 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:		PLANNING COMMITTEE
	DATE:		09 February 2022
	REPORT OF:		HEAD OF PLANNING
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AGENDA ITEM:	10	WARD:	Hooley, Merstham and Netherne

APPLICATION NUMBER:	21/02357/F	VALID:	23/11/2021
APPLICANT:	DHA Planning	AGENT:	
LOCATION:	GARAGE BLOCK TO THE REAR OF 25 ALBURY ROAD, MERSTHAM		
DESCRIPTION:	Demolition of garages and erection of two detached dwellings		
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 the demolition of the derelict garages on the site and the erection of two 2-bedroomed detached chalet bungalows along with landscaping and parking for four cars.

The principle of development has been accepted and the garages found not to be in use for local parking. The application follows on from a previous scheme (20/00605/F) that was refused on appeal for a terrace of three houses. This appeal was dismissed on grounds of overdevelopment and cramped nature of the proposal along with harm to neighbour amenity.

This scheme reduces the number of dwellings and so their consequent distances to boundaries and neighbouring properties as well as offering low eaves to minimise their scale and bulk.

It is considered that the proposal would not cause significant harm to the character of the area, or the adjacent ancient monument, or cause any adverse neighbour amenity to other properties. It is considered to have overcome the previous dismissed appeal reasons on the site. There are a sufficient number of car parking spaces and the proposal therefore complies with policy in this and all other regards.

RECOMMENDATION

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

Consultations:

Highway Authority: No objections subject to conditions relating to space for parking, electric car charging points, secure bicycle storage and a construction transport management plan.

Historic England: Whilst there will be a minor level of additional harm to the monument from the development, we advise that this harm is not overriding. Historic England has no objection to these proposals.

Neighbourhood Services: No objection as the bin presentation point is adjacent to Albury Road.

Contaminated Land Officer: Recommends conditions

Surrey Archaeological Officer: "I am satisfied that the development poses no threat to buried archaeology and so no further archaeological work is required."

Tree Officer: recommends a landscaping condition.

Conservation Officer: "Consideration should be given as whether the building adjacent to the boundary with Albury Moat should be set back as given this is adjacent to the green belt, the Local Distinctiveness SPD requirement for a soft edge landscaped buffer to the countryside is a factor, though this needs to be balanced with the presence of the existing garages though these are flat roofed". Recommends conditions relating to materials and landscaping.

Environment Agency: No objections

Representations:

Letters were sent to neighbouring properties on 25 November 2021. Four letters of representation from local residents have been received raising the following concerns:

Issue	Number	Response
Overlooking and loss of privacy	3	See paragraphs 6.8-6.10
Overdevelopment	2	See paragraphs 6.5-6.7
Out of character	2	See paragraphs 6.5-6.7
Inconvenience during construction	1	See paragraph 6.8
Hazard to highway safety	2	See paragraphs 6.8-6.10

1.0 Site and Character Appraisal

1.1 The current site consists of a garage block and parking area accessed by a driveway between nos 25 and 27 Albury Road. The current garages are largely

in a state of disrepair. The site is surrounded by residential properties on three sides although the south eastern corner is open to an area of open land.

- 1.2 This open land forms the site of Albury Manor and is a scheduled ancient monument. There are no trees on the site and the site is relatively flat. The site lies within Flood Zone 2.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: None
- 2.2 Further improvements could be secured: Materials as specified by the conservation officer, landscaping, boundary treatment, broadband condition, water and energy efficiency condition, secure bicycle storage, electric charging conditions, parking conditions

3.0 Relevant Planning and Enforcement History

- 3.1 20/00605/F - Demolition of garages and construction of three new houses – refused and dismissed on appeal.

4.0 Proposal and Design Approach

- 4.1 The application follows on from the previously refused scheme for three dwellings on the site that was dismissed on appeal due to the impact on neighbouring properties and the cramped nature of the proposal. The appeal decision is attached.
- 4.2 The proposal seeks to demolish the existing garages on the site and replace with two detached chalet bungalows. Each of the dwellings would have two bedrooms.
- 4.3 The existing access would be retained and approved with four new car parking spaces (two for each house) at the head of the existing access drive.
- 4.4 The remainder of the site would be laid largely to lawn with some landscaping proposed to the southern boundary with the adjacent ancient monument.
- 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 site has been laid out to allow vehicle access, parking and turning area to be efficiently contained to allow two houses with good sized gardens.
Involvement	No community consultation took place.
Evaluation	The statement does not include any evidence of other development options being considered.
Design	The design of each house has been carefully considered to provide high quality design with precisely modelled facades to visually reduce the impact of the massing and provide visual interest in materials, set backs and detailing

4.6 Further details of the development are as follows:

Site area	0.07 hectares
Proposed parking spaces	4
Parking standard	4
Net increase in dwellings	2

5.0 Policy Context

5.1 Designation

Urban Area, adjacent to ancient monument and metropolitan green belt.

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

Design, Character, and amenity	DES1, DES5, DES8
Heritage	NHE9
Transport, Access, and parking	TAP1
Climate Change resilience	CCF1, CCF2
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
- Impact on ancient monument
- Highway and parking matters
- Flooding
- Contaminated Land
- CIL
- Affordable housing
- Sustainability and Climate Change
- Other matters

Impact on local character

6.3 It is considered that there is no objection in principle to the redevelopment of the site for residential purposes. The garages are largely derelict and are not used extensively for parking.

