

 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:		PLANNING COMMITTEE
	DATE:		14 th December 2022
	REPORT OF:		HEAD OF PLACES & PLANNING
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AGENDA ITEM:	6	WARD:	Reigate

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

This application is referred by Cllr Blacker

SUMMARY

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

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

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

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

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

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

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

RECOMMENDATION(S)

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

Consultations:

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

Housing – no comments received

Sutton and East Surrey Water Company – no comments received

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

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

Representations:

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

23 responses have been received raising the following issues:

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

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

1.0 Site and Character Appraisal

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

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: The applicant did not approach the Council for pre-application advice therefore the opportunity to secure improvements did not arise
- 2.2 Improvements secured during the course of the application: None
- 2.3 Further improvements to be secured through the use of conditions: None

3.0 Relevant Planning and Enforcement History

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

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

3.3 18/01877/S73

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

Approved with
conditions 25th
September 2019

3.4 17/01757/S73

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

Approved with
conditions 27th
September 2019

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

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

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

4.0 Proposal and Design Approach

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

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

5.0 Policy Context

5.1 Designation

Urban area

Tree Preservation Order RE596

Residential area of special character

Parking Standards – medium accessibility

5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development)

CS4 (Valued Townscapes and Historic Environment)

CS5 (Valued People/Economic Development),

CS7 (Town/Local Centres),

CS10 (Sustainable Development),

CS11 (Sustainable Construction),

CS14 (Housing Needs)

5.3 Reigate & Banstead Development Management Plan 2019

Design, Character and Amenity (including housing)	DES1, DES3, DES5,
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Landscape & Nature Conservation	NHE2, NHE3
Infrastructure	INF3
Transport, Access and Parking	TAP1
Climate Change Resilience and Flooding	CCF1

5.4 Other Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

Supplementary Planning Guidance	Surrey Design Local Distinctiveness Design Guide Vehicle and Cycle Parking Guidance 2018
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Other	Human Rights Act 1998 Community Infrastructure Levy Regulations 2010 Conservation of Habitats and Species Regulations 2010
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6.0 Assessment

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

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

6.3 The main issues to consider are:

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

Design appraisal

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

Neighbour amenity

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

Highway matters

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

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

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

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

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

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

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

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

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

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

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

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

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

Merrywood Park length of on street parking: 81.5m

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

Merrywood Park (disabled bays): 4

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

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

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

Impact on trees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Conclusion

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

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

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

Conditions

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

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

Reason:

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

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

- 6.25 Condition 8 requires:

The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the submitted plans 1676 PA GA 2001 and 1676 PA GA 2005 Rev D for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

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

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

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

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

Other matters

- 6.27 Objection has been raised on the grounds of drainage/sewage capacity, harm to Conservation Area, inconvenience during construction, overbearing relationship, overdevelopment, overlooking and loss of privacy and overshadowing. In view of the proposal to retain the existing trees and verge as existing, the proposal is not considered to result in a harmful impact in these regards.
- 6.28 Objection was received on the grounds of the change in description of proposed worked (18/01877/S73 and 18/01877/NMAMD1). In this case there was no material changes to the proposed development when compared to

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

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

CONDITIONS

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

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

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

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

Reason: To ensure the Local Planning Authority are satisfied with the details of the proposal and its relationship with adjoining development and to safeguard the visual amenities of the locality with regard to Development Management Plan 2019 policy DES1.

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To preserve the visual amenity of the area and protect neighbouring residential amenities with regard to policy DES1 of the Development Management Plan 2019.

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

Reason: To ensure that the development does not affect the amenity of the neighbouring property by overlooking with regard to policy DES1 of the Development Management Plan 2019.

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

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

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

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

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

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

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

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

INFORMATIVES

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

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

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

2. Your attention is drawn to the safety benefits of installing sprinkler systems as an integral part of new development. Further information is available at www.firesprinklers.info.
3. The applicant is encouraged to provide renewable technology within the development hereby permitted in order to reduce greenhouse gas emissions. Further information can be found on the Council website at : [Climate Change Information](#).
4. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - (c) Deliveries should only be received within the hours detailed in (a) above;
 - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust,

to damp down during stone/slab cutting; and the use of bowzers and wheel washes;

- (e) There should be no burning on site;
- (f) Only minimal security lighting should be used outside the hours stated above; and
- (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

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

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

5. The permission hereby granted shall not be construed as authority to carry out any works on the highway. The applicant is advised that prior approval must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge, or other land forming part of the highway. Please see: www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/vehicle-crossovers-or-dropped-kerbs.
6. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
7. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges, highway surfaces, surface edge restraints and any other street furniture/equipment.

