

 Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate	TO:	PLANNING COMMITTEE
	DATE:	17 th April 2019
	REPORT OF:	HEAD OF PLACES & PLANNING
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AGENDA ITEM:	6	WARD: Tattenhams

APPLICATION NUMBER:	18/02285/F	VALID:	31st October 2019
APPLICANT:	Mantle Developments UK Ltd	AGENT:	Avalon Planning & Heritage
LOCATION:	LAND REAR OF 56-60 EPSOM LANE NORTH EPSOM DOWNS SURREY KT18 5PY		
DESCRIPTION:	Demolition of 60 Epsom Lane North and the erection of 6 semi-detached properties to the rear of 56-60 Epsom Lane North together with access and parking. As amended on 17/12/2018 & 17/01/2019.		
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 Harrison

SUMMARY

This is a full application for demolition of 60 Epsom Lane North and the erection of 6 semi-detached properties to the rear of 56-60 Epsom Lane North together with access and parking.

The application follows a similar proposal in 2016 that was refused and dismissed at appeal. In closing the appeal decision, the Inspector noted *'although I have concluded that the proposal would not have an adverse effect on highway safety and would provide reasonable living conditions for the future residents of Plot 7, this does not alter my overall finding that the proposed development would have a significant adverse effect on the character and appearance of the surrounding area.'*

This application seeks to overcome the reason for refusal with a revised design approach and layout. However, the proposal, by virtue of the restricted and uncharacteristically tight plot sizes, roof design, prevalence of hard landscaping and lack of meaningful landscaping opportunity, is considered to result in an incongruous, and cramped form of development out of keeping with and harmful to the character and appearance of the locality and contrary to policies Ho9, Ho13, Ho14 and Ho16 of the Reigate and Banstead Borough Local Plan 2005.

With regard to neighbour amenity, the proposed development, by virtue of the close proximity of plots three, four, five and six, and 54 Epsom Lane North, is considered to give rise to a high degree of overlooking to the rear garden which would represent a harmful loss of privacy to the occupants of 54 Epsom Lane North contrary to policies Ho9, Ho13 and Ho14 of the Reigate and Banstead Borough Local Plan 2005.

The proposal would create a new access way onto Epsom Lane North to serve the proposed development and 12 parking spaces would serve the proposed six dwellings, 2 per dwelling, with an additional 2 visitor parking spaces, bringing the total to 14. Objections to the proposal has been raised by local residents on the grounds of hazard to highway safety, in particular the visibility splays proposed for the new access road. The application and the comments and objections received have been carefully considered by the County Highways Authority (CHA) who have raised no objection to the proposal subject to five recommended conditions. Their reasons for this have been provided at length, at paragraph 6.14 of the report and are considered to be a sound argument for finding the proposal acceptable on highway safety grounds, subject to conditions, were the application to be approved, and a legal agreement to provide a contribution of 6000 pounds towards the provision of Vehicle Activated Signs.

Whilst the applicant has agreed in principle to this contribution, a legal agreement has not been secured as the application is being refused on other grounds. On this basis, a further reason for refusal is appropriate which could be overcome at appeal if a unilateral undertaking to provide a contribution towards this signage were entered into. Without it the vehicle speeds in this stretch of road are such that there remains a potential highway safety risk given the visibility splays are appropriate for 30mph speeds only and not those currently observable.

RECOMMENDATION(S)

Planning permission is **REFUSED** for the following reasons:

1. The proposal, by virtue of restricted and uncharacteristically tight plot sizes, roof design, prevalence of hard landscaping and lack of meaningful landscaping opportunity, would be an incongruous, and cramped form of development out of keeping with and harmful to the character and appearance of the locality and contrary to policies Ho9, Ho13 and Ho14 of the Reigate and Banstead Borough Local Plan 2005 and guidance contained within the Local Distinctiveness Design guide SPG.
2. The proposed development, by virtue of the close proximity of plots three, four, five and six, and 54 Epsom Lane North, would give rise to a high degree of overlooking to the rear garden which would represent a harmful loss of privacy to the occupants of 54 Epsom Lane North contrary to policies Ho9, Ho13 and Ho14 of the Reigate and Banstead Borough Local Plan 2005.
3. The proposed development, in the absence of a legal agreement to provide a contribution of 6000 pounds towards the provision of Vehicle Activated Speed

Signs in the vicinity of the application site, could lead to conditions prejudicial to highway safety, which would be contrary to the objectives of the National Planning Policy Framework, policy Mo5 of the Reigate and Banstead Borough Local Plan 2005 and objective 3 of the Surrey Transport Plan 2011-2026 'To improve road safety and the security of the travelling public in Surrey'.

Consultations:

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

Representations:

Letters were sent to neighbouring properties on 8th November 2018 and 20th December 2018, a site notice was posted 23rd November 2018.

20 responses have been received raising the following issues:

Issue	Response
Hazard to Highway Safety	See paragraph 6.13 – 6.18
Loss of/harm to trees	See paragraph 6.19 – 6.21
Noise and disturbance	See paragraph 6.24
Out of character with surrounding area	See paragraph 6.3 – 6.7
Overdevelopment	See paragraph 6.3 – 6.7
Overlooking and loss of privacy	See paragraph 6.9 – 6.12
Loss of light	See paragraph 6.9 – 6.10
Cramped	See paragraph 6.5 – 6.7
Tight plot sizes	See paragraph 6.5 – 6.7
Lack of landscaping	See paragraph 6.5 – 6.7
Car dominated	See paragraph 6.5 – 6.7
Density	See paragraph 6.5 – 6.7
Inadequate parking	See paragraph 6.13, 6.16
Dominant	See paragraph 6.19 – 6.10
Harm to wildlife habitat	See paragraph 6.25
Drainage/sewage capacity	See paragraph 6.26
Inconvenience during construction	See paragraph 6.24
Increase in traffic and congestion	See paragraph 6.13 – 6.18
No need for the development	See paragraph 6.1
Lack of affordable housing	See paragraph 6.27
Property devaluation	See paragraph 6.22
Poor design	See paragraph 6.4
Crime fears	See paragraph 6.23

Harm to Conservation Area	See paragraph 6.22
Health fears	See paragraph 6.23
Overbearing relationship	See paragraph 6.9 – 6.10
Support – benefit to housing need	See paragraph 6.1

1.0 Site and Character Appraisal

- 1.1 The application contains a detached two storey house (no. 60) on the east side of and having access to Epsom Lane North, together with parts of the rear gardens of the detached dwellings nos. 56 and 58 which are to the south. At present the rear gardens of all these properties extend to the boundary with bungalows in Royal Drive, to the east.
- 1.2 The site rises eastwards in level by approximately 3m. The locality comprises a residential neighbourhood with predominantly detached dwellings of various styles and vintages generally set in long spacious plots, although there are examples of more recent infill development. Opposite to the site, west of Epsom Lane North, is open countryside within the Metropolitan Green Belt. To the east, on higher ground, is a row of bungalows fronting Royal Drive: to the east of that is a railway line.
- 1.3 The vicinity is identified in the Council's Local Distinctiveness Design Guide as 1930s- 1950s Suburbia. The bungalows in Royal Drive date to the 1970s.

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 Further improvements could be secured: Improvements have not been sought because the proposal is considered unacceptable on a point of principle.

