 (Sustainable Construction),

CS14 (Housing Needs)

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5.3 Reigate & Banstead Development Management Plan 2019

Design, Character and Amenity
(including housing) DES1, DES3, DES5,

Landscape & Nature Conservation NHE2, NHE3
Infrastructure INF3
Transport, Access and Parking TAP1
Climate Change Resilience and CCF1
Flooding

5.4 Other Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

Supplementary Planning Guidance Surrey Design
Local Distinctiveness Design Guide
Vehicle and Cycle Parking
Guidance 2018

Other Human Rights Act 1998
Community Infrastructure Levy
Regulations 2010
Conservation of Habitats and
Species Regulations 2010

6.0 **Assessment**

6.1 The proposed development seeks consent for a minor material amendment to planning permission 18/01877/S73. The application proposes a variation of conditions 1, 5 and 8 of permission 18/01877/S73 to remove the requirement for seven car parking on the grass verge within Merrywood Park.

6.2 As planning permission has already been granted on the site, this report will focus on the changes to the scheme and assess the acceptability. The main issues are:

6.3 The main issues to consider are:

- Design appraisal
- Neighbour amenity
- Highway matters
- Impact on trees
- Conclusion
- Conditions
- Other matters

Design appraisal

- 6.4 The proposal would see the existing grass verge retained, maintaining the visual amenities of Merrywood Park. The protected trees on the grass verge, which provide visual screening to Reigate Hill beyond and a pleasant leafy appearance to the streetscene, would be retained. On this basis, the proposal is considered to have a positive impact upon the character of the area and the visual amenities of the area, in accordance with policies DES1 and NHE3.

Neighbour amenity

- 6.5 In terms of the visual amenities, the proposal is considered positively by providing screening to Reigate Hill and a pleasant outlook for neighbouring properties.
- 6.6 In regard to the residential amenity of residents of Merrywood Park and their visitors, objection has been raised in regard to inadequate parking and increasing the pressure and competition for on-road parking space to the detriment of residential amenity. This shall be discussed further within the highway matters section of the report.

Highway matters

- 6.7 Objection has been raised by public contributors on the grounds of inadequate parking, inconvenience for residents and their visitors, a flawed parking strategy, hazard to highway safety and an increase in traffic and congestion. The County Highways Authority have been consulted upon the proposal and provided the following comments:

*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.*

There have been at least six planning applications related to the above site. The most recent was planning application RE/22/1315 which sought to vary the associated Section 106 agreement by removing the requirement to provide seven car parking spaces on the highway verge on the west side of Merrywood Park. We had no objection to this but I believe this has still to be determined by Reigate and Banstead Borough Council.

The next most recent application was RE/18/1877/S73 to vary one condition of 15/02914/f and to vary five conditions of 17/01757/S73. All applications have involved the creation of eight two bedroom dwellings with 12 car parking spaces and an additional 18 spaces for existing residents of Merrywood Park. With the exception of application RE/22/1315 all applications were subsequently approved by Reigate and Banstead Borough Council. There are conditions attached to these planning permissions that require 12 spaces serving the proposed development to be provided within the red line of the

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application site and a further 11 spaces for existing residents of Merrywood Park to also be provided within the red line of the application site. There is also a section 106 Agreement dated 10 May 2016 attached to the site for the creation of 7 parking spaces on the highway verge on the west side of Merrywood Park. The 11 spaces within the red line boundary of the application and the 7 spaces on the highway verge amount to an extra 18 spaces for the existing residents of Merrywood Park on top of the 12 spaces for the proposed 8 two bed dwellings. Under Reigate and Banstead current parking standards the proposed development would have to provide a minimum of 8 spaces for the residents and two spaces for visitors, so the 12 spaces already provided (as the development has been built out) are in effect an over provision of spaces meaning that it is unlikely that the proposed development would add to parking pressure. This is apparent from the surveys that were undertaken on 20, 21, and 22 April 2022 during which there was respectively five, two and two car parking spaces unoccupied out of a total provision of 12 spaces for users of the proposed development. Although I do not know how much of the development is occupied. However the provision of 12 spaces instead of the minimum of 10 spaces using current parking standards is an over provision of parking.

The proposed seven car parking spaces as required by the Section 106 Agreement would have required the removal of TPO Trees to create adequate space for the provision of parking with space for drivers to move their cars into and out of the parking bays and for drivers to get into and out of their cars onto a hard surface such as tarmac. Given that the removal of the trees would be detrimental to the streetscene and amenity of Merrywood Park residents I instructed the developer to carry out a parking survey and to contact Reigate and Banstead Borough Council. A parking survey was subsequently undertaken. The survey shows there is adequate parking space along Merrywood Park and within the neighbouring development off the northern end of Merrywood Park where extra parking spaces for existing residents are available to park their vehicles. For example the 1300h survey on 20 April shows that there was spare capacity to park ten more vehicles on Merrywood Park and ten more vehicles within the red line edging of the application site where existing residents of Merrywood Park can park. During the two 0030h parking surveys on 21 and 22 April there was spare capacity to park respectively two vehicles and one vehicle on Merrywood Park and within the development there was spare capacity to park an additional 8 vehicles within the red line edging of the application site. The above surveys mean at 0030h on 21 April 2022 there was spare capacity for 10 vehicles belonging to existing residents or their visitors to park across the survey area which includes the red line edging of the application site and Merrywork Park. On 22 April there was spare capacity to park nine vehicles across the study area.

The parking surveys were carried out on Wednesday 20 April at 1200 midday and at 0030 on the nights of Thursday and Friday 21 and 22 April. The parking survey's were carried out on the same week as Easter Monday which was 18 April 2022. If the surveys were carried out in strict accordance with the Lambeth Parking Methodology then the application would have had to be delayed by five more weeks as the guidance does state such surveys should

not be carried out on weeks with public holidays or on weeks after holidays. Notwithstanding this I allowed the surveys to be carried out on 20, 21 and 22 April 2022 as these were when most if not all people would have returned to work and school after the two weeks holiday for schools which started on 4 April 2022. On 2 May there was another public holiday during which people could have been on leave on the week of the public holiday or either side of it. There may have been people on leave during the survey and not all dwellings occupied but not so much as to leave nine car parking spaces unoccupied. In conclusion I still think that the surveys show that there is space capacity across the study area for new and existing residents and their visitors to park.

The MPRA have made specific comments which I would like to address below:

- 1. The parking spaces could be provided if the trees were to be removed. The fact that the trees are subject to a TPO is a detailed matter that SCC became aware of during the detailed assessment of the proposed Section 278 works submission made to Surrey County Council post planning permission.*
- 2. I cannot comment on whether the developer is concerned about sustainable development.*
- 3. Where exactly is the resident's association proposing parking when discussing the west side pavement.*
- 4. Research in Manual for Streets shows between 36% and 45% of garages are used for parking. If there are 22 garages this means that between 8 and 10 garages are used for parking meaning that between 8 and 10 cars would be displaced, all of which can be accommodated in the extra parking area provided by the developer.*
- 5. I do not know whether the area that accommodated the garages, and the garages themselves were for Merrywood Park Resident's.*
- 6. It is correct that parking on the highway including on the verge cannot be assigned to the residents, but the 11 car parking spaces within the site can be allocated to the residents as that is private property.*
- 7. The MRPA states that four properties were not occupied. The surveys show at 0030 on the two night surveys on 21 and 22 April 2022 there was spare capacity for respectively 10 and 9 cars. Even if each of those properties has two cars then they could be occupied in the spare spaces.*
- 8. The MRPA states that four properties do not own a car. This quantity of non car households can go up or down.*
- 9. If the quantum of cars permanently parked at Merrywood park has increased by 6 then they can be occupied in one of the spare spaces referred to above.*

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10. The 11 spaces should be formalised for the Merrywood Parking spaces.

6.8 The site has a substantial and material history relating to its former use as garages and repeated attempts to prevent any loss to housing prior to 1998. Whilst planning permission for a residential development has since been granted and implemented, it has been a significant issue in the consideration and determination of previous planning applications and appeals relating to the land.

6.9 This current proposal has been supported by justification in the form of a parking survey undertaken in April 2022. The parking survey is based upon on a total of 50 parking spaces as follows:

Merrywood Park length of on street parking: 81.5m

Total number of safe spaces available: 16 + 7* (*7 vehicles can be parked within the circular area at the north eastern end of Merrywood Park)

Merrywood Park (disabled bays): 4

New development: 23 (it is noted that 11 of these spaces are for Merrywood Park residents and 12 for Merrywood Park House residents)

6.10 The total number of car parking spaces is 50, minus those 12 allocated for the residents of Merrywood Park House, gives a total available to Merrywood Park residents of 38. It is accepted that 27 of these are available to all highway users equally (and includes the provision of 4 disabled parking spaces). Notwithstanding this, the survey has demonstrated spare capacity for parking within the on street spaces on Merrywood Park and the spaces within the site of Merrywood Park House. The removal of the requirement of the seven parking spaces on the grass verge therefore, would not result in a detrimental impact upon the parking provision for the residents of Merrywood Pak. Indeed, were the spaces to be constructed they would be available to all highway users equally and not controlled to be specifically for residents of Merrywood Park.

6.11 The County Highways Authority has reviewed the information and justification submitted and are satisfied the proposal would not have a material impact on the safety and operation of the adjoining public highway and on this basis the proposal is considered acceptable.

Impact on trees

6.12 Merrywood Park has significant numbers of trees that make a positive contribution to the visual amenity and local landscape, particularly those trees along the western boundary with Reigate Hill. The TPO record notes this includes a group of 10 limes and 3 malus on the grass verge between Reigate Hill and Merrywood Park. This is the siting of the proposed seven car parking spaces.

- 6.13 The Applicant has submitted a report justifying why the trees cannot be retained should the parking spaces be constructed. The report includes a description of the trees and notes *'T2 – T10 consists of a line of single stemmed lime trees managed as pollards, and T1 is a multi stemmed hazel tree. The limes have been detailed as category 'B' moderate value.. The trees T1 to T10 and their Root Protection Areas (RPAs) occupy the majority of the grass verge space.*

Car parking area feasibility in relation to Root Protection Areas (RPAs)

The stems of T1 to T10 are located within a verge laid to grass at an average distance of 3m from the eastern kerb line of Merrywood Park. The RPAs for T1 to T10 extend across the entirety of the proposed car-parking area with the exception of a small area to the north and south.

Any proposal for car parking within this area will therefore entail incursions of up to 50% into the RPAs of T1 to T10. However British Standard BS5837:2012 section 7.4.2.3 states that 'New permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA.', so any proposed car parking at this location would not meet the British Standard.

Under certain circumstances, incursions into RPAs can be mitigated by utilising a 'no dig' cellular confinement systems with permeable surfacing which negates the need for any excavation. However, this will entail the raising of final ground levels by approximately 250mm, which coupled with the existing kerb height of 100mm would require a steep ramp-up of over 350mm height to the finished levels over a very short distance from the existing road level. Communication from the design engineer is that such a ramp would be impractical and would not be acceptable to the Highway Authority.

The grass verge to the east of T1 to T10 is therefore not a suitable location for a car parking area in relation to their Root Protection Areas.

Car Parking Area Feasibility in relation to the Stems of Trees T1 to T10

Due to the limited available space along the grass verge, the proposed car parking spaces would expose the stems of the trees to the potential for accidental vehicle impact and bark damage.... However, British Standard BS5837:2012 section 7.4.2.7 states that 'The hard surface...should be set back from the stem of the tree and its above ground root buttressing by a minimum of 500mm to allow for growth and movement.' In addition, any proposed parking would need to provide physical barriers such as bollards to prevent accidental stem damage for parking cars.

Communication from the design engineer is that the adherence to the 500mm buffer plus the installation of stem barriers/bollards to protect the stems of these trees would reduce the layout space such that the design would be unachievable and would not be acceptable to the Highways Authority.

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Car Parking Area Feasibility in relation to Pollard form of Lime Trees T2 to T10

The lime trees are managed as a pollard form i.e. regularly cut on a 3 – 5 year cycle back to their low 2m high crownbreaks (bole height) This pollard tree form naturally produces low lateral branching, therefore the issue of low branches and conflicts over the parking area will therefore be a constant – particularly if high sided or transit vehicles attempt to utilise the parking area.

Car Parking Area Feasibility in relation to Honeydew from Lime Trees T2 – T10

T2 – T10 are a lime species (Tilia sp) that are a natural food source to leaf aphids. The aphids feed on the leaf sap and exude a sticky honeydew which drips onto cars. Local Authorities are often reluctant to permit cars parking directly under lime trees, due to the additional pressure of having to field subsequent complaints they receive about the sticky sap on residents cars being considered a nuisance.'

6.14 For the reasons above, the Applicant concludes the provision of a car-parking area to the east of trees T1 to T10, located on a strip of grass verge between the two highways entrances into Merrywood Park road is not considered feasible in arboricultural terms.

6.15 The Tree Officer has reviewed the submitted information and provided the following comments:

'The arboricultural note attached to the Parking Justification Report goes into some detail as to why it is not possible to construct the parking bays next to T1 -T10 without damaging, or most likely result in the loss of this established line of protected trees. The author justifies the reasons why it is not possible by citing relevant sections of BS5837:2012 and therefore I support this application.'

6.16 In view of the comments from the Tree Officer, it is considered that the trees could not be retained were the parking spaces to be constructed. This would be detrimental to the environmental and visual amenity benefits of this group of trees. This was always known to be a possibility in the approval of the original scheme, in which case replacement trees could be secured and that situation still applies. However, in light of the parking evidence now being against the need for these spaces, the balance of benefit in retaining the trees versus provision of parking spaces is now firmly in favour of the trees' retention.

Conclusion

6.17 There has been extensive planning history at the site and parking has been a significant issue in the consideration and determination of previous planning applications and appeals relating to the land. In this case, planning

permission was granted in 2015 for the development of 8 x 2 bed flats with the requirement for 12 parking spaces to serve future occupiers, and 11 parking spaces for existing residents of Merrywood Park within the development site. A further 7 spaces were to be constructed on the grass verge opposite 5 – 12 Merrywood Park.

- 6.18 This application proposes to remove the requirement for the 7 parking spaces on the grass verge in view of the current parking situation and impact on trees. Justification, supported by evidence in the form of the parking survey, has been submitted that demonstrates there is adequate parking for residents and the parking spaces cannot be constructed within the loss of the protected trees. This has been reviewed by the County Highways Authority and Tree Officer in these regards and both raise no objection in view of the findings of the submitted survey and report.
- 6.19 On this basis, the proposal is considered to result in an unobjectionable impact in terms of adequate parking provision and to seek to reimpose the condition would fail the relevant conditions tests of being necessary and relevant to the development, thereby being unlawful. Furthermore when considering the potential impact upon the protected trees visual harm would arise from their loss if the parking spaces were to be provided. For these reasons the proposal is considered acceptable and recommended for approval.

Conditions

- 6.20 Condition 2 of application 18/01877/S73 required the development to begin before 11th May 2019. As this has already happened, this condition is no longer necessary and shall be removed.
- 6.21 Since the approval of application 18/01877/S73, the Development Management Plan has been adopted, superseding the Local Plan 2005. Accordingly, the conditions shall be updated to refer to relevant, current policy.
- 6.22 Condition 1 shall be amended in view of the revised drawings for the grass verge to remain as existing.
- 6.23 The application also proposes to amend conditions 5 and 8. Condition 5 required:

No development shall commence including groundworks preparation until all related arboricultural matters including tree protection measures, pre commencement meeting, arboricultural supervision and monitoring are implemented in accordance with the approved details contained in the Arboricultural Method Statement compiled by Southern Ecological Solutions dated 8th May 2019 and the Tree Protection Plan dated 8th May 2019 Rev B

Reason:

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

6.24 As the flats have been constructed and no further tree protection would be required by virtue of the approval of this application, this condition is no longer necessary and shall be removed.

6.25 Condition 8 requires:

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the submitted plans 1676 PA GA 2001 and 1676 PA GA 2005 Rev D 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 and turning areas shall be retained and maintained for their designated purposes.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan 2005 and the objectives of the NPPF 2012.

6.26 This condition shall be amended to remove the reference to plan 1676 PA GA 2001. As the development has now been built and occupied the development, the condition shall be varied as follows:

The parking and turning areas shall be retained and maintained, in accordance with plan 1676 PA GA 2005 Rev D, for their designated purposes.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users to satisfy policy TAP1 of the Development Management Plan and the objectives of the NPPF.

Other matters

6.27 Objection has been raised on the grounds of drainage/sewage capacity, harm to Conservation Area, inconvenience during construction, overbearing relationship, overdevelopment, overlooking and loss of privacy and overshadowing. In view of the proposal to retain the existing trees and verge as existing, the proposal is not considered to result in a harmful impact in these regards.

6.28 Objection was received on the grounds of the change in description of proposed worked (18/01877/S73 and 18/01877/NMAMD1). In this case there was no material changes to the proposed development when compared to

the extant scheme. The proposal related solely to the description of the approved scheme. The change to the description was simplified so that the subsequent S73 application could be submitted and considered. The change to the description does not alter or result in any change to what has been granted permission by 18/01877/S73.

- 6.29 Therefore, the proposed change to the description, when assessed against the context of the current permission, is considered to not materially alter the character of the development nor would it have any adverse impact on the amenities or function of the area or neighbouring properties. Therefore, it is considered that the proposed changes could be considered non-material in this instance.

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the plans approved under applications 15/02914/F, 17/01757/S73 and 18/01877/S73 (except where superseded by the plans below).

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.

Note: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

2. The development shall be constructed in accordance with the proposed ground levels and the proposed finished ground floor levels of the buildings submitted and approved under condition 3 of 15/02914/F (application reference 15/02914/DET03). 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 Development Management Plan 2019 policy DES1.

3. The development shall be constructed in accordance with the materials submitted and approved in writing by the Local Planning Authority under condition 4 of 15/02914/F (application reference 15/02914/DET04), and there shall be no variation unless agreed in writing by the Local Planning Authority.

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Reason: To ensure that a satisfactory external appearance is achieved of the development with regard to Development Management Plan 2019 policy DES1.

4. All works shall be carried out in strict accordance with the details of hard and soft landscaping submitted and approved.

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

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, 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 NHE3 and DES1 of the Development Management Plan 2019.

5. All works shall take place in accordance with the Construction Transport Management Plan, submitted and approved by the Local Planning Authority under condition 7 of 15/02914/F (application reference 15/02914/DET07).

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to accord with policy TAP1 of the Development Management Plan 2019.

6. The parking and turning areas shall be retained and maintained, in accordance with plan ref 1676 PA GA 2005 Rev D for their designated purposes.

Reason: The above conditions are required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users to satisfy policy TAP1 of the Development Management Plan 2019 and the NPPF.

7. The development hereby approved shall not be first occupied unless and until the following facility has been provided in accordance with the approved plans for:
 - (a) The secure and covered parking of 8 bicycles within the development site, and thereafter the said approved facility shall be provided,

Reason: To meet the objectives of the NPPF and to satisfy policy TAP1 of the Development Management Plan 2019.

8. 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 policy DES1 of the Development Management Plan 2019.

9. The first and second floor windows in the eastern 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 policy DES1 of the Development Management Plan 2019.

10. (i) Replacement Tree planting will be required if T42 sycamore and T65 Horse chestnut are damaged or require removal as a result of the implemented access road and car parking arrangements approved under this decision within 5 years of the completed development.

(ii) Replacement trees shall be semi mature specimens with a minimum girth measured at 1m above ground level of not less than 25cm and an initial planting height of not less than 6m. The species of the replacement tree/s will be agreed in writing with the LPA.

(iii) Replacement planting shall be completed in the planting season immediately following felling, or as otherwise agreed in writing with the Council. The location of the replacement tree/trees shall be in the immediate vicinity of the tree/trees being removed.

(iv) If the replacement tree/trees planted in accordance with this condition is/are removed, dies or becomes damaged or diseased within 5 years of the replacement planting date, it/they shall be replaced within the next planting season by a tree of the same size, in the same location and of the same species.

Reason: To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with British Standard 5837:2012 'Trees in Relation to design, demolition and construction - Recommendations' and policies NHE3 and DES1 of the Development Management Plan 2019.

11. The development shall not be occupied until the developer has provided wheeled refuse bins conforming to British Standard BSEN840 and communal paper/card and mixed can recycling bins are provided in addition to storage

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facilities for the bins in accordance with the plans approved by the Local Planning Authority.

Reason: To provide adequate waste facilities in the interests of the amenities of the area and to encourage the recycling of domestic refuse in accordance with policy DES1 of the Development Management Plan 2019.

INFORMATIVES

1. Your attention is drawn to the fact that this permission is subject to a legal agreement the provisions of which should be complied with in full. A payment of infrastructure contributions is required and there is a requirement to notify the Council in advance of commencement of development. Payment of £53,878 then becomes due.

On commencement of development, notice should be sent to the Planning Authority in writing or email to planning.applications@reigate-banstead.gov.uk advising that works have started. The sum described above is payable within a period of 28 days from commencement of development.

The development, once started, will be monitored by my enforcement staff to ensure compliance with the legal agreement and the conditions. Failure to pay the agreed infrastructure contribution will result in legal action being taken against the developer and/or owner of the land for default of the relevant agreement.

2. 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.
3. The applicant is encouraged to provide renewable technology within the development hereby permitted in order to reduce greenhouse gas emissions. Further information can be found on the Council website at : [Climate Change Information](#).
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 permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval 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. Please see: www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.
6. 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).
7. 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.

