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|  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: | 11 | WARD: Chipstead, Hooley And Woodmansterne |

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| APPLICATION NUMBER: | 18/02583/F | VALID: | 9th January 2019 |
| APPLICANT: | McCarthy & Stone Retirement Lifestyles Ltd | AGENT: | The Planning Bureau Ltd |
| LOCATION: | CORNERWAYS, SMUGGLERS, MOUNTFIELD OUTWOOD LANE CHIPSTEAD & 266 CHIPSTEAD WAY WOODMANSTERNE SURREY | | |
| DESCRIPTION: | Demolition of existing properties and redevelopment to form 28 retirement living apartments for older persons including communal spaces, car parking and associated landscaping. As amended on 25/01/2019. | | |
| 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. | | | |

SUMMARY

This is a full application for demolition of the existing four dwellings and redevelopment to form 28 retirement living apartments for older persons including communal spaces, car parking and associated landscaping. The proposal would be made up of 14 x one bedroom flats and 14 x two bedroom flats.

Application 17/00870/F for 25 retirement living apartments was refused by the Council including for appearing harmful to the character of the area but was allowed on appeal in September 2018. In allowing the appeal the Inspector found that the scale and design of the proposal would be appropriate in the context of surrounding development and frontage treatments and the building would have adequate circulation and amenity space around it. The Inspector noted *'rather than causing harm to the character and appearance of the local area it would have a beneficial effect in townscape terms by more clearly marking an important corner site and providing better definition to the road junction and the approaches to it. The proposal, therefore, complies with LP Policy Ho 9 which seeks to maintain and enhance the natural built environment through high standards of design and layout.'*

Despite individual views on this the appeal decision remains a significant material consideration. The proposed design approach would be similar to the extant permission. No alterations are proposed to the elevation fronting Outwood Lane; however minor alterations are proposed to the elevation fronting Chipstead Way. Relatively modest changes are

proposed that would see an increase the width of the central component. Recessed sections would remain so as to retain the appearance of three dwellings fronting Chipstead Way. Alterations are proposed to the rear elevations that would be concealed from views within the streetscene.

The increase in the number of units is also being achieved by way of proposed amendments internally to the floor plans. The previous application comprised of 6 x one bedroom units 19 x two bedroom units and. The current proposal comprises 14 x one bedroom units and 14 x two bedroom units.

Overall, it is considered the proposal would result in a largely similar design and appearance to that granted permission by the Inspector and is considered acceptable.

In the recent appeal, the Inspector found the proposal would not result in harm to neighbour amenity. The relationship between the proposed built form and neighbouring dwellings would remain the same as the consented scheme and subject to a condition requiring an acoustic fence, the proposal is considered acceptable in regard to impact upon neighbour amenity.

The proposed access into the site would be the same as the permitted development. The previous application proposed 18 parking spaces for the 25 units which was deemed acceptable at appeal. This proposal for 28 units originally proposed no increase in parking but during the course of the application amendments have been sought to increase the parking provision to increase the number of parking spaces from 18 to 20. Whilst still seemingly low, this represents a slight improvement in the relative proportion of parking to dwellings compared to the previous scheme. The County Highways Authority raise no objection to the proposal subject to recommended conditions.

The previous scheme provided a contribution of £71,000 towards affordable housing which is increased to £80,000 with the current proposal in line with the relative increase in dwelling units.

RECOMMENDATION(S)

Subject to the completion of all documentation required to create a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure:

- (i) A contribution of £80,000 towards the provision of affordable housing;
 - (ii) The Council's legal costs in preparing the agreement
- Planning permission is **GRANTED** subject to conditions.

In the event that a satisfactorily completed obligation is not received by 17th May 2019 or such longer period as may be agreed, the Head of Places and Planning be authorised to refuse permission for the following reason:

1. The proposal fails to provide an agreed affordable housing provision within the Borough of Reigate & Banstead, and is therefore contrary to policy CS15 of the Reigate and Banstead Core Strategy 2014.

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.

Divisional Crime Prevention Design Advisor – recommends a condition or informative for the development to achieve standards contained within the Secured by Design award scheme to be successfully granted the award.

Infrastructure Agreements Manager – no comments received

Sustainable Drainage SCC – no objection subject to conditions

UK Power Networks – no comments received

Sutton and East Surrey Water Company – no comments received

Woodmansterne Greenbelt and Residents Association – no comments received

Outwood Lane Residents Association – Objects on the grounds of adverse impact upon the amenities of neighbouring properties, inadequate parking, noise and disturbance, increase in traffic and congestions

Chipstead Residents Association – no comments received

Representations:

Letters were sent to neighbouring properties on 22nd January 2019, a site notice was posted 1st February 2019 and advertised in local press on 31st January 2019.

2 responses have been received raising the following issues:

| Issue | Response |
|------------------------------------|---|
| Hazard to highway safety | See paragraph 6.13 – 6.16 and conditions 7, 13, 14, 15 and 16 |
| Inadequate parking | See paragraph 6.12 and 6.17 and condition 16 |
| Overlooking and loss of privacy | See paragraph 6.9 |
| Inconvenience during construction | See paragraph 6.26 and condition 7 |
| Increase in traffic and congestion | See paragraph 6.13 – 6.17 |

1.0 Site and Character Appraisal

- 1.1 The application site is located at the corner of Outwood Lane and Chipstead Way and comprises four detached dwellings. The three dwellings located on the western side of Outwood Lane are set within large plots and comprise a mixture of chalet bungalow style and two storey detached dwellings, all of which are set back considerably from the road frontage. The existing dwelling on Chipstead Way is set within a more modest plot and comprises a modern, two storey detached dwelling.
- 1.2 The site is elevated from the road along Outwood Lane and land levels rises up quite significantly from front to back. The site has an open character with a predominance of soft landscaping along the frontage, typical of Outwood Lane and the locality in general. There are a number of large mature trees along frontage of the site, including two prominent Oaks.
- 1.3 The buildings themselves are not of particular architectural interest; however, the plots are considered to contribute positively to the character of the locality due to their adherence with prevailing building line, height, spaciousness and predominance of landscaping.
- 1.4 The surrounding area is typified by predominantly a mixture of chalet style and two storey detached dwellings, generally within ample plots, and retains a suburban low density character, despite more recent developments further along Outwood Lane. Properties on the western side of Outwood Lane are varied architecturally and have a degree of individuality which contributes to the character of the area, whereas those on the eastern side have a less varied suburban character. Outwood Lane itself retains a verdant, highly landscaped character, particularly along the western side.
- 1.5 As a whole, the application site extends to approximately 0.30ha.

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: During the course of the application amendments have been sought to increase the parking provision and two additional spaces have been included within the site layout, bringing the total to 20.
- 2.3 Further improvements could be secured: Conditions attached to the planning appeal decision would be applied.

3.0 Relevant Planning and Enforcement History

- 3.1 17/00870/F Demolition of existing buildings and redevelopment to form 25 Retirement Living Apartments for older persons including communal facilities and associated parking, Refused 18 July 2018
Appeal Allowed 27 September 2018

landscaping and new access.

- 3.4 Application 17/00870/F was allowed on appeal in September 2018. In allowing the appeal the Inspector made the following points:

Character and Appearance

'Given that existing variation no harm in visual amenity terms would be caused by the proposed building projecting forwards of these existing buildings. Indeed, bringing these main elements forward within the site would better define the position of the road junction in townscape terms.'

'The dual aspect of house 3 and front elevation of house 4 together would provide a much improved elevation than is currently presented by the largely featureless gable of Cornerways, the side wall to its garage and mediocre timber fencing to its garden boundary.'

'By bringing elements of the new building closer to Outwood Lane and presenting active elevations to both frontages the proposal would successfully 'turn the corner' on this corner site. It would bring significant townscape benefits in terms of marking the corner site and defining the location of the junction.'

'When considered as part of the wider street scene, the design strategy would successfully break up the building's mass, giving it a domestic scale and rhythm that fits comfortably within the character of the street. On Chipstead Way, the staggered line of and varied materials within the elevation, in combination with the stepped profile of the ground floor slab and ridge line to accommodate the fall in site level, would successfully produce the appearance of 3 main components with subservient links.'

'The proposed landscaping would present a more attractive edge to both road frontages and long term management and maintenance would ensure that this is maintained as a high quality boundary treatment. As the formal layout and design of frontage landscaping would reflect that at Outwood Grange and Cedar View this would not be out of place in the site's context. The loss of one of the oak trees is regrettable but is necessary to provide adequate visibility at the access junction. The landscaping proposals would provide adequate compensation for this loss.'