6.4 The application follows on from the previous application for a terrace of three dwellings (20/006065/F) that was refused and subsequently dismissed at appeal due to overdevelopment of the site, overlooking and the design of the proposed dwellings.

6.5 This application seeks to overcome the previous reasons for refusal and has proposed two detached 2-bedroom chalet bungalows. These would be located centrally in the plot and would be orientated at 90 degrees from one another. In terms of their design, they would be relatively contemporary in appearance with an asymmetrical pitched roof to each property. However, this would be acceptable in this location due to the position to the rear of other properties and their relatively low height. In addition, the materials are proposed to be of traditional design, bricks and red tiles. The conservation officer has been consulted due to the setting of the adjacent ancient monument and has specified a condition relating to the materials to ensure that they are of high quality and a traditional design.

- 6.6 The properties would each have private amenity areas to the rear and side of the houses and these are considered to be commensurate with the surrounding plot sizes, especially when viewed with the plot sizes of the bungalows to the north.
- 6.7 It is considered therefore that the quantum of development and the design of the building is appropriate on this site and the proposal complies with policy DES1 in this regard.

Neighbour amenity

- 6.8 The proposed development has been considered in terms of its potential impact on the amenities of the neighbouring properties. The properties to the west, in Albury Road, are at least 30m from the side of the houses. It is noted that there are side facing windows at first floor level that would face these properties and their rear gardens; however, amended plans have been received that show this window to be obscure glazed and this will be conditioned. It is also noted that the driveway would be between 25 and 27 Albury Road. However, the existing garages would historically have generated more traffic than the proposed two dwellings and it is not considered that there would be significant harm to these properties in terms of noise and disturbance. The impact upon these properties was not cited as harmful in the previous appeal inspector's decision and the impact of this proposal is similarly considered acceptable.
- 6.9 Turning to the properties in Bletchingley Close, the proposed dwellings would be built at least 7m from the boundary, an increase of at least 5m from the previous refused scheme. The properties in Bletchingley Close are at least 23m away. Consequently, it is considered that no adverse loss of amenity to these properties would occur, and again these properties were not previously cited in the appeal decision either.
- 6.10 The appeal decision previously centred upon the impacts on the properties to the north of the proposed site which are two semi-detached bungalows (14 and 15 Albury Place). These have very small rear gardens of only around 6m in depth. The northerly bungalow would be positioned around 4m from the northern boundary. However, due to the design of the roof, which slopes away from the boundary and the significant reduction in eaves height when compared to the previously refused scheme, it is not considered that the proposal would cause a material loss of amenity to those properties to the north. In addition, the applicants have shown that the proposal would pass a 25-degree line taken from the rear windows of nos 14 and 15 which would comply with paragraph 4.4 of the Council's SPG on householder extensions and alterations. Amended plans have been provided which show the Velux windows to the northern roof slope being set at least 1.7m above finished floor level and this is considered to prevent material overlooking to the properties to the north. This represents a vast improvement upon the previously two-storey properties facing these bungalows with clear glazed first floor windows overlooking them such that no objections have been received from the occupants to this scheme and the relationship is considered acceptable.

- 6.11 Consequently, it is considered that the proposal would not cause significant or material harm to the amenity of neighbouring properties and therefore, the proposal complies in this regard with policy DES1.

Impact on Ancient Monument

- 6.12 The site is adjacent to Albury Manor, a former moated medieval manor house and is now a scheduled ancient monument with only the moat still visible in the landscape. The conservation officer has been consulted and as stated above has recommended conditions relating to the external materials of the dwellings. Whilst he has made comments in regard to the siting of the southerly bungalow, this is currently set further back in the plot than the existing garages and therefore its siting is considered acceptable on balance in relation to the siting of the ancient monument.
- 6.13 In addition, he has recommended a condition relating to landscaping and a further condition relating to the boundary treatment between the dwellings and the ancient monument. The landscaping condition has also been requested by the Council's Tree Officer. Subject to these conditions being complied with, it is considered that the proposal complies with policies NHE3 and NHE9.

Highway and Parking Matters

- 6.14 The County Highways Authority has assessed the proposed development on safety, capacity and policy grounds and have recommended that conditions should be imposed on the permission relating to space being laid out for parking, electric charging points, secure bicycle storage, and a construction transport management plan.
- 6.15 The Highways Authority note that the proposed development is to utilise the existing access onto Albury Road. In addition, the proposal is unlikely to result in a material increase of vehicle movements, compared to the previous use of the site. As such, no objections are raised on highway safety, or capacity grounds.
- 6.16 Four parking spaces are proposed which is considered acceptable and compliant with policy TAP1 and Annexe 4 of the DMP.

Flooding

- 6.17 The site is situated within Flood Zone 2 and the applicant has provided a Flood Risk Assessment. The site is located about 235m upstream of the South Merstham Ditch (West), a tributary of the Redhill Brook. Historic records locate the site within Flood Zone 2. The appellant has submitted fluvial modelling (JFLOW) which shows that the local Flood Zone 2 extent does not include the application site. The modelling routes flooding over land based on topography (LiDAR) and shows the likely flooding flow route to be on lower land to the east of the site, a flow route confirmed by the Risk of Flooding from Surface Water Map. On this basis, the applicant contends that the site is considered to better

fit the definition of Flood Zone 1 'Low Probability' (i.e. less than 1 in 1000 annual probability of river flooding).

