

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.				
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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

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. Whist 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 Inspectors 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

<u>Surrey County Council Highway Authority</u>: 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

3.0 **Relevant Planning and Enforcement History**

3.1 21/02346/F Residential development of 3 no. 3 Refused bedroom 6 person houses on land 11.03.2022 to the rear of 43-49 High Street, Horley. As amended on 13/10/2021 Appeal dismissed and 06/01/2022.

17.11.2022

3.2 Middleton House 21/00501/F

Erection of a three storey rear Approved extension to provide ten flats (revision of 18/01576/f to provide for 08.07.2021 an additional unit). As amended on 06/05/2021, 26/05/2021, 28/05/2021 And on 24/06/2021.

conditions

with

21/02783/S73

Erection of a three storey rear Approved 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.

conditions 16.02.2022

with

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.

- 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 Auldruie)		
	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 <u>Designation</u>

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

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 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

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.

- Each dwelling would have a floor area which accords with the relevant 6.11 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. 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.

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

- 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	Α	17.01.2023
Site Layout Plan	J004338-DD-12	Α	17.01.2023
Roof Plan	J004338-DD-07	Α	17.01.2023
Floor Plan	J004338-DD-08	Α	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.

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 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

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 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

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.

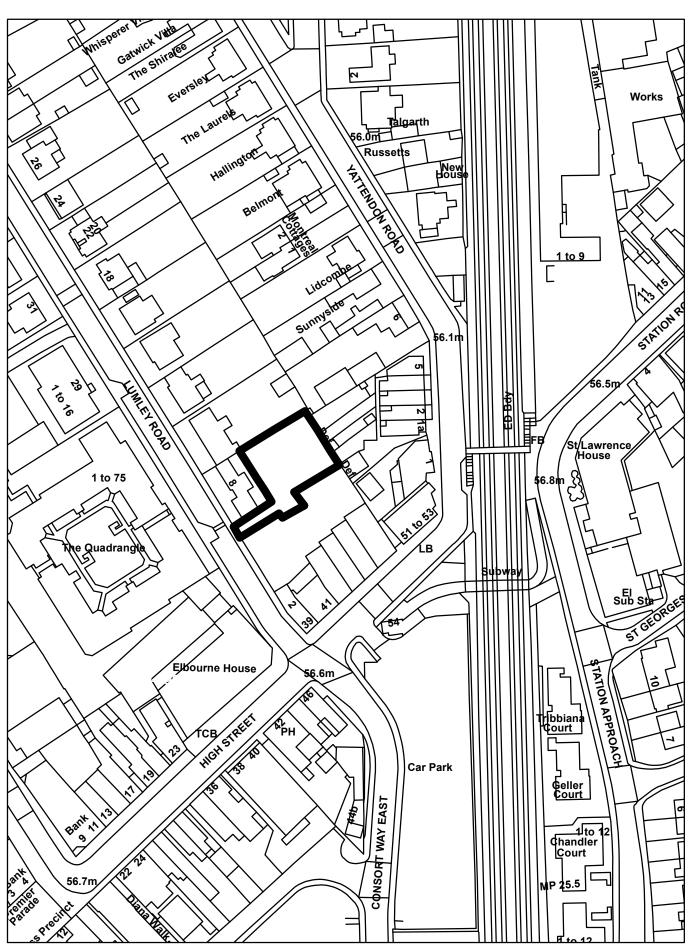
REASON FOR PERMISSION

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

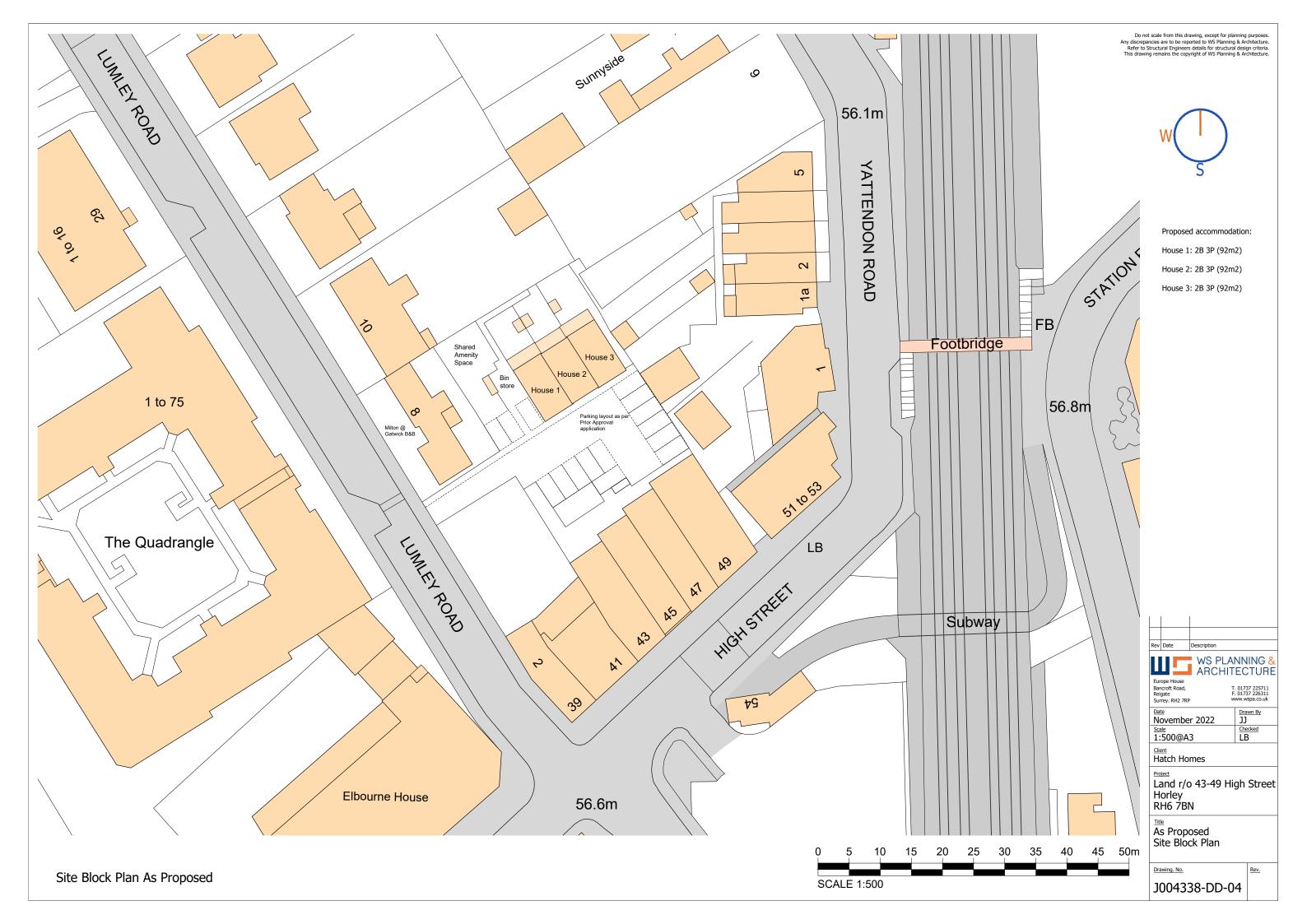
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in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

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



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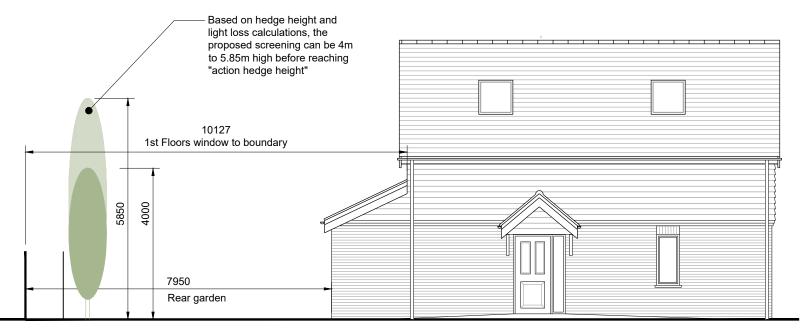






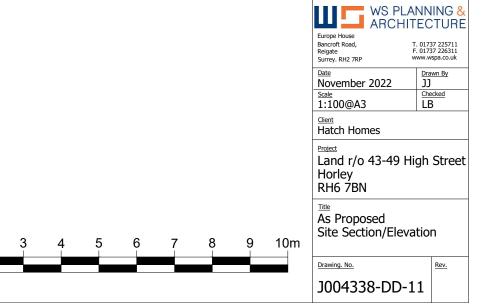


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House 1

SCALE 1:100



Rev Date Description

Rear garden of 10 Lumley Road