'Accordingly, I find that the scale and design of the proposal would be appropriate in the context of surrounding development and frontage treatments. The building would have adequate circulation and amenity space around it and would not, in my view, appear cramped or represent an overdevelopment of the site.'

'Rather than causing harm to the character and appearance of the local area it would have a beneficial effect in townscape terms by more clearly marking an important corner site and providing better definition to the road junction and the approaches to it. The proposal, therefore, complies with LP Policy Ho 9 which seeks to maintain and enhance the natural built environment through high standards of design and layout.'

Living conditions

'The technical evidence in the NIA and presented at the Hearing leads me to conclude that the proposal would not give rise to material harm to their living conditions either when they are inside their homes or using their rear gardens. Accordingly, I find that the proposal complies with the requirement in LP Policies Ho 9 and Ho 13, that new residential development should not seriously or unreasonably affect the amenities of adjoining properties, and that within Policy Ho 20 that it should not detract from the amenities of the surrounding area.'

The full appeal decision is appended to this report.

4.0 Proposal and Design Approach

- 4.1 This is a full application for demolition of the existing four dwellings and redevelopment to form 28 retirement living apartments for older persons including communal spaces, car parking and associated landscaping. The proposal would be made up of 14 x one bedroom flats and 14 x two bedroom flats. (The previous application comprised 6 x one bedroom flats and 19 x two bedroom flats).
- 4.2 The replacement building would be a single block of L-shaped form, with wide frontages onto both Outwood Lane and Chipstead Way. The site would be accessed from Outwood Lane with an access drive stretching along this road frontage and along the southern side boundary to the rear part of the site, serving a parking court to the rear and communal garden area.
- 4.3 The design and style of the building would be similar to that granted permission at the recent appeal. The building would feature recessed elements so as to appear as main components with subservient links.
- 4.4 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.
- 4.5 Evidence of the applicant's design approach is set out below:

| | |
|-------------|--|
| Assessment | The character of the surrounding area is assessed as residential development varying in size and scale. Houses in Outwood Lane and Chipstead Way are predominantly two storey in height. The pattern of development is varied, including semi-detached and detached properties |
| | Site features meriting retention are listed as some of the existing trees along the boundaries. |
| Involvement | No community consultation took place as part of this proposal, although prior to the previous application |

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| | McCarthy and Stone held a public exhibition to display the proposals for the development on Thursday 9 th March 2017 between 4pm and 8pm at Chipstead Gold Club, How Lane. |
| Evaluation | The statement does not include any evidence of other development options being considered. |
| Design | The applicant's reasons for choosing the proposal from the available options were informed by revised market information and being able to make the most effective and efficient use of the site for older persons accommodation. |

4.6 Further details of the development are as follows:

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|---------------------------------|--|
| Site area | 0.3 hectares |
| Proposed parking spaces | 20 |
| Parking standard | 35 (maximum) |
| Net increase in dwellings | 24 |
| Existing site density | 13 dwellings per hectare |
| Proposed site density | 93 dwellings per hectare |
| Density of the surrounding area | 83 dwellings per hectare (approved scheme) |

5.0 Policy Context

5.1 Designation

Urban area

5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development)
CS10 (Sustainable Development),
CS11 (Sustainable Construction),
CS12 (Infrastructure Delivery),
CS14 (Housing Needs)
CS15 (Affordable Housing)
CS17 (Travel Options and Accessibility)

5.3 Reigate & Banstead Borough Local Plan 2005

| | |
|---------------------------------|------------------------------|
| Landscape & Nature Conservation | Pc4 |
| Housing | Ho9, Ho13, Ho14, Ho16, Ho20, |
| Movement | Mo4, Mo5, Mo6, Mo7 |

5.4 Other Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

Supplementary Planning Guidance

Developer Contributions SPD,
Affordable Housing SPD, Local
Distinctiveness Design Guide,
Surrey Design, Human Rights Act
1998, Community Infrastructure
Levy Regulations 2010 (as
amended), Conservation of Habitats
and Species Regulations 2010

6.0 **Assessment**

- 6.1 Being situated within the urban area, there is no in principle objection to redevelopment of the site. Redevelopment of sites such as the application site is consistent with the Council's "urban areas first" approach which is embodied within the Core Strategy and the general national policy encouragement for making effective use of brownfield sites provided they are not of high environmental value.
- 6.2 On the basis of the extant permission granted at the recent appeal, the principle of redevelopment of the site for retirement housing in terms of the sustainability/accessibility and over-concentration criteria in policies Ho20 and CS14 and the type of provision are all considered acceptable. The Planning Inspector attached a conditions restricting occupation of the apartments to persons over 60 is needed to ensure that the development caters for those requiring such specialist accommodation and to comply with Core Strategy Policy CS 14. The same condition is recommended to be attached to a grant of consent of this application.
- 6.3 There remains extant consent for 25 x 1 and 2 bedroom apartments. The detailed matters of design, character, amenity and access are discussed below.
- 6.4 The main issues to consider are
- Design appraisal
 - Neighbour amenity
 - Access and parking
 - Infrastructure contributions
 - Affordable Housing

Design appraisal

- 6.5 The proposed design approach would be similar to the extant permission. No alterations are proposed to the elevation fronting Outwood Lane; however minor alterations are proposed to the elevation fronting Chipstead Way. Relatively modest changes are proposed that would see an increase the width of the central component. Recessed sections would remain so as to retain the appearance of three dwellings fronting Chipstead Way. Alterations are proposed to the rear elevations that would be concealed from views within the streetscene.

- 6.6 The increase in the number of units is also being achieved by way of proposed amendments internally to the floor plans. The previous application comprised of 6 x one bedroom units 19 x two bedroom units and. The current proposal comprises 14 x one bedroom units and 14 x two bedroom units.
- 6.7 The site layout remains largely unchanged from that of the approved scheme. The access and parking arrangements would be similar with the addition of two extra parking spaces, one to be sited at the front of the site and one to the rear. Whilst these would diminish the already small area of landscape provision further, they are considered beneficial to having no additional spaces provided and would not significantly affect the character of the development.
- 6.8 The Planning Inspector concluded that the proposed development '*would have a beneficial effect in townscape terms by more clearly marking an important corner site and providing better definition to the road junction and the approaches to it*'. Overall, it is considered the proposal would result in a largely similar design and appearance to that granted permission by the Inspector and is considered acceptable.

Neighbour amenity

- 6.9 The relationship between the proposal and neighbouring dwellings would remain the same as that granted permission. The amendments to the site would not alter the built form adjacent to the neighbouring dwellings whereby the Planning Inspector found these relationships to be acceptable.
- 6.10 The Planning Inspector did attach a condition to safeguard the amenity of the adjacent occupiers, requiring an acoustic fence be erected before the building is brought into use. Such a condition is recommended to ensure the movements of car do not result in harm in terms of noise and disturbance.
- 6.11 The addition of one extra parking space to the rear of the property is not considered to generate significantly increased levels of vehicle movements over that found acceptable in the recent planning appeal. And, subject to the recommended acoustic fence condition, the proposal is not considered to result in a harmful impact in terms of noise and disturbance to neighbouring dwellings.

Access and parking

- 6.12 The development would be accessed by a single access road and crossover from Outwood Lane. As above, the access road would run along the frontage of the site and would extend along the southern boundary of the site with Green Eaves to serve the car park in the rear of the site. A total of five parking spaces would be provided to the front of the site with a further fifteen in the rear parking court (totalling 20). The proposed parking provision has been increased by two parking spaces over the previous application.
- 6.13 The proposed development involves the creation of a new vehicular access to Outwood Lane, and the closure of the existing accesses that serve the four existing dwellings. Visibility to the south of the proposed access point is currently restricted by a large oak tree located within the highway verge outside Mountfield. This tree is

in a state of gradual decline, which is likely to continue, therefore the County Highway Authority has consented to its removal. The applicant has carried out a speed survey in the vicinity of the site, and the proposed visibility splays at the site access are considered to be appropriate for the speed of traffic on Outwood Lane.