- 6.18 The applicant has submitted a site specific flood risk assessment (FRA) which proposes appropriate mitigation through the setting of the finished ground floor level at least 300mm above the external ground level with all sleeping accommodation at first floor level. The Environment Agency have not objected to the proposal subject to the FRA conditions being complied with. Therefore it is considered that the proposal would comply with policy CCF2.

Contaminated Land

- 6.19 Due to the previous use of the site, the contaminated land officer has been consulted and he has recommended conditions relating to the removal of the existing asbestos on site, along with a number of conditions relating to ground contamination.

CIL

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

Affordable Housing

- 6.21 Development Management Plan DES6 states that on developments providing 11 or more homes, 30% of the homes on site should provide affordable housing. This supersedes the Core Strategy policy CS15 in its entirety.
- 6.22 In view of this, the Council is not presently requiring financial contributions from applications such as this resulting in a net gain of 10 units or less.

Sustainability and Climate Change

- 6.23 Policy CCF1 of the Councils Development Management Plan 2019 seeks to ensure that all new development contributes to reducing carbon emissions. New development will be encouraged to incorporate passive and active energy efficiency measure and climate change resilience measures and renewable energy technologies. In order that the proposed development contributes to achieving these aims, in the event that planning permission is granted, conditions requiring demonstration that it will meet the national water efficiency standard of 110litres/person/day and 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 would be attached.

Other Matters

- 6.24 Electronic communication networks: Policy INF3 criteria 1 states that "The Council will require all new development to be connected with high speed and reliable broadband". A condition has been added to the permission to this effect.

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
Elevation Plan	311(GA)025	1	25.01.2022
Elevation Plan	311(GA)026	1	25.01.2022
Floor Plan	311(GA)021	1	25.01.2022
Roof Plan	311(GA)022	1	25.01.2022
Elevation Plan	311(GA)027	1	25.01.2022
Location Plan	311(GA)001	0	03.09.2021
Site Layout Plan	311(GA)002	0	03.09.2021
Site Layout Plan	311(GA)003	1	03.09.2021
Elevation Plan	311(GA)016	0	03.09.2021
Elevation Plan	311(GA)015	0	03.09.2021
Floor Plan	311(GA)010	0	03.09.2021
Proposed Plans	311(GA)030	0	03.09.2021

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. Notwithstanding the submitted plans, the proposed external finishing materials and details shall be carried out using the external finishing materials and details specified below and there shall be no variation without the prior approval in writing of the Local Planning Authority:

a) The roof and tile hanging shall be of cambered handmade sandfaced plain clay tiles with hogsback ridge tiles, a photographic sample of which shall be submitted and approved in writing by the LPA before any works above slab

level. Regard should be had to seeking approval of materials as early as possible due lead in times of ordering materials.

b) Brickwork shall be of sandfaced clay or handmade or hand simulated character, a photographic sample of which shall be submitted and approved in writing by the LPA before any works above slab level. Regard should be had to seeking approval of materials as early as possible due lead in times of ordering materials.

c) All rooflights shall be black painted metal conservation rooflights with a single vertical glazing bar, set back in the plane of the roof, to avoid disruption to the roofscape.

Reason: To ensure that the development hereby permitted is only constructed using the appropriate external facing materials and detailing in the interest of the visual amenities of the area and the setting of Albury Manor, the adjacent Ancient Monument with regard to Reigate and Banstead Development Management Plan 2019 policies DES1 and NHE9.

4. No development shall commence on site until a scheme for landscaping has been submitted and approved in writing by the local planning authority. The landscaping scheme should include details of any hard landscaping, 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 maintenance 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 the recommendations within British Standard BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'

Any trees shrubs or plants planted in accordance with this condition which are removed, die, or become damaged or diseased within five years of planting shall be replaced within the next planting season by those 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, DES1 and NHE9 of the Reigate and Banstead Borough Local Plan 2019 and relevant industry standards, including BS8545:2014 and BS5837:2012

5. The fencing to the southern boundary shall be of brown stained vertically boarded featheredge timber with timber posts and timber gravel boards with wildlife friendly access provision (hedgehog holes).

Reason: To preserve the visual amenity of the area and protect the setting of the ancient monument with regard to the Reigate and Banstead Development Management Plan 2019 policies DES1 and NHE9.

6. The works shall be carried out in accordance with the measures set out within the submitted Flood Risk Assessment, reference: 88561-Barnes-AlburyRd by Unda.

Reason: To ensure the proposal complies with EA Flood Risk Standing Advice and to mitigate flood risk with regard to Policy CS10 of the Core Strategy 2014, Policy CCF2 of the Development Management Plan 2019 and the NPPF.

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

Reason: 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 the NPPF and Reigate and Banstead Development Management Plan policy TAP1.

8. The development hereby approved shall not be occupied unless and until each of the proposed dwellings 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 and thereafter retained and maintained for their designated purpose.

Reason: In order that the development promotes more sustainable forms of transport, and to preserve the character of the Conservation Area, and to accord with the National Planning Policy Framework 2019 and Reigate and Banstead Core Strategy 2014 Policy CS17 and policy TAP1 and NHE9 of the Development Management Plan.

9. The development hereby approved shall not be first occupied unless and until space has been laid out within the site, in accordance with details and plans to be submitted to and approved in writing, for cycles to be parked in a covered and secure location for each dwelling. Thereafter the cycle parking area shall be retained and maintained for its designated purpose.