3.0 Relevant Planning and Enforcement History

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|-----|------------|--|---|
| 3.1 | 16/02347/F | Demolition of 60 Epsom Lane North and the erection of 6 semi-detached properties to the rear of 56-60 Epsom Lane North together with the erection of a new dwelling in replacement of no. 60, access and parking. As amended on 17/01/2017 | Refused
1 st February 2017
Appeal dismissed
4 th July 2017 |
|-----|------------|--|---|

- 3.2 Application 16/02347/F was refused for the following reasons:

1. *The proposal, by virtue of restricted and uncharacteristically tight plot sizes, regimented layout, lack of spacing (between buildings and to the side boundaries) and over prominence of vehicular access and parking*

and lack of meaningful landscaping opportunity, would be an incongruous, car dominated and cramped form of development out of keeping with and harmful to the character and appearance of the locality and contrary to policies Ho9, Ho13, Ho14 and Ho16 of the Reigate and Banstead Borough Local Plan 2005.

2. *The proposed dwelling on plot 7, by virtue of the unduly tight relationship to the access road, would suffer unacceptable disturbance by the comings and goings of traffic on the adjoining access drive and would fail to provide an adequate level of amenity for future occupants, contrary to policies Ho9, Ho13 and Ho16 of the Reigate and Banstead Borough Local Plan 2005.*
3. *It has not been demonstrated that adequate visibility is achievable at the proposed vehicular access to Epsom Lane North. The proposed development could therefore lead to conditions prejudicial to highway safety, which would be contrary to the objectives of the National Planning Policy Framework, policy Mo5 of the Reigate and Banstead Borough Local Plan 2005 and objective 3 of the Surrey Transport Plan 2011-2026 'To improve road safety and the security of the travelling public in Surrey'.*
4. *The proposal by reason of its scale and massing on rising land would result in an overly dominant form of development that would be out of keeping with and harmful to the character and appearance of the locality and thereby contrary to policies Ho9, Ho13, Ho14 and Ho16 of the Reigate and Banstead Borough Local Plan 2005 and the Local Distinctiveness Design Guide SPG 2014*
5. *Plot 7 in the submitted layout is relatively narrow in relation to both the rest of the proposal and existing surrounding properties and poorly positioned in adjoining the access drive to the scheme. The house thereon would therefore constitute an incongruous cramped form of development, out of keeping with and harmful to the visual and residential amenities of the locality. This element of the proposal therefore is contrary to policies Ho9, Ho13 and Ho16 of the Reigate and Banstead Borough Local Plan 2005 and to the precepts of the National Planning Policy Framework regarding good design.*

3.3 The refusal of the application was appealed and the subsequent appeal dismissed. In dismissing the appeal the Inspector made the following points:

- '6. *The proposed Plot 7 would be designed to appear similarly detailed to the semi-detached dwellings, with double height gabled bay windows and pitched roof porches to front. The house would have a hipped roof and be sited with roughly similar front and back building lines to the adjacent properties, yet without the width of these houses, due to the adjacent access road. This would appear out of place within the street scene which, whilst it has a variety of housing styles, is characterised by wider plots and properties.*

6. *Inside the proposal, the access road would turn to the south and run in front of the proposed Plots 1-6. 2 parking spaces would be sited in front of the houses, providing a total of 12 such spaces. This, along with the access road filling almost the entire width of the proposal would lead to a car dominated layout, with the front of the properties dominated by hard surfacing and few spaces between for landscaping to successfully soften the appearance of the scheme. Such a view would also be possible from Epsom Lane North, where much of the view down the access road would terminate with Plot 2 and the parking spaces in front of this dwelling.*
7. *Due to the scale and positioning of the proposed homes, gaps between the pairs of dwellings would also appear fairly narrow and out of character with the surrounds. When considered cumulatively, all these factors would lead to a proposal that would appear quite cramped and dominated by hard surfacing, out of kilter with the character of the surrounding area. This would be different to the recent appeal approval for 86-90 Epsom Lane North, whose layout provides more space for landscaping, not only around the access road which would effectively take up the whole plot of No 88, but also in terms of its siting of dwellings in two cul-de-sacs and the subsequent additional space provided between the dwellings when taken overall. The proposal in this case presents a far more regimented scheme of development, presenting a strong second line of development behind the main line of development fronting the road.*
8. *I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the surrounding area. The proposal would be contrary to policies Ho9, Ho13, and Ho16 of the Local Plan1, which when taken together state that the scale of all residential development should not be detrimental to the character of the surrounding area, proposals should conform to the surrounding pattern of development, and that frontage plots should consider the type, design and size of dwelling in relation to plot size and relationship with existing dwellings. Policy Ho14 is also referenced in the decision notice but I was not provided with a copy of this policy. The proposal would also be contrary to the National Planning Policy Framework, which states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.'*

'Other Matters

12. *The application that forms the basis for this appeal was also refused on the grounds of highway safety. Epsom Lane North is fairly straight in both directions from the proposed access point, but there are a number of undulations in the road. Plans have been submitted which demonstrate that visibility splays can be achieved of 2.4m by 90m, and the County Highways Officer has no objections to the proposal, subject to the imposition of various conditions. This reason for refusal is therefore no longer being pursued by the Council. Based on the submitted plans and my site visit I agree with both parties that the proposed development would not create a highway safety risk.*

Conclusion

14. Although I have concluded that the proposal would not have an adverse effect on highway safety and would provide reasonable living conditions for the future residents of Plot 7, this does not alter my overall finding that the proposed development would have a significant adverse effect on the character and appearance of the surrounding area. '

4.0 Proposal and Design Approach

- 4.1 This is a full application for demolition of 60 Epsom Lane North and the erection of 6 semi-detached properties to the rear of 56-60 Epsom Lane North together with access and parking.
- 4.2 The new access into the site would be sited along the southern boundary of the existing plot of No. 60. Unlike the earlier application in 2016, a replacement dwelling on the existing siting of No. 60 is not proposed as part of this application. The access road would be sited along the southern boundary with landscaping proposed to along the northern side of the access road as it would make its way eastwards towards the rear part of the site. In the rear part of the site, three pairs of semi-detached houses are proposed. Plots one and two would be orientated west/east, with their front elevations facing towards Epsom Lane North. Both dwellings would have an attached garage to the sides and one parking space to the front of the garage.
- 4.3 Taking a southern turn at the head of the access road would take you towards plots three and four, and a further turn eastwards towards the rearmost part of the site would give access to plots five and six. Plots three to six would all be orientated north/south.
- 4.4 Plots three and four would be a replica of plots one and two. Plot five would match the design of plots one and four minus the garage and plot six would be a mirror of plot five. Four parking spaces are proposed at the eastern end of the access road to serve these two dwellings.
- 4.5 All dwellings would have a barn hipped style roof and accommodation in the roof space and plots one, four, five and six would include front bay windows with a gable roof feature.
- 4.6 A design and access statement should illustrate the process that has led to the development proposal, and justify the proposal in a structured way, by demonstrating the steps taken to appraise the context of the proposed development. It expects applicants to follow a four-stage design process comprising:
Assessment;
Involvement;
Evaluation; and
Design.

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

Assessment	<p>The character of the surrounding area is assessed as comprising a residential neighbourhood with predominantly detached dwellings of various styles set in long spacious plots with examples of more recent infill development also observed in the street scene. The existing residential properties are set back from Epsom Lane North and face the Downs with individual accesses onto Epsom Lane North.</p> <p>The single and two storey properties observed in the locality differ in their design and appearance which is characteristic of the townscape in the area. Many of the properties located along Epsom Lane North have received modern extensions.</p> <p>Opposite the site and to the west of Epsom Lane North is open countryside within the Metropolitan Green Belt. To the east and on higher ground is a row of bungalows fronting Royal Drive and further east is a railway line.</p>
	No site features worthy of retention were identified.
Involvement	No community consultation took place.
Evaluation	The statement does not include any evidence of other development options being considered.
Design	The applicant's reasons for choosing the proposal from the available options informed by the Planning Inspectorate's comments in the recent appeal.