- 6.14 There is currently no footway on the western side of Outwood Lane outside the site. The applicant is therefore proposing to extend the existing footway that runs along the southern side of Chipstead Way into the site, and to install an informal pedestrian crossing point on Outwood Lane, consisting of a central refuge island, dropped kerbs, and tactile paving. Provision of this facility would involve the use of the existing tactile location for the proposed island, and the slight widening of the carriageway to accommodate a 2m wide crossing with 3.1m through lanes on each side. The proposed crossing would enable elderly residents from the proposed development, as well as existing residents from Chipstead Way, to cross the road safely in order to access the footway on the eastern side of Outwood Lane.
- 6.15 The applicant would need to enter into a Section 278 legal agreement with the County Highway Authority before any highway works associated with the construction of the proposed extended footway and pedestrian crossing are carried out.
- 6.16 There is space within the site so that refuse collection can take place from Outwood Lane rather than within the site, as is the case with the existing dwellings located along this road. As for other large service/delivery vehicles, the applicant has submitted a drawing to show that a 7.5 tonne panel van would be able to enter the site access, turn around within the site, and exit the site access in forward gear, without encroaching on the proposed pedestrian refuge island. The County Highway Authority is satisfied that the proposed servicing arrangements are acceptable from a highway safety point of view.
- 6.17 The proposed parking includes the provision of 20 parking spaces for the 28 retirement apartments, which equates to a ratio of 0.71 spaces per unit. The approved scheme for 25 units equates to a ratio of 0.72 spaces per unit. The proposed quantum of parking represents a shortfall of 15 spaces for the proposed development that includes 14 two bed units and 14 one bed units. The applicant has confirmed that residents parking would be controlled through the allocation of the spaces, therefore the number of car owners buying an apartment would be limited to the number of spaces allocated for this use. This was accepted by the Planning Inspector. There is therefore no reason to believe the same ratio would increase demand for parking on the highway to the detriment of highway safety.

Affordable housing

- 6.18 In the assessment of the previous application it was accepted that it was not viable to provide the full 30% requirement for affordable housing. During the course of the appeal, a Legal Agreement was secured to provide an affordable housing contribution of £71,000.
- 6.19 The revised scheme increases the number of units (from 25 to 28) predominantly through internal reconfiguration rather than building more saleable space than the previous scheme. (The increase in floor area is just 79 sqm).

- 6.20 The considerations of the viability of the scheme were recently assessed and given the limited amount of time that has passed; they are unlikely to be materially different now. Given market conditions, it is not considered that there would have been a material improvement in underlying viability to the previous scheme.
- 6.21 The applicant has offered a pro-rata approach to the affordability contribution based on the increase in the number of units and proposes a contribution of £80,000.
- 6.22 Given the realistic fallback position of the extant permission and the considerations of the viability in the recent planning application and appeal; the proposed contribution is agreeable and the application is recommended for approval subject to the completion of a legal agreement to secure the affordable housing contribution.

Community Infrastructure Levy (CIL) and Requested Contributions

- 6.23 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.
- 6.24 The proposal, being for a C3 use in the form of separate retirement living apartments, falls within the uses which attract a charge based on the Council's adopted Charging Schedule and as such the development would be liable to pay CIL. The amount due would be formally determined in due course should permission be granted; however, based on the plans submitted the indicative charge would be in the region of £277,918.
- 6.25 In terms of other contributions and planning obligations, the Community Infrastructure Levy (CIL) Regulations which were introduced in April 2010 which states that it is unlawful to take a planning obligation into account unless its requirements are (i) relevant to planning; (ii) necessary to make the proposed development acceptable in planning terms; and (iii) directly related to the proposed development. As such only contributions, works or other obligations that are directly required as a consequence of development can be requested and such requests must be fully justified with evidence. In this case, no such contributions or requirements have been requested or identified.

Other matters

- 6.26 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.

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

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

| Plan Type | Reference | Version | Date Received |
|---------------------|-----------------------|----------------|----------------------|
| Site Layout Plan | SE-2389-03-AC-02 | B | 29.03.2019 |
| Existing Plans | PP/3140/Coulsdon/F2 | | 08.01.2019 |
| Existing Plans | PP/3140/Coulsdon/F3 | | 08.01.2019 |
| Other Plan | 047.0060.012 | B | 10.12.2018 |
| Location Plan | SE-2389-03-AC-01 | | 10.12.2018 |
| Other Plan | 047.0060.014 | | 10.12.2018 |
| Other Plan | 047.0060.013 | | 10.12.2018 |
| Other Plan | 047.0060.011 | C | 10.12.2018 |
| Elevation Plan | SE-2389-03-AC-08 | A | 10.12.2018 |
| Elevation Plan | SE-2389-03-AC-06 | A | 10.12.2018 |
| Elevation Plan | SE-2389-03-AC-07 | A | 10.12.2018 |
| Floor Plan | SE-2389-03-AC-05 | A | 10.12.2018 |
| Floor Plan | SE-2389-03-AC-04 | A | 10.12.2018 |
| Floor Plan | SE-2389-04-AC-03 | A | 10.12.2018 |
| Arboricultural Plan | 9268/01 | | 10.12.2018 |
| Arboricultural Plan | PP/3140/COULSDON/FI/A | | 10.12.2018 |
| Other Plan | 70006032-SK-004 | A | 25.01.2019 |

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.

3. No development shall take place until the developer obtains the Local Planning Authority's written approval of details of both existing and proposed ground levels and the proposed finished ground floor levels of the buildings. 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 Reigate and Banstead Borough Local Plan 2005 policy Ho9.

4. Notwithstanding the approved plans, no development above ground floor slab level shall take place until details of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that a satisfactory external appearance is achieved of the development with regard to Reigate and Banstead Borough Local Plan 2005 policies Ho9 and Ho13.

5. No development shall take place until a detailed scheme for surface water drainage has been submitted to an approved in writing by the local planning authority. The detailed scheme shall include:

- a) A design that satisfies the SuDS hierarchy and follows the principles set out in the approved drainage strategy (Outline Foul & Surface Water Drainage Strategy by WSP dated April 2017 Rev 001);
 - b) Detailed drawings showing drainage layout, long or cross sections of each drainage element, pipe sizes and invert and cover levels;
 - c) Appropriate calculations to the elements above showing how national SuDS standards have been met (if different from the approved strategy);
 - d) Details of outline construction phasing and how surface water and any associated pollution risk will be dealt with during the construction of the development, and details of how any on site drainage systems will be protected and maintained;
 - e) Details of who will maintain the drainage elements and their associated maintenance regimes;
 - f) Details of where any exceedance flows (i.e. rainfall greater than design or flows following blockages) would run to, avoiding risks to people and property.
- The development shall be carried out in strict accordance with the approved details.

Reason:

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

6. No part of the development shall be occupied unless and until a verification report, demonstrating that the sustainable urban drainage system has been constructed in accordance with the approved scheme, has been submitted to and approved in writing by the local planning authority. The validation report should be prepared by a suitably qualified drainage engineer.

Reason:

To ensure that the development is served by an adequate and approved means of drainage which would not increase flood risk on or off site and is suitably maintained throughout its lifetime to comply with Policy Ut4 of the Reigate and Banstead Borough Local Plan 2005, Policy CS10 of the Reigate and Banstead Core Strategy 2014 and the requirements of non-statutory technical standards.

7. No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking and turning 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 has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

Reason:

In order to meet the objectives of the NPPF (2012), and to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan (2005), and policy CS17 of the Core Strategy (2014).

8. No development, including demolition or site clearance, shall take place until bat surveys have been carried out and the findings of the surveys and any resultant

recommendations for mitigation or other actions have been submitted to and approved in writing by the local planning authority. The development shall subsequently be carried out in strict accordance with the approved details and programme for the implementation of any agreed mitigation or other measures.

Reason:

In order to preserve and enhance the wildlife and habitat interest on the site and ensure species present on the site are afforded appropriate protection during construction works with regard to Reigate and Banstead Borough Local Plan 2005 policy Pc2G.

9. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) have been submitted to and approved in writing by the local planning authority. The method statement shall include a pre-commencement meeting, supervisory and monitoring regime with an agreed reporting process to the local planning authority as works progress. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

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

10. No development shall take place until a scheme for hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of existing trees and landscape features to be retained, replacement tree planting, planting plans and written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants (noting species, plant sizes and proposed numbers/densities); details of hard surfacing materials, garden furniture and structures, lighting equipment and an implementation and management programme

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

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or diseased within five years of planting shall be replaced within the next planting season by trees or 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 Pc4 and Ho9 of the Reigate and Banstead Borough Local Plan 2005 and the recommendations within British Standard 5837.