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

10. No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials

- (c) storage of plant and materials
 - (d) measures to prevent the deposit of materials on the highway
 - (e) no HGV movements to or from the site shall take place between 8am and 9am and 5pm and 6pm nor shall the contractor permit any HGVs associated with the development to be laid up, waiting in Albury Road, Manor Road, or Regents Close
 - (f) on-site turning for construction vehicles
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason: in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2019, Reigate and Banstead Core Strategy 2014 Policy CS17 and Reigate and Banstead Development Management Plan 2019 policies TAP1 and DES8.

11. 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.

12. 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.

13. 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 Development Management Plan 2019 policy DES9 and the NPPF.

14. 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.

15. 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.

16. 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,
 - 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.

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

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.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 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.reigate-banstead.gov.uk/info/20277/street_naming_and_numbering
4. The use of landscape/arboricultural consultant is considered essential to provide acceptable submissions in respect of the above relevant condition. The Council would expect to see medium sized suitable structural landscape trees

and some elements of formally managed native hedging to be incorporated into the submitted scheme.

The planting of trees and the formally managed native hedging shall be in keeping with the character and appearance of the surrounding locality. There is an opportunity to incorporate structural landscape trees into the scheme to provide for future visual amenity in this area. It is expected that the structural landscape trees will be of medium size at maturity and will be of Advanced Nursery Stock sizes with initial planting heights of not less than 4.5m with girth measurements at 1m above ground level in excess of 16/18cm.

5. 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-vehicleinfrastructure.html>
for guidance and further information on charging modes and connector types.
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. 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.
8. The property is within flood zone 2 which means the land is assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding. The applicant is advised to ensure that floor levels are no lower than existing floor levels and floor levels are 300 millimetres (mm) above the estimated flood level. If the floor levels are not going to be 300mm above estimated flood levels, the applicant is advised to consider flood resistance and/or resilience measures.
9. 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'.

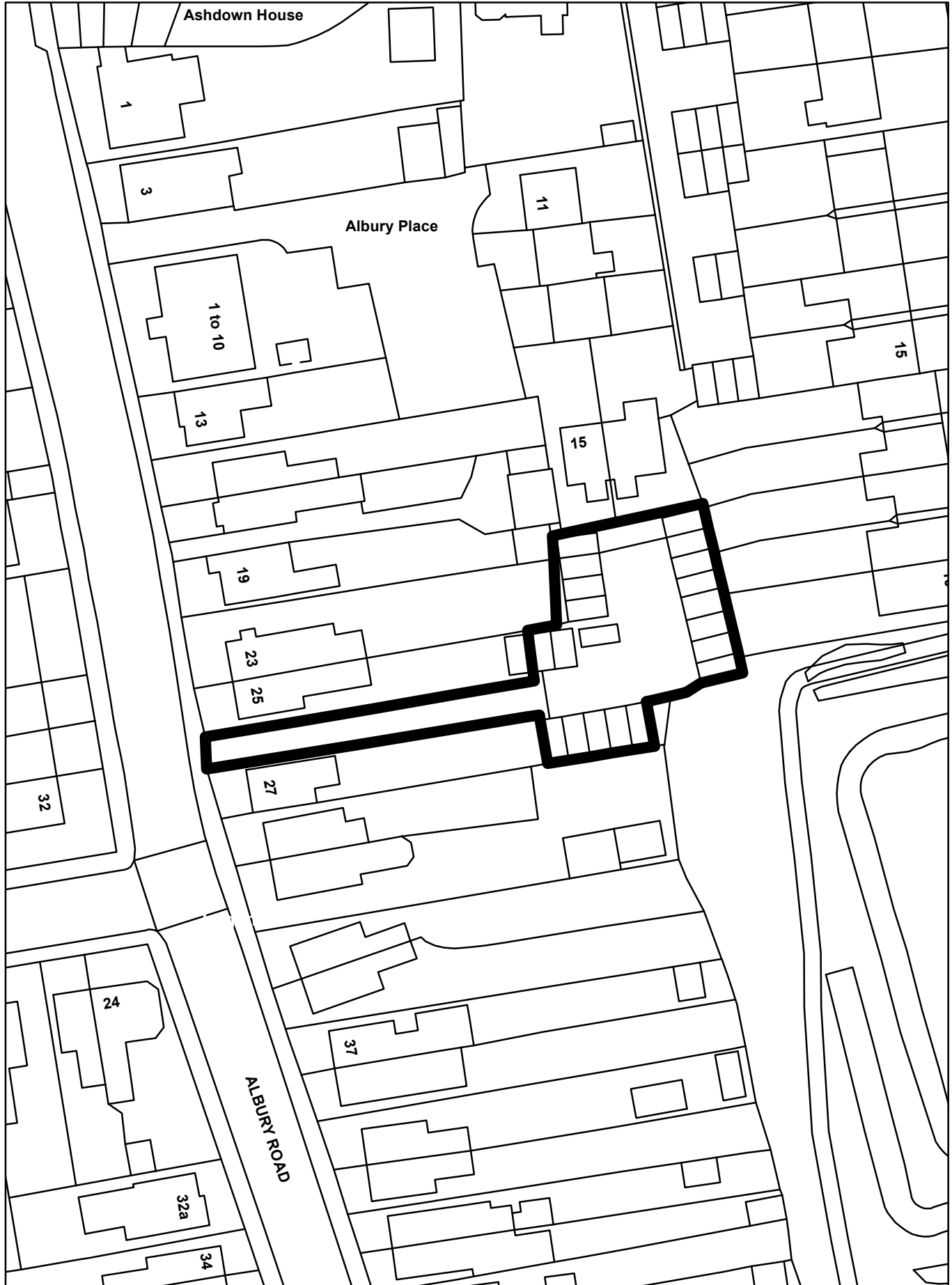
The submission of information not in accordance with the specifics of the planning condition wording can lead to delays in discharging conditions, potentially result in conditions being unable to be discharged or even enforcement action should the required level of evidence/information be unable to be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