REASON FOR PERMISSION

The development hereby permitted has been assessed against development plan policies TAP1, DES1 NHE3, 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

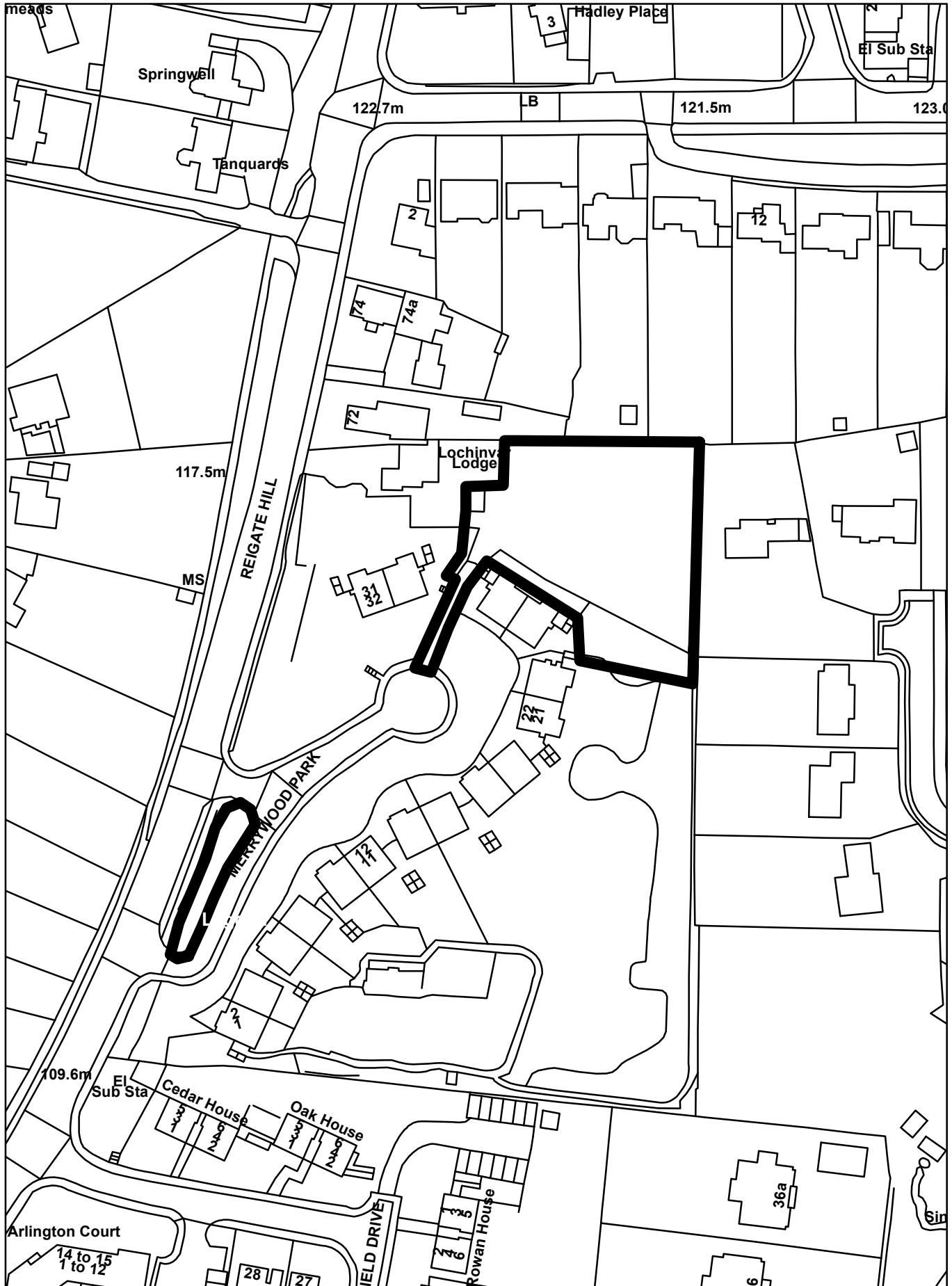
Agenda Item 6

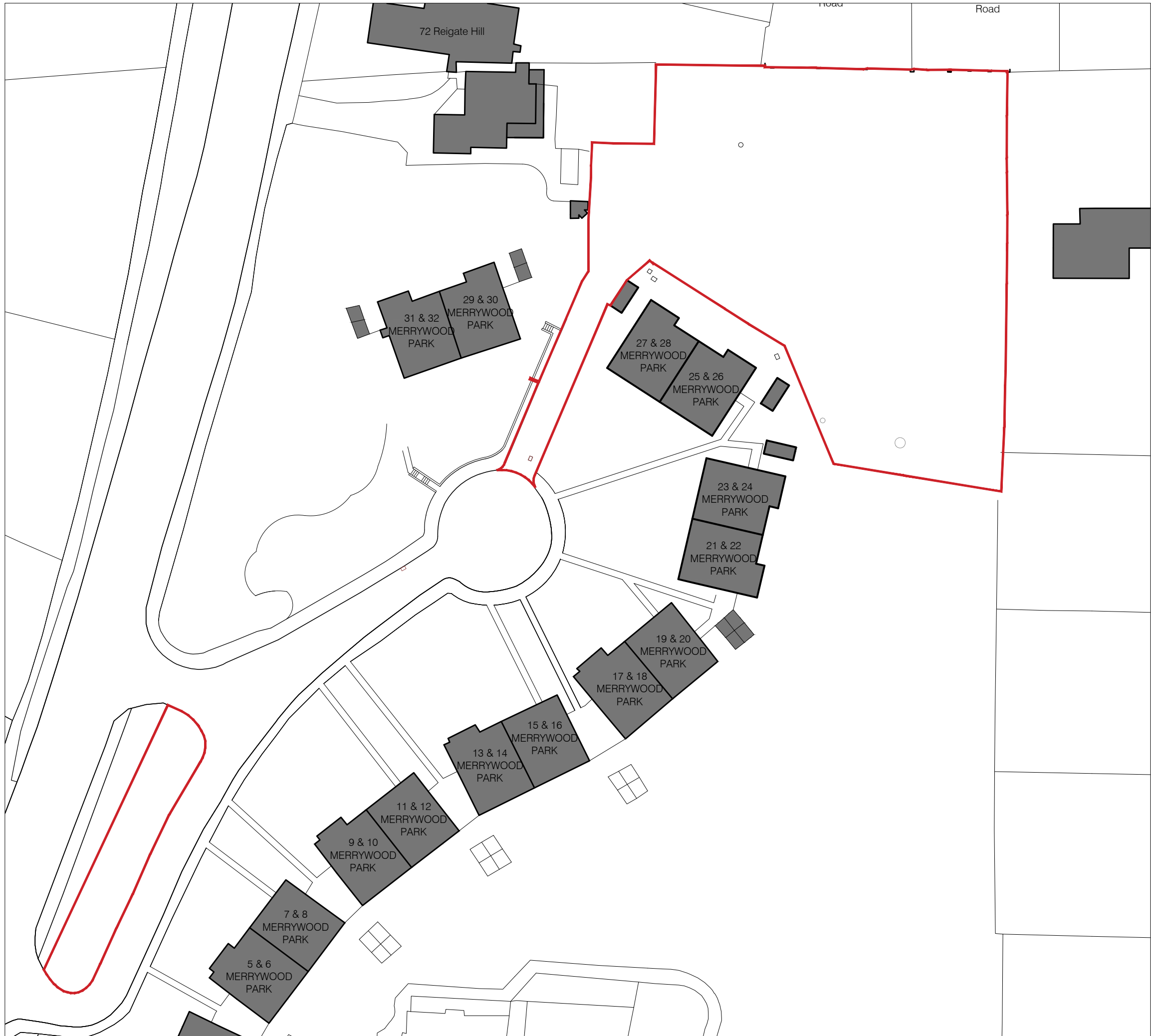
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planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development where possible, as set out within the National Planning Policy Framework.

22/02228/S73 - Land To The North Of Merrywood Park,
Reigate





NOTES

- This drawing to be read in conjunction with the design risk assessment prepared by Craft Architects Limited.
- This drawing to be read in conjunction with all relevant drawings and specifications produced by CA and other members of the design team.
- All dimensions are in millimetres unless otherwise stated.
- Do not scale this drawing.
- Any discrepancies in dimensions are to be reported to the architect immediately.
- All information subject to detailed site survey, it is the duty of the contractor and his agent to check all dimensions on site.
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 Site boundary



/	04/09/18	Issued for Information	MP
REV	DATE	DESCRIPTION	DRAWN BY

FOR INFORMATION

Land to the north of Merrywood Park
Reigate, RH2 9PA, Surrey

SITE LOCATION PLAN

drawing number revision

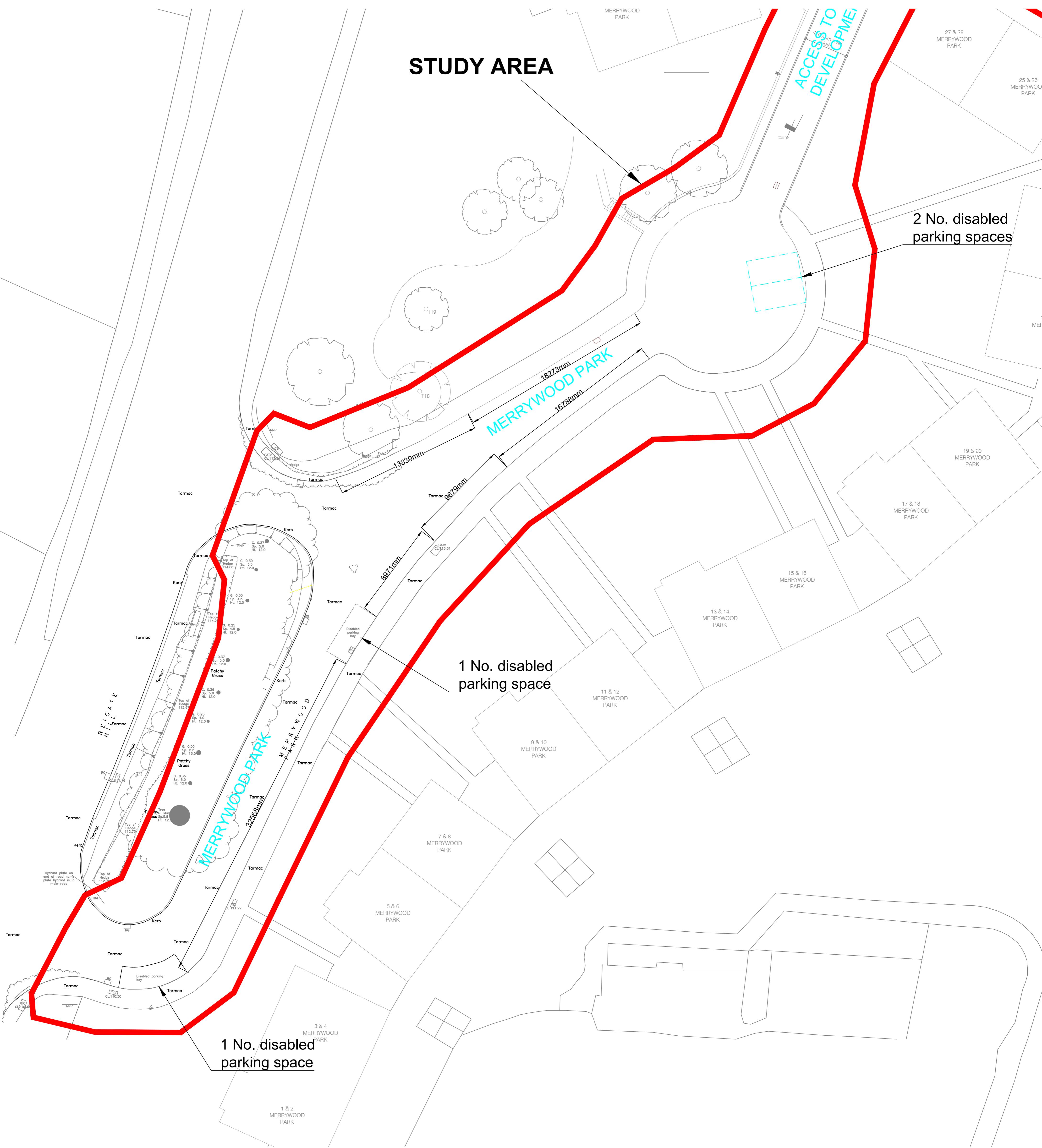
1676 PA GA 0001 /

scale
1:500 @A3

date / drawn by / checked by
26.07.18 MP / CA

CRAFT architects

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www.craftarchitects.co.uk london se16 4dg



STUDY AREA

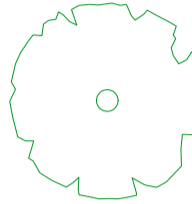
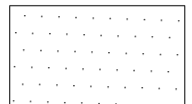
ACCESS TO DEVELOPMEI

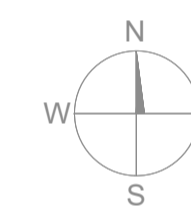
2 No. disabled parking spaces

1 No. disabled parking space

1 No. disabled parking space

- NOTES**
- This drawing to be read in conjunction with the design risk assessment prepared by Craft Architects Limited.
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- KEY**
-  Existing tree retained with root protection where required. Refer to Arboricultural Method Statement.
 -  Asphalt road surface



REVDATE	DESCRIPTION	DRAWN BY
/ 24/06/22	Removed parking	CA
/ 04/09/18	Issued for Planning	MP

PLANNING APPLICATION

Land to the north of Merrywood Park
Reigate, RH2 9PA, Surrey

**PROPOSED SITE PLAN
- Residents' Parking Area**

drawing number revision
1676 PA GA 2001 A
 scale
1:100 @A1 1:200 @A3
 date / drawn by / checked by
05.06.18 MP / RH


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08 February 2023

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22/02650/F

 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:	PLANNING COMMITTEE	
	DATE:	08 February 2023	
	REPORT OF:	HEAD OF PLANNING	
	AUTHOR:	Michael Parker	
	TELEPHONE:	01737 276339	
	EMAIL:	Michael.parker@reigate-banstead.gov.uk	
AGENDA ITEM:	7	WARD:	<i>Horley Central and South</i>

APPLICATION NUMBER:	22/02650/F	VALID:	01/12/2022
APPLICANT:	Hatch Homes Ltd	AGENT:	WS Planning & Architecture
LOCATION:	LAND R/O 43-49 HIGH STREET HORLEY SURREY RH6 7BN		
DESCRIPTION:	Proposed erection of 3 no. dwellinghouses.		
All plans in this report have been reproduced, are not to scale, and are for illustrative purposes only. The original plans should be viewed/referenced for detail.			

SUMMARY

This is a full application for erection of 3 no. two bedroom dwellinghouses on land to rear of 43-49 High Street, Horley.

The site comprises a rectangular piece of land that lies to the rear of the car park area for 43-49 High Street. It is a vacant piece of land that has historically been used for car parking. The site lies to the rear of 8 Lumley Road with its rear boundary abutting the flank garden boundary of the residential property of 10 Lumley Road. The site is in Flood Zone 1 and is at low risk of surface water flooding.

The proposed terrace block would lie at the very front of the site where it abuts the car park at the rear of 43-49 High Street, which serves the retail and residential upper floor flats in that building. The house would lie approximately 7.9m from the rear (northern) boundary, the flank wall being 13.55m from the rear of 8 Lumley Road and 20.83m from the rear of the nearest house in Oakwood Road and between 18.1m and 20.52m from the rear facing windows of the properties fronting Victoria Road.

The houses would have a traditional appearance with brick elevations and a pitched tiled roof, with front and rear dormers of traditional pitched roof and tiled design and side facing entrance doors to the two end of terrace units with a pitched canopied entrances.

The site would provide three parking spaces including one disabled space lying on land to the west of the flank wall of the block between the building and the rear

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garden boundary of 8 Lumley Road. To the rear of those spaces would lie piece of shared amenity space and bin store for all three houses. The rear garden of each unit would accommodate a covered and secure bicycle store.

The scheme has been subject to amendments reducing the size of the study rooms to ensure that they are well below the minimum size for a single bedroom.

The previously refused application at this site under reference 21/02346/F and the subsequently dismissed appeal are an important consideration in this case. Whilst the appeal was dismissed, the reason for the appeal being dismissed was solely in relation to the harmful effect on the occupiers of 10 Lumley Road with specific regard to privacy and outlook from the rear bedrooms. On all other matters the Inspector was satisfied that the proposal would be acceptable. As this current application is materially the same in terms of the layout, scale and design (the only difference being minor changes to the dormers, changes to the rear window configuration, change to bin store location and change to the internal configuration to provide 3 x 2 bedroom dwellings with study rooms), the appeal decision is considered to be a significant material consideration in the assessment of this current application. The Inspector's decision is appended to this report.

When taking in to account the findings of the Inspector for the dismissed application it is considered that the proposed development would be of acceptable scale and design and would not harm the character of the wider locality.

The alteration to 2 bedroom dwellings with a study rooms ensures that the proposal would provide an acceptable level of internal amenity for future occupants and given the Inspector's findings the external amenity space and relationship to neighbouring sites would be acceptable.

The proposal, based on the findings of the Inspector and the changes to the first floor layout and rear window configuration, which proposed only high level windows, would not have a significant adverse effect upon existing neighbouring properties. A condition is recommended to prevent the alteration or additional of the approved windows.

The proposal would provide parking in accordance with the Council's minimum parking standards and would, subject to conditions, be acceptable with regard to the impact on trees and ecology, drainage and sustainable construction. A condition securing a Construction Management Statement would help to mitigate the impacts of neighbouring occupants during construction.

RECOMMENDATION

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

Consultations:

Horley Town Council: objects

- Cramped overdevelopment of the site
- Out of character with surrounding properties
- Inappropriate mass of development

Surrey County Council Highway Authority: no objection subject to conditions securing implementation of car parking, bike parking, and electric charging points

Contamination Officer: recommend contamination conditions

Representations:

No neighbour representations received.

1.0 Site and Character Appraisal

- 1.1 The site comprises a rectangular piece of land that lies to the rear of the car park area for 43-49 High Street. It is a vacant piece of land that has historically been used for car parking. The site is in Flood Zone 1 and is at low risk of surface water flooding.
- 1.2 It also lies to the rear of 8 Lumley Road with its rear boundary abutting the flank garden boundary of the residential property of 10 Lumley Road. It lies in a transition area between the commercial uses of the town centre and the residential units in Lumley and Oakwood Road.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: none, no pre-application submission made.
- 2.2 Improvements secured during the course of the application: Officers requested and secured the following alterations;
 - reduction in size of study from 7 to 5 sqm
 - alteration of first floor windows so that they are all high level windows (1.7m above finished floor level)
- 2.3 Further improvements to be secured through conditions or legal agreement: The following conditions are recommended to be attached to the permission:
 - Materials and design measures
 - Drainage
 - Landscaping
 - Sustainability measures
 - Broadband
 - Highway conditions

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3.0 Relevant Planning and Enforcement History

- 3.1 21/02346/F Residential development of 3 no. 3 bedroom 6 person houses on land to the rear of 43-49 High Street, Horley. As amended on 13/10/2021 and 06/01/2022. Refused 11.03.2022
Appeal dismissed 17.11.2022
- 3.2 Middleton House
21/00501/F Erection of a three storey rear extension to provide ten flats (revision of 18/01576/f to provide for an additional unit). As amended on 06/05/2021, 26/05/2021. 28/05/2021 And on 24/06/2021. Approved with conditions 08.07.2021
- 21/02783/S73 Erection of a three storey rear extension to provide ten flats (revision of 18/01576/f to provide for an additional unit). 'Variation of conditions 1 and 4 of Permission 21/00501/f - condition 1 - drawing numbers replaced and condition 4 - reworded so brick and windows do not need to match the existing.' As amended on 14/01/2022 and on 26/01/2022. Approved with conditions 16.02.2022
- 3.3 With regard to the previous application on the site ref. 21/02346/F the application was refused under delegated authority on three grounds:
- 1) The proposed scheme would have a cramped appearance on the site with insufficient separation from surrounding buildings and land uses, with no landscaping to the front of the units, resulting in a poor quality environment for future residents and causing harm to the amenities of nearby residents, and character of the surrounding area contrary to the provisions of policy CS1 of the Reigate and Banstead Core Strategy, Policy DES1 of the Reigate and Banstead Development Management Plan 2019 and the provisions of the National Planning Policy Framework.
 - 2) The proposal due to its proximity to a number of adjacent properties including 8 and 10 Lumley Road and the flats which face the site from the High Street, would appear as a dominant, obtrusive and overbearing structure when viewed from these neighbouring properties, harmful to the residential amenities of the occupants. The proposal would therefore be contrary to policy DES1 of the Reigate and Banstead Development Management Plan 2019 and paragraph 127(f) of the NPPF.
 - 3) The proposed development, by reason of the position of the front of the properties to the adjoining car park with no defensible space, the small

size of the rear gardens for three bedroom units, and the extent of overlooking from the surrounding residential properties due to their close proximity, would fail to provide high quality accommodation or provide good living conditions for future occupants contrary to policy DES1, DES5 and DES9 of the Reigate and Banstead Development Management Plan 2019 and requirements of the NPPF.

- 3.4 Whilst this decision was appealed and the appeal dismissed, on review of the Inspector's decision the reason for the appeal being dismissed was solely in relation to the harmful effect on the occupiers of 10 Lumley Road with specific regard to privacy and outlook from the rear bedrooms. On all other matters the Inspector was satisfied that the proposal would be acceptable. The Inspector's decision is appended to this report.
- 3.5 With regard to character and appearance the Inspector concluded that "the proposed development would have an acceptable effect on the character and appearance of the surrounding area, in accordance with the relevant provisions of Policy CS1 of the Reigate and Banstead Core Strategy (2014) and DMP Policy DES1, which in summary, seek to achieve high standard of design in development."
- 3.6 With regard to living conditions for future occupants the Inspector concluded that "the proposed development would provide acceptable living conditions or future occupiers, with particular regard to outlook, privacy and amenity space, in accordance with the relevant provisions of DMP Policies DES1, DES5 and DES9 which, in summary, seek to achieve a high standard of accommodation for future occupants."
- 3.7 The appeal decision for the previous application is therefore a significant material consideration for the assessment of this current application which is materially the same in terms of the layout, scale and design.

4.0 Proposal and Design Approach

- 4.1 This is a full application for erection of 3 no. two bedroom dwellinghouses on land to rear of 43-49 High Street.
- 4.2 The block would lie at the very front of the site where it abuts the car park at the rear of 43-49 High Street, which serves the retail and residential upper floor flats in that building. The house would lie approximately 7.9m from the rear (northern) boundary, the flank wall being 13.55m from the rear of 8 Lumley Road and 20.83m from the rear of the nearest house in Oakwood Road and between 18.1m and 20.52m from the rear facing windows of the properties fronting Victoria Road.
- 4.3 The houses would have a traditional appearance with brick elevations and a pitched tiled roof, with front and rear dormers of traditional pitched roof and tiled design and side facing entrance doors to the two end of terrace units with a pitched canopied entrances.

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- 4.4 The site would provide three parking spaces including one disabled space lying on land to the west of the flank wall of the block between the building and the rear garden boundary of 8 Lumley Road. To the rear of those spaces would lie piece of shared amenity space and bin store for all three houses. The rear garden of each unit would accommodate a covered and secure bicycle store.
- 4.5 The scheme has been subject to amendments reducing the size of the study rooms to ensure that they are below the minimum size for a single bedroom.
- 4.6 A design and access statement (D&A) should illustrate the process that has led to the development proposal, and justify the proposal in a structured way, by demonstrating the steps taken to appraise the context of the proposed development. It expects applicants to follow a four-stage design process comprising:
Assessment;
Involvement;
Evaluation; and
Design.
- 4.7 Evidence of the applicant's design approach is set out below:

Assessment	The submitted Planning, Design and Access Statement considers the site context and previous planning history including the reason for refusal of the previous application 21/02346/F and the Inspector's appeal decision
Involvement	No evidence is provided that community consultation took place since the refusal of the 2021 application
Evaluation	The Statement provides further evidence in terms of site widths/depths, surrounding context and urban grain, and landscaping and how the current proposal has been designed to overcome the remaining overlooking issue raised by the Inspector.
Design	The statement provides details of the proposed design approach and changes made compared to the refused application.

- 4.8 Further details of the development are as follows:

Site area	0.06ha
Existing use	Vacant/occasional parking area
Proposed use	Residential (3 x 2 bed dwellings)
Existing parking spaces	Not known
Proposed parking spaces	3
Parking standard	3

Number of affordable units	0
Net increase in dwellings	3
Proposed site density	50 dph
Density of the surrounding area	20 dph (eastern side of Lumley Road no.8 to 36) 30 dph (western side of Yattendon Road St Georges House to Auldrue) 126 dph (western side of Lumley Road The Quadrangle to 63 Lumley Road) 139 dph (properties to south and east of site from Dartel House around to 5 Yattendon Road)

5.0 Policy Context

5.1 Designation

Urban area, Horley town centre, Primary Shopping Area, high accessibility area.

5.2 Reigate and Banstead Core Strategy

CS1 (Sustainable Development)
CS10 (Sustainable Development),
CS11 (Sustainable Construction),
CS14 (Housing Needs)
CS17 (Travel Options and accessibility)

5.3 Reigate and Banstead Development Management Plan 2019

DES1 (Design of New development)
DES4 (Housing Mix)
DES5 (Delivering High Quality Homes)
DES8 (Construction Management)
DES9 (Pollution and Contaminated Land)
TAP1 (Access, Parking and Servicing)
CCF1 (Climate Change Mitigation)
CCF2 (Flood Risk)
NHE2 (Protecting and enhancing biodiversity)
INF3 (Electronic communication networks)

5.4 Other Material Considerations

National Planning Policy Framework
National Planning Practice Guidance
Supplementary Planning Guidance Surrey Design 2002

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Local Distinctiveness Design Guide 2004
Local Character & Distinctiveness Design Guide SPD 2021
Climate Change and Sustainable Construction SPD 2021
Horley Design Guide
SCC Vehicle and Cycle Parking Guidance 2018
SCC Transportation Development Planning Good Practice Guide 2016
Householder Extension & alterations SPG

Other

Human Rights Act 1998
Community Infrastructure Regulations 2010

6.0 Assessment

6.1 The application site is within the urban area, and would not result in the loss of any existing retail or commercial space in the Town Centre. As such there is no in principle objection to residential development in this location. This is the same approach taken in consideration of the previously refused scheme 21/02346/F. Therefore the current acceptability of residential development on this site is established.