11. The development shall be carried out in accordance with the recommendations for mitigation, construction practice and ecological enhancement set out in section 8 of the Extended Phase 1 Habitat Survey by Innovation Group Environmental Services (report reference E1107161346 dated 15 August 2016).

Reason:

In order to preserve and enhance the wildlife and habitat interest on the site and ensure species present on the site are afforded appropriate protection during construction works with regard to Reigate and Banstead Borough Local Plan 2005 policy Pc2G.

12. No part of the development shall be occupied unless and until an acoustic screen, meeting the specification set out in paragraph 5.14 of the Noise Impact Assessment (24 Acoustics dated 28th March 2017), has been installed along the boundaries with Green Eaves and 264 Outwood Lane as specified on Figure 3 of the above report. The acoustic screen shall thereafter be retained and maintained for the life of the development.

Reason:

To safeguard the amenity of adjoining residential occupiers with regard to policies Ho9 and Ho13 of the Reigate and Banstead Borough Local Plan 2005.

13. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to Outwood Lane has been constructed and provided with visibility zones in accordance with the approved plans (drawing no. 047.0060.012 Rev B) and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.05m high.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in order to meet the objectives of the NPPF (2018), and to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan (2005), and policy CS17 of the Core Strategy (2014).

14. The development hereby approved shall not be first occupied unless and until the existing accesses from the site to Outwood Lane have been permanently closed and any kerbs, verge, footway, fully reinstated.

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in order to meet the objectives of the NPPF (2018), and to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan (2005), and policy CS17 of the Core Strategy (2014).

15. The development hereby approved shall not be first occupied unless and until the proposed extended footway, and the proposed pedestrian crossing facility comprising a central refuge island, dropped kerbs, tactile paving, and associated road markings and carriageway widening, on Outwood Lane, have been constructed and implemented in general accordance with the approved plans (drawing no. 047.0060.011 Rev C).

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in order to meet the objectives of the NPPF (2018), and to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan (2005), and policy CS17 of the Core Strategy (2014).

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

Reason:

In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and in order to meet the objectives of the NPPF (2018), and to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan (2005), and policy CS17 of the Core Strategy (2014).

17. The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with the approved plans / documents for:
- (a) The secure parking of bicycles / mobility scooters within the development site
 - (b) Information to be provided to residents / staff / visitors regarding the availability of and whereabouts of local public transport services, shops and facilities and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason:

In recognition of Section 4 "Promoting Sustainable Transport" in the National Planning Policy Framework 2018 and in order to meet the objectives of the NPPF (2018), and to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan (2005), and policy CS17 of the Core Strategy (2014).

18. No plant or machinery, including fume extraction, ventilation and air conditioning required by reason of granting this permission, shall be installed within or on the building without the prior written approval of the local planning authority. Any approved plant or machinery shall be installed and thereafter maintained in accordance with the approved details and any manufacturer's recommendations.

Reason:

To ensure that a satisfactory external appearance is achieved of the development and to safeguard the amenities of neighbouring occupiers with regard to Reigate and Banstead Borough Local Plan 2005 policies Ho9 and Ho13.

19. The occupation (excluding any on-site staff) of the residential dwellings hereby approved shall at all times be restricted to persons 60 years old and above, with the exception of persons of a minimum of 55 years old who are a spouse or partner of an occupant 60 years old or above.

Reason:

To ensure the development caters for those requiring sheltered/retirement housing in order to maintain an appropriate choice of housing with regard to Policy CS14 of the Reigate and Banstead Core Strategy 2014.

20. The development hereby approved shall not be occupied unless and until each of the proposed dwellings are provided with a fast charge socket (current minimum

requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to meet the objectives of the NPPF (2012), and to satisfy policies Mo5 and Mo7 of the Reigate and Banstead Borough Local Plan (2005).

INFORMATIVES

1. Your attention is drawn to the safety benefits of installing sprinkler systems as an integral part of new development.
2. The applicant is encouraged to provide renewable technology within the development hereby permitted in order to reduce greenhouse gas emissions.
3. 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 **£80,000** 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.

4. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, a 140 litre wheeled bin conforming to British Standard BSEN840 and a 60 litre recycling box should be provided for the exclusive use of the occupants of that dwelling. Prior to the initial occupation of any communal dwellings or flats, wheeled refuse bins conforming to British Standard BSEN840, separate recycling bins for paper/card and mixed cans, and storage facilities for the bins should be installed by the developer prior to the initial occupation of any dwelling hereby permitted. Further details on the required number and specification of wheeled bins and recycling boxes is available from the Council's Neighbourhood Services on 01737 276501 or 01737 276097, or on the Council's website at www.reigate-banstead.gov.uk. Bins and boxes meeting the specification may be purchased from any appropriate source, including the Council's Neighbourhood Services Unit on 01737 276775.
5. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday

- and not at all on Sundays or any Public and/or Bank Holidays;
- (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - (c) Deliveries should only be received within the hours detailed in (a) above;
 - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
 - (e) There should be no burning on site;
 - (f) Only minimal security lighting should be used outside the hours stated above; and
 - (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

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

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

6. The applicant is advised that the essential requirements for an acceptable communication plan forming part of a Method of Construction Statement are viewed as: (i) how those likely to be affected by the site's activities are identified and how they will be informed about the project, site activities and programme; (ii) how neighbours will be notified prior to any noisy/disruptive work or of any significant changes to site activity that may affect them; (iii) the arrangements that will be in place to ensure a reasonable telephone response during working hours; (iv) the name and contact details of the site manager who will be able to deal with complaints; and (v) how those who are interested in or affected will be routinely advised regarding the progress of the work. Registration and operation of the site to the standards set by the Considerate Constructors Scheme (<http://www.ccscheme.org.uk/>) would help fulfil these requirements.

REASON FOR PERMISSION

The development hereby permitted has been assessed against development plan policies Pc4, Ho9, Ho13, Ho14, Ho16, Ho20, Mo4, Mo5, Mo6 and Mo7 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.



Appeal Decision

Hearing Held on 22 August 2018

Site visit made on 22 August 2018

by Paul Singleton BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2018

Appeal Ref: APP/L3625/W/17/3182379

Cornerways, Smugglers, Mountfield & 266 Chipstead Way, Outwood Lane, Chipstead, CR5 3NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by McCarthy & Stone Retirement Lifestyles Ltd against the decision of Reigate & Banstead Borough Council.
 - The application Ref 17/00870/F, dated 11 April 2017, was refused by notice dated 18 July 2017.
 - The development proposed is demolition of existing buildings and redevelopment to form 25 retirement living apartments for older persons including communal facilities and associated parking, landscaping and new access.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and redevelopment to form 25 retirement living apartments for older persons including communal facilities and associated parking, landscaping and new access at Cornerways, Smugglers, Mountfield & 266 Chipstead Way, Outwood Lane, Chipstead, CR5 3NH in accordance with the terms of the application, Ref 17/00870/F, dated 11 April 2017 subject to the conditions set out in attached schedule and the obligations included in the Unilateral Undertaking dated 22 August 2018.

Procedural Matters

2. A signed Statement of Common Ground between the appellant and the Council was submitted at the hearing. I have had regard to this in my consideration of the appeal.
3. The third reason for refusal asserted that the proposal fails to make adequate provision for affordable housing in accordance with Policy CS15 of the Reigate and Banstead Borough Local Plan 2005 (LP). Subsequent negotiations have resulted in an agreed financial contribution for the provision of affordable housing elsewhere in the Borough. A signed Unilateral Undertaking (UU), prepared under Section 106 of the Town & Country Planning Act 1990, which would secure the payment of the agreed sum, was submitted at the hearing. The Council has confirmed that the planning obligations within the UU satisfactorily address the concerns set out in the third reason.

4. On 24 July 2018 the Government published a revised version of the National Planning Policy Framework (Framework) which has replaced and superseded that issued in 2012. As the appeal statements were prepared before that date the main parties were given the opportunity to submit written comments on what bearing, if any, the revised Framework has on the issues before me. I have had regard to the comments received.

Main Issues

5. In light of the resolution of Reason 3 the main issues are (a) the effect on the character and appearance of the site and the surrounding area focused on Outwood Lane and Chipstead Way, and (b) the effect on the living conditions of occupiers of the adjacent properties at Green Eaves and number 264 Chipstead Way with regard to noise and disturbance.