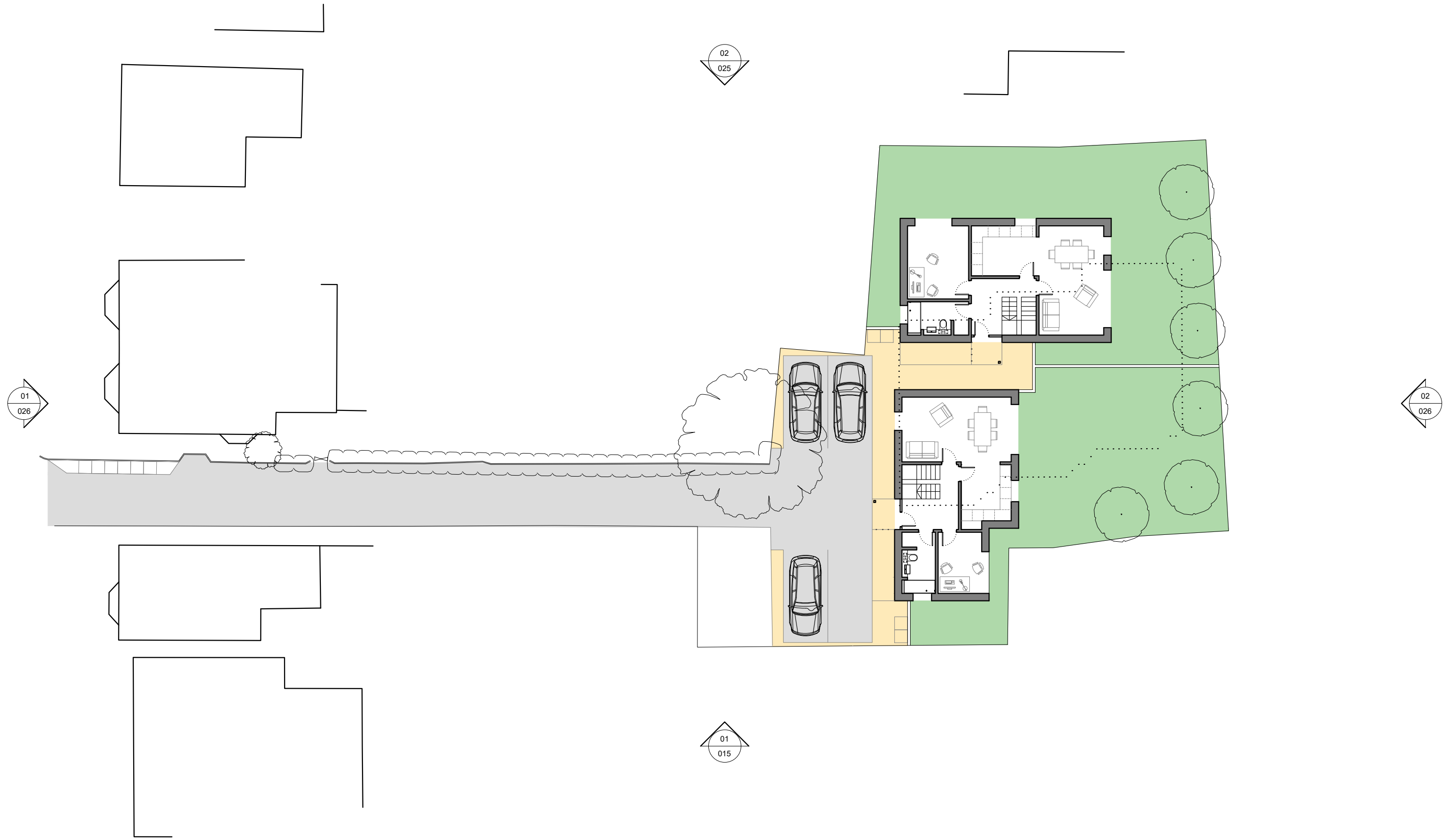
REASON FOR PERMISSION

The development hereby permitted has been assessed against development plan policies DES1, DES5, DES8, NHE3, NHE9, TAP1, 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.

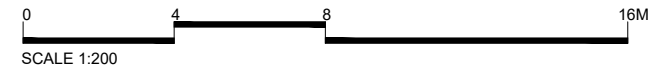
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

21/02357/F - Garage Block Rear Of 25 Albury Road, Merstham





01 PROPOSED SITE PLAN (GA)
1:200 @ A3



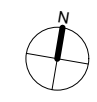
Rev	Date	Description	Drawn	Check
0	12.05.2021	STAGE 2 - PLANNING DRAFT	GS	FL
0	25.05.2021	STAGE 2 - ISSUED FOR PLANNING	GS	FL
0	24.06.2021	STAGE 3 - ISSUED FOR PLANNING	JD	FL
1	24.08.2021	STAGE 3 - ISSUED FOR PLANNING	GS	FL

Do not Scale. Use figured dimensions only. All dimensions to be checked on site.