REASON FOR PERMISSION

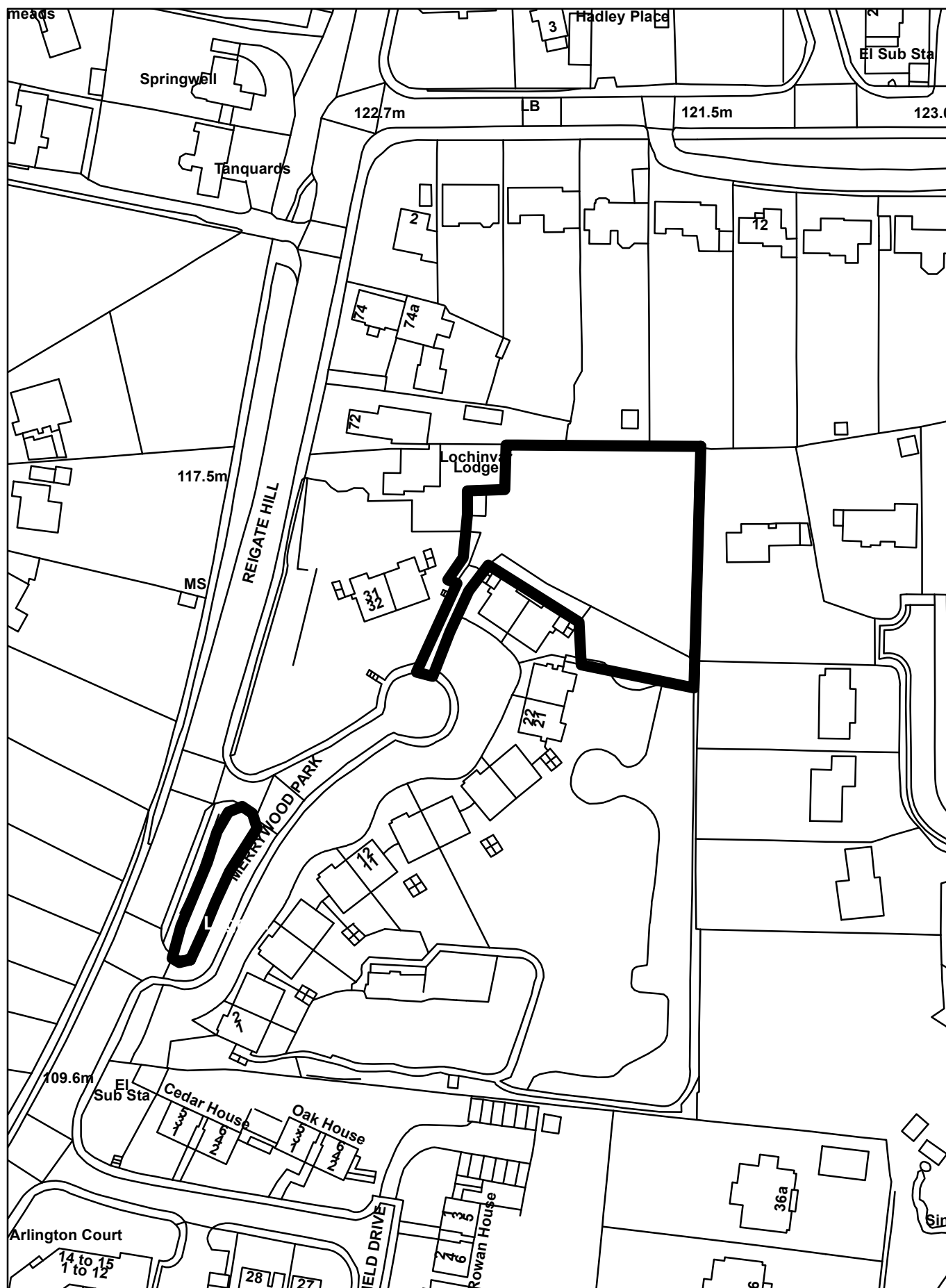
The development hereby permitted has been assessed against development plan policies TAP1, DES1 NHE3, and material considerations, including third party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that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