Reasons

Character and appearance

6. The existing dwellings on the appeal site are of no particular architectural merit, either individually or as a group, and neither the buildings nor the site is subject to any heritage or townscape designations. There is no objection in principle to the site's redevelopment for retirement apartments.
7. Detached properties are the predominant housing type in the area focused on the junction of Outwood Lane and Chipstead Way. However, Figure 3 in Townscape Solutions' statement shows that there is considerable variety in terms of plot and building size, plot and building width, plot coverage and spacing between buildings. The historic pattern of dwellings fronting onto through roads has been eroded by more recent developments at Water Mead, 267-275 Chipstead Way, Outwood Grange and Cedar View. The replacement of the four existing houses with a single building would not be out of place in that varied context subject to an appropriate quality of design. The design strategy seeks to break up the scale and massing of the building by creating an appearance of 3 linked 'houses' on Chipstead Way and 2 linked 'houses' on Outwood Lane.
8. On its eastern side, Outwood Lane has an unbroken frontage of mainly detached houses with most of these following clearly established building lines. On the western side there is no appreciable building line to the north of Chipstead Way where the Water Mead houses back onto Outwood Lane and are hidden by dense, roadside vegetation. For this reason the proposal would be read mainly in the context of the existing development on Outwood Lane to the south west of the appeal site. Here the building line varies to a considerable degree and more recent developments have departed from any sense of a common building line.
9. Although it would project forwards of 2 of the 3 existing properties on the site the front corner of the new building would be in much the same position as Cornerways. In overall terms, it would be closer to Outwood Lane but the stepped profile of the front elevation would reflect the staggered nature of the building line of the properties to the south west. Given that existing variation no harm in visual amenity terms would be caused by the proposed building projecting forwards of these existing buildings. Indeed, bringing

these main elements forward within the site would better define the position of the road junction in townscape terms.

10. On Chipstead Way, the proposal would follow the building line established by No. 226 and the side wall to Cornerways but would present a longer and more interesting elevation to the road. This would be broken up by a significant setback between 'houses' 4 and 5, with the building stepping forward close to the junction. The dual aspect of house 3 and front elevation of house 4 together would provide a much improved elevation than is currently presented by the largely featureless gable of Cornerways, the side wall to its garage and mediocre timber fencing to its garden boundary.
11. At present, when approaching on Outwood Lane from either direction, the junction is not clearly seen until one gets very close to it. From the north east, it is heavily screened by vegetation to the front of Water Mead and, from the south west, the current set back of the properties on the appeal site means that the junction lacks definition. By bringing elements of the new building closer to Outwood Lane and presenting active elevations to both frontages the proposal would successfully 'turn the corner' on this corner site. It would bring significant townscape benefits in terms of marking the corner site and defining the location of the junction. I agree with the appellant that such an approach reflects good design practice.
12. The maximum depth of the building would be 19 metres (m). However, its depth would vary with the stepped profile of the main elevations and it would not read as a large block of uniform depth. Overall it would be deeper than the average depths of neighbouring properties but this would not be appreciable in public views. Importantly, the Chipstead Way elevation would not be a 'side return' in the manner that the side elevation of Cornerways currently is. Instead, as shown in the Visually Verified Montage (VVM) 2 (at CD D2/7), this would be an active elevation of almost equal status and interest to that to Outwood Lane. There are no other public viewpoints from which the relatively greater depth of the building would be apparent.
13. Given the size of building needed to provide the envisaged accommodation it is necessary that that its scale and massing be broken up to reduce its visual impact. Recesses in the front elevations would create the appearance of 5 separate houses and Townscape Solutions' Figure 6 shows that the front elevations to the main elements would reflect the rhythm and spacing of nearby houses in Outwood Lane and Chipstead Way.
14. The Council questions whether the set back of the recesses would be sufficient to achieve their intended objective but it is important to note that there are very few positions from which the whole of these elevations could be seen in 'flat view'. For the most part, they would be seen in an angled view as one moves along Outwood Lane or Chipstead Way and the recesses would be read in combination with the proposed variations in ridge line and roof profile and the different materials used in the construction of the main components and link elements.
15. I consider that VVM1 and 2 (CD2/5 & 2/7) provide a realistic view of how the building would appear when moving along Outwood Lane. These show that it would read as 3 linked houses rather than one long, continuous elevation. The adjacent properties immediately to the south west are detached but stand close together with the spaces in between in most cases filled at

ground floor level by side extensions, garages or other structures. On the opposite side of the road, the 2 storey houses occupy most of the width of their plots with only very narrow spaces between them. The recessed link blocks in the appeal scheme would be of two rather than single storey height but the extent of setback proposed would ensure that the proposal fits within the overall rhythm and spacing of properties in the street scene on Outwood Lane. This would also be the case in respect of those elements facing Chipstead Way.

16. The proposal is not identical to that in the Twyford appeal¹ but raises similar design considerations. It would be apparent, when viewed from directly opposite on Outwood Lane, that the various components of the current appeal proposal form part of a single larger building. However, the positions from which such a view would be available would be few and far between.
17. When considered as part of the wider street scene, the design strategy would successfully break up the building's mass, giving it a domestic scale and rhythm that fits comfortably within the character of the street. On Chipstead Way, the staggered line of and varied materials within the elevation, in combination with the stepped profile of the ground floor slab and ridge line to accommodate the fall in site level, would successfully produce the appearance of 3 main components with subservient links.
18. Existing boundary treatments to properties fronting Outwood Lane vary considerably. The hedging and trees to the rear of Water Mead give this section of the road a natural edge but along the section from Chipstead Way to Lower Park Road these treatments are much more varied, with repeated changes in their form and quality. Immediately to the south west of the site these mainly comprise low boundary walls or fences with hedges or other vegetation above. This more suburban appearance is repeated in the group of dwellings to the south west of Cedar View which, although set back, are clearly visible from the road and footpath.
19. The hedge, railings, gate piers, access gates and driveway to Outwood Grange provide a marked contrast to those treatments. The scale and height of the apartment building are readily appreciable from the road and its garage block is prominent in view. That formal hedge treatment is repeated to the front of Cedar View although the new buildings are screened from public view by mature trees in the original front garden. On the eastern side of Outwood Lane the predominant use of low walls, fences and clipped hedges to front boundaries reinforces the strong suburban character of this long run of properties. The residential frontages to Chipstead Way mostly have a similar form and appearance.
20. In that context the existing vegetation to the Outwood Lane frontage of the appeal site is neither representative of the road corridor as a whole nor of significant visual amenity value. The two oak trees make a positive contribution to the street scene but T14 has a relatively uneven shape and spread. The rest of the frontage is dominated by tall conifer planting and poor quality hedges and shrubs. Although the houses are set back, gaps in the boundary vegetation permit views of generally poorly maintained front gardens and the extensive area of parking to the front of Smugglers. As

¹ APP/X0360/W/17/3170553

previously noted, Cornerways presents a very poor elevation and boundary treatment to Chipstead Way.

21. The landscaping zone in the appeal scheme would not be as deep as the front gardens to the existing properties but most of the area within those gardens comprises hardstanding for parking and vehicle circulation. A much smaller area would be given over to this use in the appeal proposal. The remaining landscaped areas would be of high quality and would use native hedge and tree varieties in place of the conifers that currently dominate the site frontage.
22. The proposed landscaping would present a more attractive edge to both road frontages and long term management and maintenance would ensure that this is maintained as a high quality boundary treatment. As the formal layout and design of frontage landscaping would reflect that at Outwood Grange and Cedar View this would not be out of place in the site's context. The loss of one of the oak trees is regrettable but is necessary to provide adequate visibility at the access junction. The landscaping proposals would provide adequate compensation for this loss.
23. Accordingly, I find that the scale and design of the proposal would be appropriate in the context of surrounding development and frontage treatments. The building would have adequate circulation and amenity space around it and would not, in my view, appear cramped or represent an overdevelopment of the site.
24. Rather than causing harm to the character and appearance of the local area it would have a beneficial effect in townscape terms by more clearly marking an important corner site and providing better definition to the road junction and the approaches to it. The proposal, therefore, complies with LP Policy Ho 9 which seeks to maintain and enhance the natural built environment through high standards of design and layout.
25. LP Policy Ho 13 states that proposals should 'conform' to the pattern of development in the surrounding area. The proposal is consistent with the policy in other respects but not with this stipulation. However, this is a particularly restrictive requirement which is not consistent with national policy, at paragraph 127 of the Framework, that planning decisions should ensure that developments are sympathetic to local character whilst not discouraging innovation or change. Only limited weight can, therefore, be given to the conflict with that part of Ho 13. In light of its compliance with Policy Ho 9 the proposal also complies with and derives support from Policy Ho 20 which encourages the development of new dwellings for the elderly in urban areas subject to their suitable location and design.
26. Policy CS 4 of the Reigate and Banstead Core Strategy 2015 (Core Strategy) applies to historic and valued townscapes. The area within which the site lies has no heritage or other townscape or landscape designation and, as no definition of 'valued townscapes' is given in the Core Strategy, it is a matter of judgment as to whether the policy applies. The surrounding residential area displays considerable variety in terms of plot and building sizes and in the style and design of the houses. It is also an area where modern developments of quite varied form and layout are interspersed between blocks of more traditional housing.