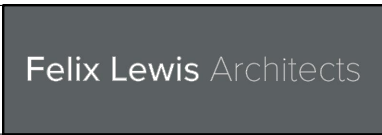
All drawings to be read in conjunction with the Engineers' drawings. Any discrepancies between consultants drawings to be reported to the Architect before any work commences.

The Contractor's attention is drawn to the Health & Safety matters identified in the Health & Safety plan as being potentially hazardous. These Items should not be considered as a complete and final list. The Work Package Contractor's normal Health and Safety obligations still apply when undertaking constructional operations both on and off site.

STAGE 3



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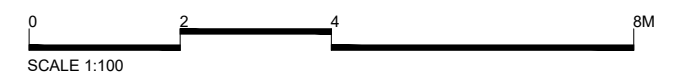
Project:	311 - ALBURY ROAD
Title:	PROPOSED SITE PLAN (GA)
Scale @A3:	1:200
Drawing and CAD File Number:	311(GA)003
Rev:	1



01 WEST ELEVATION (GA)
1:100 @ A3



02 EAST ELEVATION (GA)
1:100 @ A3



Rev	Date	Description	Drawn	Check
0	12.05.2021	STAGE 2 - PLANNING DRAFT	GS	FL
0	25.05.2021	STAGE 2 - ISSUED FOR PLANNING	GS	FL
0	24.06.2021	STAGE 3 - ISSUED FOR PLANNING	JD	FL
1	24.08.2021	STAGE 3 - ISSUED FOR PLANNING	GS	FL
1	20.01.2022	STAGE 3 - ISSUED FOR PLANNING	JC	FL

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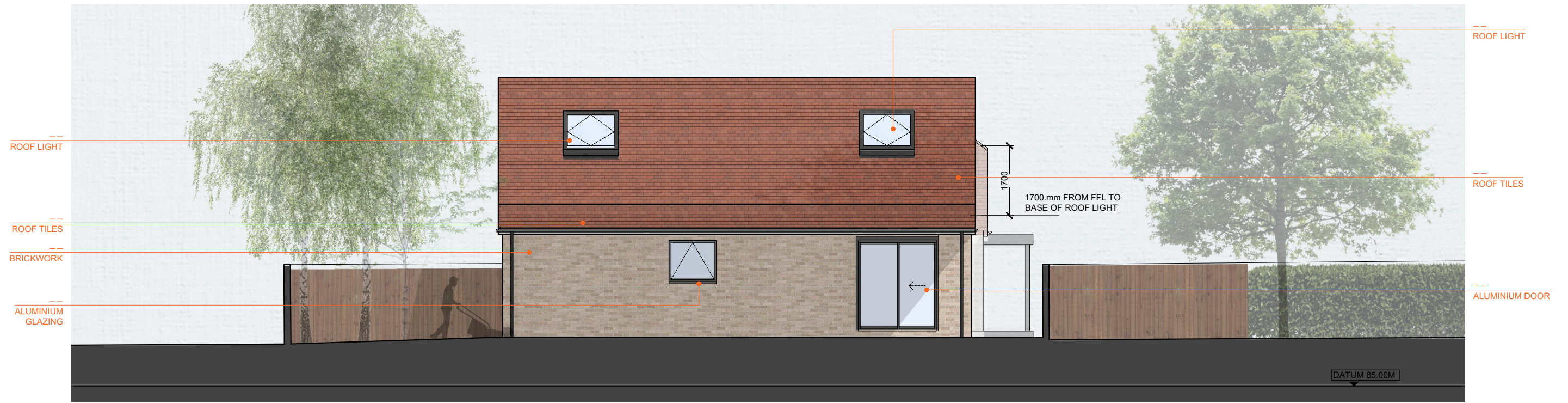
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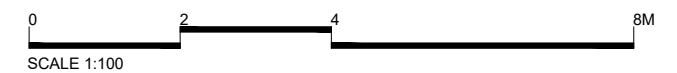
Project:	311 - ALBURY ROAD
Title:	WEST & EAST ELEVATIONS (GA)
Scale @A3:	1:100
Drawing and CAD File Number:	311(GA)025
Rev:	1



01 NORTH ELEVATION (GA)
1:100 @ A3



02 SOUTH ELEVATION (GA)
1:100 @ A3



Rev	Date	Description	Drawn	Check
0	12.05.2021	STAGE 2 - PLANNING DRAFT	GS	FL
0	25.05.2021	STAGE 2 - ISSUED FOR PLANNING	GS	FL
0	24.06.2021	STAGE 3 - ISSUED FOR PLANNING	JD	FL
1	24.08.2021	STAGE 3 - ISSUED FOR PLANNING	GS	FL
1	20.01.2022	STAGE 3 - ISSUED FOR PLANNING	JC	FL