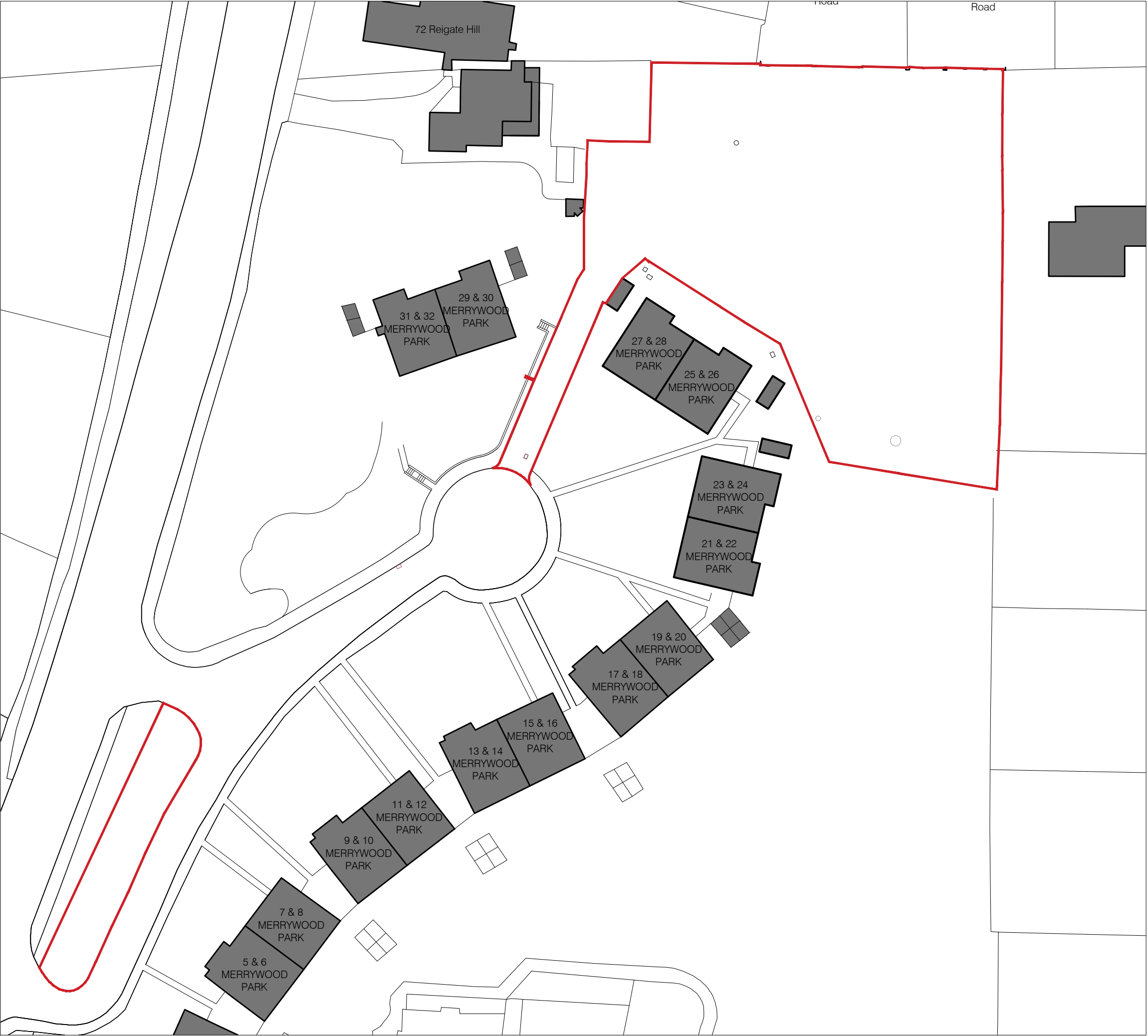
Proactive and Positive Statements

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including

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

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





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



0 5m 10m 20m

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

FOR INFORMATION

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

SITE LOCATION PLAN

drawing number revision

1676 PA GA 0001 /

scale

1:500 @A3

date / drawn by / checked by

26.07.18 MP / CA

CRAFT architects

97 Auckland Road london se192dt tel. 020 7231 4361 www.craftarchitects.co.uk	and	studio A303.1 the biscuit factory 100 clements road london se16 4dg