27. Paragraph 5.4.2 of the Core Strategy identifies the presence of a unique character and a strong sense of place as being likely key features of valued townscapes. Given the varied character of the surrounding area I do not consider that the locality can be described as displaying either of these attributes and, for this reason, conclude that CS 4 is not applicable to the appeal proposal. However, even if I am wrong in that judgement, the beneficial effect which the proposal would have on the character and appearance of the area would, in any event, ensure compliance with the policy and its underlying objectives.

Living conditions

28. The proposed parking area and access road would result in the movement of vehicles in close proximity to the rear gardens of the properties at Green Eaves and No. 264 Chipstead Way where no such activity currently occurs. The potential effects on the occupiers of those properties in terms of noise disturbance have been assessed in the Noise Impact Assessment (NIA) undertaken by 24 Acoustics.

29. Mr Gosling confirmed at the Hearing that the NIA had considered potential effects on both of the adjacent properties, using daytime and evening calculations to predict the effect in the gardens and night-time calculations to predict the effect at the nearest habitable windows. He also confirmed that it had taken into account maximum noise events from the closing of car doors and the effect of the inclined nature of the access route from the front of the site to the car park.

30. The appellant's reference to the appeal decision in Biggin Hill² was questioned by an objector who pointed to key differences in the context of the two proposals. However, Dr Burns' predictions of likely vehicle movements into and out of the site are based on surveys of 6 other existing developments of a similar type. The trip generation figures resulting from these surveys are very close to those from the McCarthy and Stone developments included in the national TRICS database. These do, therefore, provide a realistic assessment of the scale and frequency of the likely vehicle movements.

31. As the NIA adopts the "worst case" trip generation figures from Dr Burns' Table 2 it represents a robust assessment of the potential for noise disturbance from cars coming into and leaving the car park. Indeed, it goes further by including some movements between the hours of 19.00-23.00 and 23.00-07.00 even though minimal movements after 19.00 hours are expected given the specialised nature of the proposed accommodation.

32. 24 Acoustics have recommended the installation of an acoustic fence along the boundaries of the access road and car park with Green Eaves and No. 264 as shown on the proposed site layout. This fence would be 1.8m in height but would be sited above the retaining wall to edge of the car park, and would have a greater height relative to the ground level within the car park and part of the access road. The NIA shows that, with this fence in place, noise levels from the access and car park would be significantly lower than the prevailing ambient noise levels and that the resultant increase in ambient noise would be negligible.

² APP/G5180/W/15/3140733

33. The Council does not question the methodology used in the NIA or its findings but argues that it underestimates the noise likely to be generated by vehicle movements and associated activity. No technical assessment has, however, been submitted to substantiate those concerns. For the reasons set out above I consider that the NIA provides a fair and robust assessment of the potential noise effects resulting from the comings and goings of vehicles and the use of the car park.
34. I acknowledge that the occupiers of the two properties concerned fear the effects of what will be a significant change in the use of the appeal site. However, the technical evidence in the NIA and presented at the Hearing leads me to conclude that the proposal would not give rise to material harm to their living conditions either when they are inside their homes or using their rear gardens. Accordingly, I find that the proposal complies with the requirement in LP Policies Ho 9 and Ho 13, that new residential development should not seriously or unreasonably affect the amenities of adjoining properties, and that within Policy Ho 20 that it should not detract from the amenities of the surrounding area.

Other Matters

35. There are no ground floor windows in the side of Green Eaves and the boundary treatments would be of adequate height to prevent headlights of cars using the access road from shining directly into the garden either of that property or of No. 264. Given the nature of the development, minimal vehicle movements are likely after 19.00 hours and the risk of light spill from car headlights into the night sky would be very small.
36. The likely trip generation and proposed access arrangements have been assessed by the Local Highway Authority. It concluded that these would provide for safe and satisfactory access for users of the site and would not have an unacceptable effect on highway safety or the operation of the local highway network. My observations on my site visit support those conclusions and I have no technical evidence that contradicts them.
37. Dr Burns' evidence is that a significant proportion of residents give up their cars on moving into retirement living accommodation and that ownership and use of private cars amongst residents of such accommodation is relatively low. I accept that evidence. Given the site's accessibility to public transport services and local facilities I see no reason why this pattern of low car ownership and use should not be repeated in respect of this proposal. The level of car parking proposed is based on a robust assessment of parking demand at similar facilities and the appellant's experience of managing such developments. In these circumstances, and given the appellant's intention to allocate parking spaces as and when apartments are sold, there would be limited risk of overspill parking on nearby roads.
38. The evidence on the local need for specialised accommodation for older people is not disputed by the Council. The total level of such demand equates to about 25% of the total planned housing supply in the Borough over the Core Strategy plan period and represents a substantial level of need. In that context a contribution of 25 high quality apartments to help meet this need would be a social benefit of considerable weight.

39. The proposal would also bring social benefit through its potential to free up larger family homes and the contribution this would make towards meeting local housing needs. It would also bring economic benefit through investment and employment in the construction of the development, the employment of 1 or 2 staff to manage the facility, and the potential for future residents to support local shops through expenditure on goods and services. As some residents might be expected to relocate from homes in the local area not all of this expenditure would be new. However, taken together, these economic benefits attract significant weight.

Planning Obligations

40. Paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 state that planning obligations should only be sought where they meet all of the following tests:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
41. The UU requires the payment of £71,000 to the Council as an affordable housing contribution in lieu of the provision of affordable housing on the site. This obligation is directly related to the development and is necessary to render the proposal compliant with Core Strategy Policy CS 15 which requires residential proposals of this scale to make provision for affordable housing. The level of contribution has been agreed between the parties having regard to the overall viability of the proposal and is reasonably related in scale and kind to the development proposed. The planning obligations meet the relevant test and can, accordingly, be afforded significant weight.

Planning Conditions

42. I have had regard to the draft conditions discussed at the Hearing.
43. Permission is granted in accordance with the terms of the application but, in the interests of certainty, a condition is needed to tie the permission to the approved plans. To ensure development of an appropriate quality that does not impinge on the privacy of neighbouring residents, a condition is needed to require approval of the proposed ground and floor slab levels. As no details were submitted with the application, conditions are needed to require the approval and implementation of a detailed scheme for surface water drainage. These are necessary to ensure satisfactory drainage and avoid the risk of flooding elsewhere.
44. To minimise disruption to highway users during construction I have attached a condition requiring approval of a Construction Transport Management Plan before development is commenced. Surveys are needed before the start of development for evidence of bats and to identify any mitigation required to avoid harm to bats. A condition has been attached to require these actions. A condition is also needed so that measures are put in place to protect trees to be retained in the scheme during construction to avoid loss or damage to these features.

45. I have attached conditions that require the approval and implementation of a detailed landscaping scheme and the replacement of plants that die or are lost and that require approval of all external facing and roof materials. These are needed to ensure a good quality of development. To preserve and enhance the wildlife value of the site a condition is needed to require that development be carried out in accordance with the recommendations in the Phase 1 habitat survey.
46. To safeguard the amenity of the adjacent occupiers the acoustic fence is needed before the building is brought into use and a condition has been attached accordingly. In the interests of highway safety and the safe operation of the development, conditions are also needed requiring the completion of the site access and visibility splays, reinstatement of pavement and kerbs at the existing accesses points, the extended footway and pedestrian crossing facility, and the provision of parking and turning areas within the site and parking for cycles and mobility scooters. To safeguard the amenity of nearby residents a condition is needed to provide appropriate control over the installation of plant and machinery.
47. Finally, a condition restricting occupation of the apartments to persons over 60 is needed to ensure that the development caters for those requiring such specialist accommodation and to comply with Core Strategy Policy CS 14.