4.8 Further details of the development are as follows:

Site area	0.22 hectares
Proposed parking spaces	14
Parking standard	12 (maximum)
Net increase in dwellings	5
Existing site density	8 houses per hectare
Proposed site density	27 houses per hectare
Density of the surrounding area	23 dwellings per hectare (Anmer Close)
	27 dwellings per hectare (South Tadworth Farm Close)

5.0 Policy Context

5.1 Designation

Urban area

5.2 Reigate and Banstead Core Strategy

CS1 (Sustainable Development)
CS4 (Valued Townscapes and Historic Environment)
CS10 (Sustainable Development),
CS11 (Sustainable Construction),
CS14 (Housing Needs)
CS15 (Affordable Housing)

5.3 Reigate & Banstead Borough Local Plan 2005

Landscape & Nature Conservation	Pc4
Housing	Ho9, Ho13, Ho14, Ho16,
Movement	Mo5, Mo6, Mo7,

5.4 Other Material Considerations

National Planning Policy Framework	
National Planning Practice Guidance	
Supplementary Planning Guidance	Surrey Design Local Distinctiveness Design Guide A Parking Strategy for Surrey Parking Standards for Development Householder Extensions and Alterations Affordable Housing
Other	Human Rights Act 1998 Community Infrastructure Levy Regulations 2010

6.0 Assessment

6.1 The application site is situated within the urban area where there is a presumption in favour of sustainable development and where the principle of such development is acceptable in land use terms. However, the principle of acceptability in this case rests upon considering the impact of the proposal and resultant harm and the need to provide additional housing, and its resultant benefit.

6.2 The main issues to consider are:

- Design appraisal
- Neighbour amenity

- Highway matters
- Impact on trees
- Other matters
- Affordable Housing
- Infrastructure contributions

Design and character

- 6.3 The application proposes the demolition of 60 Epsom Lane North and the erection of six semi-detached houses to the rear of 56 - 60 Epsom Lane North together with access and parking.
- 6.4 All dwellings would have a barn hipped style roof and accommodation in the roof space and plots one, four, five and six would include front bay windows with a gable roof feature. The sole use of barn hip roof designs would not accord with local distinctiveness whereby dwellings are largely characterised by traditional roof forms of hips and gable design. The newer developments along Epsom Lane North are acknowledged and there are a handful of examples of barn hip roof forms; however these are interspersed with traditional roof forms within the development and the proposal would thereby fail to accord with local distinctiveness.
- 6.5 The proposed access road would be sited in close proximity to the southern side boundary, resulting in little meaningful space to provide landscaping along the length of the access road on this side. The unbalanced siting would result in cramped appearance to the access road on this side. Turning into the site, the level of hardstanding would remain dominating, for example at the head of the road there is again little opportunity to provide landscaping with pinch points around this part of the road. Turning into the site the parking area for plot two and the flank wall of the garage serving this property would be immediately adjacent to the access road with no opportunity for landscaping resulting in the centre part of the site being hard landscaped dominated. Heading eastwards towards parking spaces nine, ten, eleven and twelve the flank boundary of the garden of plot two and pathways to plots five and six would border the parking spaces with no opportunity for landscaping in this eastern end of the site.
- 6.6 The plot sizes of plots three, four, five and six are shallow, particularly three and five with rear garden depth of 6.5m and 7.5m. Whilst it is acknowledged that plots three and four have a wider span, plots five and six do not. The examples of other backland development the applicant has referred to in the design statement are acknowledged, however the plot sizes of these dwellings are considerably deeper. For example, the rear gardens for application 15/02780/F range from approximately 9.3m to 12.3m. In this layout (15/02780/F) the dwelling with the smallest depth of garden at 9.3m has a width of 10m, compared to a width of 6.7m to plot 6 and 5.9m to plot 5 in the proposed site layout. Overall, the proposed small plots result in a cramped form of development, out of character with the locality. The breaking up of the linear layout does allow for increased visual separation between dwellings, however the concerns of small plot sizes, combined with

the dominance of hard landscaping through the central part of the site, is not considered to overcome the issues raised by the Planning Inspectorate in this regard resulting in a form of development that would have an adverse effect on the character and appearance of the surrounding area.

- 6.7 The proposed development would not be acceptable in terms of its design and impact upon the character of the wider area, and conflicts with policies Ho9, Ho13 and Ho16.

Neighbour amenity

- 6.8 The properties most likely to be affected by the proposal (other than the donor properties), are those to the north, south and east of the site namely nos. 54, 56, 58 and 62 Epsom Lane North and 94 and 96 Royal Drive, respectively.
- 6.9 The easternmost parts of the rear gardens of no. 56 and 58 would be donated to the development but the remaining rear gardens would be of adequate size. The habitable room windows to the front of houses on plots one and two would face westwards, down the access road and obliquely towards 62 and 58, but separation distances would be such as to avoid any noticeable problems of overlooking, overshadowing or overbearing effect. The flank wall of the house on plot three would be close to the boundary with 56, and a small section of the rear of No. 58, but would have no side facing windows and due to the separation distance to the boundary (2.8m to the garage, 6.7m to the main flank wall), the proposal is not considered to result in a dominating effect.
- 6.10 The rear elevations of the houses on plots one and two would have first floor bedroom windows facing properties in Royal Drive and the rear gardens in those plots would be of restricted depth. However the dwellings on Royal Drive have reasonably sized gardens adjacent to the application site which also include mature landscaping. Furthermore the proposed dwellings on plots one and two are set off the shared boundary with these dwellings and would sit slightly lower in level. Therefore a sufficient separation distance would remain between the proposed dwellings and the dwellings on Royal Drive, such that the proposed development would not be overbearing when viewed from the dwellings on Royal Drive and with no adverse overlooking or overshadowing.
- 6.11 Turning to plots three to six, the rear facing windows would look towards the rear garden of No. 54 Epsom Lane North. The shallow garden depths (between 6.5m and 7.8m) and proliferation of windows that would face towards this garden are considered to give rise to a harmful impact upon the amenities of this property in terms of overlooking and loss of privacy.
- 6.12 Thus whilst giving rise to a degree of change in the relationship between buildings, the proposed scheme would unacceptably affect the amenity of neighbouring properties, in particular No. 54 Epsom Lane North and

conflicts with policies Ho9, Ho13, Ho14 and Ho16 in respect of residential amenity.

Highway matters

- 6.13 The proposal would create a new access way onto Epsom Lane North to serve the proposed development and 12 parking spaces would serve the proposed six dwellings, 2 per dwelling, with an additional 2 visitor parking spaces, bringing the total to 14.
- 6.14 Objection to the proposal has been raised by local residents on the grounds of the access road resulting in a hazard to highway safety, in particular the visibility splays proposed for the new access road. The application and the comments and objections received have been carefully considered by the County Highways Authority (CHA). Re-consultation with the CHA was undertaken following further comments, objections and Technical Note by Cole Eason Consultants submitted on behalf of neighbours and the CHA have provided the following comments on the proposal:

'I have reviewed the information submitted by the applicant and that provided by the transport consultant Cole Eason's on behalf of neighbours, including Mr Davos and Mr Bockstaele, who are both opposed to the development.

The developer is suggesting that 90 metres of visibility taken from a point 2.4 metres back along the access from the nearside kerb is achievable. This was previously agreed with the developer during the appeals process under the previous application numbered 16/02347 after planning permission was refused. However, it was incorrectly shown by the developer across the front boundary of third party land.

Notwithstanding the above the proposed sight lines to a point 90 metres to the north are an over-design, in that they are based on Design Manual for Roads and Bridges (DMRB) desirable minimum criteria. These visibility splays are inappropriate for Epsom Lane North, as they are taken from advice within DMRB which is only normally relevant to trunk and primary routes where the speed of traffic is above 60kph (37.5mph).