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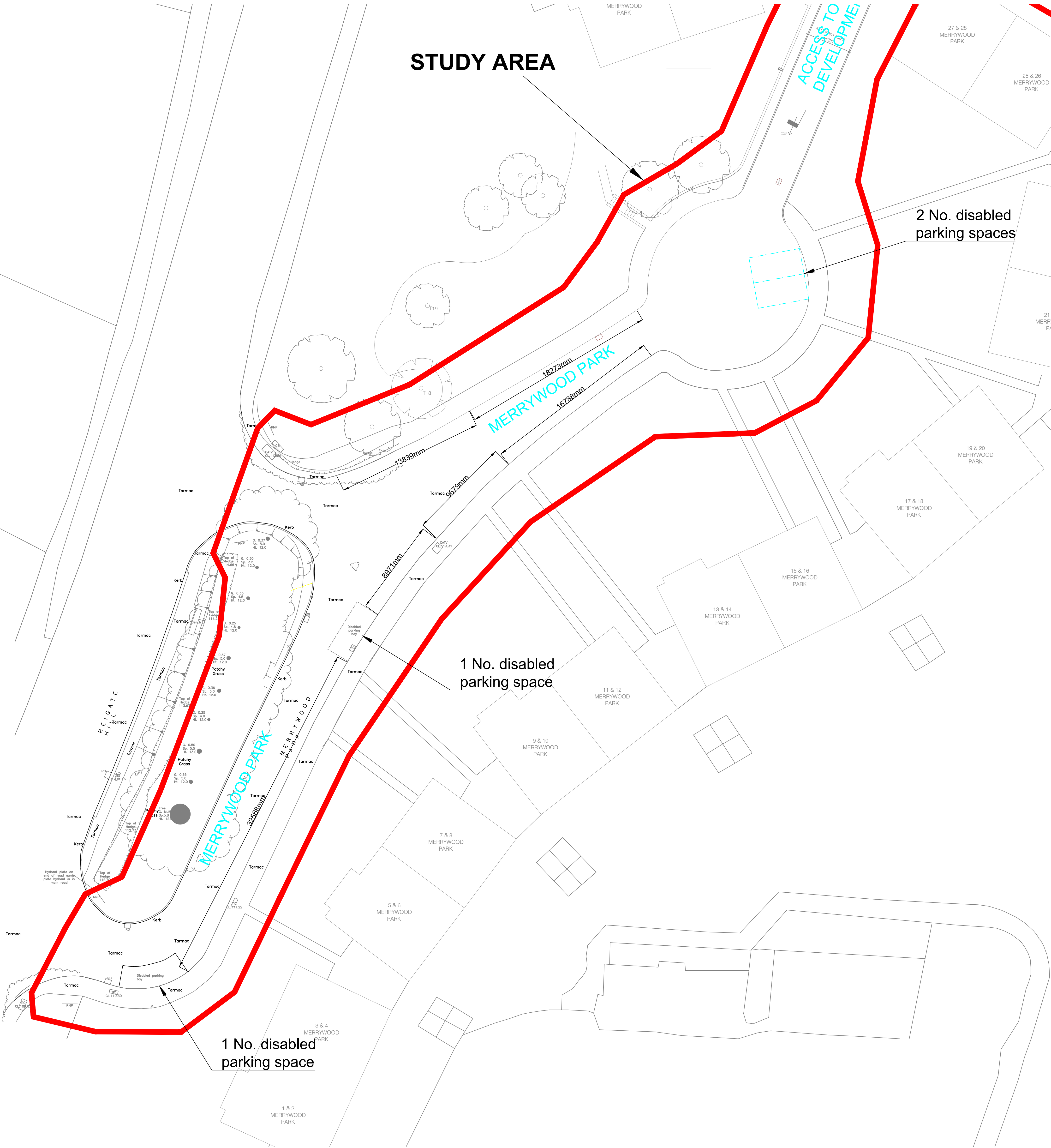
STUDY AREA

ACCESS TO DEVELOPMENT

2 No. disabled parking spaces

1 No. disabled parking space

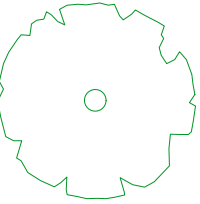
1 No. disabled parking space



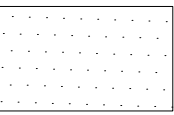


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KEY



Existing tree retained with root protection where required. Refer to Arboricultural Method Statement.



Ashphalt road surface



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

PLANNING APPLICATION

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

PROPOSED SITE PLAN
- Residents' Parking Area

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

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