Conclusions

48. I find that the proposal complies with LP Policies Ho 9 and Ho 20 and with Core Strategy Policy CS 15 in relation to the provision of affordable housing. I have not identified any conflict with Policy CS 4 but do not consider this to be directly applicable to the proposal. The proposal would not 'conform' to the pattern of development in the area but very limited weight can be given to that conflict with LP Policy Ho 13 because of the policy's inconsistency with the Framework and I find that the proposal complies with the development plan as a whole. The proposal would have considerable benefit in helping to meet the local need for specialist housing of this type and would bring other social and economic benefits of significant weight.
49. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise. There are no material considerations which outweigh the benefits of the scheme or justify a decision contrary to the provisions of the development plan. The appeal should, therefore, be allowed.

Paul Singleton

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rupert Warren QC instructed by The Planning Bureau Ltd

Matthew Shellum BA(Hons) DipTP MRTPI - The Planning Bureau Ltd

Kenny Brown BSc (Hons) MA – Townscape Solutions Ltd

Steve Gosling – 24 Acoustics Ltd

Dr Allan Burns BSc (Hons) MSc PhD CEng MCIHT

FOR THE LOCAL PLANNING AUTHORITY:

Hollie Marshall BA (Hons) PGDip MRTPI – Senior Planning Officer

INTERESTED PERSONS:

Bryan Cole

Tina Nye

Roy and Maureen Knowles

Gillian Nicholson

Leslie Robinson

Anna Morley

Steve Martin

Sarah Kerridge

John Powdrell

Terry Townsend

DOCUMENTS SUBMITTED AT THE HEARING

Signed Statement of Common Ground

Signed Unilateral Undertaking

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - SE-2389-03-AC-01 Site Location Plan
 - SE-2389-03-AC-02 Proposed Site Layout
 - SE-2389-03-AC-03 Proposed Lower Ground Floor Plan
 - SE-2389-03-AC-04 Proposed Upper Ground Floor Plan
 - SE-2389-03-AC-05 Proposed First Floor Plan
 - SE-2389-03-AC-06 Proposed SE and NE Elevations
 - SE-2389-03-AC-07 Proposed End Elevations A-A & B-B
 - SE-2389-03-AC-08 Proposed Section/ Elevations C-C & D-D
 - SE-2389-03-AC-09 Proposed Site Sections
 - Rev D Proposed Pedestrian Refuge Island
 - Rev B Site Access and Pedestrian Crossing Visibility Splays
 - 047.0060.013 Rev A Car Park Tracking
- 3) No development shall take place until details of existing and proposed ground levels and proposed ground floor levels of the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved levels.
- 4) No development shall take place until a detailed scheme for surface water drainage has been submitted to and approved in writing by the local planning authority. The detailed scheme shall include:
 - a) A design that satisfies the SuDS hierarchy and follows the principles set out in the approved drainage strategy (Outline Foul & Surface Water Drainage Strategy by WSP dated April 2017 Rev 001);
 - b) Detailed drawings showing drainage layout, long or cross sections of each drainage element, pipe sizes and invert and cover levels;
 - c) Appropriate calculations to the elements above showing how national SuDS standards have been met (if different from the approved strategy);
 - d) Details of outline construction phasing and how surface water and any associated pollution risk will be dealt with during the construction of the development, and details of how any on site drainage systems will be protected and maintained;
 - e) Details of who will maintain the drainage elements and their associated maintenance regimes;
 - f) Details of where any exceedance flows (i.e. rainfall greater than design or flows following blockages) would run to, avoiding risks to people and property.

The development shall be carried out in strict accordance with the approved details.

- 5) No part of the development shall be occupied unless and until a verification report, demonstrating that the sustainable urban drainage system has been constructed in accordance with the approved scheme, has been submitted to and approved in writing by the local planning authority. The validation report should be prepared by a suitably qualified drainage engineer.
- 6) No development shall take place until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
 - (a) parking and turning for vehicles of site personnel, operatives and visitors;
 - (b) loading, unloading and storage of plant and materials;
 - (c) programme of works (including any measures for traffic management);
 - (d) provision of boundary hoarding behind any visibility zones;
 - (e) measures to prevent deposit of materials on the highway;

The approved CTMP shall at all times be adhered to throughout the construction of the development.

- 7) No development, including demolition or site clearance, shall take place until bat surveys, as recommended in the Extended Phase 1 Habitat Survey dated 15 August 2016, have been carried out and the findings of the surveys and any resultant recommendations for mitigation or other actions have been submitted to and approved in writing by the local planning authority. The development shall subsequently be carried out in strict accordance with the approved details and programme for the implementation of any agreed mitigation or other measures.
- 8) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) have been submitted to and approved in writing by the local planning authority. The method statement shall include a pre-commencement meeting, supervisory and monitoring regime with an agreed reporting process to the local planning authority as works progress. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 9) No development shall take place until a scheme for hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall be prepared in general accordance with the Landscape Masterplan submitted with the appeal (CD7/4) and shall include details of existing trees and landscape features to be retained, replacement tree planting, planting plans and written

specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants (noting species, plant sizes and proposed numbers/densities); details of hard surfacing materials, garden furniture and structures, lighting equipment and an implementation and management programme.

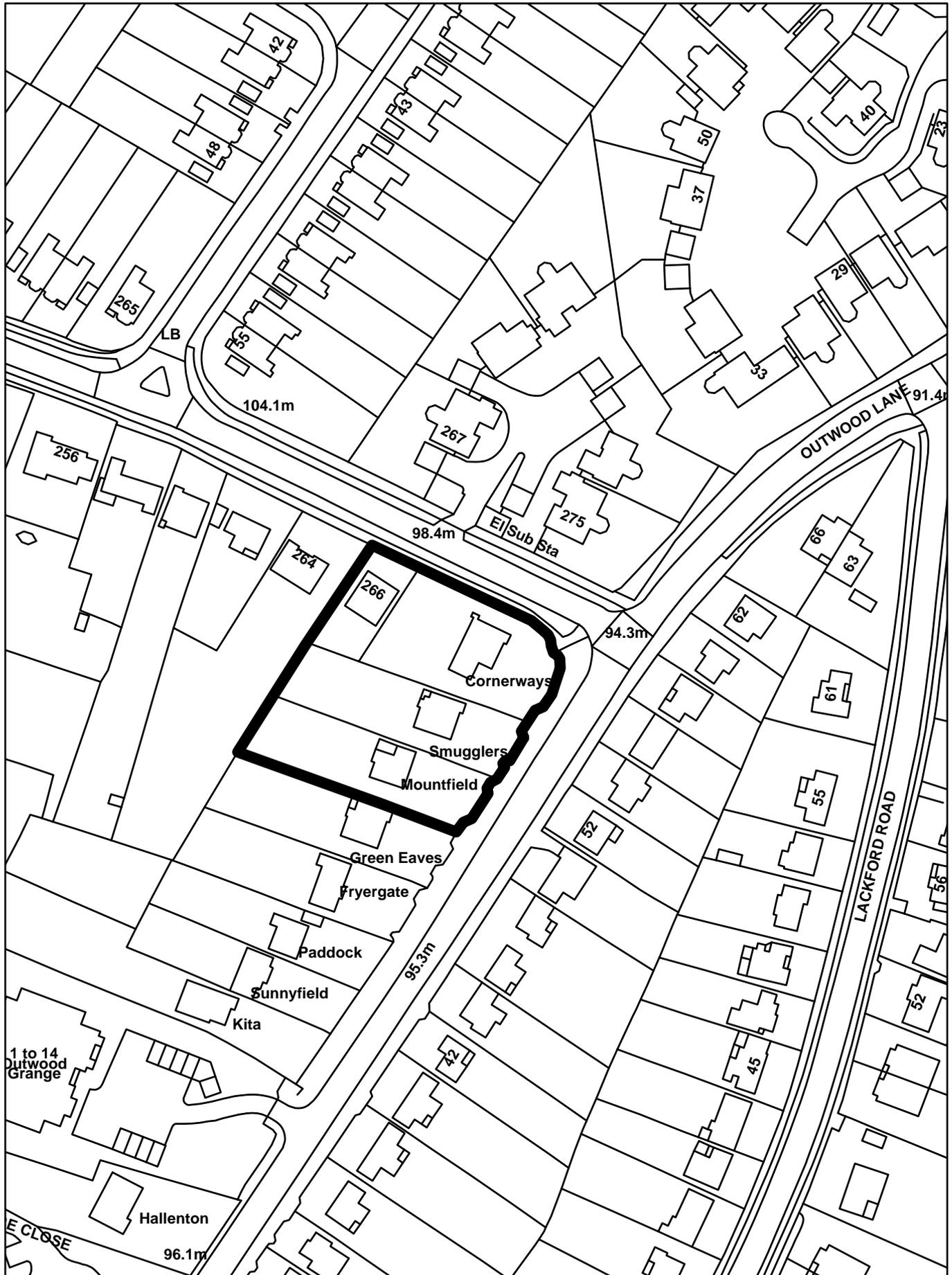
- 10) All hard and soft landscaping work shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development or in accordance with a programme approved in writing by the local planning authority.

Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or diseased within five years of planting shall be replaced within the next planting season by trees or shrubs of the same size and species.
- 11) Notwithstanding the approved plans, no development above ground floor slab level shall take place until details of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 12) The development shall be carried out in accordance with the recommendations for mitigation, construction practice and ecological enhancement set out in section 8 of the Extended Phase 1 Habitat Survey by Innovation Group Environmental Services (report reference E1107161346 dated 15 August 2016).
- 13) No part of the development shall be occupied unless and until an acoustic screen, meeting the specification set out in paragraph 5.14 of the Noise Impact Assessment (24 Acoustics dated 28th March 2017), has been installed along the boundaries with Green Eaves and 264 Outwood Lane as specified on Figure 3 of the above report. The acoustic screen shall thereafter be retained and maintained for the life of the development.
- 14) No part of the development shall be occupied unless and until the vehicular access to Outwood Lane has been completed and provided with visibility splays in accordance with the approved plans (drawing no. 047.0060.012 Rev B). The approved visibility splays shall thereafter be kept permanently clear of any obstruction over 1m high.
- 15) No part of the development shall be occupied unless and until the existing accesses from the site to Outwood Lane have been permanently closed and any kerbs, verge and/or footway have fully been reinstated.
- 16) No part of the development shall be occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and turned so that they may enter and leave the site in forward gear. The parking and turning areas shall thereafter be retained and maintained exclusively for their designated purposes.
- 17) No part of the development shall be occupied unless and until the extended footway, and the pedestrian crossing facility comprising a central refuge island, dropped kerbs, tactile paving, and associated road markings and carriageway widening, on Outwood Lane, have been constructed and implemented in general accordance with the approved plans (drawing no. 047.0060.011 Rev D).

- 18) No part of the development shall be occupied unless and until the following provision has been made in accordance with the approved plans:
- a) Secure parking of bicycles and mobility scooters; and
 - b) Information for residents/staff/visitors regarding the availability and location of local public transport services, shops and facilities.
- The approved cycle and mobility scooter parking facilities shall thereafter be retained and maintained exclusively for their designated purposes.
- 19) No plant or machinery, including fume extraction, ventilation and air conditioning required by reason of granting this permission, shall be installed within or on the building without the prior written approval of the local planning authority. Any approved plant or machinery shall be installed and thereafter maintained in accordance with the approved details and any manufacturer's recommendations.
- 20) The occupation (excluding any on-site staff) of the residential dwellings hereby approved shall at all times be restricted to persons 60 years old and above, with the exception of persons of a minimum of 55 years old who are a spouse or partner of an occupant 60 years old or above.

End of Schedule of Conditions

18/02583/F - Cornerways, Smugglers, Mountfield,
Outwood Lane & 266 Chipstead Way, Chipstead





Notes:

Please report all discrepancies, errors and omissions.

Verify all dimensions on site before commencing any work on site or preparing shop drawings.

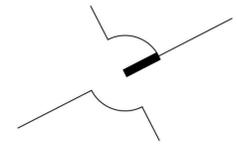
All materials, components and workmanship are to comply with the relevant British Standards, Codes of Practice, and appropriate manufacturers recommendations that from time to time shall apply.

For all specialist work, see relevant drawings.

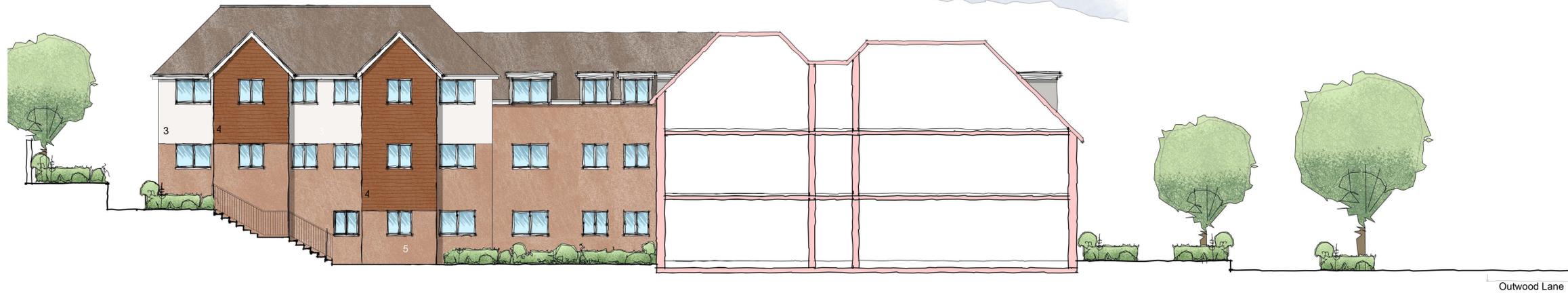
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Revisions :
 rev date revision
B 29.03.19 2 Parking spaces added.



| | | |
|--|------------------------------------|---------------|
| project title McCarthy & Stone, Proposed Retirement Living, Outwood Lane, Chipstead Banstead | | |
| drawing title Proposed Site Layout | | |
| scale 1:200 @ A1 | drawing number SE-2389-03-AC-02 | revision B |
| date November 2016 | | |



Proposed Section/Elevation C-C



Proposed Section/Elevation D-D

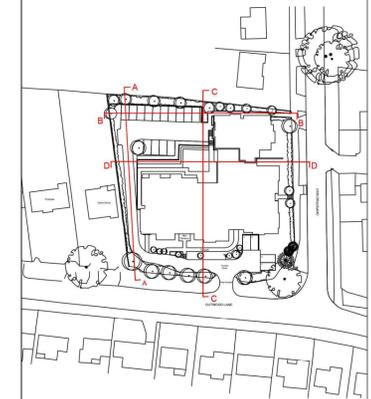


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Revisions :

| rev | date | revision |
|-----|------|----------|
| | | |



Proposed Materials:

1. Plain clay tile roof
2. Slate
3. Render - white
4. Tile hanging
5. Red brickwork
6. Rainscreen Cladding
7. Curtain Walling



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project title
 McCarthy & Stone,
 Proposed Retirement Living,
 Outwood Lane, Chipstead,
 Banstead

| | | |
|---|------------------------------------|---------------|
| drawing title Proposed Section / Elevations C-C & D-D | | |
| scale 1:100 @ A1 | drawing number SE-2389-03-AC-08 | revision A |
| date November 2016 | | |

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Revisions :
rev date revision



Proposed South-East Elevation



Proposed North-East Elevation

Proposed Materials:

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project title
McCarthy & Stone,
Proposed Retirement Living,
Outwood Lane, Chipstead,
Banstead

drawing title
Proposed South-East & North-East Elevations

scale 1:100 @ A1 drawing number SE-2389-03-AC-06 revision A



Proposed End Elevation A-A

Outwood Lane



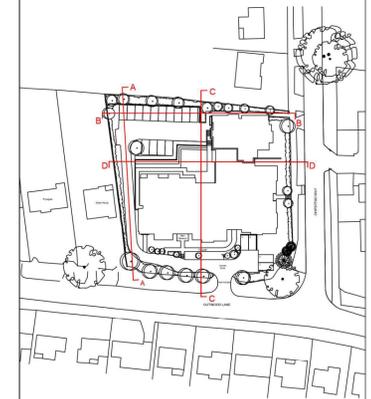
Proposed End Elevation B-B



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Revisions :
 rev date revision



Proposed Materials:

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project title:
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 Banstead

drawing title:
 Proposed End Elevations A-A & B-B

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| scale 1:100 @ A1 | drawing number SE-2389-03-AC-07 | revision A |
| date November 2016 | | |