6.2 The main issues to consider are:

- Design appraisal
- Neighbour amenity
- Quality of accommodation for future occupants
- Highway matters
- Impact on trees and ecology
- Sustainable Construction
- Community Infrastructure Levy

Design appraisal

6.3 DMP Policy DES1 relates to the Design of New Development and requires new development to be of a high quality design that makes a positive contribution to the character and appearance of its surroundings. New development should promote and reinforce local distinctiveness and should respect the character of the surrounding area. The policy states that new development will be expected to use high quality materials, landscaping and building detailing and have due regard to the layout, density, plot sizes, building siting, scale, massing, height, and roofscapes of the surrounding area, the relationship to neighbouring buildings, and important views into and out of the site.

- 6.4 As set out above the Council previously refused an almost identical scheme on the basis of the proposal resulted in a cramped appearance. No concern was raised in relation to the actual design of the dwellings.
- 6.5 The layout and form of the proposal is almost identical to the approved scheme the only difference being the change in the window configuration on the rear elevation and a minor change to the size of the front dormer window. The bin store location has also moved slightly further east against the western plot, therefore further away from the western boundary. The scheme is therefore materially the same in terms of layout and scale/design of the building.
- 6.6 As per the previous Officer's assessment the proposed design of the scheme when considered in isolation is not unattractive with the scale and the proportions of the scheme and use of materials resulting in a pleasing outcome. The concerns raised by the Council on the refused scheme revolved around the lack of spacing to the car parking to the south, the small garden areas and shared amenity space. However, this matter was considered by the Inspector during the appeal. The Inspector's assessment at paragraphs 15 to 17 of their decision letter was that the site would not be readily visible, the proposal would have limited effect on the street scene and the lack of spacing around the buildings would be typical of a mews style, backland development and would not be harmful to the character and appearance of the surrounding area. The Inspector concluded that "the proposed development would have an acceptable effect on the character and appearance of the surrounding area, in accordance with the relevant provisions of Policy CS1 of the Reigate and Banstead Core Strategy (2014) and DMP Policy DES1, which in summary, seek to achieve high standard of design in development."
- 6.7 Given that the scheme is materially the same as the dismissed scheme it is considered that the view of the Inspector carries significant weight in the assessment of this application and it would not be reasonable to raise an objection to the scheme on the basis of design and impact on character.
- 6.8 Conditions are recommended to secure finalised details of the proposed external materials and landscaping details to ensure a good quality finish.
- 6.9 DMP Policy DES4 relates to Housing Mix and states that all new residential developments should provide homes of an appropriate type, size, and tenure to meet the needs of the local community. The proposed housing mix must on sites of up to 19 homes, at least 50% of market housing should be provided as smaller (one and two bedroom) homes. In this case all three houses would be smaller homes and therefore the scheme complies with this requirement.
- 6.10 DMP Policy DES5 relates to the delivery of high quality homes and requires, *inter alia*, that as a minimum, all new residential development (including conversions) must meet the relevant nationally described space standard for each individual units except where the Council accepts that an exception to

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this should be made in order to provide an innovative type of affordable housing that does not meet these standards. In addition, the policy also requires all new development to be arranged to ensure primary habitable rooms have an acceptable outlook and where possible receive direct sunlight.

- 6.11 Each dwelling would have a floor area which accords with the relevant standard in the Nationally Described Space Standards. In terms of the size of the proposed garden space and quality of accommodation this issue was considered under the appeal for the refused application. Again the garden areas and location of the properties would be identical to the appealed scheme. The Inspector in their decision was satisfied that the occupants would have adequate levels of outlook and privacy and would not be impacted by unacceptable levels of noise from the car park and existing activities to the south. The Inspector also determined that the level of private and shared amenity space was acceptable. The only difference to the dismissed appeal is the re-organisation of the first floor which removed the third rear bedroom and replacement with a study room. The rear study rooms would have limited outlook with only rooflights and high level rear facing windows. However, given that the study at 5sqm is well below the minimum standard for a single bedroom (7.5sqm) and given the nature of a study use it is considered that the restricted outlook is acceptable in this case for a two bedroom dwelling and that the windows would allow adequate light to the study room.
- 6.12 Based on the Inspector's decision on the previously refused scheme and the introduction of a study use, rather than a bedroom use it is considered that the standard of accommodation is acceptable.

Neighbour amenity

- 6.13 In addition to the comments noted above DMP Policy DES1 also requires new development to provide an appropriate environment for future occupants whilst not adversely impacting upon the amenity of occupants of existing nearby buildings, including by way of overbearing, obtrusiveness, overshadowing, overlooking and loss of privacy.
- 6.14 As discussed already the layout and scale of the proposed scheme is identical to the previously refused scheme. Under the assessment of that application no concern was raised with regard to the impact on the residential properties to the south or east of the site. This assessment still stands as there has been no material change since the determination of the application.
- 6.15 Given the separation distances to the dwellings to the east that front Yattendon and the High Street and the orientation of the proposed dwellings it is also considered that there would not be an unacceptable impact on the occupants of these dwellings in terms of overlooking, loss of light and overbearing impact.
- 6.16 In terms of the impact on the dwellings to the north and west of the site the Council did refuse the application on the basis of overbearing impact and loss

of privacy to 8 and 10 Lumley Road. Concern about loss of light to these properties was also raised.

- 6.17 However as already discussed the Inspector did not agree with this assessment in terms of overbearing impact and loss of outlook. The Inspector's decision states at paragraph 7 that... "The overall scale and mass of the proposed development would increase relative to the existing site situation. It would undoubtedly bring built form closer to neighbouring properties, particularly those fronting Lumley Road. Nevertheless, the occupiers of those neighbouring dwellings would retain uninterrupted outlook over their own rear gardens, and in the case of No 8 over the landscaped amenity area positioned to the west of the appeal site. As such, whilst those occupiers would experience a change in their relationship with the appeal site, issues of overbearing, overdominance and visual intrusion would not result from the proposed development." As this proposal would have the same impact as the dismissed proposal based on the Inspector's findings it is considered that a reason for refusal cannot be justified in respect to overbearing impact and loss of outlook.
- 6.18 The only matter where the Inspector did agree with the Council was the loss of privacy stating that "the rear facing bedroom windows would look out over the rear garden of No 10 at close range and from an elevated position. Landscaping features would need to be of a considerable height and density to prevent harm caused by overlooking and would likely take some years to mature. This would not sufficiently mitigate the harm identified. Consequently, the levels of privacy currently experienced in the rear garden of No 10 would be diminished, harming the living conditions of those neighbouring occupants. The orientation of the proposed development relative to No 10 is such that there would be no unacceptable loss of privacy to the habitable rooms of that neighbouring property. The separation distance between the site and 43-49 High Street (opposite) is acceptable for an urban location such as this and there would be no unacceptable loss of privacy to the occupiers there."
- 6.19 In response the applicant under this application has amended the plans removing any bedroom accommodation to the rear of the dwellings. The rear rooms would be bathrooms and study rooms served by high level windows and/or rooflights. As the rear facing windows would be 1.7m or more above finished floor level the occupants of the new dwellings would be unable to look down into the rear gardens of no.10 or no.8 Lumley Road or have any direct views in to their rear windows. As such it is considered that the amended floor plans has overcome the Inspector's concerns and there would not be an unacceptable loss of privacy. A condition is recommended to remove permitted development of any additional first floor rear facing windows without further permission.
- 6.20 In terms of the proposal and potential noise, disturbance and pollution given the historic use of the site as a car park, the activity and car park use of the site to the south and the modest scale of the proposal it is considered that the proposals would not materially impact on the neighbouring residential properties with regard to noise, disturbance and pollution.

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- 6.21 In conclusion, the proposal would not have a significant adverse effect upon existing neighbouring properties and would accord with the provisions of DMP Policy DES1.

Highway matters

- 6.22 Highway safety and capacity matters and parking provision were not a reason for refusal under the previously refused application.
- 6.23 The proposed development has again been reviewed by the County Highway Authority (CHA), with regard to highway safety, capacity and policy matters and has raised no objection to the current proposal subject to conditions to secure the cycle/car parking and electric charging points.
- 6.24 Queries have been raised by ward members regarding the existing one way junction adjacent to the site access and whether this can be improved. Officers sought further comments from the CHA on this matter and the CHA has advised that there would be no highway safety justification for further upgrades to this junction.
- 6.25 In terms of parking the site is located in an area which is assessed as having a high accessibility rating. In such areas, the Council's adopted parking standards require the provision of 1 space for each of the 2 bedroom dwellings. Therefore the proposal is providing parking in line with the minimum requirements. Therefore no objection is raised to the proposed parking.
- 6.26 Cycle storage is proposed in the rear garden of each unit. A bin store is shown to the side of House 1. This location is adequate as an area for bin storage, although it is noted that the capacity is not enough for three dwellings with space needed for two further bins and food waste containers. A condition is therefore recommended to secure details of an updated bin store. On collection days the bins will need to be presented either to the front of the dwellings or kerbside on Lumley Road, depending how the Council refuse team wished to collect them. Either option would be possible.
- 6.27 Accordingly, it is considered that the proposals are acceptable from a highway point of view and accord with the provisions of DMP Policy TAP1.

Impact on trees and ecology

- 6.28 The site is located within the urban area and the site is covered in hardstanding with no trees on the site. It is therefore considered that the site is of low ecological value and the proposal is unlikely to result in harm to protected species or impact on trees within the site. The site is bounded by trees but none of them would be close enough to the proposed building to be at risk of harm to the canopy or root systems.

- 6.29 The proposal will however provide an opportunity to enhance biodiversity through additional soft landscaping and provision of measures such as bird and bat boxes.
- 6.30 Officers are therefore satisfied that the proposal would not result in unacceptable harm to protected species or habitats. A condition is recommended to secure details of landscaping and enhancement measures.

Sustainable Construction

- 6.31 DMP Policy CCF1 relates to climate change mitigation and requires new development to meet the national water efficiency standard of 110litres/person/day and to achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations.
- 6.32 The application has limited information in this regard but the DAS states that the development will seek to have low volume grey water systems, rainwater attenuation and individual air source heat pumps (ASHP).
- 6.33 Following the recent changes to building regulations energy efficiency measures are now in excess of the 19% requirement. Therefore it is not considered reasonable or necessary to include a condition requiring the 19% improvement. The water efficiency measures are still however required. In the event that planning permission is to be granted, a condition would be imposed to secure further details of the water efficiency measures in order to comply with this element of DMP Policy CCF1.
- 6.34 A condition is also recommended to ensure that each dwelling is fitted with access to fast broadband services in accordance with policy INF3 of the DMP. As above a condition is also recommended to secure the implementation of electric car charging points throughout the site.

Community Infrastructure Levy (CIL)

- 6.35 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, road, 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 the grant of planning permission.

Other Matters

- 6.36 The site is not located within flood zone 2 and 3. As such no concern is raised with regard to fluvial flooding. The sewage capacity for the site would be assessed at building control stage. In terms of drainage, no drainage information has been provided at the application stage. In order to meet the

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requirements of policy CCF2 a condition is recommended to secure further drainage details.

- 6.37 The Council Contamination Officer has advised that there proposal is in an area where there is potential for contamination. On that basis they have recommended a number of conditions to cover investigation and if necessary remediation.
- 6.38 In terms of inconvenience during the construction period. Whilst it is acknowledged there may be a degree of disruption during the construction phase, the proposal would not warrant refusal on this basis and statutory nuisance legislation exists to control any significant disturbance caused during the construction of the proposal. To ensure that the impacts of construction are reduced a condition is recommended to secure a method of construction statement.

CONDITIONS

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

Plan Type	Reference	Version	Date Received
Elevation Plan	J004338-DD-08	A	17.01.2023
Site Layout Plan	J004338-DD-12	A	17.01.2023
Roof Plan	J004338-DD-07	A	17.01.2023
Floor Plan	J004338-DD-08	A	17.01.2023
Location Plan	J004338-DD-01		01.12.2022
Block Plan	J004338-DD-02		01.12.2022
Site Layout Plan	J004338-DD-03		01.12.2022
Block Plan	J004338-DD-04		01.12.2022
Site Layout Plan	J004338-DD-05		01.12.2022
Elevation Plan	J004338-DD-11		01.12.2022
Site Layout Plan	J004338-DD-09		01.12.2022

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.

2. 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.

3. No development shall commence until a Construction Management Statement, to include details of:
- a) Prediction of potential impacts with regard to water, waste, noise and vibration, dust, emissions and odours. Where potential impacts are identified, mitigation measures should be identified to address these impacts.

- b) Information about the measures that will be used to protect privacy and the amenity of surrounding sensitive uses; including provision of appropriate boundary protection.
- c) Means of communication and liaison with neighbouring residents and businesses.
- d) Details of parking for vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials, storage of plant and materials, and measures to prevent the deposit of materials on the highway
- e) Hours of work.

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

Reason: The condition above is required in order that the development is managed in a safe and considerate manner to help mitigate potential impact on the amenity and safety of neighbours and to accord with Reigate and Banstead Development Management Plan 2019 policy DES8.

4. No development shall commence until a strategy for the disposal of surface and foul water (surface water drainage scheme) is submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDs, NPPF and Ministerial Statement on SuDs. Details of drainage management responsibilities and maintenance regimes for the drainage system must also be included. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the site is satisfactorily drained and in order to protect water and environmental quality with regard to Policy CS10 of the Core Strategy 2014, Policy CCF2 of the Development Management Plan 2019 and the NPPF.

5. Prior to commencement of development a written comprehensive environmental desktop study report is required to identify and evaluate possible on and off site sources, pathways and receptors of contamination and enable the presentation of all plausible pollutant linkages in a preliminary conceptual site model. The study shall include relevant regulatory consultations such as with the Contaminated Land Officer and be submitted to the Local Planning Authority and is subject to the approval in writing of the Local Planning Authority and any additional requirements that it may specify. The report shall be prepared in accordance with the Environment Agency's Land Contamination: Risk Management Guidance (2020) and British Standard BS 10175.

Reason: To ensure that the proposed development and any site investigations and remediation will not cause harm to human health or pollution of controlled waters with regard to the Reigate and Banstead Local Plan Development Management Plan 2019 (Policy DES9 Pollution and contaminated Land) and the NPPF.

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6. Prior to commencement of development, in follow-up to the environmental desktop study, a contaminated land site investigation proposal, detailing the extent and methodologies of sampling, analyses and proposed assessment criteria required to enable the characterisation of the plausible pollutant linkages identified in the preliminary conceptual model, shall be submitted to the Local Planning Authority. This is subject to the written approval in writing of the Local Planning Authority, and any additional requirements that it may specify, prior to any site investigation being commenced on site. Following approval, the Local Planning Authority shall be given a minimum of two weeks written notice of the commencement of site investigation works. Please note this means a proposal is required to be submitted and approved prior to actually undertaking a Site Investigation.

Reason: To ensure that the proposed development and any site investigations and remediation will not cause harm to human health or pollution of controlled waters with regard the Reigate and Banstead Local Plan Development Management Plan 2019 (Policy DES9 Pollution and contaminated Land) and the NPPF.

7. Prior to commencement of the development, a contaminated land site investigation and risk assessment, undertaken in accordance with the site investigation proposal as approved that determines the extent and nature of contamination on site and is reported in accordance with the standards of DEFRA's and the Environment Agency's Land Contamination: Risk Management Guidance (2020) and British Standard BS 10175, shall be submitted to the Local Planning Authority and is subject to the approval in writing of the Local Planning Authority and any additional requirements that it may specify. If applicable, ground gas risk assessments should be completed inline with CIRIA C665 guidance.

Reason: To ensure that the proposed development and any site investigations and remediation will not cause harm to human health or pollution of controlled waters with regard the Reigate and Banstead Local Plan Development Management Plan 2019 (Policy DES9 Pollution and contaminated Land) and the NPPF.

8.
 - a. Prior to commencement of the development a detailed remediation method statement should be produced that details the extent and method(s) by which the site is to be remediated, to ensure that unacceptable risks are not posed to identified receptors at the site and details of the information to be included in a validation report, has been submitted to and approved in writing by the Local Planning Authority, and any additional requirements that it may specify, prior to the remediation being commenced on site. The Local Planning Authority shall then be given a minimum of two weeks written notice of the commencement of remediation works.
 - b. Prior to occupation, a remediation validation report for the site shall be submitted to the Local Planning Authority in writing. The report shall detail evidence of the remediation, the effectiveness of the remediation carried out and the results of post remediation works, in accordance with the approved

remediation method statement and any addenda thereto, so as to enable future interested parties, including regulators, to have a single record of the remediation undertaken at the site. Should specific ground gas mitigation measures be required to be incorporated into a development the testing and verification of such systems should have regard to CIRIA C735 guidance document entitled 'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases' and British Standard BS 8285 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings

Reason: To demonstrate remedial works are appropriate and demonstrate the effectiveness of remediation works so that the proposed development will not cause harm to human health or pollution of controlled waters with regard to the Reigate and Banstead Local Plan Development Management Plan 2019 (Policy DES9 Pollution and contaminated Land) and the NPPF.

9. Unexpected ground contamination: Contamination not previously identified by the site investigation, but subsequently found to be present at the site shall be reported to the Local Planning Authority as soon as is practicable. If deemed necessary development shall cease on site until an addendum to the remediation method statement, detailing how the unsuspected contamination is to be dealt with, has been submitted in writing to the Local Planning Authority. The remediation method statement is subject to the written approval of the Local Planning Authority and any additional requirements that it may specify.

Note: Should no further contamination be identified then a brief comment to this effect shall be required to discharge this condition

Reason: To ensure that the proposed development and any site investigations and remediation will not cause harm to human health or pollution of controlled waters with regard to the Reigate and Banstead Local Plan Development Management Plan 2019 (Policy DES9 Pollution and contaminated Land) and the NPPF.

10. No development shall take place above slab level 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 Development Management Plan 2019 policy DES1.

11. No development above slab level shall commence on site until a scheme for the soft and hard landscaping of the site has been submitted and approved in writing by the local planning authority. Landscaping schemes shall include details of hard landscaping, any proposed boundary treatments or means of enclosure, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass

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establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme.

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

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

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

Reason: To ensure good arboricultural and landscape practice in the interests of the maintenance of the character and appearance of the area and to comply with policies NHE3 and DES1 of the Reigate and Banstead Borough Development Management Plan 2019, British Standards including BS8545:2014 and British Standard 5837:2012.

12. No development above ground level shall commence until a scheme to provide positive biodiversity benefits has been submitted to and approved in writing by the local planning authority (LPA). This should be designed alongside the soft landscaping proposals for the site. The biodiversity enhancement measures approved shall be carried out and maintained in strict accordance with these details or as otherwise agreed in writing by the LPA, and before occupation of this development.

Reason: To provide enhancements to the biodiversity of the site in accordance with the provisions of the National Planning Policy Framework and policy NHE2 of the Development Management Plan 2019.

13. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans for:
 - (a) The secure parking of bicycles within the development site,
 - (b) car parking for three cars within the development site.and thereafter the said approved facilities shall be provided, retained and maintained solely for these purposes and to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019 and Policy TAP1 Access, Parking, and Servicing of the Reigate and Banstead Local Plan Development Management Plan September 2019 and in order that the development promotes more sustainable forms of transport,

and to accord with the National Planning Policy Framework 2019 and Reigate and Banstead Core Strategy 2014 Policy CS17.

14. The development hereby approved shall not be occupied unless and until all 3 of the proposed parking spaces are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the development promotes more sustainable forms of transport, and to accord with the National Planning Policy Framework 2019 and Reigate and Banstead Core Strategy 2014 Policy CS17.

15. Notwithstanding the details of the bin store shown on the approved plans prior to the first occupation of the development hereby approved details in relation to an updated bin store or details of individual refuse storage for each dwelling, shall be submitted to and agreed in writing by the Local Planning Authority. The details shall detail the design and finish of the storage and demonstrate how each dwelling is provided with adequate bin storage capacity. The agreed storage details shall be constructed and made ready for use in accordance with the approved details prior to the first occupation of the development.

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 Development Management Plan 2019 policy DES1.

16. The development hereby approved shall not be first occupied unless and until a Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development will ensure that the potential water consumption by occupants of each new dwelling does not exceed 110 litres per person per day.

The development shall be carried out in accordance with the approved details and any measures specific to an individual dwelling(s) shall be implemented, installed and operational prior to its occupation.

Reason: To ensure that the development supports the efficient use of resources and minimises carbon emissions with regard to Policy CS10 of the Reigate & Banstead Core Strategy 2014 and Policy CCF1 of the Reigate & Banstead Development Management Plan 2019.

17. All dwellings within the development hereby approved shall be provided with the necessary infrastructure to facilitate connection to a high speed broadband. Unless otherwise agreed in writing with the Local Planning Authority, this shall include as a minimum:
 - a) A broadband connection accessed directly from the nearest exchange or cabinet

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- b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.

Reason: To ensure that the development promotes access to, and the expansion of, a high quality electronic communications network in accordance with Policy INF3 of the Reigate & Banstead Development Management Plan 2019.

- 18. All first floor rear facing windows shall be installed as per the approved plans - high level windows with cills 1.7m above finished floor level.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (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 on the rear elevation of the development hereby approved.

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 Development Management Plan policy DES1.

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.org.uk.
- 2. The applicant is encouraged to provide renewable technology within the development hereby permitted in order to reduce greenhouse gas emissions. Further information can be found on the Council website at : [Climate Change Information](#).
- 3. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, to contact the Council's Neighbourhood Services team to confirm the number and specification of recycling and refuse bins that are required to be supplied by the developer. The Council's Neighbourhood Services team can be contacted on 01737 276292 or via the Council's website at http://www.reigate-banstead.gov.uk/info/20085/planning_applications/147/recycling_and_waste_developers_guidance
- 4. You are advised that the Council will expect the following measures to be included and considered as part of the required Construction Management Statement (CMS) details 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 Borough Council is the street naming and numbering authority and you will need to apply for addresses. This can be done by contacting the Address and Gazetteer Officer prior to construction commencing. You will need to complete the relevant application form and upload supporting documents such as site and floor layout plans in order that official street naming and numbering can be allocated as appropriate. If no application is received the Council has the authority to allocate an address. This also applies to replacement dwellings. If you are building a scheme of more than 5 units please also supply a CAD file (back saved to 2010) of the development based on OS Grid References. Full details of how to apply for addresses can be found http://www.reigatebanstead.gov.uk/info/20277/street_naming_and_numbering
6. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23

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of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/flooding-advice.

7. The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.
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 developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
10. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
11. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.
12. The use of landscape/arboricultural consultant is recommended to provide acceptable submissions in respect of the above landscaping condition. Replacement planting of trees and native hedging shall be in keeping with the character and appearance of the locality.
13. Biodiversity enhancements – with regard to condition 12 the Council expects the applicant to provide an appropriately detailed document to demonstrate that a measurable net gain (not just compensation), secure for the life time of the development, is achievable. The applicant may wish to use an appropriate metric such as the DEFRA Biodiversity Metric 2.0 to demonstrate how the site

will provide biodiversity net gain. The applicant would need to justify why this is not achievable as part of the submission.

14. Environmental Health would like to remind the applicant of the specifics of the contaminated land conditional wording such as 'prior to commencement', 'prior to occupation' and 'provide a minimum of two weeks notice'. The submission of information not in accordance with the specifics of the planning conditional wording can lead to delays in discharging conditions, potentially result in conditions being unable to be discharged or even enforcement action should the required level of evidence/information unable to be supplied. All relevant information should be formally submitted to the Local Planning Authority and not direct to Environmental Health.

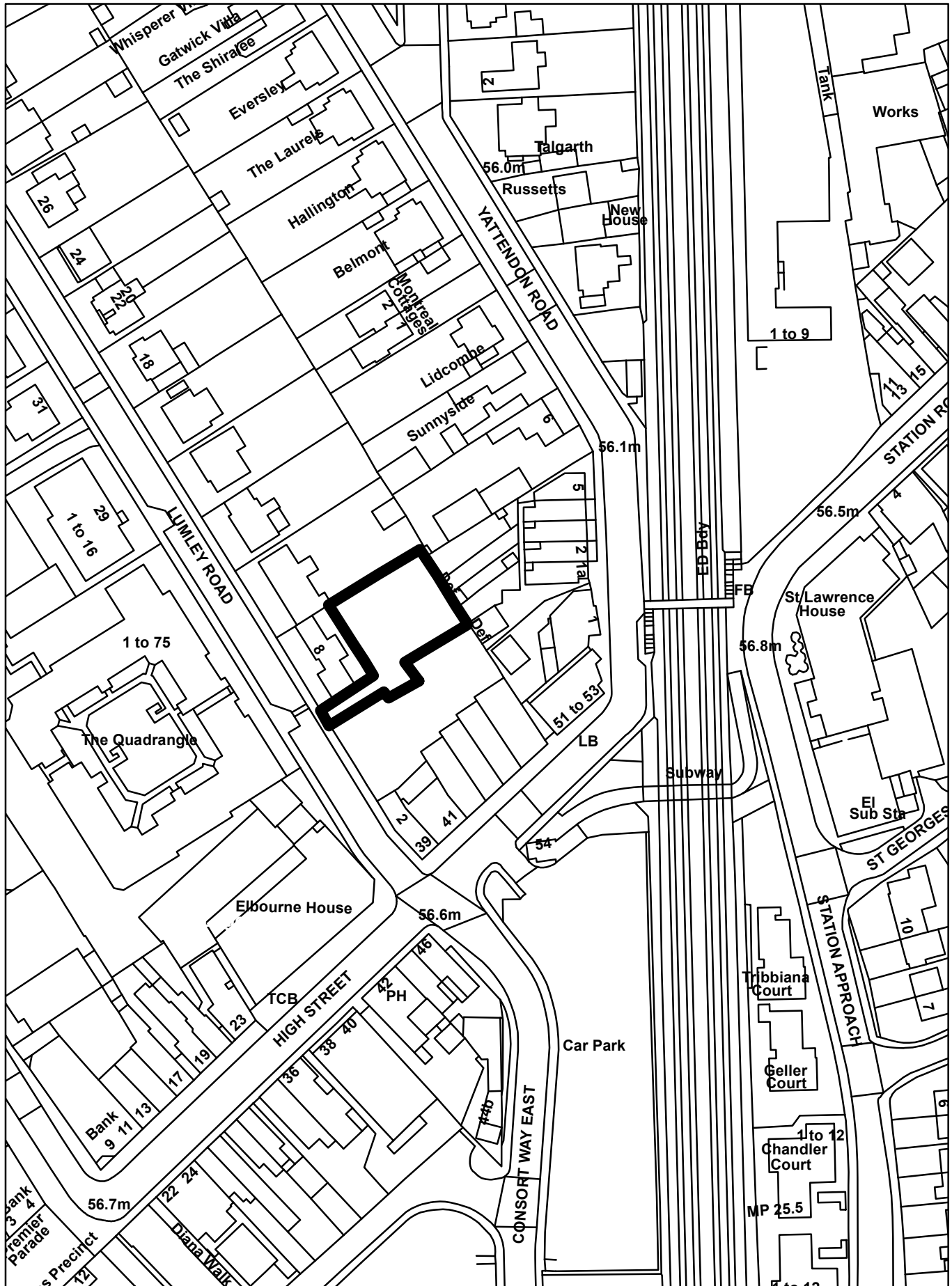
REASON FOR PERMISSION

The development hereby permitted has been assessed against development plan policies CS1, CS10, CS11, CS14, CS17, DES1, DES4, DES5, DES8, DES9, TAP1, CCF1, CCF2, NHE2, INF3 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.

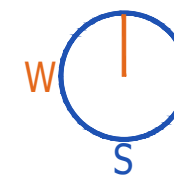
Proactive and Positive Statements

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.

Agenda Item 7 22/02650/F - Land R/O 43-49 High Street, Horley



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.
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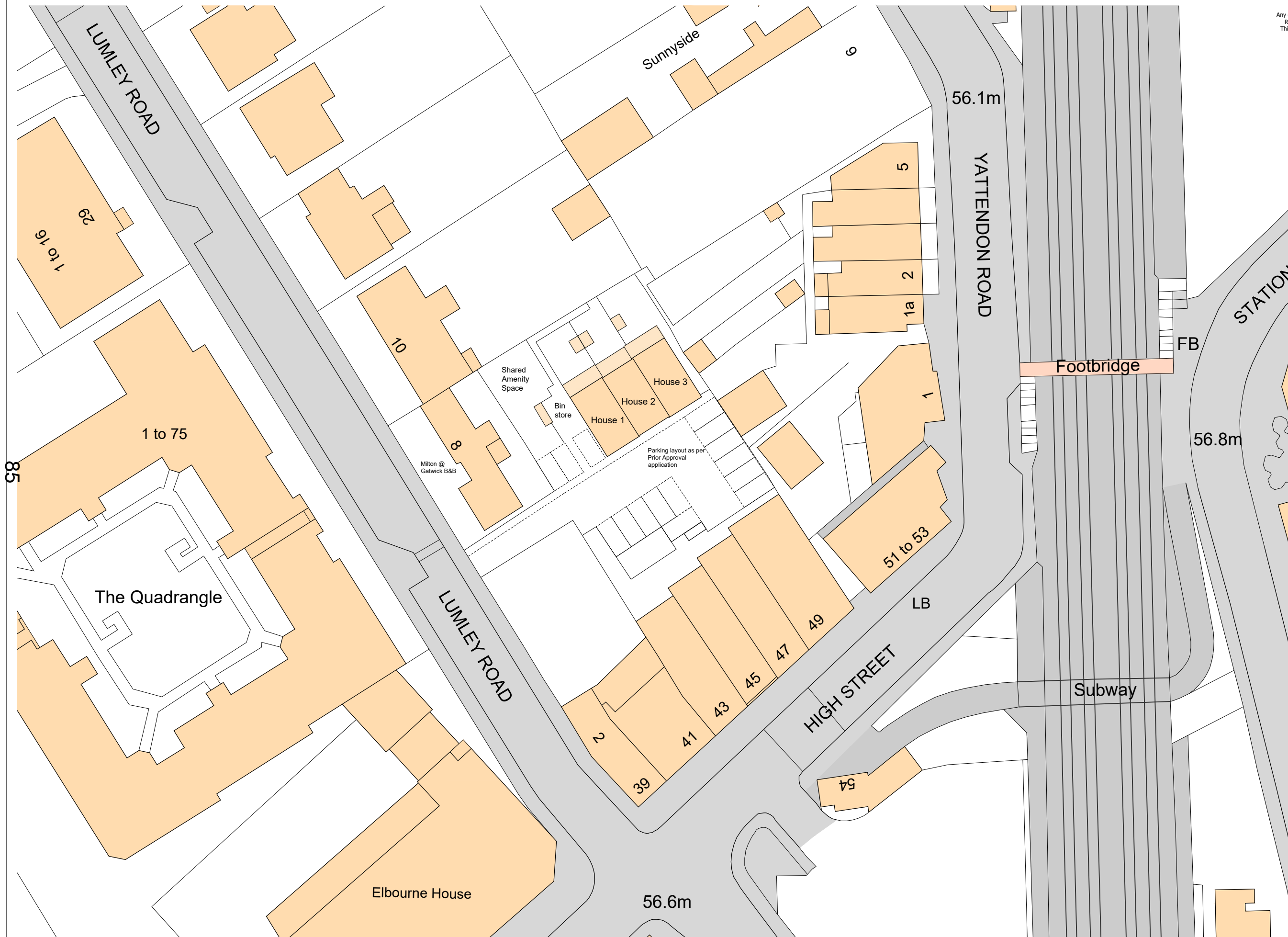


Proposed accommodation:

House 1: 2B 3P (92m²)

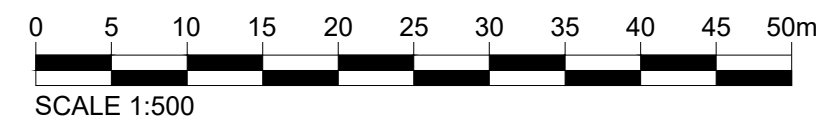
House 2: 2B 3P (92m²)

House 3: 2B 3P (92m²)



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Site Block Plan As Proposed



Rev	Date	Description

WS PLANNING & ARCHITECTURE
 Europe House
 Bancroft Road,
 Reigate
 Surrey, RH2 7RP
 T. 01737 225711
 F. 01737 226311
 www.wspa.co.uk

Date	Drawn By
November 2022	JJ
Scale	Checked
1:500@A3	LB

Client
 Hatch Homes

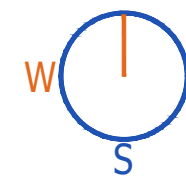
Project
 Land r/o 43-49 High Street
 Horley
 RH6 7BN

Title
 As Proposed
 Site Block Plan

Drawing No.	Rev.
J004338-DD-04	

Agenda Item 7

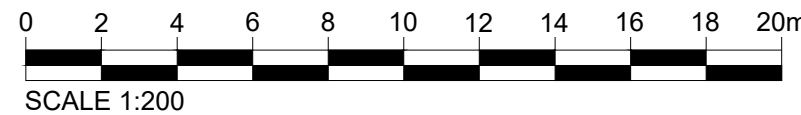
Do not scale from this drawing, except for planning purposes. Any discrepancies are to be reported to WS Planning & Architecture. Refer to Structural Engineers details for structural design criteria. This drawing remains the copyright of WS Planning & Architecture.



Proposed accommodation:
 House 1: 2B 3P (92m²)
 House 2: 2B 3P (92m²)
 House 3: 2B 3P (92m²)

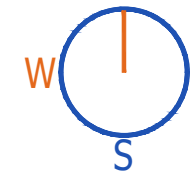


Site Plan As Proposed with Ground Floor Plan (With dims)



Rev	Date	Description
<p>WS PLANNING & ARCHITECTURE Europe House Bancroft Road, Reigate Surrey, RH2 7RP T: 01737 225711 F: 01737 226311 www.wspa.co.uk</p>		
Date	November 2022	Drawn By JJ
Scale	1:200@A3	Checked LB
Client	Hatch Homes	
Project	Land r/o 43-49 High Street Horley RH6 7BN	
Title	As Proposed Site Plan with GF Plan With dims	
Drawing No.	J004338-DD-09	Rev.

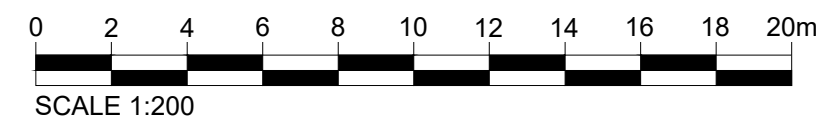
Do not scale from this drawing, except for planning purposes. Any discrepancies are to be reported to WS Planning & Architecture. Refer to Structural Engineers details for structural design criteria. This drawing remains the copyright of WS Planning & Architecture.



Proposed accommodation:
 House 1: 2B 3P (92m2)
 House 2: 2B 3P (92m2)
 House 3: 2B 3P (92m2)



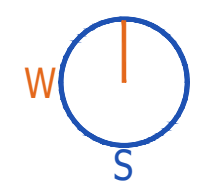
Site Plan As Proposed with Ground Floor Plan



Rev	Date	Description
<p>WS PLANNING & ARCHITECTURE Europe House Bancroft Road, Reigate Surrey, RH2 7RP T. 01737 225711 F. 01737 226311 www.wspa.co.uk</p>		
Date	November 2022	Drawn By JJ
Scale	1:200@A3	Checked LB
Client	Hatch Homes	
Project	Land r/o 43-49 High Street Horley RH6 7BN	
Title	As Proposed Site Plan with GF Plan	
Drawing No.	J004338-DD-05	Rev.

Agenda Item 7

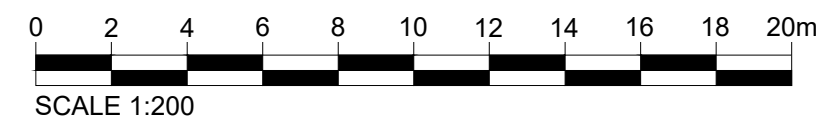
Do not scale from this drawing, except for planning purposes. Any discrepancies are to be reported to WS Planning & Architecture. Refer to Structural Engineers details for structural design criteria. This drawing remains the copyright of WS Planning & Architecture.



Proposed accommodation:
 House 1: 2B 3P (92m2)
 House 2: 2B 3P (92m2)
 House 3: 2B 3P (92m2)

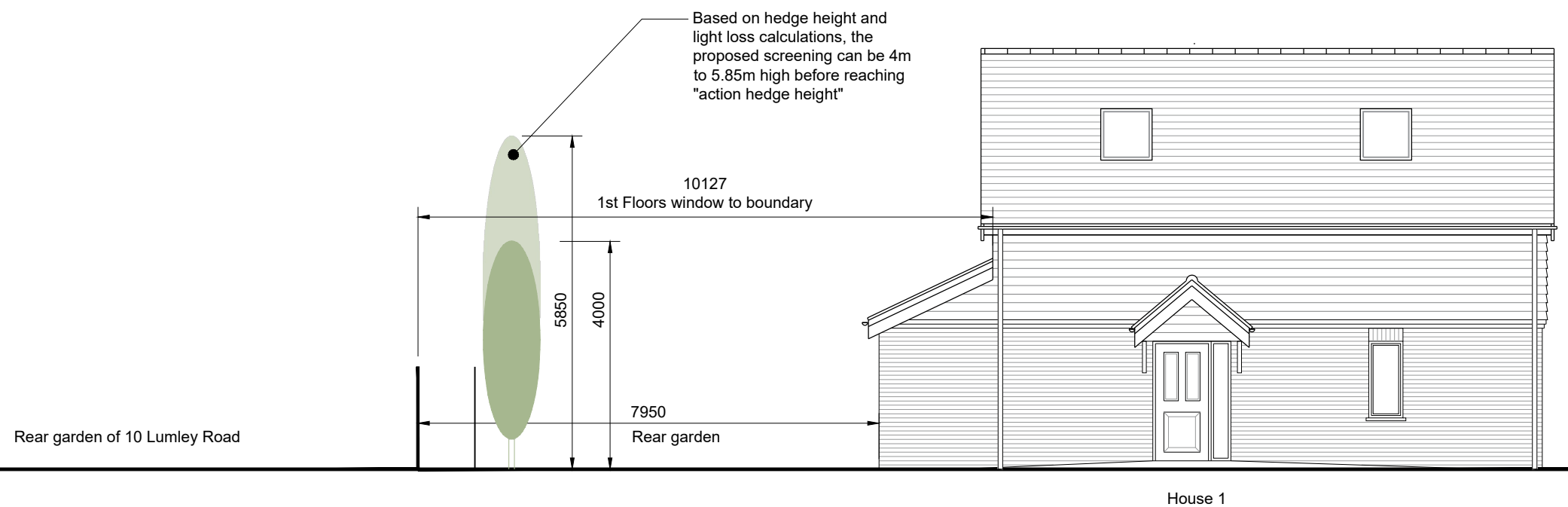


Site Plan As Proposed with First Floor Plan (With dims)

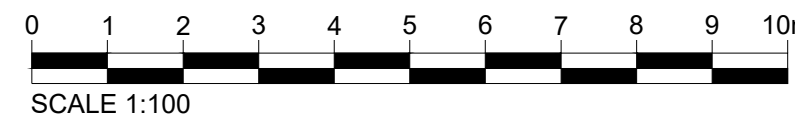


A	16.01.23	Amendments following CO's comments
Rev	Date	Description
Europe House Bancroft Road, Reigate Surrey, RH2 7RP		T. 01737 225711 F. 01737 226311 www.wspa.co.uk
Date	November 2022	Drawn By JJ
Scale	1:200@A3	Checked LB
Client	Hatch Homes	
Project	Land r/o 43-49 High Street Horley RH6 7BN	
Title	As Proposed Site Plan with FF Plan With dims	
Drawing No.	J004338-DD-12	Rev. A

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Site Section/Elevation As Proposed



Rev	Date	Description
 WS PLANNING & ARCHITECTURE		
Europe House Bancroft Road, Reigate Surrey, RH2 7RP		
		T. 01737 225711 F. 01737 226311 www.wspa.co.uk
Date	Drawn By	
November 2022	JJ	
Scale	Checked	
1:100@A3	LB	
Client		
Hatch Homes		
Project		
Land r/o 43-49 High Street Horley RH6 7BN		
Title		
As Proposed Site Section/Elevation		
Drawing No.		Rev.
J004338-DD-11		

Agenda Item 7



Front Elevation



Side Elevation



Rear Elevation



Side Elevation

- Half round ridge
- Dark red/brown clay tiles
- Vertical hanging tiles
- Casement windows with fixed middle panel
- Decorative 'club pattern' vertical hanging tiles
- Half round lead
- Entrance canopy
- Projected brick detail
- Soldier brick detail
- Red brick
- Brick plinth

2m fence

Level access

Rear garden

06

Boundary

Cill 1.7m above 1st FFL

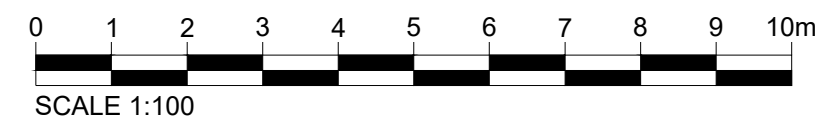
1st FFL

2m fence

Rear garden

Level access

Elevations As Proposed




A	16.01.23	Amendments following CO's comments
Rev	Date	Description
Europe House Bancroft Road, Reigate Surrey, RH2 7RP		T. 01737 225711 F. 01737 226311 www.wspa.co.uk
Date	November 2021	Drawn By JJ
Scale	1:100@A3	Checked LB
Client	Hatch Homes	
Project	Land r/o 43-49 High Street Horley RH6 7BN	
Title	As Proposed Elevations	
Drawing No.	J004338-DD-08	Rev. A

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08 February 2023

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22/00062/F

 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:	PLANNING COMMITTEE	
	DATE:	8 th February 2023	
	REPORT OF:	HEAD OF PLANNING	
	AUTHOR:	Matthew Sheahan	
	TELEPHONE:	01737 276514	
	EMAIL:	Matthew.sheahan@reigate-banstead.gov.uk	
AGENDA ITEM:	8	WARD:	RDE - Redhill East

APPLICATION NUMBER:	22/00062/F	VALID:	11/01/2022
APPLICANT:	R And K Harverson	AGENT:	WS Planning & Architecture
LOCATION:	1 TROWERS WAY REDHILL SURREY RH1 2LH		
DESCRIPTION:	Demolition of an existing light industrial building and the erection of a replacement light industrial building (Class E). As amended on 10/05/2022, 18/08/2022 and on 16/11/2022		
All plans in this report have been reproduced, are not to scale, and are for illustrative purposes only. The original plans should be viewed/referenced for detail.			

This application is referred to Committee in accordance with the Constitution as the proposed development exceeds the threshold of 250sqm of additional floorspace.

SUMMARY

This is a full application for the demolition of an existing light industrial building to the north side of Trowers Way, and its replacement with a new building in the same use (Class E). The existing building has been vacant for some time and is in a poor state of repair. The site is located within the Holmethorpe Industrial Estate, which is a designated Employment Area within the Borough. The character of the area is therefore quite typical of an industrial estate, being typified by a mix of commercial and industrial buildings of large size that are quite utilitarian and functional in their form.

The proposed building has been deliberately designed to be functional to meet the needs of occupiers of an industrial building. It would be relatively low in its scale and set back from the road and would not be out of scale with neighbouring properties or other buildings within the industrial estate. The appearance of the building would conform to the character of the area.

The relationship with neighbouring properties would be acceptable and it would not be overbearing in nature. There are no windows that would be impacted with regard to loss of light. Neighbouring properties are all commercial in nature therefore there would not necessarily be issues of privacy to consider.

The development would be acceptable with regard to parking matters. A Total of 10 spaces would be provided for the development which requires maximum standards to

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be applied. The proposal has been reviewed by the Highway Authority, who are satisfied that there would be ample space for turning and manoeuvring of vehicles within the site.

The scheme would provide some additional landscaping which would improve the character of the site frontage, and there would be opportunity to secure some biodiversity benefits by condition.

Surrey County Council has reviewed the proposed drainage scheme and is satisfied subject to conditions.

In conclusion the scheme is considered to be acceptable with regard design and impact on the character of the area, neighbour amenity, highway matters, landscaping, drainage and ecology.

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 and informatives pertaining to access, parking and manoeuvring, construction management, visibility splays, cycle storage, and electric vehicle charging points.

Sustainable Urban Drainage Officer: Following the submission of additional information and drainage detail the officer is satisfied the submitted drainage scheme would meet the requirements of the National Planning Policy Framework (NPPF) 2021 and accompanying Planning Practice Guidance (PPG) and Non-Statutory Technical Standards for sustainable drainage systems.

Network Rail: No objection subject to informatives advising the applicant of their responsibility to enter into an Asset Protection Management Agreement with Network Rail to get the required resource and expertise on-board to enable approval of detailed works. This will allow Network Rail to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

Surrey CC Minerals and Waste Team: No objection subject to RBBC being satisfied that the scheme makes adequate provision for waste and recycling for the lifetime of the development and a condition requiring the provision of a waste management plan, details of which would be submitted prior to commencement of development.

Contaminated Land Officer: No objection subject to conditions and informatives pertaining to potential ground contamination.

Representations:

Letters were sent to neighbouring properties on the 14th January 2022.

No responses have been received.

1.0 Site and Character Appraisal

- 1.1 The site is located on the north side of Trowers Way, close to a traffic-light controlled junction with Frenches Road. The site is within the Holmethorpe Industrial Estate and is therefore a designated employment area. The site is flat with a railway embankment to the east. There is a part single-storey part two-storey commercial building on the site. The rear single-storey element is structurally unsound and due for demolition. There are no significant trees on the site.
- 1.2 The area is typical of an industrial estate, with a range of commercial and industrial buildings of varied size and design. Although the application site is

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located close to the entrance of the industrial estate it is separated from the surrounding residential area by the railway embankment.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: The Local Planning Authority was not approached for pre-application advice prior to the submission of the application.
- 2.2 Improvements secured during the course of the application: Additional information and amended plans have been received in response to comments made by the County Highway Authority (CHA) in relation to visibility splays and vehicle manoeuvring within the site. Further information and details relating to the proposed drainage scheme have been provided at the request of the County Council drainage officer.
- 2.3 Further improvements could be secured: additional improvements could be secured by way of suitably worded conditions and informatives.

3.0 Relevant Planning and Enforcement History

- | | | | |
|-----|------------|--|---|
| 3.1 | 07/02576/F | Demolition and rebuilding of an old front part of building including internal alteration | Granted
14 th February 2008 |
| 3.2 | 05/01676/F | One storey extension and internal alteration to form five workshop units with offices on first floor | Granted
2 nd December 2005 |
| 3.3 | 05/01097/F | Extension and other alterations to form 5(five) workshop units with offices at 1st Floor. | Refused
5 th July 2005 |

4.0 Proposal and Design Approach

- 4.1 This is a full application for the demolition of an existing light industrial building and its replacement with a new building within the same use class (Class E). The existing building has been vacant for some time and is in a poor state of repair currently. It has a gross internal floor area of 966 sq.m. The proposed building would be smaller, covering some 650 sq.m. The building would have a very shallow pitched roof and would total 6.7m in height and 30m in depth. The footprint would be set back from the road by 17.1m to facilitate an increased area to the front for parking and manoeuvring of vehicles. The ground floor of the building would be predominantly used as the main storage area, as well as the reception and ancillary staff offices and facilities. A small mezzanine floor of approx.100 sq.m would feature above also containing ancillary office space for staff.