Epsom Lane North is a B class road which benefits from street lighting and is subject to a speed limit of 30mph. In these instances Manual for Streets (MfS) is the appropriate guidance to use, even though traffic may be exceeding the speed limit. The guidance in MfS does state that drivers should be adhering to the speed limit and should be driving according to the conditions of the road. MfS requires that accesses onto roads subject to a speed limit of 30mph should have visibility of 43 metres to a point where traffic would normally be situated on a carriageway. It is accepted in MfS that drivers do not travel next to the kerb line. The track of vehicles is no more than 0.5 metre into the carriageway from the near side kerb line and hence why vehicle visibility from an access is taken to that point. The 43 metres of visibility is taken from a point 2.4 metres back along the middle of

the access from the near side kerb line. The MfS required sight lines can be provided by the developer, provided the telegraph pole outside number 62 Epsom Lane North is relocated. This is asked for by condition 1.

Developers proposing new accesses are required to demonstrate that they can, as near as possible, meet the visibility for a given speed limit as required by Manual for Streets. However, where it appears that speeds may be in excess of that, it is good practice to undertake a speed check to assess the degree to which the stipulated sight lines of 2.4 by 43 metres needs to be provided. In this case, because of the speeds that have been identified in speed data from the Police, we are not prepared to relax from these standards therefore a minimum sight lines of sight line of 2.4 by 43 metres needs to be provided. This can in fact be provided by the applicant who has submitted the above application numbered 18/02285/F at 60 Epsom Lane North.

Furthermore it would be inappropriate to design vehicular accesses for potentially ever increasing speeds, as that just compounds the problem. The entire length of Epsom Lane North between Tattenham Corner and Tadworth is very much on the Police's and County's "radar", and both are jointly monitoring the situation. In these circumstances we should not be changing the road environment to encourage the further speeding of drivers by asking developers to provide sight lines commensurate with those higher speeds. Instead we need to manage the road environment to contain speeds to the appropriate limit, which is 30mph. The developer has agreed to a total contribution of £6000 towards Vehicle Activated Signs that cost approximately £3000 each. These signs would assist in controlling driver speeds.'

- 6.15 In further clarification on when it was appropriate for County Highways Authority to use 'Manual for Streets' and when it uses 'Manual for Roads and Bridges'; further comments were provided:

'Manual for Streets versions 1 and 2 are used for calculating sight lines in most roads in Surrey where the speed limit is up to 30mph. The sight lines in the Design Manual for Roads and Bridges is used where the speed limit is greater than 30mph. However Manual for Streets can be used on roads where the speed limit is 40mph, as is the case in some built up areas, but where the actual speed of traffic as demonstrated by a speed survey is less than 40mph.

Manual for Streets 1 (MfS1) was published in 2007. This states in paragraph 1.2.1 that MfS1 may be used by highway and traffic authorities. Surrey County Council is the Highway Authority for most roads in Surrey except for trunk roads such as the A3 and motorways such as the M23. This is because the Department for Transport, via Highways England, does not set design standard for highways, as they are set by highway authorities, as explained on paragraph 1.4.2 of MfS1. . This means that Surrey County Council as the Highway Authority for roads in Surrey maintains non trunk

roads in the county, and Highways England on behalf of the Department for Transport maintain the trunk road and motorway network in England including Surrey. Table 7.1 of MfS1 shows that on a roads where the speed of traffic is 30mph, the sight line should be 43 metres allowing for the bonnet of a vehicle.

Epsom Lane North is a "B" class road which is maintained by Surrey County Council as the Highway Authority with a 30mph speed limit. It has street lighting and is bounded on its east side by residential developments with access onto the road. Epsom race course is on the west side of the road. This road can in no way be interpreted as a road that the Design Manual for Roads and Bridges can be used. Hence the use of MfS1.

Since MfS1 was published another version of MfS (Manual for Streets 2 (MfS2)) was published in 2010. This advises in paragraph 1.3.4 that MfS (versions 1 and 2) should be used as a starting point for all roads subject to a speed limit of 30mph.

From the above there is no ambiguity of when we use MfS as opposed to the Design Manual for Roads and Bridges. The former (MfS 1 and 2) is used on non-trunk roads in Surrey where the speed limit is up to 30mph. On such roads we seek as a minimum sight line of 43 metres, as referred to above. On roads where the speed limit is more the sightlines for a given speed limit are those shown in the Design Manual for Road and Bridges.

In all cases developers are required to provide the minimum required sight lines for a given speed limit. On a road subject to a speed limit of 30mph, the minimum sight line we seek is 43 metres. If this cannot be achieved then we ask developers to carry out a speed survey to check whether the sight lines that can be achieved are commensurate with the speed of traffic. In this case if speeds were lower than the speed limit then we can reduce visibility. If speeds are more as is the case here, the minimum sight line should be adhered to. For example on a road with a speed limit of 30mph the minimum sight line we want is 43 metres as set out in MfS. If the speed limit is more than 30mph then we use the minimum sight lines as set out in the Design Manual for Roads and Bridges. For example if Epsom Lane North was subject to a speed limit of 40mph then we would be seeking a minimum sight line of 120 metres as stated in the Design Manual for Roads and Bridges.

The fact that some drivers are speeding is a police enforcement matter, we cannot expect developers to achieve greater sight lines than the minimum required for a given speed limit. In fact MfS states in paragraph 7.4.8: "A speed limit is not an indication of the appropriate speed to drive at. It is the responsibility of drivers to travel within the speed limit at a speed suited to the conditions". This makes it clear that drivers should be traveling at the speed limit which is enforceable by the police. Furthermore it makes it clear that drivers should be driving according to the conditions within that speed limit.'

- 6.16 The County Highways Authority have recommended 5 conditions were the application to be approved, as follows:

'1. The proposed development shall not be occupied until the access has been constructed in accordance with the approved plans to include relocation of the telegraph pole on the highway fronting 62 Epsom Lane North so that it is outside the sight line of 43 metres to the north from a point 2.4 metres into the access from the nearside kerb edge.

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 2018 and Policy Mo5 highway safety, of the Reigate and Banstead Local Plan 2005.

2. The development hereby approved shall not be first occupied unless and until the existing access from the site to Epsom Lane North has been permanently closed and any kerbs, verge, footway, fully reinstated.

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 2018 and Policy Mo5 highway safety, of the Reigate and Banstead Local Plan 2005.

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

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 2018 and Policy Mo5 highway safety, and Policy Mo7 Parking, of the Reigate and Banstead Local Plan 2005.

4. No development shall commence until a Construction Transport Management Plan, to include details of:

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

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

Reason: 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 2018 and Policy Mo5 highway safety, Policy Mo7 Parking, and policy M06 Turning Space of the Reigate and Banstead Local Plan 2005.

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

Reason: 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 2018 and Policy Mo5 highway safety, of the Reigate and Banstead Local Plan 2005.'

- 6.17 Further to these conditions, were the application to be approved, a legal agreement would be secured to provide a contribution of 6000 pounds towards the provision of Vehicle Activated Signs.
- 6.18 Whilst the applicant has agreed in principle to this contribution, a legal agreement has not been secured as the application is being refused on other grounds. On this basis, a further reason for refusal is appropriate which could be overcome at appeal if a unilateral undertaking to provide a contribution towards this signage were entered into. Without it the vehicle speeds in this stretch of road are such that there remains a potential highway safety risk given the visibility splays are appropriate for 30mph speeds only and not those currently observable.

Impact on trees

- 6.19 The Tree Officer was consulted upon the proposal and noted the existing tree stock comprises low quality specimens which have little value to the local landscape and their removal will have little impact on the character of the area. The parts of the development which encroach into their rooting areas of the retained trees is not excessive and subject to the relevant measures being adhered to all times during the development stage, the retained trees can be integrated into the layout.
- 6.20 Following the submission of additional plans further comments were received from the Tree Officer:

'With regards to the additional information relating to the visibility splay, it is not clear whether the assessment has taken into account the impact it will have on T1. Whilst it may be a low quality specimen it will be necessary for a revised arboricultural report to be submitted prior to the commencement of any development. '

- 6.21 Were the application to be approved, landscaping and tree protection conditions would be added to a grant of planning permission.

Other matters

- 6.22 Property devaluation is not a material planning consideration. The site is not within nor adjacent to a Conservation Area and is not considered to result in harm in this regard.

- 6.23 Concern was raised in relation to crime and health fears that may occur as a result of the proposed development. It is considered that the proposal would not result in any material crime or health issues on the site over and above the present situation.

- 6.24 Objection was raised on the grounds 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. A construction method statement would be secured by planning condition. The proposed development would be in residential use, and the proposal is not considered to result in a harmful impact in terms of noise and disturbance to neighbouring dwellings.

- 6.25 Bats and their roosts are protected by law and the protected species legislation applies independently of planning permission. Measures to enhance biodiversity within the site could be designed into the development in accordance with para 170 of the NPPF and secured by planning conditions.

- 6.26 Concern has been raised from neighbouring properties regarding flooding and drainage/sewage. The site is located within flood zone 1 and sewage capacity would be assessed at building control stage. It is noted a condition could be applied to a grant of permission to ensure that sustainable drainage is present on the site and an appropriate surface water drainage scheme implemented.

Affordable housing

- 6.27 The development would result in a net gain of five residential units. Core Strategy Policy CS15 and the Council's Affordable Housing SPD require financial contributions towards affordable housing to be provided on housing developments of 1-9 units. However, this has been superseded by the 2018

NPPF which states that affordable housing contributions should not be sought from minor developments and so the Council is not presently requiring financial contributions from applications such as this resulting in a net gain of 10 units or fewer. The absence of an agreed undertaking does not therefore warrant a reason for refusal in this case.

Infrastructure Contributions

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

7.0 Conclusion

- 7.1 The proposal would make a modest contribution to overall local housing supply with the consequential financial, economic and social benefits. The proposal would also make use of a previously developed site which finds favour in the Council's Core Strategy.

- 7.2 However, whilst these social and economic benefits are acknowledged they are not felt to be sufficient to overcome or outweigh the substantial environmental harm to the character of the area and harm to neighbour amenity. Accordingly, the proposal would not be in accordance with the presumption in favour of sustainable development.

- 7.3 For these reasons set out above it is considered that planning permission should be **REFUSED**.

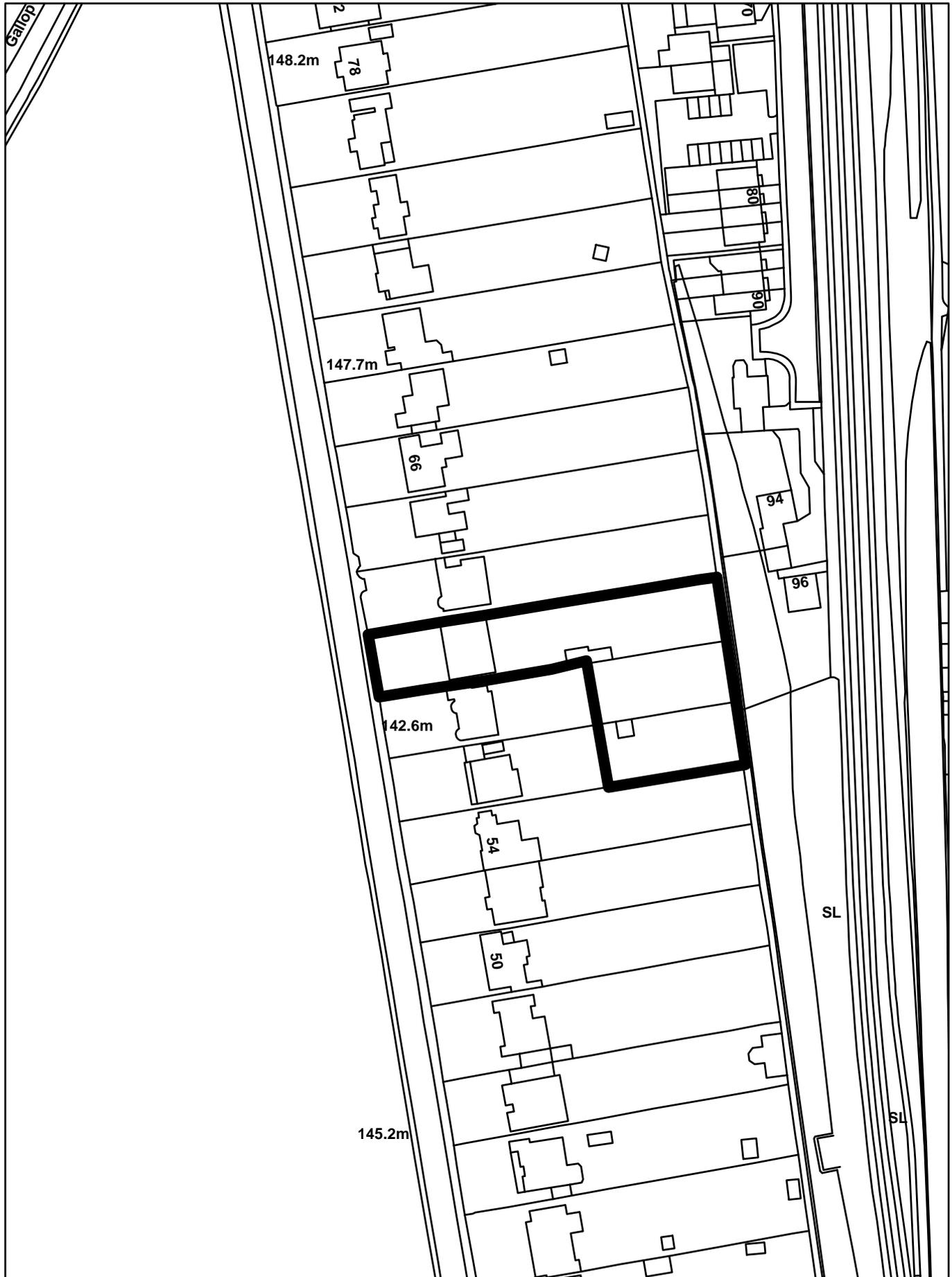
1. The proposal, by virtue of restricted and uncharacteristically tight plot sizes, roof design, prevalence of hard landscaping and lack of meaningful landscaping opportunity, would be an incongruous, and cramped form of development out of keeping with and harmful to the character and appearance of the locality and contrary to policies Ho9, Ho13 and Ho14 of the Reigate and Banstead Borough Local Plan 2005 and guidance contained within the Local Distinctiveness Design guide SPG.
2. The proposed development, by virtue of the close proximity of plots three, four, five and six, and 54 Epsom Lane North, would give rise to a high degree of overlooking to the rear garden which would represent a harmful loss of privacy to the occupants of 54 Epsom Lane North contrary to policies Ho9, Ho13 and Ho14 of the Reigate and Banstead Borough Local Plan 2005.
3. The proposed development, in the absence of a legal agreement to provide a contribution of 6000 pounds towards the provision of Vehicle Activated Speed Signs in the vicinity of the application site, could lead to conditions prejudicial to highway safety, which would be contrary to the objectives of the National

Planning Policy Framework, policy Mo5 of the Reigate and Banstead Borough Local Plan 2005 and objective 3 of the Surrey Transport Plan 2011-2026 'To improve road safety and the security of the travelling public in Surrey'.