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STAGE 3

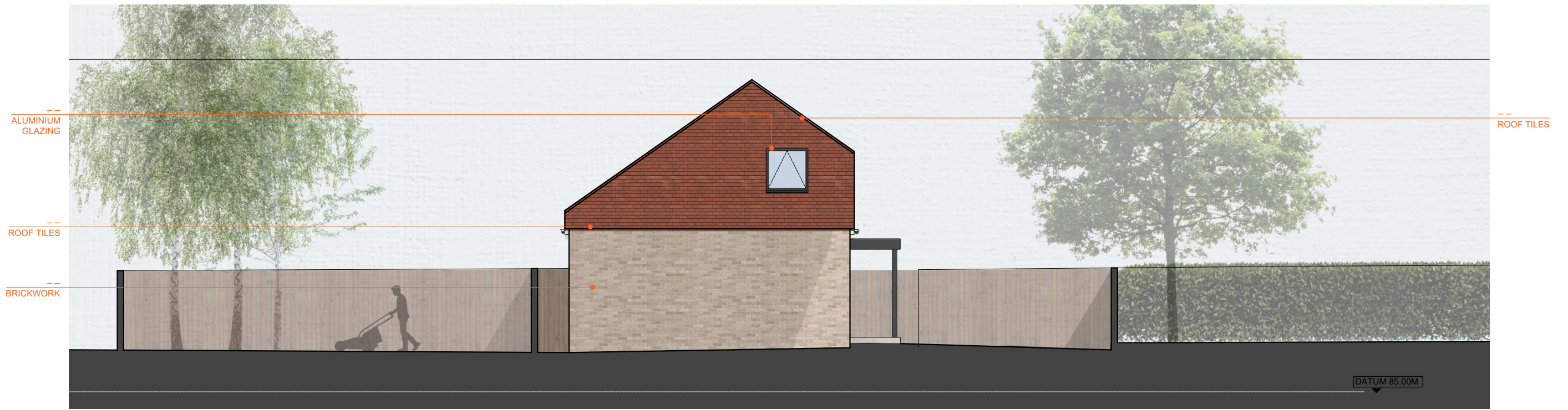
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Project: 311 - ALBURY ROAD

Title: NORTH & SOUTH ELEVATIONS (GA)

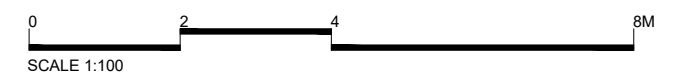
Scale @A3: 1:100 Drawing and CAD File Number: 311(GA)025 Rev: 1



01 NORTH ELEVATION (GA)
1:100 @ A3



02 SOUTH ELEVATION (GA)
1:100 @ A3



Rev	Date	Description	Drawn	Check
0	24.08.2021	STAGE 3 - ISSUED FOR PLANNING	JD	FL
1	24.08.2021	STAGE 3 - ISSUED FOR PLANNING	GS	FL
1	20.01.2022	STAGE 3 - ISSUED FOR PLANNING	JC	FL

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Project:	311 - ALBURY ROAD
Title:	SOUTH & NORTH ELEVATIONS (GA)
Scale @A3:	1:100
Drawing and CAD File Number:	311(GA)027
Rev:	1



Appeal Decision

Site Visit made on 6 May 2021

by **Rory MacLeod**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/L3625/W/21/3267489

Garage Block Rear of 25 Albury Road, Merstham, Surrey RH1 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Baldly Son and Chandler Ltd against the decision of Reigate and Banstead Borough Council.
 - The application Ref 20/00605/F, dated 16 March 2020, was refused by notice dated 22 July 2020.
 - The development proposed is demolition of garages and construction of three new houses.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for a staggered terrace of three houses. Amended plans were submitted during the consideration of the application to move the terrace 1.5m to the south and to replace first floor rear facing bedroom windows with flank windows for the two end of terrace houses.

Main Issues

3. The main issues are the effect of the proposal on (a) the character and appearance of the area, (b) the living conditions of occupiers of the adjacent bungalows 14 and 15 Albury Place in relation to massing and privacy, (c) the setting of a scheduled ancient monument and (d) flood risk.

Reasons

Character and appearance

4. The appeal relates to a backland site of lock up garages accessed via a drive between 25 and 27 Albury Road. The surrounding area is mainly residential but comprises a mixture of house types and sizes. The proposed terrace would have a flat roof which would constrain its scale and massing, but which would contrast with the pitched roofs to surrounding dwellings. Plot sizes vary in the surrounding area, but those proposed would be narrower and shorter than for neighbouring development. To the north are bungalows with short gardens but the plots here are generally wider and relate to smaller single storey dwellings as opposed to the two storey houses proposed. Whereas the site is currently totally hard surfaced much would be available for gardens with hardstanding largely confined to the parking area next to the access. Nonetheless, the proposal would result in a relatively cramped form of development that would not be in keeping with or which would enhance the character of the area.

5. The proposal would thereby conflict with Policy DES1 of the Reigate and Banstead Development Management Plan (2019) (DMP) which require high quality design that makes a positive contribution to the character and appearance of its surroundings, having due regard to factors including layout, plot sizes, siting, scale and roofscapes.

Living conditions

6. Nos 14 and 15 Albury Place are a pair of semi-detached bungalows abutting the site's northern boundary with short back gardens about 6m in depth. Their rear windows are south facing directly towards the proposed terrace. Separating distances would vary due to the stagger of the houses but even with the revised siting shown in the amended plan and the flat roof, which would restrict the terrace's overall height, its mass would appear as a close, prominent and overbearing structure. The terrace would dominate the outlook from the rear windows and back gardens over the back garden fence. The centre terrace house would have a clear glazed first floor rear facing bedroom window that would overlook the short back gardens and rear windows to the bungalows resulting in a loss of privacy. Living conditions would be unduly compromised in the bedroom if a condition required both bedroom windows to be frosted.
7. As such, the proposal would be contrary to Policy DES1 requiring development to provide an appropriate environment for future occupants whilst not adversely impacting the amenity of occupants of existing nearby buildings, including by way of obtrusiveness, overlooking, loss of privacy and being overbearing. Continuation of the present storage use could result in some noise and disturbance for adjoining occupiers, but this is unlikely to be significant.