- 4.2 The appearance of the building would be utilitarian and functional, typical for a building of this kind, with the proposed materials consisting of a mix of red brick, dark grey powder coated polyester, metal roller shutters for access doors, profiled metal cladding and a corrugated roof.
- 4.3 To the front of the site would feature an enlarged area for both vehicular parking and delivery vehicles to enter. Facilities would also be provided for cycle and refuse storage.
- 4.4 The existing tree canopy between the site and the railway embankment would be pruned, and additional elements of landscaping placed along the front boundary. Ecology benefits in the form of bat and bird boxes would be placed at various points around the front of the site.
- 4.5 A design and access statement should illustrate the process that has led to the development proposal, and justify the proposal in a structured way, by demonstrating the steps taken to appraise the context of the proposed development. It expects applicants to follow a four-stage design process comprising:
Assessment;
Involvement;
Evaluation; and
Design.
- 4.6 Evidence of the applicant's design approach is set out below:

Assessment	<p>The site is assessed as being located on the north side of Trowers Way within the Holmethorpe Industrial Estate in Redhill. The site comprises a part single-storey and part two-storey light industrial building with a parking and loading area to the front. The site is currently vacant, but was previously occupied by Express Sealed Units Ltd.</p> <p>The area surrounding the application site is a commercial and light industrial area of Redhill. To the north and the east, the site is bound by commercial buildings and yards. Towers Way is located to the south of the site and an undeveloped area leading to the railway line is located to the west of the site. The site is approximately 1 mile north of Redhill Train Station and approximately 1.2 miles south of Merstham Train Station.</p> <p>The site is identified as being located within the located in the urban area and within an Employment Area (Policy EMP1 and Policy EMP2). According to the Environment Agency's flood risk information, the site is located in Flood Zone 1 where there is a low probability of flooding. The Environment Agency's reservoir flood map indicates that the hardstanding area at the front of the</p>
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	site is in the maximum extent of the flooding area.
	No site features worthy of retention were identified.
Involvement	No community consultation took place.
Evaluation	The statement does not include any evidence of other development options being considered.
Design	The development has been designed to reflect the character of the surrounding buildings that comprise the Holmethorpe industrial estate.

4.5 Further details of the development are as follows:

Site area	0.1 Ha
Existing floor area	966 square metres
Proposed floor area	650 square metres
Existing use	Light Industrial (Class E)
Proposed use	Light Industrial (Class E)
Existing parking spaces	4
Proposed parking spaces	10
Parking standard	1 space per 30sq.m of gross floor space. (21 spaces maximum)

5.0 Policy Context

5.1 Designation

Urban Area
Employment Area

5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development)
CS5 (Valued People/Economic Development),
CS10 (Sustainable Development),
CS11 (Sustainable Construction),
CS12 (Infrastructure Delivery),

5.3 Reigate & Banstead Borough Development Management Plan 2019

RET5 (Development of town centre uses outside town and local centres)
DES1 (Design of new development)
DES8 (Construction management)
TAP1 (Access, parking and servicing)
CCF1 (Climate change mitigation)

CCF2 (Flood risk)
NHE2 (Protecting and enhancing biodiversity)
NHE3 (Protecting trees, woodland areas and natural habitats)
NHE5 (Development within the Green Belt)
INF1 (Infrastructure)

5.4 Other Material Considerations

National Planning Policy Framework
2021

National Planning Practice Guidance

Supplementary Planning Guidance

Surrey Design

Local Distinctiveness Design Guide

A Parking Strategy for Surrey

Parking Standards for Development

Other

Human Rights Act 1998

Community Infrastructure Levy

Regulations 2010

6.0 **Assessment**

6.1 The principle of demolishing an existing light industrial building and its replacement with another is acceptable. The buildings are in the same use and located within a designated employment area within the borough, where such a form of development would be expected, therefore there is not an objection to the principle of the development. The acceptability of the proposal therefore rests with consideration of the design of building and the impact on the character of the area, impact on the amenity of neighbouring properties, transport matters, drainage and contaminated land issues.

6.2 The main issues to consider are:

- Design appraisal
- Impact on neighbouring amenity
- Highway Matters
- Flooding and Drainage
- Contaminated Land
- Trees and landscaping
- Ecology
- Other issues – impact on railway line

Design Appraisal

6.3 Policy DES1 of the Development Management Plan 2019 (DMP) requires development to have due regard layout, density, plot sizes, building siting, scale, massing, height, and roofscapes of the surrounding area, the

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relationship to neighbouring buildings, and important views into and out of the site.

- 6.4 The design of the proposed light industrial building is very much of the utilitarian appearance that would be expected of this type of use. The majority of buildings in the vicinity of the application site are of a similar size, scale and form. The choice of materials, particularly the use of profiled cladding is commonly found on neighbouring buildings. The existing building currently occupying the site has been vacant for some years and has a negative impact on the character of the area, particularly in contrast to some of the more modern industrial buildings around it.
- 6.5 Whilst the overall height would sit higher than the neighbouring property to the east, this would only be a marginal difference (0.9m) that would not appear unduly prominent within the street scene. The set back position of the proposed building behind 2 Trowers Way compared to the existing would serve to reduce further the visual impact of the proposed building within the street. The building would be appropriately spaced to the side boundaries and would not appear unacceptably cramped or overdeveloped.
- 6.6 On the basis of the above considerations it is considered that the proposed building would be acceptable in terms of its design, would not negatively impact on the appearance of the area and would comply with Policy DES1 of the Development Management Plan 2019 (DMP).

Impact on neighbouring amenity

- 6.7 Policy DES1 of the DMP requires development to not have an adverse impact upon the amenity of occupants of existing nearby buildings, including by way of overbearing, obtrusiveness, overshadowing, overlooking and loss of privacy. The proposed building would be in closest proximity to 2 Trowers Way to the east and Unit 5 Trowers Way Centre to the north (rear), both of which are large commercial/ retail buildings. Neither of these buildings contain uses that are sensitive being within commercial uses, or windows that would face towards the building, and there are no outdoor amenity areas that would be impacted by the scale or positioning of the building. The proposal is therefore not considered to have any impact on the amenity of neighbouring properties and would comply Policy DES1 of the DMP in this regard.

Highway Matters

- 6.8 The site is located within an area of medium accessibility as defined with the Councils' DMP. For non-residential development maximum parking standards apply. For light industrial buildings such as that being proposed the maximum standard is one space per 30sq.m of gross floor area which would equate to 21 spaces maximum. It is proposed to provide a total of 10 parking spaces to the front, one of which would be a disabled space. At present there is very minimal space for off-street parking to the front of the existing building. Therefore the proposed set back of the building to create an increased area for parking would result in an obvious betterment compared to the existing arrangement and it would comply with the maximum parking standards of the DMP. The building is within a relatively sustainable location in relation to Redhill Station and the no.

430 and no. 435 bus routes run past or near the site, providing opportunity to access the site from further afield. There will be provision made for cycle storage to the front of the building, which would meet one of the aims of Policy TAP1 of the DMP and a condition would require a public transport information pack to encourage sustainable travel options. Trowers Way is restricted by double yellow lines that would prevent parking on the main road, therefore there would not be the possibility of on-street parking taking place that that would potentially obstruct the operation of the highway.

- 6.9 The proposal has been reviewed by the County Highway Authority (CHA) and they are satisfied with the parking arrangement to the front and that larger vehicles can be manoeuvred within the site. Tracking plans have been submitted which demonstrate that larger delivery vehicles would be able to enter the building, and then manoeuvre within the site in order to leave the site in a forward gear. The CHA has reviewed these plans and have raised no objection. Accordingly the scheme is considered to have acceptable highways impact and comply with Policy TAP1 of the DMP.

Flooding and drainage

- 6.10 The site is located within Flood Zone 1. The site itself is not prone to surface water flooding however it is noted that the road does experience medium (1 in 100 year) and low (1 in 1000 year) level surface water flooding. The application has been supported by a Flood Risk Assessment (FRA). Surface water is required to be discharged to either the ground, a surface body of water, a surface water sewer, highway drain or other drain, or to a combined sewer. As the new commercial building will cover most of the development site, discharge of surface water to ground will not be feasible, as any soakaways will not be more than 5m from a structure. There are also no waterbodies near to the development site, and therefore the surface water discharge is to a surface water sewer system which is in Trowers Way (south of site).
- 6.11 The drainage system will be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur on any part of the site for a 1 in 30-year rainfall event. The site is at negligible risk of ground water flooding. The drainage system will also be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur during a 1 in 100-year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. The design of the site will ensure that flows resulting from rainfall more than a 1 in 100-year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.
- 6.12 A Surface Water Management Report has been submitted, which has been reviewed by Surrey County Council Flood Risk and Resilience Officer, who is satisfied that the submission would meet the requirements of the NPPF and accompanying Planning Practice Guidance, and Non-Statutory Technical Standards for sustainable drainage systems, and has recommended conditions. Subject to compliance with these conditions the proposal would be acceptable with regard to drainage issues and would comply CCF2 of the DMP.

Contaminated Land

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- 6.13 Given the former industrial uses that have taken place over the years, the potential for ground contamination to be present on and/or in close proximity to the site has been identified. Where a site is known to be contaminated, Policy DES9 of the DMP requires appropriate investigation, and where necessary mitigation and/or remediation where this is required. The application has been reviewed by the Councils' Contaminated Land Officer, who has recommended conditions and informatives with regard to site investigation and remediation. Subject to compliance with these conditions the scheme would be acceptable with regards to Policy DES9 of the DMP.

Trees and Landscaping

- 6.14 The application site does not contain any protected trees and is largely devoid of soft landscaping, with the exception of the existing belt of trees which runs between the application site and railway line. These trees fall outside the application site however to partially overhang the boundary. It is proposed to prune these trees where needed and incorporate a greater degree of soft landscaping along the frontage, details of which would be secured by condition. A further condition requiring tree protection measures to be implemented in accordance with the submitted details would also be attached. Subject to compliance with these conditions the scheme would be acceptable with regard to tree matters and would comply with policy NHE3 of the DMP.

Ecology

- 6.15 The site is not subject to any specific ecology designations, however Policy NHE2 of the of the DMP 2019 requires all development to:
- a. retain and enhance other valued priority habitats and features of biodiversity importance; and
 - b. be designed, wherever possible, to achieve a net gain in biodiversity. Where a development will impact on a priority habitat or species, or protected species, and mitigation cannot be provided on site in an effective manner, developers may be required to offset the loss by contributing to appropriate biodiversity projects elsewhere, in a location agreed with the Council.
- 6.16 A Preliminary Ecology Appraisal has been submitted which demonstrates the site and existing building is of low value and negligible potential for protected species, including bat, which is unsurprising given the industrial nature of the area. The adjacent trees may provide roosting opportunity for birds, therefore enhancement measures, including the provision of bird boxes, as set out within the report, would be secured by condition. Subject to compliance with this condition the scheme would be acceptable and would comply with Policy NHE2 of the DMP.

Other issues – impact on the railway line

- 6.17 The application site is next to the railway line immediately to the west. Network Rail have commented and advised that the applicant will need to engage with

their Asset Protection team prior to works commencing, allowing Network Rail to review the details of the proposal to ensure works can be completed without any risk to operational railway.

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.

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.

Note: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

Plan Type	Reference	Version	Date Received
Arboricultural Plan	ENC/260421/4PP5/Top		10.05.2022
Location Plan	J004066-DD-01		11.01.2022
Block Plan	J004066-DD-02		11.01.2022
Site Layout Plan	J004066-DD-03		11.01.2022
Block Plan	J004066-DD-04		11.01.2022
Floor Plan	J004066-DD-06		11.01.2022
Elevation Plan	J004066-DD-07		11.01.2022
Elevation Plan	J004066-DD-08		11.01.2022
Floor Plan	J004066-DD-09		11.01.2022
Proposed Plans	J004066-DD-10		11.01.2022
Elevation Plan	J004066-DD-11		11.01.2022
Elevation Plan	J004066-DD-12		11.01.2022
Proposed Plans	J004066-DD-13		11.01.2022
Site Layout Plan	J004066-DD-14		11.01.2022
Arboricultural Impact Assessment	Arbtech AIA 01		11.01.2022
Arb / Tree Protection Plan	Arbtech TPP 01		11.01.2022
Site Layout Plan	J004066-DD-05	A	16.11.2022

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3. The materials to be used in the construction of the external surfaces of the development shall be constructed in accordance with the materials as specified within the application and there shall be no variation without prior approval and agreement in writing with the Local Planning Authority.

Reason: To ensure that a satisfactory external appearance is achieved of the development with regard to Reigate and Banstead Development Management Plan 2019 policy DES1.

4. The development shall not be commenced unless and until the existing access to Trowers Way has been modified and provided with visibility zones in accordance with the approved Ardent Transport Planning Plan numbered 2102681 001 Rev A and the visibility zones shall be kept permanently clear of any obstruction over 0.6 metres high above the ground.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Policy TAP1 Parking, access, and Servicing of the Reigate and Banstead Local Plan Development Management Plan September 2019.

5. 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 Ardent Transport Planning Plan numbered 2102681 001 Rev A 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 and turning areas shall be retained and maintained for their designated purpose.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Policy TAP1 Parking, access, and Servicing TAP2 of the Reigate and Banstead Local Plan Development Management Plan September 2019.

6. 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 WS Planning & Architecture Plan numbered J004066 DD 05 Rev A for bicycles to be stored in a secure and covered location. Thereafter the bike storage shall be retained and maintained for its designated purpose.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Policy TAP1 Parking, access, and Servicing TAP2 of the Reigate and Banstead Local Plan Development Management Plan September 2019.

7. No development shall be occupied until a pedestrian inter-visibility splay of 2m by 2m has been provided in accordance with the approved Ardent Transport Planning Plan numbered 2102681 001 Rev A.
8. Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Policy TAP1 Parking, access , and Servicing of the Reigate and Banstead Local Plan Development Management Plan September 2019.
9. No development shall commence until a Construction Transport Management Plan, to include details of:

- (a) parking for vehicles of site personnel, operatives and visitors
- (b) loading and unloading of plant and materials
- (c) storage of plant and materials
- (d) programme of works (including measures for traffic management)
- (e) provision of boundary hoarding behind any visibility zones
- (f) HGV deliveries and hours of operation
- (g) vehicle routing
- (h) measures to prevent the deposit of materials on the highway
- (i) before and after construction condition surveys of the highway and a commitment
- (k) on-site turning for construction vehicles

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

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Policy DES8 Construction Management of the Reigate and Banstead Local Plan Development Management Plan September 2019.

10. The development hereby approved shall not be occupied unless and until two of the parking spaces are provided with a fast charge socket (current minimum requirements - 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) and two of the parking spaces are provided with an electric supply in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Reigate and Banstead Core Strategy 2014 Policy CS17 (Travel Options and Accessibility).

11. The development hereby permitted shall not be occupied unless and until a Travel Information Pack containing information on public transport and retail

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land uses within 2 km walking distance and 5km cycling distance of the site and the destinations public transport serves including to the closest rail station to the site has been submitted to and approved in writing with the Local Planning Authority. The approved document shall be distributed to residents of the proposed development upon first occupation.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Reigate and Banstead Core Strategy 2014 Policy CS17 (Travel Options and Accessibility).

12. The development shall not be occupied until a refuge point has been provided in accordance the approved WS Planning & Architecture Plan numbered 2JO04066 DD 05 Rev A.

Reason: The condition above is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2021 and Policy TAP1 Parking, access , and Servicing of the Reigate and Banstead Local Plan Development Management Plan September 2019.

13. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of **1.6 l/s**.

b) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).

c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

d) Details of drainage management responsibilities and maintenance regimes for the drainage system.

e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Reason: To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site.

14. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

Reason: To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS.

15. Prior to commencement of development a written comprehensive environmental desktop study report is required to identify and evaluate possible on and off site sources, pathways and receptors of contamination and enable the presentation of all plausible pollutant linkages in a preliminary conceptual site model. The study shall include relevant regulatory consultations such as with the Contaminated Land Officer and be submitted to the Local Planning Authority and is subject to the approval in writing of the Local Planning Authority and any additional requirements that it may specify. The report shall be prepared in accordance with the Environment Agency's Land Contamination: Risk Management Guidance (2020) and British Standard BS 10175.

Reason: To ensure that the proposed development and any site investigations and remediation will not cause harm to human health or pollution of controlled waters with regard to the Reigate and Banstead Development Management Plan 2019 policy DES9 and the NPPF.

16. Prior to commencement of development, in follow-up to the environmental desktop study, a contaminated land site investigation proposal, detailing the extent and methodologies of sampling, analyses and proposed assessment criteria required to enable the characterisation of the plausible pollutant linkages identified in the preliminary conceptual model, shall be submitted to the Local Planning Authority. This is subject to the written approval in writing of the Local Planning Authority, and any additional requirements that it may specify, prior to any site investigation being commenced on site. Following approval, the Local Planning Authority shall be given a minimum of two weeks written notice of the commencement of site investigation works. Please note this means a proposal is required to be submitted and approved prior to actually undertaking a Site Investigation.

Reason: To ensure that the proposed development and any site investigations and remediation will not cause harm to human health or pollution of controlled waters with regard the Reigate and Banstead Development Management Plan 2019 policy DES9 and the NPPF.

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17. Prior to commencement of the development, a contaminated land site investigation and risk assessment, undertaken in accordance with the site investigation proposal as approved that determines the extent and nature of contamination on site and is reported in accordance with the standards of DEFRA's and the Environment Agency's Land Contamination: Risk Management Guidance (2020) and British Standard BS 10175, shall be submitted to the Local Planning Authority and is subject to the approval in writing of the Local Planning Authority and any additional requirements that it may specify. If applicable, ground gas risk assessments should be completed in line with CIRIA C665 guidance.

Reason: To ensure that the proposed development and any site investigations and remediation will not cause harm to human health or pollution of controlled waters with regard the Reigate and Banstead Development Management Plan 2019 policy DES9 and the NPPF.

18. A. Prior to commencement of the development a detailed remediation method statement should be produced that details the extent and method(s) by which the site is to be remediated, to ensure that unacceptable risks are not posed to identified receptors at the site and details of the information to be included in a validation report, has been submitted to and approved in writing by the Local Planning Authority, and any additional requirements that it may specify, prior to the remediation being commenced on site. The Local Planning Authority shall then be given a minimum of two weeks written notice of the commencement of remediation works.

B. Prior to occupation, a remediation validation report for the site shall be submitted to the Local Planning Authority in writing. The report shall detail evidence of the remediation, the effectiveness of the remediation carried out and the results of post remediation works, in accordance with the approved remediation method statement and any addenda thereto, so as to enable future interested parties, including regulators, to have a single record of the remediation undertaken at the site. Should specific ground gas mitigation measures be required to be incorporated into a development the testing and verification of such systems should have regard to CIRIA C735 guidance document entitled 'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases' and British Standard BS 8285 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To demonstrate remedial works are appropriate and demonstrate the effectiveness of remediation works so that the proposed development will not cause harm to human health or pollution of controlled waters with regard to the Reigate and Banstead Development Management Plan 2019 policy DES9 and the NPPF.

19. Unexpected ground contamination: Contamination not previously identified by the site investigation, but subsequently found to be present at the site shall be reported to the Local Planning Authority as soon as is practicable. If deemed

necessary development shall cease on site until an addendum to the remediation method statement, detailing how the unsuspected contamination is to be dealt with, has been submitted in writing to the Local Planning Authority. The remediation method statement is subject to the written approval of the Local Planning Authority and any additional requirements that it may specify.

Note: Should no further contamination be identified then a brief comment to this effect shall be required to discharge this condition.

Reason: To ensure that the proposed development and any site investigations and remediation will not cause harm to human health or pollution of controlled waters with regard to the Reigate and Banstead Development Management Plan 2019 policy DES9 and the NPPF.

20. The developer must either submit evidence that the building was built post 2000 or provide an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers. The scheme must be written by a suitably qualified person and shall be submitted to the LPA and must be approved prior to commencement to the development. The scheme as submitted shall identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. Detailed working methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure that a satisfactory strategy is put in place for addressing contaminated land before development commences and to make the land suitable for the development without resulting in risk to construction workers, future users of the land, occupiers of nearby land and the environment with regard to the Reigate and Banstead Local Plan Development Management Plan 2019 and the NPPF.

21. 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 local planning authority. 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.

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

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accordance with a programme agreed in writing with the local planning authority.

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

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

Reason: To ensure good arboricultural and landscape practice in the interests of the maintenance of the character and appearance of the area and to comply with Reigate and Banstead Borough Development Management Plan 2019 policies NHE3, DES1 and DES3, and the recommendations within British Standards including BS8545:2014 and British Standard 5837:2012.

22. 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 Arbtech TPP 01 compiled by Arbtech , dated May 2021.

Reason: To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with Reigate and Banstead Development Management Plan 2019 policies NHE3, DES1 and DES3 and the recommendations within British Standard 5837:2012 Trees in relation to design, demolition and construction.

23. No development above ground level shall commence until a scheme to provide positive biodiversity benefits, informed by the submitted ecology report Preliminary Ecological Appraisal Survey (dated April 2021), has been submitted to and approved in writing by the local planning authority (LPA). This should be designed alongside the soft landscaping proposals for the site. The biodiversity enhancement measures approved shall be carried out and maintained in strict accordance with these details or as otherwise agreed in writing by the LPA, and before occupation of this development.

Reason: To provide enhancements to the biodiversity of the site in accordance with the provisions of the National Planning Policy Framework and Reigate and Banstead Development Management Plan 2019 policy NHE2.

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. 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.

4. The use of a suitably qualified arboricultural consultant is essential to provide acceptable submissions in respect of the arboricultural tree condition above. All works shall comply with the recommendations and guidelines contained within British Standard 5837.
5. The applicant is expected to ensure the safe operation of all construction traffic in order to prevent unnecessary disturbance obstruction and inconvenience to other highway users. Care should be taken to ensure that the waiting, parking, loading and unloading of construction vehicles does not hinder the free flow of any carriageway, footway, bridleway, footpath, cycle route, right of way or private driveway or entrance. Where repeated problems occur the Highway Authority may use available powers under the terms of the Highways Act 1980 to ensure the safe operation of the highway.

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6. Section 59 of the Highways Act permits the Highway Authority to charge developers for damage caused by excessive weight and movements of vehicles to and from a site. The Highway Authority will pass on the cost of any excess repairs compared to normal maintenance costs to the applicant/organisation responsible for the damage.
7. 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. With regard to Condition 21 (Landscaping) the Council is encouraging the developer to incorporate planting and measures to encourage biodiversity and wildlife and allow wildlife to move into and out of gardens and, in particular, include Hedgehog friendly gravel boards where appropriate. Details of the 'wildlife friendly' measures should be provided with the submission of the details for approval.
9. The applicant site is situated on or in close proximity to land that could be potentially contaminated by virtue of previous historical uses of the land. As a result there is the potential of ground contamination to be present beneath part(s) of the site. Groundworkers should be made aware of this so suitable mitigation measures and personal protective equipment measures (if required) are put in place and used. Should significant ground contamination be identified the Local Planning Authority should be contacted promptly for further guidance.
10. The developer is advised that if the building is identified to contain asbestos within the building fabric they should produce a mitigation plan to reduce any potential risks to construction workers and future occupiers. For further information see the Council's website or contact Environmental Protection at the Council.
http://www.reigate-banstead.gov.uk/info/20060/environmental_health/712/asbestos
11. Environmental Health would like to draw the applicant attention to the specifics of the contaminated land conditional wording such as 'prior to commencement', 'prior to occupation' and 'provide a minimum of two weeks notice'.

The submission of information not in accordance with the specifics of the planning condition wording can lead to delays in discharging conditions, potentially result in conditions being unable to be discharged or even enforcement action should the required level of evidence/information be unable to be supplied. All relevant information should be formally submitted to the Local Planning Authority and not direct to Environmental Health.

12. It is the responsibility of the developer to ensure that the electricity supply is sufficient to meet future demands and that any power balancing technology is in place if required. Please refer to: <http://www.beama.org.uk/resourceLibrary/beama-guide-to-electric-vehicle-infrastructure.html> for guidance and further information on charging modes and connector types.

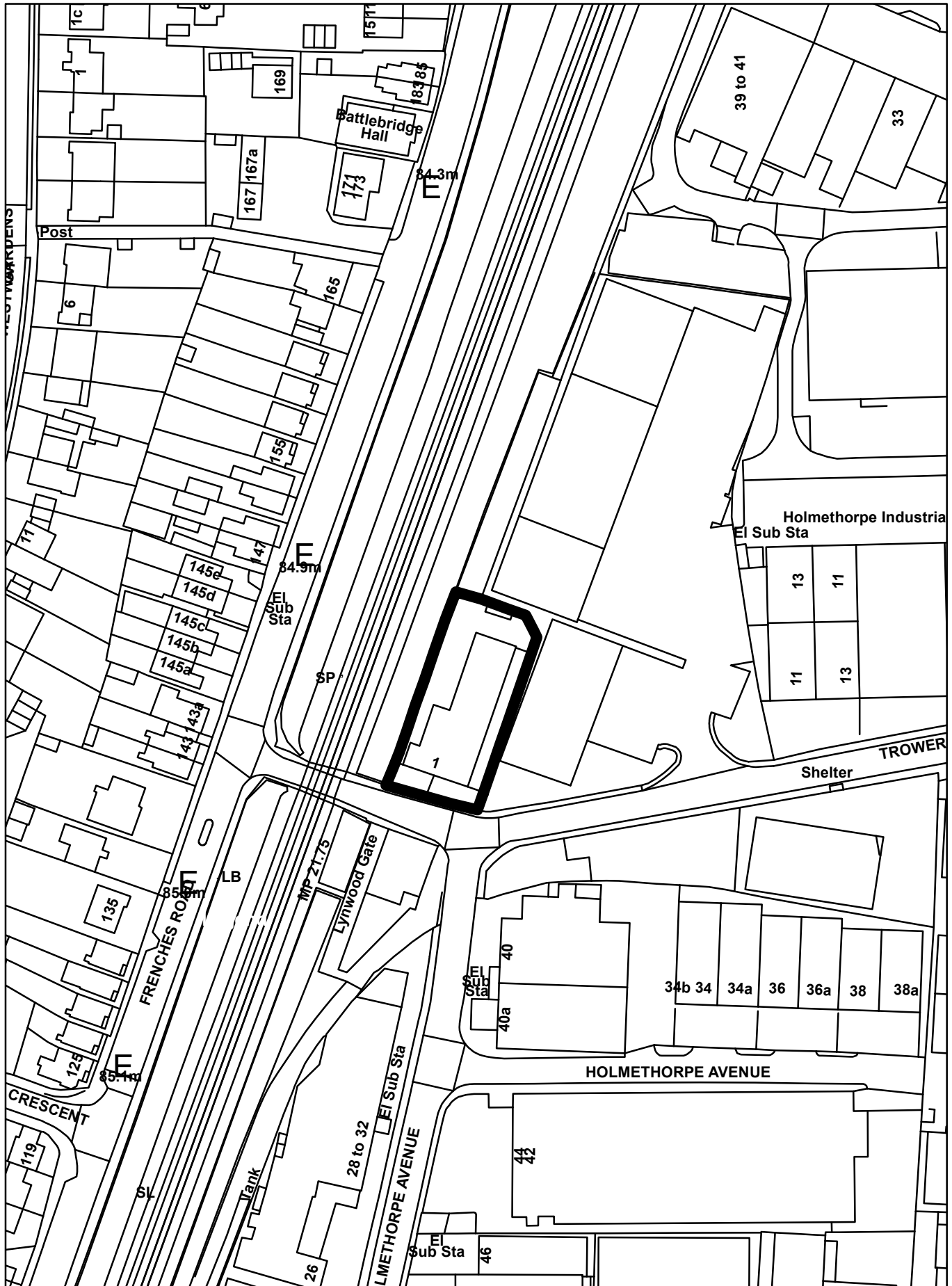
REASON FOR PERMISSION

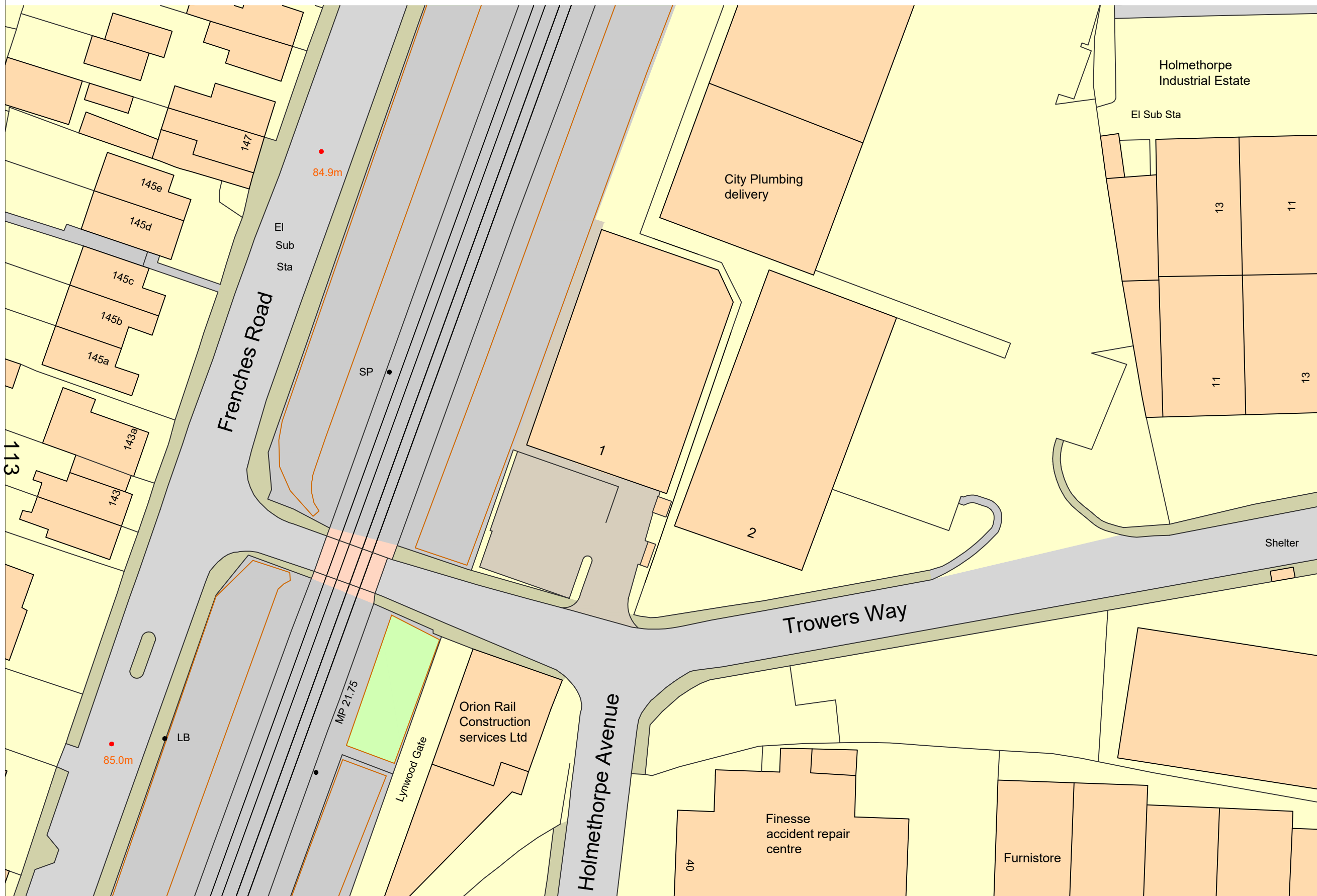
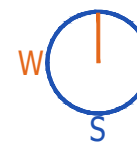
The development hereby permitted has been assessed against development plan policies RET5 DES1 DES8 TAP1 CCF1 CCF2 NHE2 NHE3 NHE5 INF1 and material considerations, including third party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.

Proactive and Positive Statements

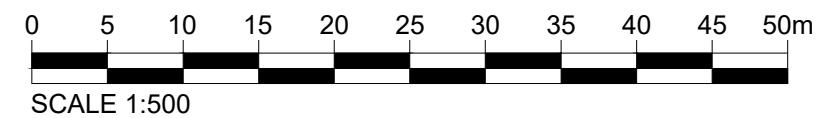
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

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Site Block Plan As Proposed



Rev	Date	Description

WS PLANNING & ARCHITECTURE
 5 Pool House
 Bancroft Road
 Reigate
 Surrey RH2 7RP
 T. 01737 225711
 E. admin@wspla.co.uk
 www.wspla.co.uk

Date	November 2021	Drawn By	JJ
Scale	1:500@A3	Checked	

Client
 R&K Harverson

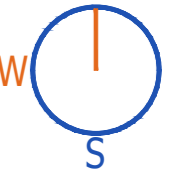
Project
 1 Trowers Way
 Redhill
 RH1 2LH

Title
 As Proposed
 Site Block Plan

Drawing No.	Rev.
J004066-DD-04	

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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 all structural design criteria. This drawing remains the copyright of WS Planning & Architecture.



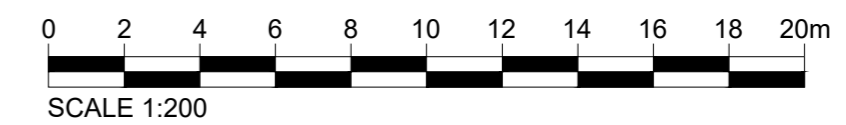
Plan Legend

- Tarmac
- Grass
- Existing trees
- Hedge
- Proposed trees
- Proposed Hedge
- Proposed cabling to allow 2x additional EVCP for future



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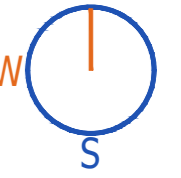
Site Plan As Proposed



A	10.11.22	Amendments following highways comments
Rev	Date	Description
<p>5 Pool House Bancroft Road Reigate Surrey RH2 7RP</p> <p>T. 01737 225711 E. admin@wspa.co.uk www.wspa.co.uk</p>		
Date	November 2021	Drawn By JJ
Scale	1:200@A2	Checked
Client	R&K Harverson	
Project	1 Trowers Way Redhill RH1 2LH	
Title	As Proposed Site Plan	
Drawing No.	J004066-DD-05	Rev. A



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 all structural design criteria. This drawing remains the copyright of WS Planning & Architecture.



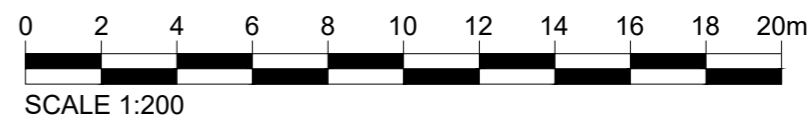
Plan Legend

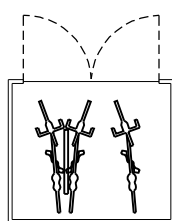
- Tarmac
- Grass
- Existing trees
- Hedge
- Proposed trees
- Proposed Hedge
- Bat boxes
- Bird boxes
- Hibernacula of logs stone
- Electric charging point

Key:
 Gross Internal Area proposed:
 Ground Floor: 550m²
 First Floor: 100m²
 10 parking spaces
 3 Cycle spaces

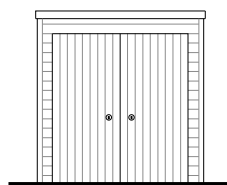
Rev	Date	Description
 WS PLANNING & ARCHITECTURE 5 Pool House Bancroft Road Reigate Surrey RH2 7RP T. 01737 225711 E. admin@wspla.co.uk www.wspla.co.uk		
Date	November 2021	Drawn By JJ
Scale	1:200@A2	Checked
Client	R&K Harverson	
Project	1 Trowers Way Redhill RH1 2LH	
Title	As Proposed Site Plan with technical info	
Drawing No.	J004066-DD-14	Rev.

Site Plan As Proposed (with technical info)

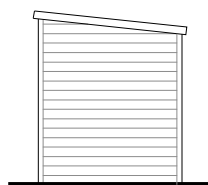




Cycle store - Plan



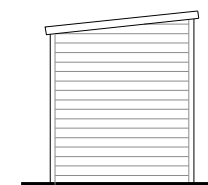
Front Elevation



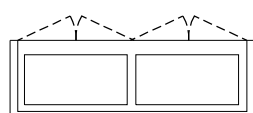
Side Elevation



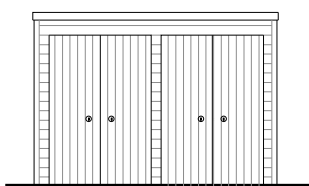
Rear Elevation



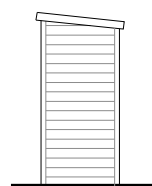
Side Elevation



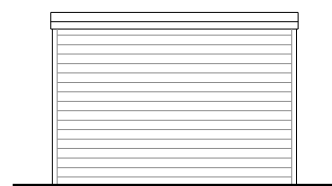
Bin store - Plan



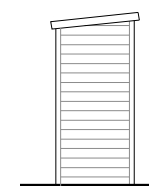
Front Elevation



Side Elevation

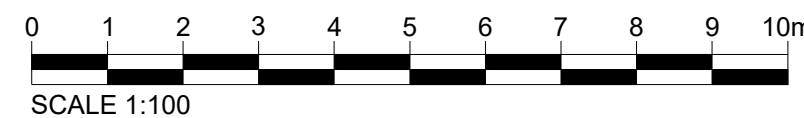



Rear Elevation



Side Elevation

Cycle/Bin store As Proposed

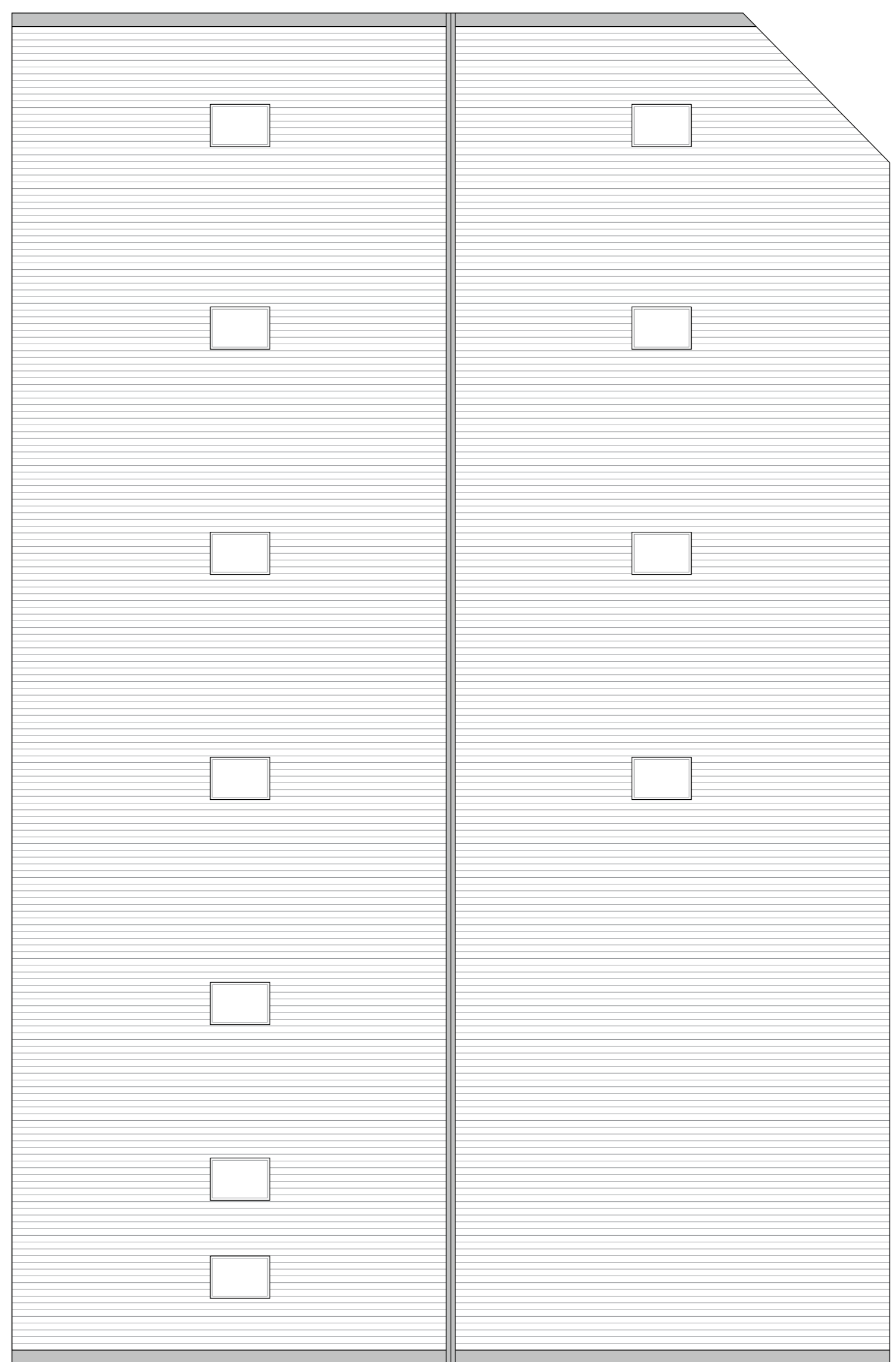
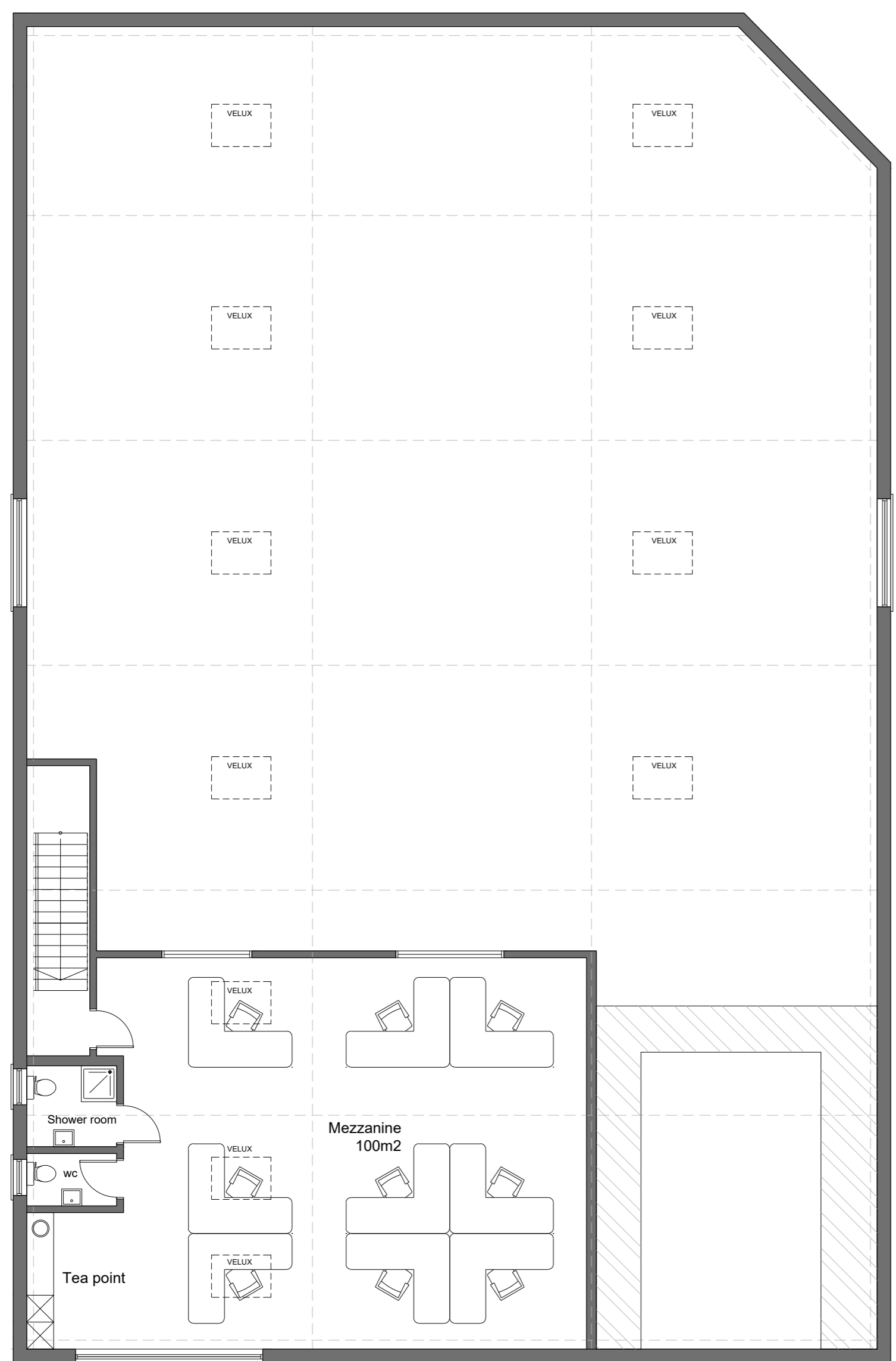


Rev	Date	Description
 5 Pool House Bancroft Road Reigate Surrey RH2 7RP T. 01737 225711 E. admin@wspa.co.uk www.wspa.co.uk		
Date	November 2021	Drawn By JJ
Scale	1:100@A3	Checked
Client	R&K Harverson	
Project	1 Trowers Way Redhill RH1 2LH	
Title	As Proposed Cycle/Bin store Rear houses	
Drawing. No.	J004066-DD-13	Rev.

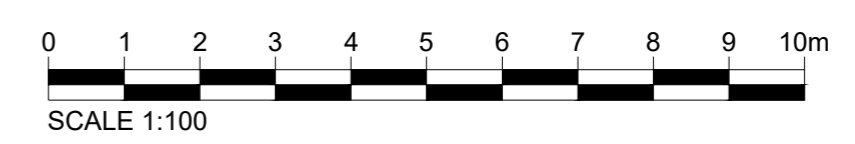
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 Refer to Structural Engineers details for all structural design criteria.
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117



Mezzanine Floor & Roof Plan As Proposed

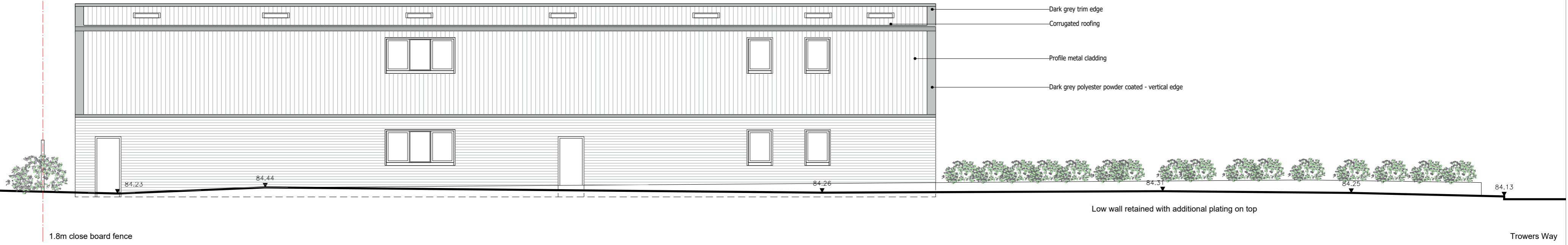


Rev	Date	Description
WS PLANNING & ARCHITECTURE 5 Pool House Bancroft Road Reigate Surrey RH2 7RP T. 01737 225711 E. admin@wsipa.co.uk www.wsipa.co.uk		
Date	November 2021	Drawn By JJ
Scale	1:100@A2	Checked
Client	R&K Harverson	
Project	1 Trowers Way Redhill RH1 2LH	
Title	As Proposed Mezzanine Floor Plan & Roof Plan	
Drawing No.	J004066-DD-10	Rev.

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Site boundary



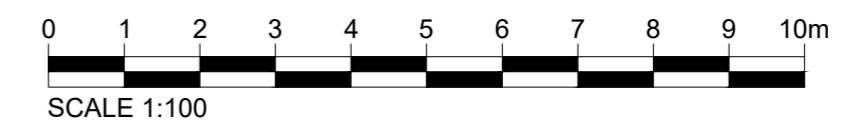
Side (West) Elevation

118



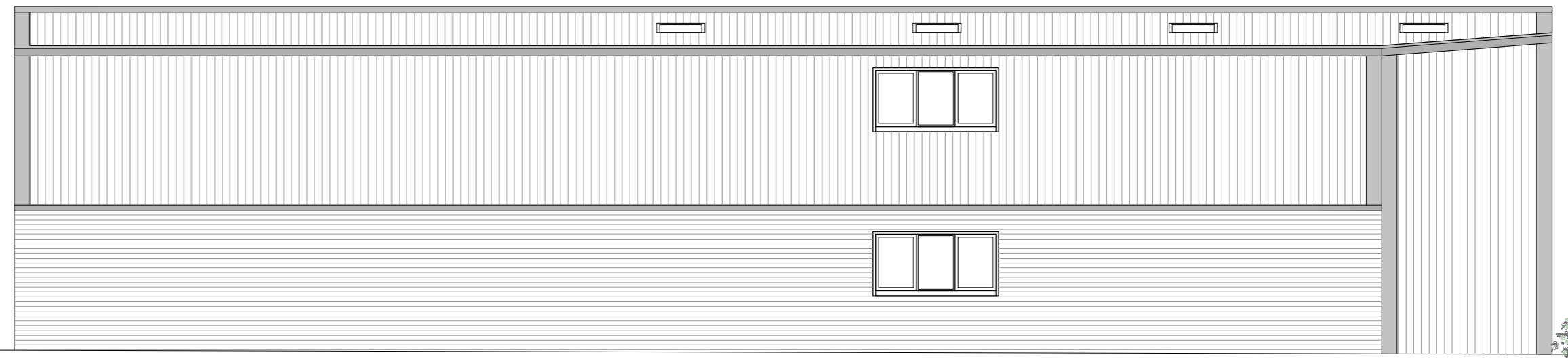
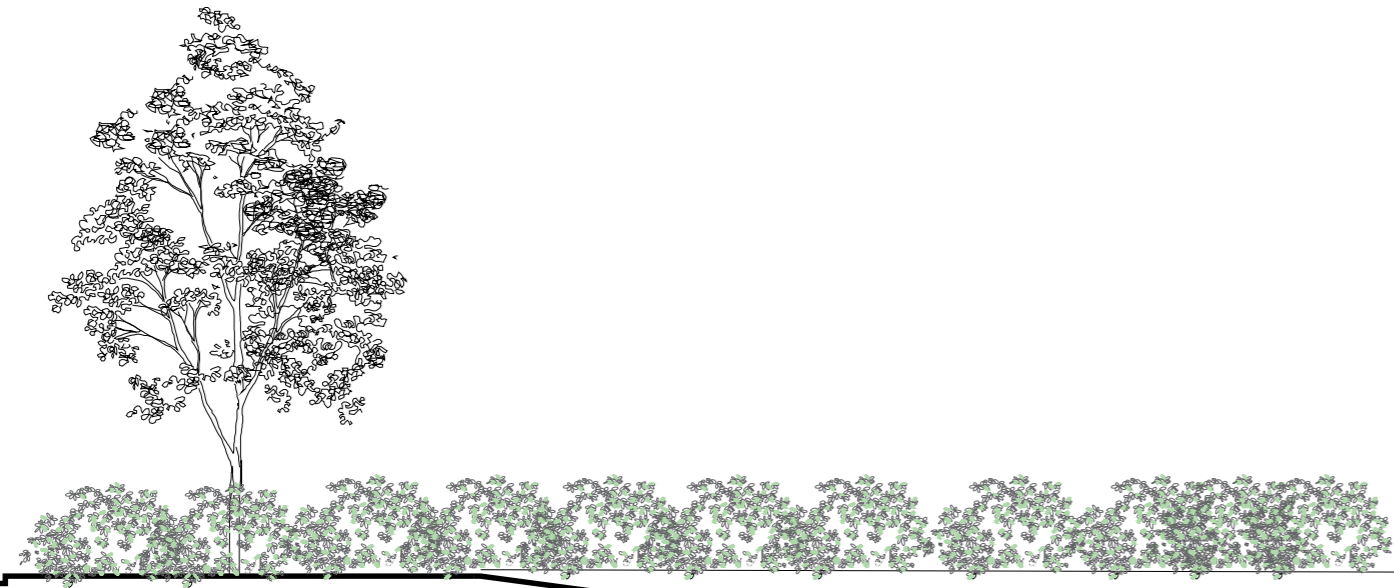
Front (South) Elevation

Elevations As Proposed



Rev	Date	Description
<p>WS PLANNING & ARCHITECTURE 5 Pool House Bancroft Road Reigate Surrey RH2 7RP T. 01737 225711 E. admin@wspa.co.uk www.wspa.co.uk</p>		
Date	November 2021	Drawn By JJ
Scale	1:100@A2	Checked
Client	R&K Harverson	
Project	1 Trowers Way Redhill RH1 2LH	
Title	As Proposed Elevations	
Drawing No.	J004066-DD-11	Rev.

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Site boundary

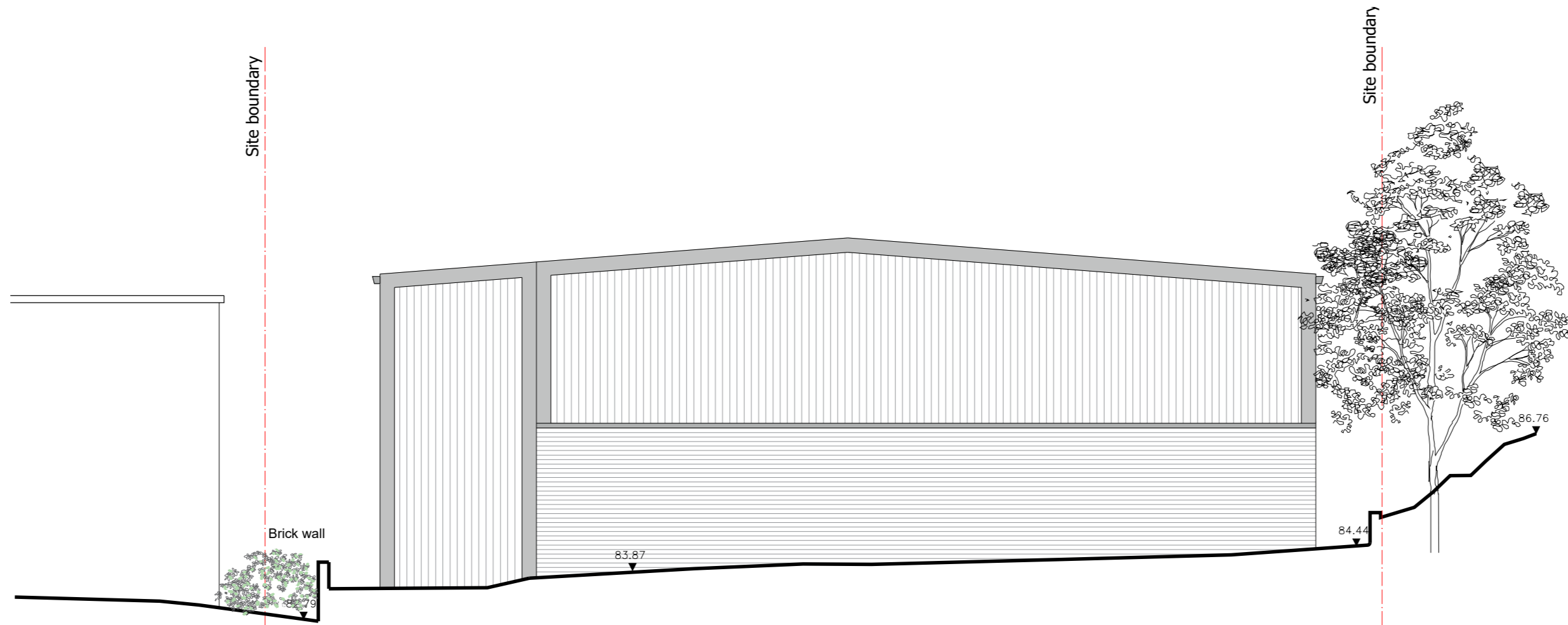
Brick wall

Shed

Trowers Way

Side (East) Elevation

119



Site boundary

Site boundary

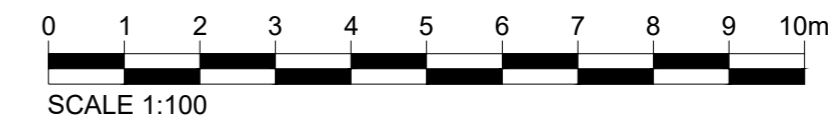
Brick wall

No.2 Trowers Way

No.1 Trowers Way

Rear (North) Elevation

Elevations As Proposed



Rev	Date	Description
5 Pool House Bancroft Road Reigate Surrey RH2 7RP T. 01737 225711 E. admin@wsipa.co.uk www.wsipa.co.uk		
Date	November 2021	Drawn By JJ
Scale	1:100@A2	Checked
Client	R&K Harverson	
Project	1 Trowers Way Redhill RH1 2LH	
Title	As Proposed Elevations	
Drawing No.	J004066-DD-12	Rev.


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 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:	PLANNING COMMITTEE
	DATE:	08 February 2023
	REPORT OF:	HEAD OF PLANNING
	AUTHOR:	Matthew Holdsworth
	TELEPHONE:	01737 276752
	EMAIL:	Matthew.Holdsworth@reigate-banstead.gov.uk
AGENDA ITEM:	9	WARD: Chipstead, Kingswood and Woodmansterne

APPLICATION NUMBER:	22/01974/S73	VALID:	05/09/22
APPLICANT:	Mr and Mrs Brown	AGENT:	Gen-PLAN
LOCATION:	DORMER COTTAGE, THE CHASE, KINGSWOOD, KT20 6HY		
DESCRIPTION:	Demolition of existing two storey detached dwelling with attached garage blocks and construction of 1 detached dwelling and 2 semi-detached dwellings and associated access + associated works		
Demolition of existing dwelling; erection of a replacement five bedroom dwelling house with integral triple garage; formation of two new access points and erection of gate piers and gates. Variation of Condition 1 of permission 21/01562/F. Replace approved plans. The building has been positioned closer to the north-eastern side boundary than as shown on the approved site plan. It is necessary to vary the wording of condition 1 to supersede the approved site plan with an updated site plan.			

This application is referred to Committee by Councillor Parnall given the planning enforcement implications of the proposal and in order to assess the impact of the re-position of the new dwelling.

SUMMARY

The proposal is for the variation of condition 1 (the plans condition) of 21/01562/F to vary the position of the approved dwelling so that it is closer to the north-eastern boundary than previously approved. In addition, it is noted that two TPO oak trees have been removed to the rear of the site. No other changes to the design, mass, scale, or bulk of the dwelling are proposed. The works have commenced and the building is now at an advanced state of construction.

It is noted that whilst the position of the property is now around 4m from the boundary, this element of the property is largely single storey and is not dissimilar to other properties in The Chase and surrounding areas in that it is built relatively close to the boundary. It is noted that there is a mature laurel hedge along the boundary of at least 3m in height and it is considered that there would not be an adverse impact on the neighbouring property due to the distances involved, the retention of the hedge and the neighbouring property's deep footprint.

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In addition, as noted above, there is not a significant issue in terms of spacing within the Residential Area of Special Character (RASC) and there is sufficient space for a visual gap and additional landscaping.

In terms of the removal of the two oak trees which were protected under a tree protection order (TPO); this has been subject to separate enforcement investigation. Unauthorised removal of protected trees is a serious matter which can result in criminal prosecution. Following the enforcement investigations, limited evidence has been established to identify the party responsible or that the trees did not present an immediate risk. It is therefore considered that an appropriate remedy in this case is to require the planting of 5 replacement oaks, each of advanced standard, 4.5m-5m in height. This has been submitted as part of this application and the tree officer has raised no objection to this proposal given the immediate and enduring impact they would have at not unsubstantial cost to the applicant.

RECOMMENDATION(S)

Planning permission is GRANTED subject to conditions.

Consultations:

Highway Authority: No objections

Tree Officer: The updated arboricultural report by JN Tree Consulting shows the new location of the dwelling in relation to the trees and based on this information there is an incursion into the RPA of one tree (T7), which is minimal and will not affect its stability. Two protected trees (T8 and T20) have been removed that were originally shown to be retained on the approved scheme, the reasons for their removal has been investigated and is claimed to have been as a result of their imminent risk. There is inconclusive evidence to the contrary or to identify the responsible party and therefore there is insufficient evidence to progress enforcement. To compensate for their removal the arboricultural report shows five large oaks to be planted in the area where the two felled oaks were located, and should the Committee be minded to approve this application they would be required to be planted during this planting season as a planning condition.

Kingswood Residents' Association: The structure presently under construction and which is the subject of this retrospective application, The KRA considers that the proposal fails to conform to policy DES1 paragraph 3 which requires due regard to the layout, density and the relationship to neighbouring buildings. Policy DES3 paragraph 3 requires that height, depth and elevations of the development respect the form of neighbouring buildings and the character of the RASC. The height of this development should be checked as it appears overly dominant. Policy DES1 paragraph 4 requires that development should not result in a harmful erosion of the spacing between buildings or lead to an over-dominance of the built form within the plot. The KRA also considers that this building clearly infringes both these requirements. For all the above reasons, the KRA objects to this application.

Representations:

Letters were sent to neighbouring properties on 07 September 2022. Ten letters of representation from local residents have been received raising the following concerns:

Issue	Number	Response
Overlooking and loss of privacy	10	See paragraphs 6.8-6.11
Overbearing	9	See paragraphs 6.8-6.11
Out of character	7	See paragraphs 6.3-6.7
Poor design	6	See paragraphs 6.3-6.7
Overdevelopment	7	See paragraphs 6.3-6.7
Loss of private view	4	Not a material planning consideration

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1.0 Site and Character Appraisal

- 1.1 The site consists of a large plot with a substantial two storey building with rooms in the roof, along with attached garage and swimming pool complex property currently in advanced construction on the northwest side of The Chase in Kingswood. This follows the demolition of the previous building on the site. The site is situated within a Residential Area of Special Character with detached properties in spacious grounds, some of which are constructed relatively close to the boundaries.
- 1.2 There is a belt of protected trees to the rear of the site. Two of the trees have been removed and this has been subject to separate enforcement action. However, due to the scale of the plot, there are no trees of significance that would be affected by the variation of the position of the property although there is mature hedging to the boundaries. The site is relatively flat throughout.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: None, as no pre-application advice was sought.
- 2.2 Further improvements could be secured: materials, tree conditions, obscure glazing, broadband condition, water and energy efficiency (as per the previous permission – 21/01562/F)

3.0 Relevant Planning and Enforcement History

- 3.1 21/01562/F - Demolition of existing dwelling; erection of a replacement five bedroom dwelling house with integral triple garage; formation of two new access points and erection of gate piers and gates – approved with conditions
- 3.2 20/02607/F - The construction of a 5 bedroom detached dwelling with integral triple garage following the demolition of the existing house and garage, along with the erection of two sets of entrance gates, and associated brick piers – refused
- 3.3 19/01838/F - Demolition of existing dwelling and detached garage and erection of 2 1/2 storey replacement dwelling with integral triple garage. New vehicular access and removal of existing pedestrian access. Existing external swimming pool retained with new single storey pool room. New entrance gates and piers – approved with conditions.
- 3.4 19/00246/F - Demolition of the existing dwelling, detached garage and outbuildings. Erection of two 2.5 storey dwellings with integral garages – refused and appeal dismissed.
- 3.5 17/02798/F - Demolition of the existing dwelling, detached garage and outbuildings. Erection of 2 No. 2 1/2 storey dwellings with integral garages with new vehicular access - refused and appeal dismissed.

- 3.6 17/00390/F - Demolition of existing dwelling and detached garage and erection of 2 and half storey replacement dwelling with internal triple garage. New vehicular access and removal of existing pedestrian access. Existing external swimming pool retained with new single storey pool room. New entrance gates and piers - approved with conditions.
- 3.7 14/01110/F - Demolition of existing dwelling and detached garage and erection of 2 and half storey replacement dwelling with internal triple garage. New vehicular access and removal of existing pedestrian access. Existing external swimming pool retained with new single storey pool room. New entrance gates and piers – approved with conditions.
- 3.8 14/00430/F - Demolition of existing dwelling and detached garage and erection of 2 and half storey replacement dwelling with internal triple garage. New vehicular access and removal of existing pedestrian access. Existing external swimming pool retained with new single storey pool room. As amended by letter dated 13/03/2014 - Refused - Appeal withdrawn.
- 3.9 13/02198/F - Demolition of existing dwelling and detached garage and erection of 2 and half storey replacement dwelling with internal triple garage. New vehicular access and removal of existing pedestrian access. Existing external swimming pool retained with new single storey pool room. New entrance gates and piles. As amended by letter dated 23/12/2013 - Withdrawn

4.0 Proposal and Design Approach

- 4.1 The proposal follows on from the previous application 21/01562/F which granted permission for the demolition of existing dwelling; erection of a replacement five bedroom dwelling house with integral triple garage; formation of two new access points and erection of gate piers and gates.
- 4.2 The application seeks to vary condition 1, the “plans condition” to move the dwelling 4.2m to the north east.
- 4.3 The original dwelling has been demolished and the new dwelling is currently under construction and therefore the application is retrospective in nature. However, it is important that this aspect is not given weight in the assessment of the planning merits of the case given existing alleged breaches of planning control are not material planning considerations and that planning enforcement is intended to be remedial rather than punitive.
- 4.4 All other aspects of the dwelling, in terms of its size, design, massing etc are as previously approved under 21/01562/F. The change that is being assessed by this application is the position of the building as constructed. The house is currently in an advanced state of construction and the building, including the dormers appears to be being built as per the plans being assessed under this application.

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

- Assessment;
- Involvement;
- Evaluation; and
- Design.

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

Assessment	No design statement was submitted
Involvement	No community consultation took place.
Evaluation	The proposal is for the repositioning of the property 4.2m to the north east.
Design	The design of the dwelling, including the boundary gates is the same as previously approved.

4.7 Further details of the development are as follows:

Site area	0.4 hectares
Proposed parking spaces	4
Parking standard	3
Net increase in dwellings	0

5.0 Policy Context

5.1 Designation

Urban Area, The Glade and Chase Residential Area of Special Character (RASC)

5.2 Reigate and Banstead Core Strategy

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

5.2 Reigate & Banstead Development Management Plan 2019

Natural Environment	NHE3
Design, Character, and amenity	DES1, DES3, DES5, DES8
Transport, Access, and parking	TAP1

Climate Change resilience	CCF1
Infrastructure to support growth	INF3

5.3 Other Material Considerations

National Planning Policy Framework

Supplementary Planning Guidance

Surrey Design

Local Distinctiveness Design Guide

Householder Extensions and Alterations

Other

Human Rights Act 1998

6.0 **Assessment**

6.1 The application site is situated within the urban area where there is a presumption in favour of sustainable development and where the principle of such development is acceptable in land use terms.

6.2 The main issues to consider are:

- Impact on local character
- Neighbour amenity
- Trees and landscaping
- Other matters

Impact on local character

6.3 The application seeks the variation of condition 1 of 21/01562/F to move the dwelling 4.2m to the north east. As already noted, the design, scale, bulk and massing of the building would not change from the building previously consented under 21/01562/F. The only change is to the position of the building.

6.4 The outstanding issue therefore is the impact on the character of the area and the wider RASC from the re-positioning of the application. The applicant has provided an amended street scene and an amended site layout in order to assess the proposal.

6.5 From the street scene, it is clear that the bulk of the property (the main house) is now situated more centrally within the plot with the ancillary part of the house (garaging and swimming pool) which is largely single storey with rooms in the roof to the side. A gap of 4.132m to the boundary with the adjacent property (Oak Cottage) would be maintained.

6.6 Concern has been raised in regard to the positioning of the property and the closeness to the boundary with Oak Cottage. There is a substantial laurel hedge of around 3m in height and of at least 4m in width along that boundary which appears to be shared with both properties. Whilst the gap to the boundary is less than previously approved, it is similar to other properties in the Chase

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which have substantial single storey elements relatively close to the side boundaries. It is also noted that the property to the south west, Woodend, is situated 4.1m from the shared boundary and this is at two storey level.

- 6.7 It is considered therefore when assessing alongside the approved planning application that changes to the proposal in terms of the siting of the dwelling closer to the north-eastern boundary would not materially harm the character of the area or the wider RASC and therefore complies in this regard with both policies DES1 and DES3.

Neighbour amenity

- 6.8 The development that is under construction has been considered in terms of its potential impact on the amenities of the neighbouring properties. The previous application was not deemed to result in a relationship that would be harmful to neighbour amenity. The dwelling is the same size as the previously approved application both in terms of footprint and scale. The dwelling has moved further from the boundary with Woodend to the south west (11.6m from the boundary). In addition, there is a substantial hedge along the boundary. Whilst it is noted that the proposed dwelling would be significantly deeper than Woodend, due to the distances involved, there would be not a material increase in overshadowing to that property.
- 6.9 Turning to the property to the north east, Oak Cottage, that is approximately as deep as the two / three storey element of the proposed dwelling and this would ameliorate any significant overshadowing from the proposed dwelling. Whilst it is noted that the single storey element is deep due to the substantial hedge along the boundary and the distance between the two properties, this is not considered to be materially harmful.
- 6.10 It is noted that the dwelling has been moved closer to the boundary with Oak Cottage and is now between 4.1m (at the front) and 4.5m (to the rear) to the shared boundary. The element closest to the boundary is single storey in nature (with rooms in the roof above the garage). There is a mature and substantial laurel hedge along the boundary at a height of at least 3m. Whilst the building is being constructed closer to the boundary, it is not considered to give rise to a significant or material loss of amenity to Oak Cottage as it is considered that there is sufficient spacing between the two properties. The impact is further mitigated by the screening of the mature hedgerow. In addition, it is noted that the position of the building is similar to the refused application 20/02607/F which was refused on design grounds but was found satisfactory on amenity grounds.
- 6.11 As per the previous application, a condition relating to obscure glazing to first floor side facing windows has been imposed, and it is noted that the plans show privacy glass at 1.7m in height to the side of the balcony to the rear. The spacing between the dwellings given the size of the plot would be so sufficient that there would not be an issue in terms of the dwelling being overbearing or have a harmful impact on natural light to key amenity areas. The proposal therefore complies with policy DES1 in this regard.

Trees and Landscaping

- 6.12 The council's arboricultural officer has been consulted and his comments are as follows:
"The updated arboricultural report by JN Tree Consulting shows the new location of the dwelling in relation to the trees and based on this information there is an incursion into the RPA of one tree (T7), which is minimal and will not affect its stability. Two protected trees (T8 and T20) have been removed that were originally shown to be retained on the approved scheme, the reasons for their removal has been investigated and is claimed to have been as a result of their imminent risk. There is inconclusive evidence to the contrary or to identify the responsible party and therefore there is insufficient evidence to progress enforcement. To compensate for their removal the arboricultural report shows five large oaks to be planted in the area where the two felled oaks were located, and should the Committee be minded to approve this application they would be required to be planted during this planting season as a planning condition
- 6.13 The removal of the oaks at the rear of the garden is not due to the changing of location of the dwelling and was the subject of a separate planning enforcement investigation. This has found inconclusive evidence of either who the responsible party was or whether the felled trees did or did not pose any immediate risks. A submitted plan includes five replacement oak trees which are shown on the plans as being 4.5-5m in height and with a girth of 25-30cm. This is an advanced standard tree and will provide immediate and enduring benefit to compensate for the unauthorised felling of the two oaks. This is considered appropriate in terms of their size and location and a better outcome than could be secured through formal enforcement action/prosecution. In terms of the tree protection plan, this also protects the mature laurel hedge along the boundary.
- 6.14 In addition, in terms of the landscaping, a condition will be imposed in order to ensure additional landscaping to the front of the property and in order for the proposal to comply with the policies relating to the RASC. A submitted plan also includes the five replacement oak trees which are shown on the plans as being 4.5-5m in height and with a girth of 25-30cm. This is considered appropriate in terms of their size and location. This is an advanced standard tree and will provide immediate and enduring benefit to compensate for the unauthorised felling of the two oaks. Subject to these conditions being complied with, it is considered that the application complies in this regard with policy NHE3.

Other Matters

- 6.15 The application is a section 73 application varying the plans condition only, namely the site layout and the street scene plans. All other plans would remain as per the previous application. Therefore, it is considered pertinent to copy across the conditions from 21/01562/F in order that other matters such as the materials, landscaping and the need for obscure glazed side facing windows etc are as per the previous approval.

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CONDITIONS

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

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.

Note: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

Plan Type	Reference	Version	Date Received
Tree Protection Plan	TPP04		23.10.2022
Floor Plan	009		07.06.2021
Elevation Plan	010		07.06.2021
Location Plan	101 A		23.09.2021
Proposed Plans	103 A		23.09.2021
Floor Plan	102 A		23.09.2021
Elevation Plan	104 B		23.09.2021
Proposed Plans	105 A		23.09.2021
Site Layout Plan	201		05.09.2022
Proposed street scene	205		05.09.2022

2. The proposed external materials shall be those as approved under 21/01562/DET03

Reason: To ensure that a satisfactory external appearance is achieved of the development with regard to Reigate and Banstead Development Management Plan policies DES1 and DES3.

3. The first floor windows and rooflights 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 Development Management Plan 2019 policy DES1.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order, with or without modification) no extensions or roof extensions shall be erected other than those expressly authorised by this permission.

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Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality with regard to Reigate and Banstead Development Management Plan 2019 policies DES1 and DES3.

5. Within two months of the date of this decision, the five advanced standard replacement oak trees shall be planted along with 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 04 compiled by JN Tree Consultancy , dated 23rd October 2022

Reason: To ensure good arboricultural practice in the interests of the maintenance of the character and appearance of the area and to comply with British Standard 5837:2012 'Trees in Relation to Design, demolition and Construction - Recommendations' and policies NHE3 and DES1 of the Reigate and Banstead Development Management Plan 2019.

6. The development shall not be occupied until details of all other hard and soft landscaping is submitted to and approved in writing by the Local Planning Authority (LPA). These shall include frontage tree and hedge planting and any other existing or proposed, soft or hard, landscaping in the front garden area in order to create a more sylvan appearance, or adjacent to boundaries where appropriate, and shall include details of recued brick piers and hedge gap filling.

The soft landscape details shall include an establishment maintenance schedule for a minimum of 2 years, full planting specifications, planting sizes & densities. Upon implementation of the approved development all the landscaping works shall be carried out in strict accordance with the landscape details as approved, and these shall be completed, before building completion, occupation or use of the approved development whichever is the earliest, or as otherwise agreed in writing by the LPA.

All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations.

If any of the new or existing tree/s or hedge/s, detailed and approved under this condition, are removed, die, or become significantly damaged or diseased within 5 years of completion, it/they shall be replaced before the expiry of one calendar year, to a planting specification agreed in writing by the Local Planning Authority. The hedges detailed shall be retained at a minimum height of 1 metre, or if new, once grown to this height thereafter.

Reason: To ensure good landscape practice in the interests of the maintenance of the character and appearance of the area and to comply with policies DES1 and NHE3 of the Reigate and Banstead Development Management Plan 2019.

7. The dwelling within development hereby approved shall be provided with the necessary infrastructure to facilitate connection to a high speed broadband.

Unless otherwise agreed in writing with the Local Planning Authority, this shall include as a minimum:

- a) A broadband connection accessed directly from the nearest exchange or cabinet,
- b) Cabling and associated installations which enable easy access for future repair, replacement or upgrading.

Reason: To ensure that the development promotes access to, and the expansion of, a high quality electronic communications network in accordance with Policy INF3 of the Reigate & Banstead Development Management Plan 2019.

8. The development hereby approved shall not be first occupied unless and until a Water Efficiency Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail how the development will ensure that the potential water consumption by occupants of each new dwelling does not exceed 110 litres per person per day,

The development shall be carried out in accordance with the approved details and any measures specific to an individual dwelling(s) shall be implemented, installed and operational prior to its occupation.

Reason: To ensure that the development supports the efficient use of resources and minimises carbon emissions with regard to Policy CS10 of the Reigate & Banstead Core Strategy 2014 and Policy CCF1 of the Reigate & Banstead Development Management Plan 2019.

INFORMATIVES

1. 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.

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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.

2. 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.
3. The use of a suitably qualified arboricultural consultant is essential to provide acceptable submissions in respect of the arboricultural tree condition above. All works shall comply with the recommendations and guidelines contained within British Standard 5837

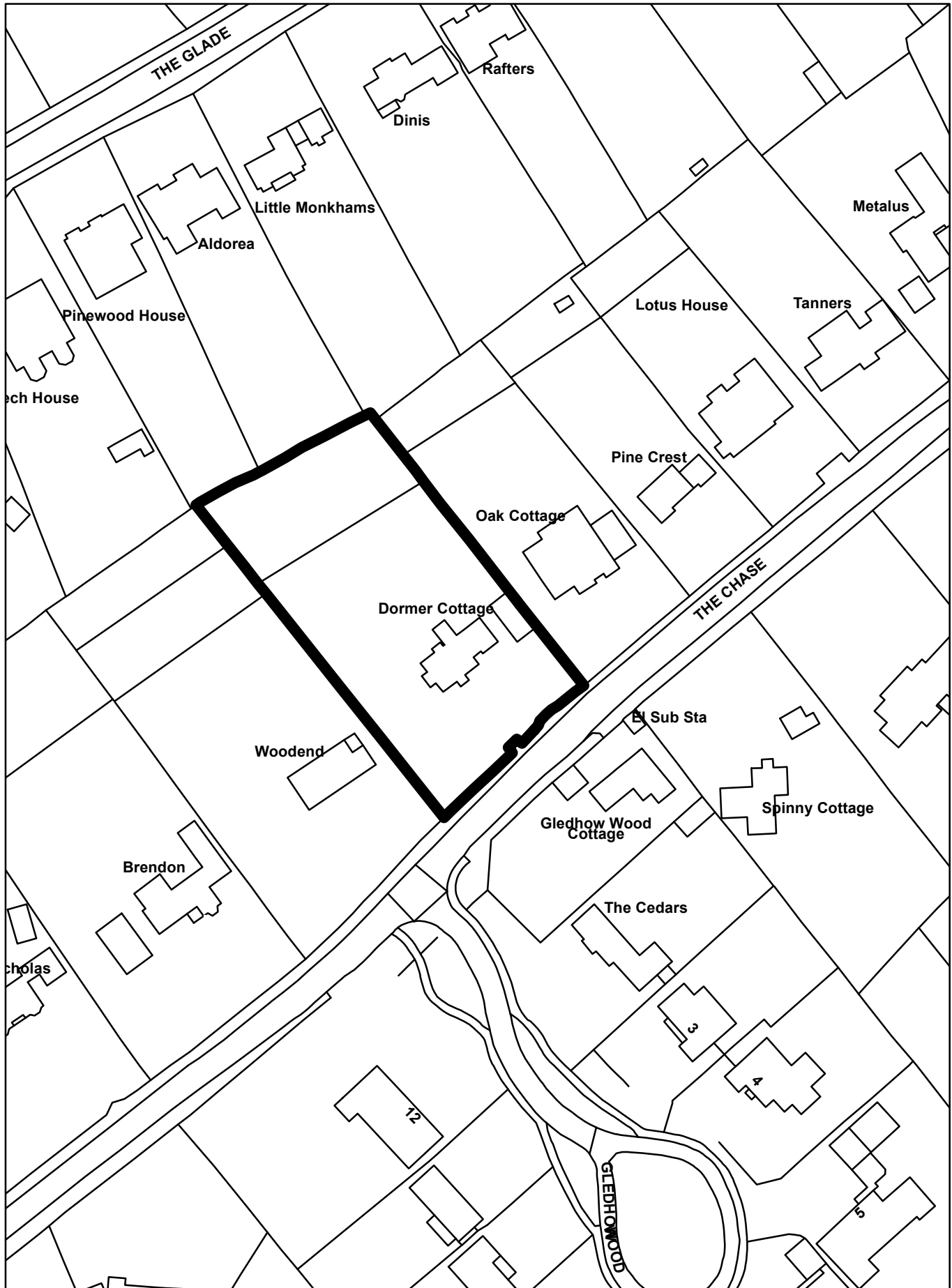
REASON FOR PERMISSION

The development hereby permitted has been assessed against development plan policies DES1, DES3, DES5, DES8, TAP1, NHE3, CCF1, INF3, 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.

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.

22/01974/S73 - Dormer Cottage, The Chase, Kingswood

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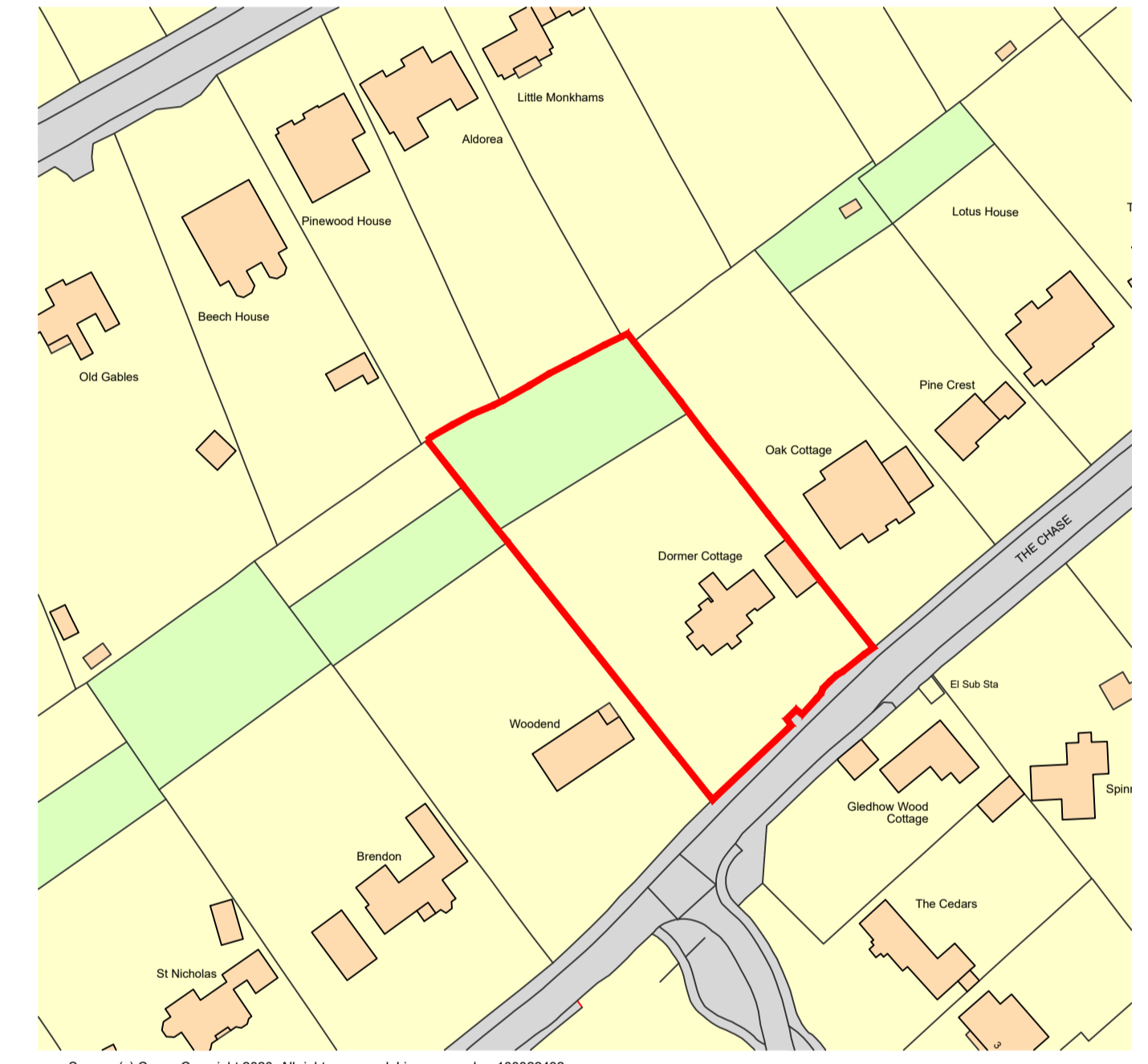


Approved House position
 ref 21/01562/F

Approved New
 Entrance & Gates

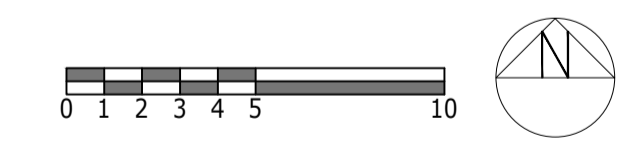
Approved New
 Entrance & Gates

Rev.	Date	Detail



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Location Plan
 1:1250 at A1



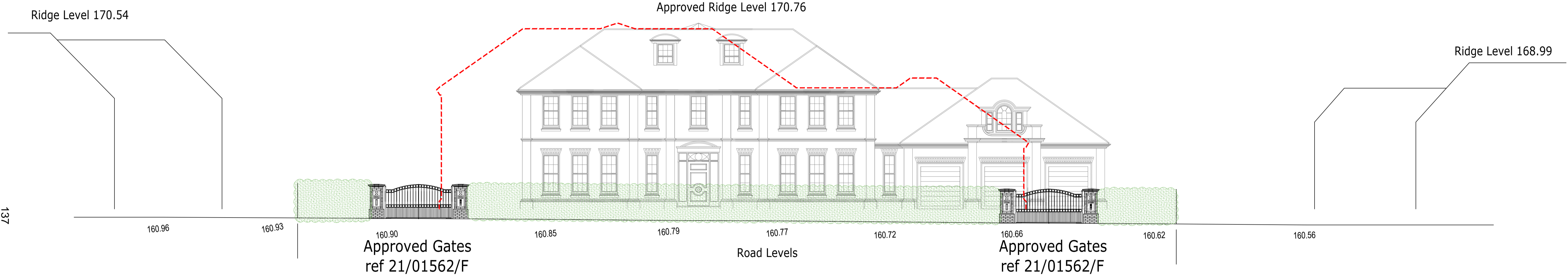
		Abbey House, Wellington Way, Brooklands Business Park, Weybridge, Surrey KT13 0TT tel: 07720 263223 email: planning@iconicad.com			
Client		Project Title		Drawing Title	
Mr & Mrs Brown		Dormer Cottage The Chase Kingswood, Surrey KT20 6HY		Site Plan	
Dwg No.	2020	P	491	201	Scale
					1:200 & 1:1000 at A1
				Date	Aug 2022
				Drawn	Andrew Long

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Rev.	Date	Detail

Approved House position
 ref 21/01562/F



Street view from The Chase

Datum 155.00

Datum 155.00


		Abbey House, Wellington Way, Brooklands Business Park, Weybridge, Surrey KT13 0TT tel: 07720 263223 email: planning@iconicad.com			
Client Mr & Mrs Brown		Project Title Dormer Cottage The Chase Kingswood, Surrey KT20 6HY		Drawing Title Street View	
Dwg No.	2020	P	491	205	Scale 1:100 at A1
Date	Aug 2022	Drawn	Andrew Long		

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Agenda Item 10

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DM Performance Q3 2022/23

 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:	PLANNING COMMITTEE	
	DATE:	11 th January 2023	
	REPORT OF:	HEAD OF PLANNING	
	AUTHORS:	Andrew Benson	
	TELEPHONE:	01737 276175	
	EMAIL:	Andrew.benson@reigate-banstead.gov.uk	
AGENDA ITEM:	10	WARD:	All

SUBJECT:	DEVELOPMENT MANAGEMENT Q3 2022-23 PERFORMANCE
PURPOSE OF REPORT:	To inform members of the 2022/23 Q3 Development Management performance against a range of indicators
RECOMMENDATION:	To note the performance of Q3 2022/23

Planning Committee has authority to note the above recommendation

BACKGROUND

1. Development Management encompasses a wide range of planning activities including pre-application negotiations and engagement; decision making on planning applications through to compliance and enforcement.
2. It puts the Council's locally adopted development plan policies into action and seeks to achieve sustainable development.
3. It is a non-political, legislative system with all Development Management functions falling under the responsibility of the Planning Committee in the Council's Constitution. As such it is a non-Executive function falling outside the scope of the quarterly corporate performance reports that are presented to the Executive and Overview and Scrutiny Committee.
4. Development Management performance has always been monitored and reviewed in line with statutory and local targets with quarterly reports sent to the Department for Levelling Up Housing and Communities. However, given that all functions of the Council as Local Planning Authority fall under the responsibility of the Planning Committee, the performance information has also been shared with the Planning Committee Chairman. This report enables the performance indicators to be noted by the Planning Committee itself.
5. This report is the third quarterly report of the 2022/23 municipal year and provides the quarterly performance at Table 1. Also provided at Table 2 is the performance measure, relating to the time taken in total days from receipt of a valid application to its registration.

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PERFORMANCE

	Applications determined (in 8/13 weeks or agreed)	Target	Q3	Q4	21/22	Q1	Q2	Q3
1	Major applications	60%	75%	86%	81%	75%	100%	100%
2	Non-major applications	70%	80%	92%	86%	81%	80%	84%
3	Average days to decision	73	80	78	78	78.5	82.6	78.6%
Appeals								
4	Appeals Received	-	21	30	84	19	8	13
5	Major Appeals Decided	-	3	1*	6	-	1	-
6	Major Appeals Dismissed	70%	2 (75%)	0 (0%)	4 (66.6%)	-	1 (100%)	-
7	Non-major appeals Decided	-	13	15	54	5	2	10
8	Non-major appeals Dismissed	70%	8 (62%)	9 (56%)	36 (66.6%)	4 (80%)	2 (100%)	8 (80%)
Enforcement								
9	Reported Breaches		113	120	429	110	127	111
10	Cases Closed		135	125	430	95	103	123
11	On hand at end of period		197	161	161	213	193	178
12	Cases over 6 months old		74	40	40	53	59	47
13	Priority 1 Enforcement	100%	100%	100%	100%	100%	100%	100%
Application Workload								
14	Received		369 (251 HH)	403 (282 HH)	1651	377 (310 HH)	325 (286HH)	283 (248 HH)
15	Determined		351	328	1573	413	334	308
16	On hand at end of period		413	469	469	423	404	369
17	Withdrawn		18	16	61	10	9	9

* Great Tattenhams appeal allowed but subsequently quashed and awaiting redetermination

Table 1 - Development Management performance

Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
12.3	6.7	3.7	3.3	2.8	3.1	2.6	2.3	2.8	2.4	3.5	2.6	2.4	3.1	4.5	5.0	2.8	3.1	7.3

Table 2 – Time taken from receipt to registration (working days)

Reason for delay	Number
Awaiting compliance check	2
Awaiting submission of application	10
Awaiting outcome of application	11
Written in past month chasing information/regularisation	1
Open/ongoing prosecution	1
Awaiting Appeal	12
Expediency of harm be concluded with input from statutory consultees	1
Regularising works commenced but not yet complete	4
Chasing up of costs	1
Temporary Stop Notice Served	1
Awaiting planting of replacement tree	2
Delayed by probate	1

Table 3 – Reason for enforcement investigation over 6 months

Planning applications

6. 283 planning applications (248 householder) were received in Q3 which continues the downward trend from the very high peak of Q1/2021/22. The downward trend is expected and likely to continue with the cost of living pressures. The number on hand at the end of the period, at 369 continues to drop as more cases are determined than received which is encouraging in ensuring against a build-up of undetermined cases. However, offsetting a decrease in applications has also been a reduction in case officers, as is reported later.
7. The Town and Country Planning Development Management Procedure Order 2015 sets the statutory period for the determination of planning applications at 8 weeks for non-major applications and 13 weeks for major applications (10+ dwellings or 1,000+ sqm floorspace). This statutory period is relaxed where an extension of time is agreed between the applicant and local planning authority. In order to monitor the performance of local planning authorities, the Government sets targets for the determination of major and non-major planning applications within the statutory period or agreed extension of time. For major developments, this target is 60% and for non-major developments it is 70%.
8. In this Quarter 100% (8 out of 8) of major applications were determined within the statutory period or within agreed extension of time so comfortably meeting the statutory target. For non-major applications the figure was 84% for the quarter, again exceeding the target.
9. The average days to decision for the quarter came back down to the average of 78 days, which still missed the target of 73 days, primarily due to improvements being sought and amendments secured to add value with the applicant's agreement to an extension of time and also impacted by the quarter including the summer holiday season.

Planning appeals

10. 13 appeals have been received in the quarter.
11. Alongside the Government performance measures based on speed of determination of planning applications, is the other performance criteria set for local planning authorities aimed at assessing the 'quality' of decision making. This is measured as a percentage of total applications which result in an appeal allowed, broken down between major and non-major development proposals. The relevant target for both types of application is that not more than 10% of applications should be allowed at appeal.
For example –
If 100 major applications are determined by the authority over the qualifying two-year period and 9 are allowed at appeal that would result in a figure of 9% which is acceptable. However, if 100 major applications were determined and 11 of these ended up being appealed and the appeals allowed, this would result in a figure of 11% which fails the 10% target.

The assessment considers appeals allowed against applications refused by each authority across a two year period. Over this latest two-year period 79 major applications were determined meaning 8 or more appeals allowed in the two year

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period to 31st December 2022 will lead to the target being missed and likely poorly performing designation together with the loss of control by virtue of the ability to submit applications directly to the Secretary of State.

12. In this last quarter no major appeals were determined, and none were allowed for Q's 1 and 2 meaning there is therefore no increased threat from this performance indicator. However there remain outstanding appeal decisions
13. 8 out of the 10 non-major appeals determined in this quarter were dismissed representing 80% dismissed so far exceeding target.

Planning Enforcement

14. There were 111 reported enforcement breaches in the quarter, continuing the high numbers that started to be reported since the pandemic. This is common across the County and likely to be a result of the combination of more people working at home, spending more time observing development in their neighborhoods as well as the majority being householder applications which can give rise to a disproportionately higher incidence of enforcement complaints given the close proximity of residences. However the team has worked to reduce the older cases down and number of cases over 6 months is now down to 47 from 59 at the last quarter.

Registration

15. Table 2 shows performance in the time taken from receipt to registration of new applications. The performance was good for October and November but dipped in December and that may continue into January. This is due to the departure of two Officers in the TSU team in November, on the top of an existing vacancy. The latest recruitment attempt to fill this post was unsuccessful and so other options to resource the TSU team are being explored including temporary contract staff but such measures will not have an immediate positive impact, hence there may be a continued impact into January.

Other

16. In addition to the one Planning Officer on maternity leave, another Planning Officer departed after Christmas meaning the Case Officer team is down two Officers from its summer staffing level. Despite the lower number of applications in this quarter, two vacancies within the Case Officer team cannot be sustained without affecting performance and we have been seeking to recruit to this post as a result. Following interviews, one of the Planning Technicians was successful and we will now be looking to backfill a Technician post. This continues the internal development of Officers that has proved successful in recent years. In the meantime, we have employed an agency planner to provide over.
17. Finally, as reported at the December Full Council meeting, the Council's Tree Officer, Jim Mellor, tragically passed away last month. This has been a sad and difficult time for the planning team and has obviously affected performance of tree works applications. Following a recruitment campaign we have recruited a new Tree Officer who should start in around a month after his notice period.