Proactive and Positive Statements

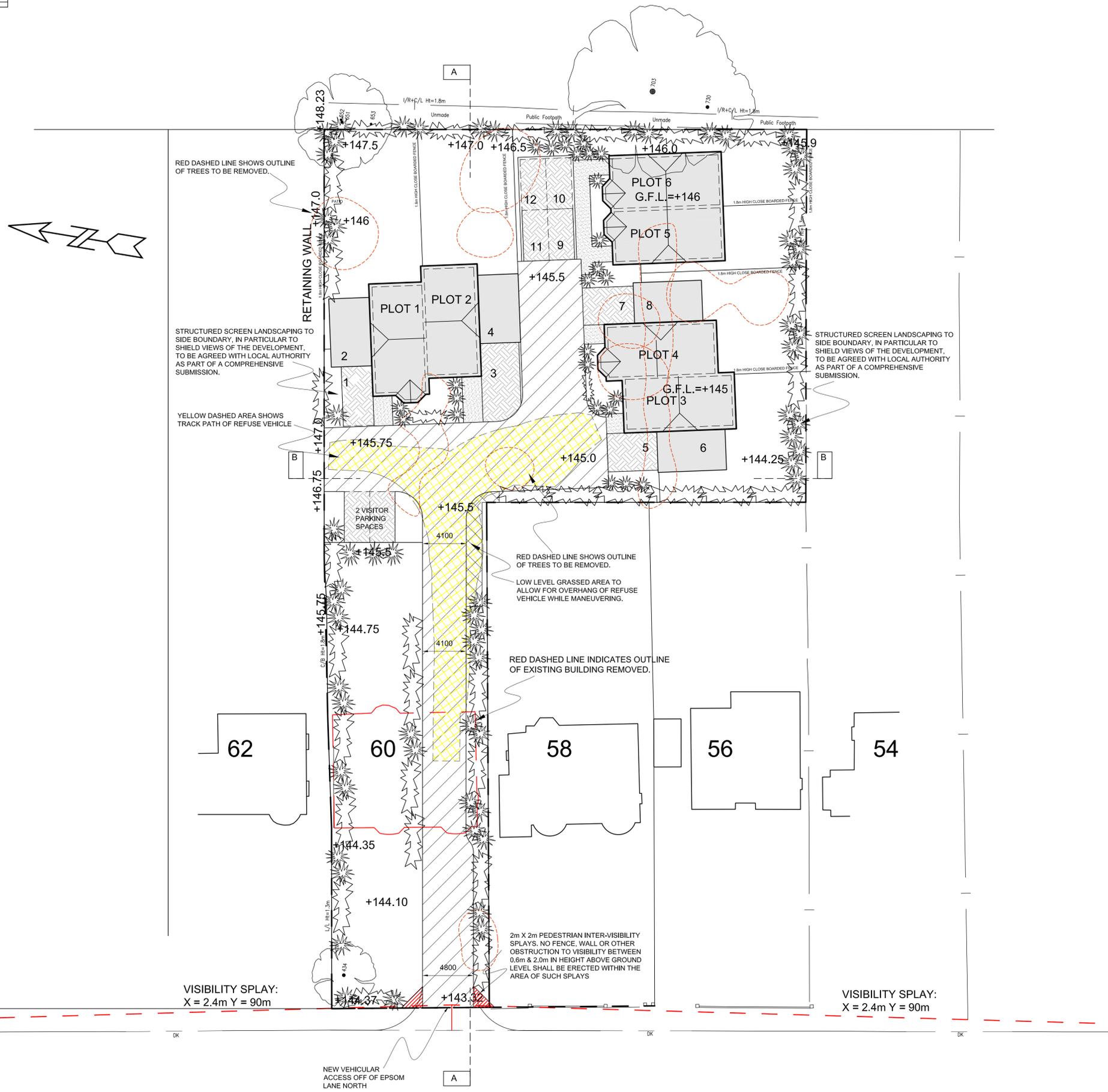
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and whilst planning permission been refused regard has been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

18/02285/F - Land Rear Of 56-60 Epsom Lane North, Epsom Downs



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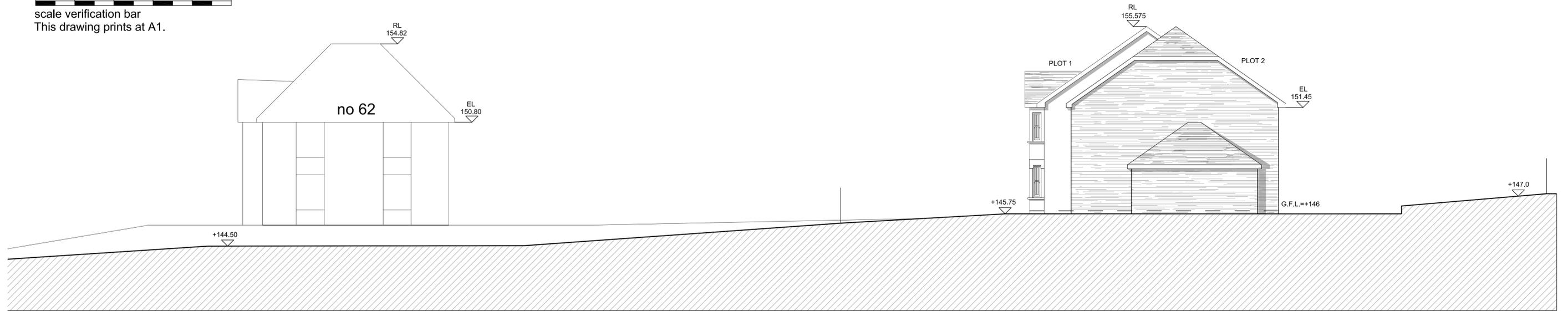
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PROJECT
PROPOSED DEVELOPMENT AT
56 TO 60 EPSOM LANE NORTH,
EPSOM, KT18 5PY
DRAWING
PROPOSED SITE PLAN,

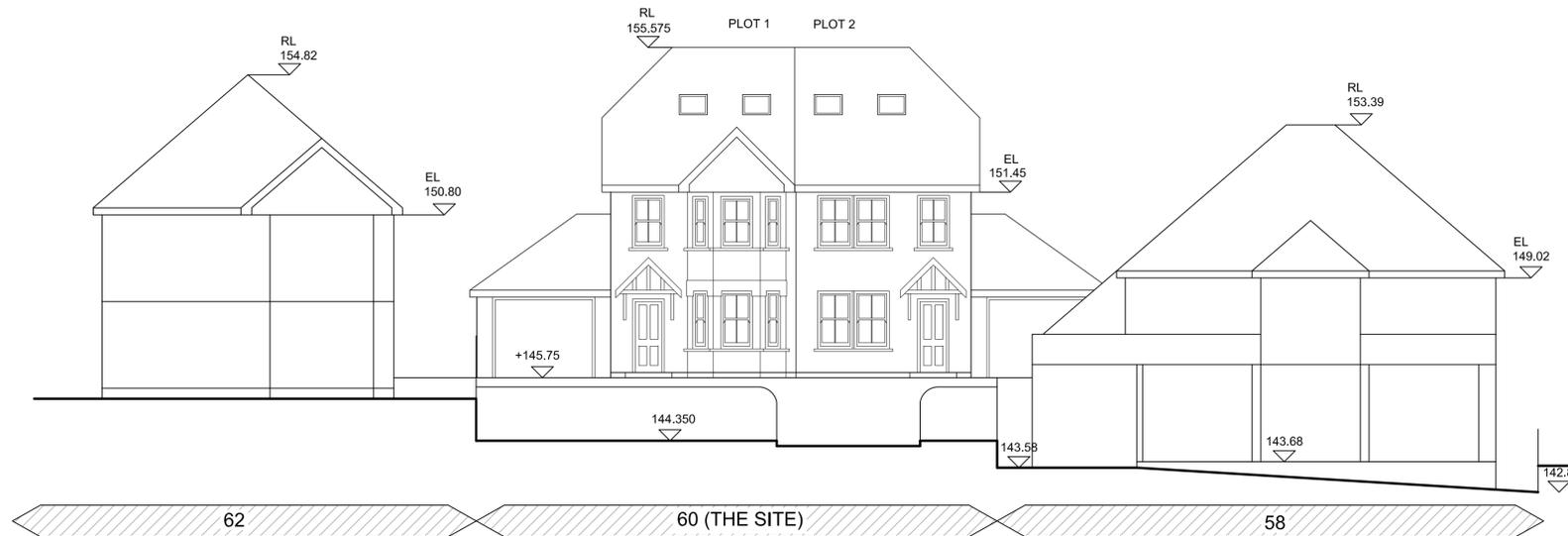
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ELN/2/100	

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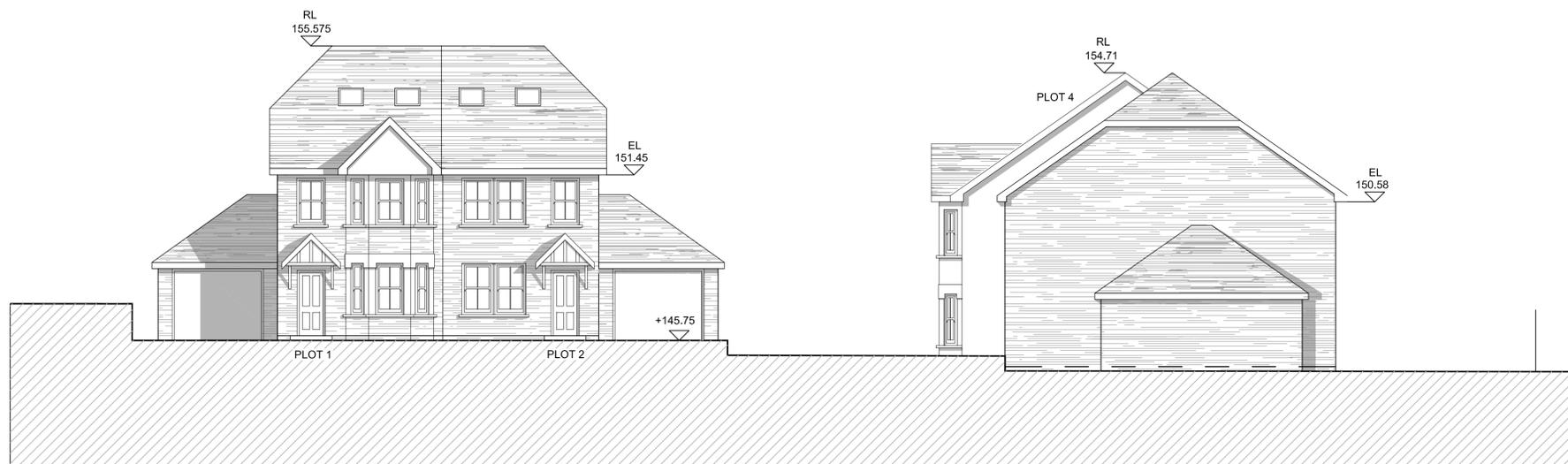
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SECTION A-A



STREET SCENE ELEVATION ALONG EPSOM LANE NORTH.



SECTION B-B

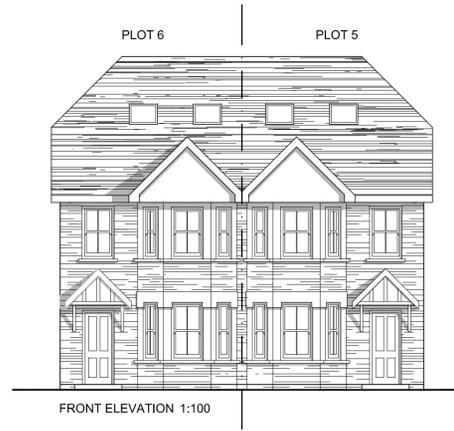
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PROJECT	
PROPOSED DEVELOPMENT AT 56 to 60 EPSOM LANE NORTH, EPSOM, KT18 5PY	
DRAWING	
PROPOSED SITE SECTIONS & SITE ELEVATION	
SCALE	DATE
1:100	JUL 18
DRAWING NO	REVISION
ELN/2/80	

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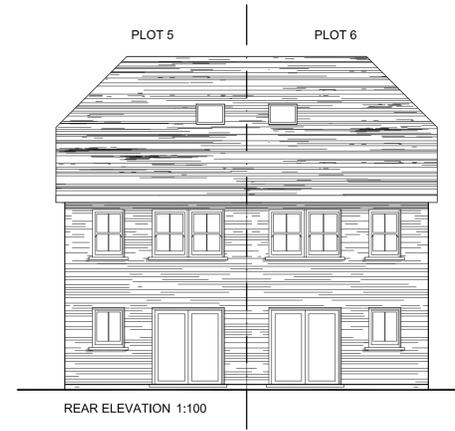
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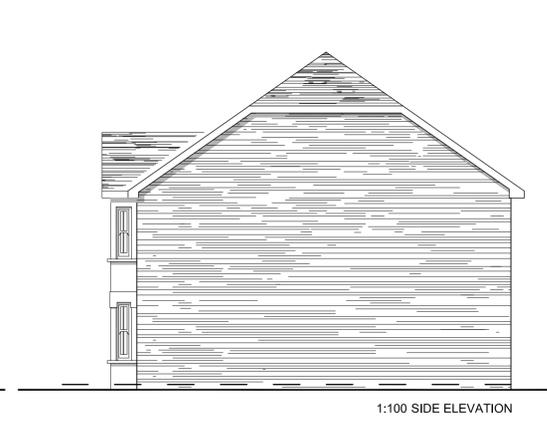
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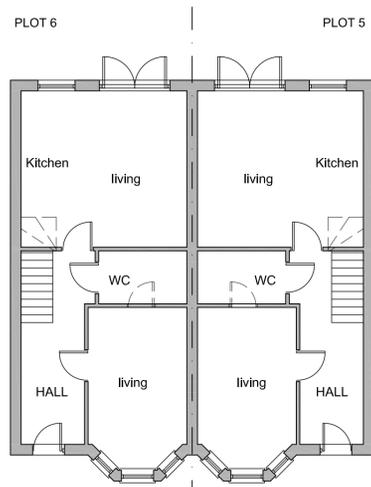
SIDE ELEVATION 1:100



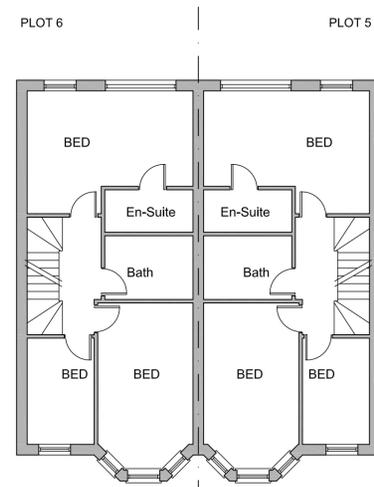
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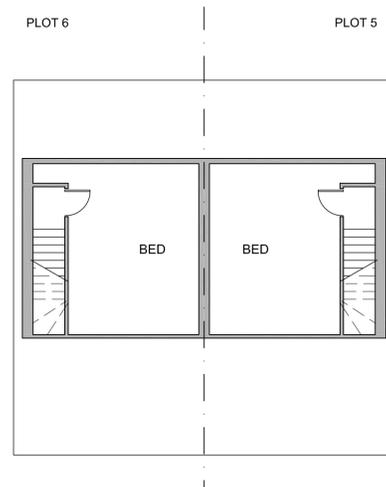
1:100 SIDE ELEVATION



GROUND FLOOR PLAN 1:100



FIRST FLOOR PLAN 1:100



SECOND FLOOR PLAN 1:100

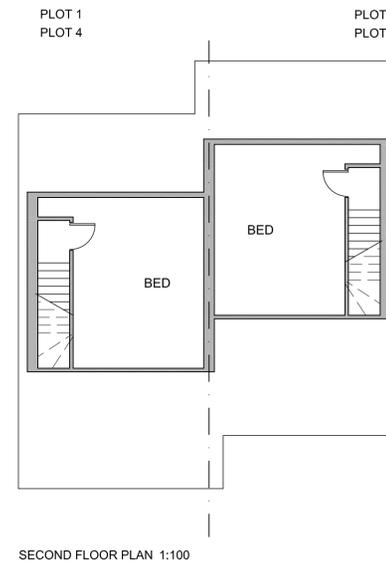
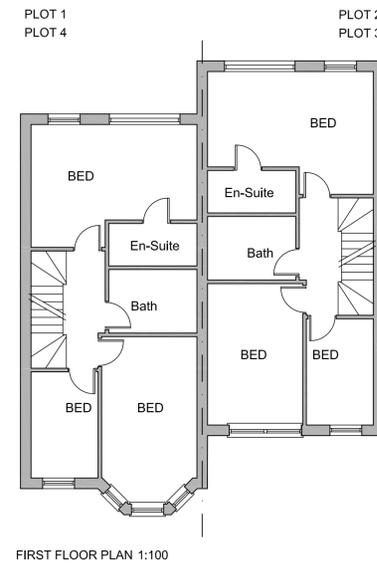
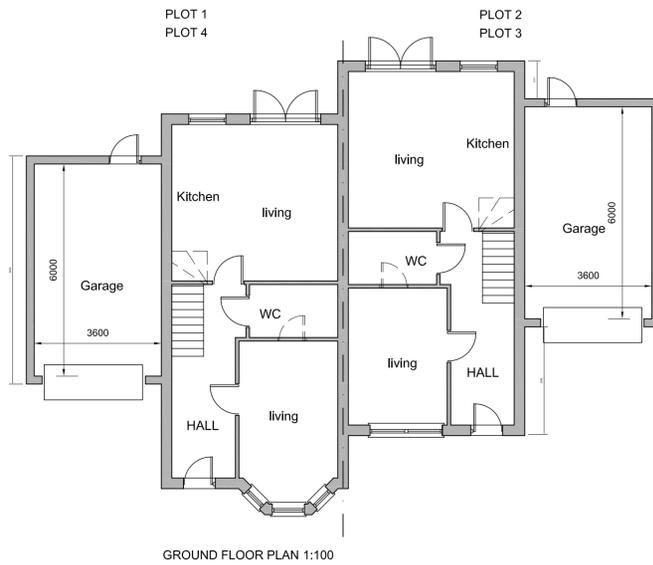
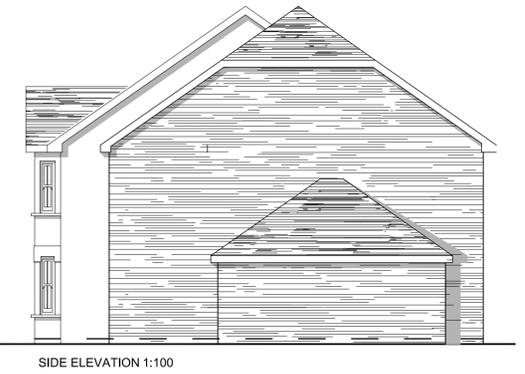
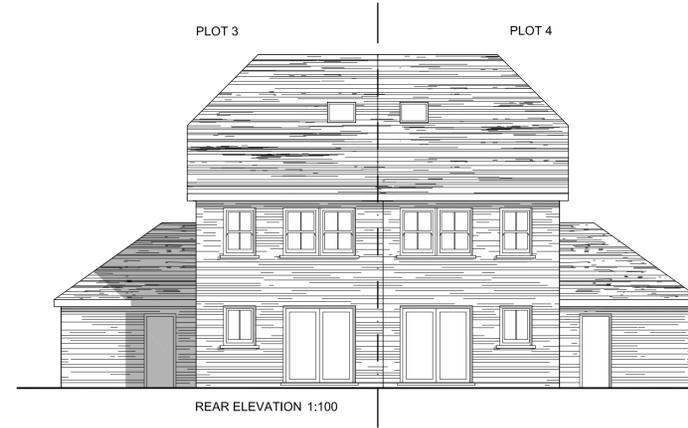
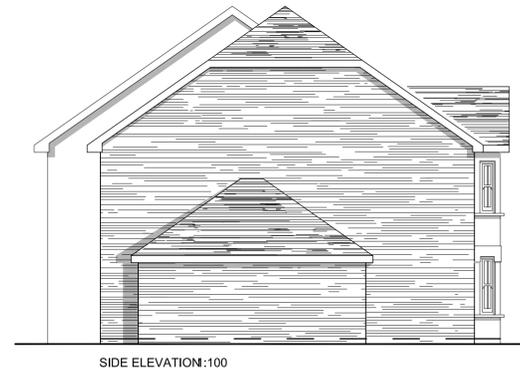
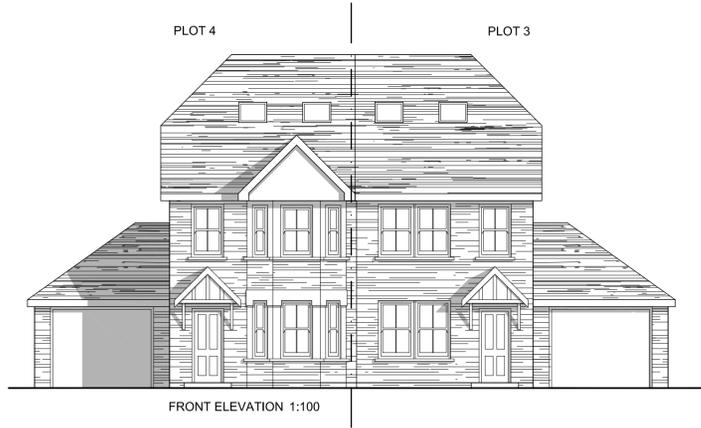
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PROJECT
PROPOSED DEVELOPMENT AT
56 to 60 EPSOM LANE NORTH,
EPSOM, KT18 5PY
DRAWING
PLOTS 5 & 6
INDICATIVE FLOOR PLANS
AND ELEVATIONS
SCALE 1:100 DATE JUL 18
DRAWING NO ELN/2/102 REVISION

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PROJECT
PROPOSED DEVELOPMENT AT
56 to 60 EPSOM LANE NORTH,
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DRAWING
PLOTS 1 & 2, 3 & 4
INDICATIVE FLOOR PLANS
AND ELEVATIONS
SCALE 1:100 DATE JUL 18
DRAWING NO ELN/2/101 REVISION