Scheduled ancient monument

8. The appeal site's south-eastern boundary abuts Albury Farm, a scheduled ancient monument (SAM) relating to a medieval moated site. Historic England were notified of the application and comment the site is "*of particular significance due to the level of documentary information which survives to accompany and inform on its history*" and that the site "*also survives exceedingly well, still contains water within the moat and the ramparts which enclosed the site still remain as significant earthworks*".
9. The front and eastern flank walls to the terrace would be visible from positions within the SAM. The terrace would not be as close as the nearest garages to be demolished but would be two stories in height and therefore more conspicuous. It would be no closer to the SAM than the flank wall to 10 Bletchingley Close, an end of terrace house that also abuts the site, but this building predates the scheduling of the monument. The appellant requests a landscape condition to enable some screening of the terrace, but soft surfaces in front of the terrace would be limited in extent to enable significant screening without harming outlook from the front windows. Nonetheless, there is a small tree beyond the site boundary that would offer limited screening from the SAM.
10. The SAM is set within a small park which appears to be well used with footpaths crossing it connecting with surrounding residential areas, including one adjacent to the appeal site boundary. As such, by reason of its height and proximity, the terrace would be a noticeable new feature to the backdrop to the SAM when viewed from this publicly accessible open space. It would have a limited adverse effect on the setting of the SAM.

11. The proposal would thereby conflict with Policy NHE9 of the DMP which requires development to protect, preserve, and wherever possible enhance designated heritage assets including their setting. The policy is consistent with Paragraph 196 of the National Planning Policy Framework (the Framework) which requires when there would be less than substantial harm to a designated heritage asset that the harm be weighed against the public benefits of the proposal. In this case the replacement of underused garage blocks in poor physical condition by housing would result in an optimum viable use of the land. This would be a public benefit that would diminish the limited harm arising to the setting of the SAM.
12. I note that the appellant has submitted a Heritage Statement which concludes that the "*level of change is considered to represent a Minor Significance of Effects on the setting of Albury Manor Scheduled Manor*". On receipt of this, Historic England concurred that there would be "*a negligible impact to the setting of the monument*" and raise no objection on heritage grounds.

Flood risk

13. The appeal site is located about 235m upstream of the South Merstham Ditch (West), a tributary of the Redhill Brook. Historic records locate the site within Flood Zone 2. On this basis the Council set out a requirement for a sequential test to ensure that development is directed to areas at least risk of flooding. However, the appellant has submitted fluvial modelling (JFLOW) which shows that the local Flood Zone 2 extent does not include the appeal site. The modelling routes flooding over land based on topography (LiDAR) and shows the likely flooding flow route to be on lower land to the east of the site, a flow route confirmed by the Risk of Flooding from Surface Water Map. On this basis, the appellant contends that the site is considered to better fit the definition of Flood Zone 1 'Low Probability' (i.e. less than 1 in 1000 annual probability of river flooding).
14. The appellant has submitted a site specific flood risk assessment (FRA) which proposes appropriate mitigation through the setting of the finished ground floor level at least 300mm above the external ground level with all sleeping accommodation at first floor level. The Environment Agency have not objected to the proposal subject to the FRA conditions being complied with.
15. My finding, in relation to the information available, is that the proposal would not result in an unnecessary risk of flooding. There would not be substantive conflict with Policy CS10 of the Reigate and Banstead Core Strategy (2014) or with Policy CCF2 of the DMP which require proposals to avoid areas at risk of flooding where possible and to prioritise development in areas with the lowest risk of flooding.

Housing need

16. The proposal would result in the redevelopment of an underused site in a poor physical condition to housing. There would be a benefit of 3 additional dwellings of satisfactory size in a sustainable location not far from facilities within a residential area. This would make a small contribution towards the general need for additional housing. It would be in accordance with the Government's objective at Paragraph 59 of the Framework to significantly boost the supply of homes.

Planning balance

17. Whilst I consider there to be no objection to the principle of the redevelopment of the site for residential purposes, the benefit of 3 additional dwellings would be outweighed by the harm to the character of the area and to the living conditions of occupiers of the adjacent bungalows. There would be substantive conflict with Policy DES1 of the DMP and with the development plan as a whole.
18. The appellant contends that the Council cannot demonstrate a five year housing land supply and that the tilted balance at Paragraph 11(d) of the Framework should therefore apply. The Council firmly rejects this contention claiming it has 8.63 years land supply. The dispute relates to the nature of the review of the local plan in 2019 and whether the five year supply calculation should be judged against the standard methodology requirement.
19. It is not necessary for me to formally conclude on this dispute. Even if I were to accept that the tilted balance should apply, the adverse impacts of the proposal in relation to the character and appearance of the area, and especially on the living conditions of occupiers of the bungalows to the north of the site, would significantly and demonstrably outweigh the proposal's benefits when assessed against the policies of the Framework taken as a whole.
20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. There are no material considerations before me to indicate that the decision on the appeal should not be taken in accordance with the development plan.

Conclusion

21. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR