

**ADDENDUM**  
**MEETING OF THE PLANNING COMMITTEE**  
**WEDNESDAY 17<sup>th</sup> APRIL 2019**

**ITEM NO: 5**

**APPLICATION: 18/01072/F - LAND ADJACENT TO THE GROVE WELLS PLACE**  
**MERSTHAM SURREY PAGE NO: 9**

The site layout plan and appeal decision for the previously approved development on this site are attached at Appendix A.

**REPRESENTATIONS**

Two additional letters of objection have been received from neighbouring properties since the publication of the report. They raise the issues below which are addressed within the Committee Report.

- Alternative location/ proposal preferred
- Harm to Conservation Area
- Harm to wildlife habitat
- Hazard to highway safety
- Health fears
- Inconvenience during construction
- Increase in traffic and congestion
- Loss of private view
- No need for the development
- Noise & disturbance
- Out of character with surrounding area
- Overdevelopment
- Overlooking and loss of privacy
- Property devalue – (this is not a material planning consideration)

**CONDITIONS**

Condition 14 is updated to require the Travel Statement to be submitted and approved prior to occupation rather than prior to commencement of development as the future occupant of the development is unknown at this time and the condition will require input from a future occupier.

14. The development hereby approved shall not be first occupied unless and until a Travel Statement comprising measures to encourage and promote sustainable travel and to minimise any potential conflict with safe routes to Lime Tree Primary School, has been submitted for the written approval of the Local Planning Authority in accordance with the sustainable development aims and objectives of the National Planning Policy Framework and Surrey County Council's "Travel Plans Good Practice Guide". And then the approved Travel Statement shall be implemented upon first occupation of the development and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 4 “Promoting Sustainable Transport“ in the National Planning Policy Framework 2012 and 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).

Condition 15 is updated to required the Delivery, Servicing and Collection Management Statement to be submitted and approved prior to occupation rather than prior to commencement of development as the future occupant of the development is unknown at this time and the condition will require input from a future occupier.

15. The development hereby approved shall not be first occupied unless and until a Delivery, Servicing and Collection Management Statement comprising measures to manage deliveries, collections and servicing to prevent queuing and waiting on the highway network surrounding the site has be submitted for the written approval of the Local Planning Authority. The approved Delivery, Servicing and Collection Management Statement shall be implemented upon first occupation of the development and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In recognition of Section 4 “Promoting Sustainable Transport“ in the National Planning Policy Framework 2012 and 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).

Condition 22 is amended to correct a typing error.

22. No externally located plant or equipment shall be installed or operated without the prior written approval of the Local Planning Authority.

Reason: To protect the amenities of adjoining occupiers and the surrounding area (Policy CS10 Sustainable Development of RBBC Core Strategy (2014)).

Condition 29 is amended to require details of operating times of the proposed lighting and the reason updated to refer to wildlife habitat.

29. Prior to commencement of development, details of all external lighting, including proposed operating times and details of shielding to control light spill, shall be submitted to and approved, in writing, by the Planning Authority, and there shall be no variance in external lighting other than as approved.

Reason: In the interests of the amenities of neighbouring residential properties and to ensure the protection of the protected species with regard to Reigate and Banstead Borough Local Plan 2005 policies Em3 and Pc2G and Reigate and Banstead Core Strategy 2014 policy CS2, the NPPF and the Natural Environment and Rural Communities Act (2006).

Condition 31 is recommended to require details of measures to protect against deterioration of air quality resulting from the use of the site

31. The development hereby approved shall not be first occupied unless and until details of the proposed occupier and activities intended to be carried out on site, together with details of measures to ensure protect against a deterioration of air quality resulting from the use of the site, have been submitted for the written approval of the Local Planning Authority.

Reason: To protect the amenities of adjoining occupiers and the surrounding area (Policy CS10 Sustainable Development of RBBC Core Strategy (2014)).

## **INFORMTIVES**

13. The travel statement to be provided in connection with condition 14 is expected to require no HGV movements to or from the site between the hours of 8.30 to 9.30 AM and 3.00 to 4.00 PM in order to prevent any conflict with local school traffic.

### **ITEM NO: 7**

**APPLICATION: 18/02690/F – REIGATE GARDEN CENTRE, 143 SANDCROSS**

**LANE, REIGATE**

**PAGE NO: 67**

## **REPRESENTATIONS**

One representation has been received raising the following matters:

- Crime fears associated with introduction of a travellers site
- Overdevelopment
- Inadequate parking
- Inconvenience during construction
- Increase in traffic and congestion
- Hazard to highway safety
- Pressure on existing infrastructure

The scheme proposes 6 houses and does not include a travellers site. Matters relating to traffic, parking, density of the development and impact on character are dealt with within the committee report. As set out in the report the development would be liable for the Community Infrastructure Levy.

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**

The wording of Condition 15 is proposed to be updated as follows, noting that further SAP calculations have indicated that the required 10% carbon reduction could be achieved without the need for PV panels as previously indicated.

### Condition 15

The development hereby approved shall be carried out in accordance with the Sustainability & Energy Statement by Bluesky Unlimited (dated 20 November 2018), unless otherwise agreed in writing by the LPA. All measures referred to therein, or otherwise agreed, in relation to emissions reduction and water efficiency shall be installed and operational prior to the occupation of the dwellings. Photovoltaics shall be flush with the roof, protruding by no more than 300mm and framed in black.

Reason: In order to promote renewable energy and to ensure that the development would minimise carbon emissions with regard to Policy CS10 of the Reigate and Banstead Core Strategy.

### **ITEM NO: 8**

**APPLICATION: 18/00940/F LAND TO THE REAR OF 41-43 GREAT TATTENHAMS, EPSOM DOWNS**

**PAGE NO: 101**

### **PLANS AND APPEAL DECISION**

Elevation and street scene plans in relation to the previously refused scheme 17/00005/F, along with the subsequent Appeal Decision, are attached at Appendix B.

### **ITEM NO: 9**

**APPLICATION: 18/02504/F – ROMANS GARAGE, BRIGHTON ROAD, BANSTEAD, SM7 1AT**

**PAGE NO: 123**

### **ADDITIONAL PLANS**

Two additional plans from the site's planning history are provided at APPENDIX C to provide context to this application, noting the garages have been previously approved and significant building extensions.

ROM/G/110 - Approved existing and proposed site plan. Plan shows garages approved under 18/01414/F and extension permitted by 18/00478/F

ROM/N/100 Rev A – 17/01883/F Approved existing and proposed site plan. Plan also shows the extent of extension permitted under 12/00101/S73

### **CONDITIONS**

Due to an error with the submitted tree protection plan, Condition 5 is proposed to be revised as follows to ensure correct tree protection measures are implemented.

5. No development shall commence including demolition and or groundworks preparation until a detailed, scaled Tree Protection Plan (TPP) and the related Arboricultural Method Statement (AMS) is submitted to and approved in writing by the Local Planning Authority (LPA). These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of

trees (RPA) shown to scale on the TPP, including the installation of service routings. The AMS shall also include a pre commencement meeting, supervisory regime for their implementation & monitoring with an agreed reporting process to the LPA. All works shall be carried out in strict accordance with these details when approved.

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.

**ITEM NO: 10**

**APPLICATION: 18/02456/F – HARPS OAK HOUSE, 180 LONDON ROAD NORTH, MERSTHAM RH1 3BP**

**PAGE NO: 145**

**REVISED CONDITION WORDING**

The wording of Condition 6 is proposed to be updated as follows

No part of the development hereby approved shall be first occupied unless and until the following facilities and boundary treatments have been provided within the development site in accordance with the approved plans and details secured by condition 5 above:

- a) secure parking for bicycles
  - b) facilities for the storage of refuse bins
  - c) refuse collection point
  - d) boundary treatments to define curtilage arrangements and to the wider site
- Thereafter, the aforementioned facilities and boundary treatments shall retained and maintained to the satisfaction of the Local Planning Authority.

Reason: To preserve the visual amenity of the area, the setting of the listed building and protect neighbouring residential amenities with regard to the Reigate and Banstead Borough Local Plan 2005 policies Co1, Ho24A and Pc9. In addition to ensure that the development would promote sustainable transport choices and make adequate provision for waste and recycling with regard to policies CS10 and CS17 of the Reigate and Banstead Core Strategy 2014 and in recognition of Section 4 "Promoting Sustainable Transport" in the National Planning Policy Framework 2012

**PARKING PROVISION**

Members have requested assessment of the parking provision against the emerging DMP parking standards.

The development would provide 1 x 2 bed house, 4 x 3 bed houses and 1 x 4 bed house. Under the DMP the parking standard would require 12.5 spaces, 2 no. spaces per dwelling, with the exception of the 4 bed house where the standard would be 2.5 spaces. In addition the DMP requires that for schemes of 5 or more dwellings, 1 no. visitor parking space should be provided for each 5 dwellings. A total of 15 spaces (all numbers rounded).

The scheme provides a total of 12 parking spaces. In this case to minimise the impact on the green belt and reduce the extent of hardsurfacing within the scheme additional formal parking has not been provided. Instead the scheme allows scope for further residential and visitor parking to be accommodated through the use of grasscrete along either side of the access road. There is also scope for an additional parking space within the discontinued arm of the old access road without obstructing the turning head

As such it is considered that the parking standard can be met both under the emerging DMP and the adopted local plan.

**ITEM NO: 11**

**APPLICATION: 18/02583/F - CORNERWAYS, SMUGGLERS, MOUNTFIELD  
OUTWOOD LANE CHIPSTEAD & 266 CHIPSTEAD WAY WOODMANSTERNE  
SURREY PAGE NO: 227**

**REPRESENTATIONS**

One additional letter of objection has been received from a neighbouring property since the publication of the report. They raise the issues below which are addressed within the Committee Report.

- Inconvenience during construction
- Increase in traffic and congestion
- Overdevelopment

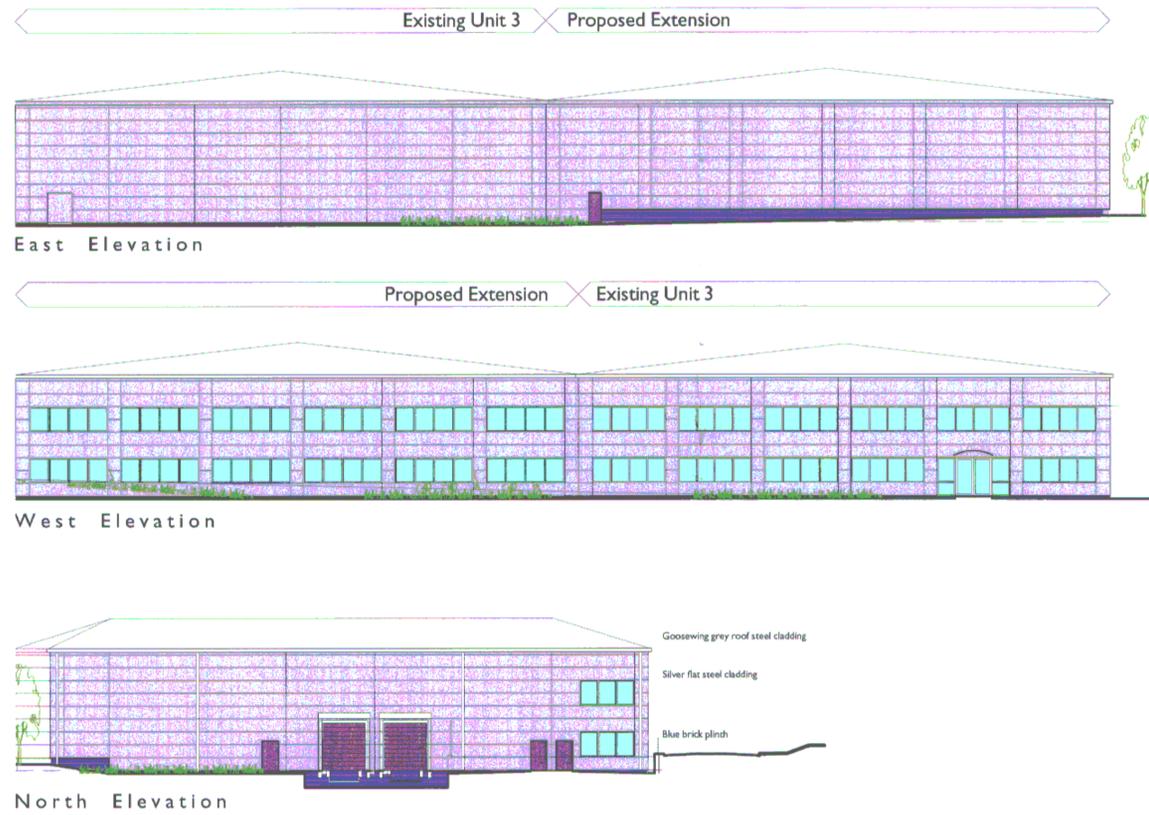
Two additional letters of objection have been received from the Chipstead Residents Association. They raise the issues below which are addressed within the Committee Report.

- Inadequate parking
- Noise and disturbance

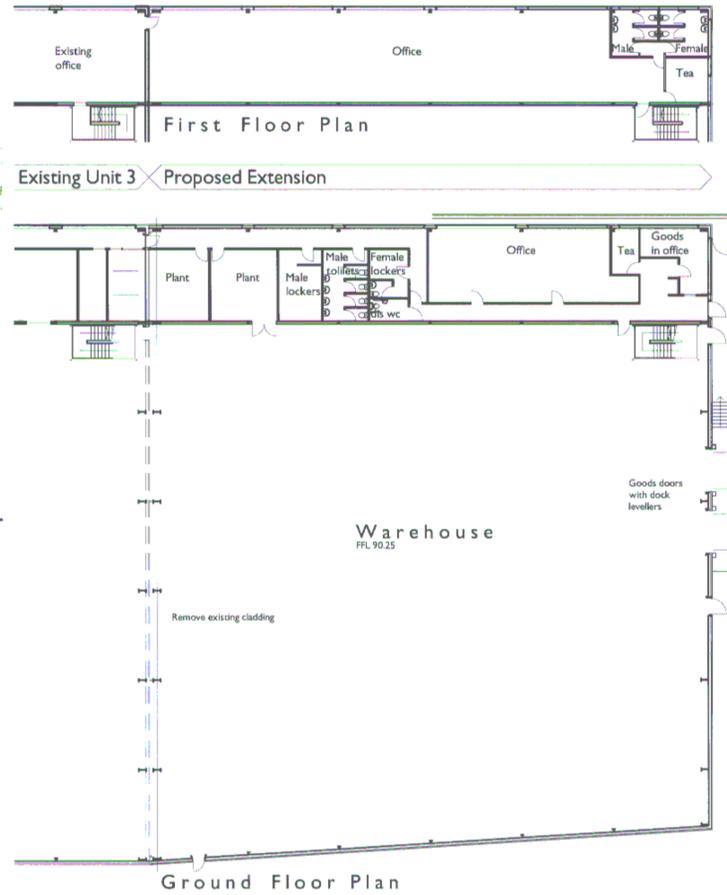
**PREVIOUS SCHEME**

A plan of the previous scheme, allowed at appeal is attached at APPENDIX D.

# Unit 3 extension elevations 1:250



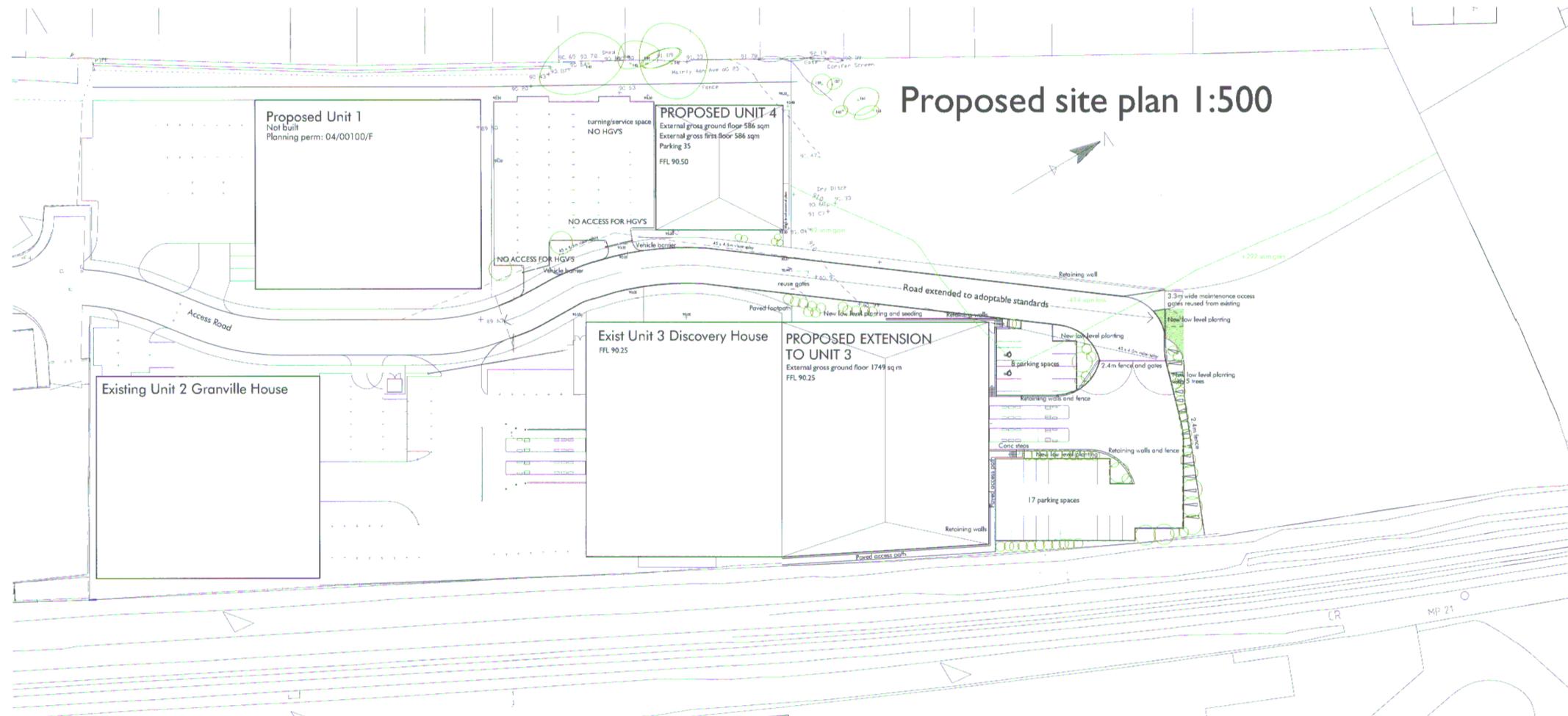
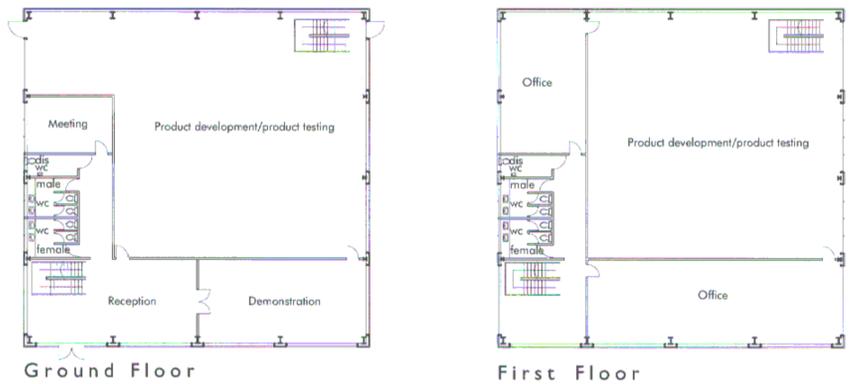
# Unit 3 extension plans 1:250



# Unit 4 new unit elevations 1:250



# Unit 4 new unit plans 1:250



# Proposed site plan 1:500

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Scale 1:100 (metres)  
 0 1 2 3 4 5 6 7 8  
 Scale 1:50 (metres)  
 0 1 2 3 4  
 Please check the drawing scale before taking measurements

Revision	Description	Date	Drawn
P5	Existing glass revised	27.09.2012	DHS
P4	Maintenance access added to North East field	26.09.2012	CB
P3	Landscaping added, vehicular barriers added.	25.09.2012	DHS
P2	Access routes revised	20.09.2012	DHS

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CLIENT	Winterbottom Darby Limited and Cooper Estates Limited				
PROJECT	New Unit 4 and extension to Unit 3, Wells Place, Mersthan, Redhill.				
TITLE	Planning application drawing Proposals				
DATE	29.06.2012	SCALE	As stated @ A1	DRAWN	DHS
				CHECKED	
DWG No.	12-2273-02	REVISION	P5		NORTH



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# Appeal Decision

Inquiry held on 3 & 4 July 2013

Site visit made on 4 July 2013

**by C J Anstey BA (Hons) DipTP DipLA MRTPI**

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

**Decision date: 2 August 2013**

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**Appeal Ref: APP/L3625/A/13/2192390**

**Wells Place, Merstham, Surrey, RH1 3AS.**

- 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 Winterbotham Darby Ltd and Cooper Estates Ltd. against the decision of Reigate & Banstead Borough Council.
  - The application Ref P/12/01352, dated 26 July 2012, was refused by notice dated 25 October 2012.
  - The development proposed is an extension to Unit 3 (B8) and construction of new Unit 4 (B1b).
- 

## Decision

1. The appeal is allowed and planning permission is granted for an extension to Unit 3 (B8) and construction of new Unit 4 (B1b) at Wells Place, Merstham, Surrey, RH1 3AS, in accordance with the terms of the application, Ref P/12/01352, dated 26 July 2012, subject to the conditions set out in the attached Schedule.

## Background

2. The Wells Place Estate is an established and designated employment area, lying to the north east of Redhill and within the defined urban area of Merstham. It occupies a long, fairly narrow, area of land between the rear garden boundaries of dwellings fronting London Road South and the London to Brighton railway line. Within the Estate there are a number of commercial and industrial units of varying sizes and designs on both sides of Wells Place. The Estate is accessed from the south off New Battlebridge Lane.
3. The appellant company develops, manufactures and supplies short shelf-life, generally chilled, food products to retailers, including all the major supermarket chains. It occupies two buildings at the end of Wells Place. These buildings are located on the east side of Wells Place and back on to the railway line. Granville House (Unit 2), constructed in 2003, is the company's head office and accommodates marketing, logistics, technical and operational staff, as well as a small food testing kitchen, and warehousing space. Discovery House (Unit 3) is a large warehouse located further to the north and constructed in 2008. The majority of the floor area is given over to warehousing, although there is some ancillary office space. There is a service and delivery yard between the two buildings and loading bays in the facing elevations. On the opposite side of Wells Place, but still within the existing Estate and designated employment area, there are vacant plots backing onto the rear garden boundaries of

dwellings fronting London Road South. The proposed Unit 4, which would be used for mainly research and development purposes, would be constructed on one of these plots.

4. Beyond the Estate to the north east there is grassland, together with an area of woodland, known as The Grove. All this area is designated as Urban Open Land in the *Reigate and Banstead Borough Local Plan (LP)*, whilst The Grove is identified as ancient woodland. The trees within The Grove and across the rest of the Urban Open Land are subject to a Tree Preservation Order. The proposed extension to Discovery House, which would more than double its size, and the associated extension of the estate road would be within this area of Urban Open Land. The proposed access road would affect the eastern part of the remaining ancient woodland. About 0.04ha of a total area of 0.48 ha of this ancient woodland would be lost.

### **Preliminary matters**

5. There are 3 refusal reasons. The first two relate to the impact of the extension of Unit 3 on the Urban Open Land and ancient woodland. The third reason relates to the provision and improvement of local transport infrastructure. A unilateral undertaking has now been submitted making provision for a Green Travel Plan and as a result the Council has withdrawn Refusal Reason 3.
6. The Council has no objection to the construction of Unit 4 which would stand within the allocated Estate boundary. Outline planning permission was granted for a B1(c) or B8 unit on the site of Unit 4 in 2011. The current proposal is an improvement on the approved scheme as it includes measures to prevent access by lorries into the associated parking area. Such an arrangement would be of benefit to local residents as it would help to prevent potential disturbance from lorries. Given this I consider that the proposed Unit 4 is acceptable and the rest of this decision essentially relates to the impact of the extension of Unit 3.

### **Main Issues**

7. The four main issues in this case are:
  - the effect on the visual amenity of the local area, having regard to the loss of designated Urban Open Land;
  - the impact on biodiversity, having regard to the loss of ancient woodland;
  - the need for, and benefits of, the proposed development in this location;
  - whether the need for, and benefits of, the proposed development in this location clearly outweighs any harm.

### **Reasons**

#### ***Visual Amenity & Urban Open Land***

8. *Policy Pc6* of the *Reigate and Banstead Borough Local Plan (LP)* states that the loss of designated Urban Open Land will normally be resisted apart from some limited exceptions, none of which apply in this case. This policy is designed to retain open land that contributes to the quality of life and visual amenity. As

this policy is broadly in line with the *National Planning Framework (NPPF)* which emphasises the importance of safeguarding green infrastructure *Policy Pc6* should be accorded significant weight in the determination of this appeal. Although the emerging *Development Management Policies DPD* will be reviewing the Urban Open Land designation it is clear that current planning policy identifies the land at Wells Place as Urban Open Land.

9. In my judgement the Urban Open Land at the end of Wells Place contributes to the visual amenity of the local area and, therefore, adds to the quality of life. It is a pleasant green area, with a substantial amount of tree cover, which adds interest and variety to this predominantly built-up area. It also serves as an attractive soft break between the railway lines to the east and the residential area to the west, and between the industrial estate to the south and the Merstham Primary School to the north. Although there is no public access to the land this does not diminish its value as an important local visual resource. Whilst it is accepted that views of the land from the public domain are limited it can nevertheless be seen from various points in the surrounding area. Consequently I believe the land at the end of Wells Place is properly designated in the *LP* as Urban Open Land and, therefore, rightly subject to the terms of *Policy Pc6*.
10. The extension to Discovery House, and the associated works, would result in the loss of a significant part of this area of Urban Open Land. Furthermore the size and extent of the proposed extension and the associated service and parking areas would dominate the remaining areas of Urban Open Space. As a result the value of this Urban Open Space to the visual amenity of the area would be substantially diminished.
11. *Paragraph 73* of the *NPPF* advises that planning policies relating to open space should be based upon robust and up-to-date assessments of need. As apart of the evidence base for its emerging *Development Management Policies DPD*, the Council produced an *Open Space, Sport and Recreation Assessment; Revised Report* in 2011. This identifies the land at the end of Wells Place as amenity green space. In the text it is recognised that, amongst other things, such spaces are key elements in the Borough's green infrastructure, break up the continuity of urban development, and enhance the quality of life for residents.
12. In my view this assessment endorses the amenity value of the land off Wells Place and adds support to its designation as Urban Open Land. The study's references to the poor quality of the land and the amount of similar space in the Merstham area are noted. However it is apparent that these matters were not considered to be sufficient justification for deleting its identification as an amenity green space in the study. The poor quality of the land may well indicate a need for improved management rather justification for its loss. Further detailed work would be required to determine whether the particular contribution that the Wells Place amenity green space makes to the local area could be met by other spaces in Merstham.
13. I conclude, therefore, on the first issue that the loss of part of the designated Urban Open Land would be detrimental to the visual amenity of the local area. Consequently the appeal scheme is contrary to *Policy Pc6* of the *Reigate and Banstead Borough Local Plan* and the *NPPF*.

**Biodiversity & Ancient Woodland**

14. *Policy Pc3* of the *LP* states that the Borough Council will seek to retain ancient woodland and will encourage the positive management of such sites in the interests of nature conservation. *Policy Pc4* seeks to protect, conserve and enhance tree cover in the Borough.
15. In my view national policy as it relates to ancient woodland is more strongly worded than *LP Policy Pc3*. In particular the *fifth bullet point of Paragraph 118* of the *NPPF* states that planning permission should be refused for development resulting in the loss of irreplaceable habitats, including ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.
16. To my mind this requires a straightforward test to be applied, namely that the need for, and benefits of the proposed development in this location, clearly outweigh the loss of ancient woodland. I do not consider that arguments advanced in this case about the degradation of The Grove or the small size or poor quality of the area to be lost are factors that can be accorded weight given that the *NPPF* recognises that ancient woodland is an irreplaceable habitat. Furthermore the *NPPF* does not indicate that such considerations are relevant.
17. As regards the proposed management plan it is not disputed that this would be in the interests of the long-term future of the remaining woodland. However, having regard to Natural England's approach set out in its *Standing Advice for Ancient Woodlands (2012)*, I do not believe that a management plan for the area of ancient woodland that would remain can be considered as a benefit in terms of the *fifth bullet point of Paragraph 118* of the *NPPF*. To accept, and give weight to such a consideration at this stage, could lead to the widespread loss of parts of ancient woodlands on the basis that the condition of what remains is to be managed and improved. I do not believe that this is the intention of the *NPPF* which is based on the premise that ancient woodland is an irreplaceable habitat. Notwithstanding this I consider that compensation measures, such as the management plan for the remaining woodland, can attract additional weight if it is found that the need for, and benefits of, the development in this location, clearly outweigh the loss.
18. Although I have had regard to the appeal decision at Cowdale Quarry, Buxton (Appeal Ref: APP/H1033/A/11/2166189) my findings as regards the approach to the loss of ancient woodland are based on the *NPPF*, in particular the *fifth bullet point of Paragraph 118*, Natural England's *Standing Advice* and the submissions made during the Inquiry.
19. The proposal, in particular the proposed access road, would result in the loss of ancient woodland. Although the area to be lost is relatively small and has fewer species of flora than other parts of the wood it is nonetheless clearly an integral part of the ancient woodland and as such is an irreplaceable resource. It is likely that it currently, together with the rest of the woodland, makes a significant contribution to local biodiversity.
20. I conclude, however, that the loss of this area of ancient woodland would harm biodiversity. This brings the appeal scheme into conflict with the objectives of *Policies Pc3* and *Pc4* of the *LP* and the *NPPF*.

21. I have taken account of the proposed loss of the protected trees along the eastern boundary of the Urban Open Land. I share the Council's view that, given their condition and proximity to the railway, their future is already compromised and consequently there are insufficient grounds to find against the proposal on the basis of their loss.

***The need for, and benefits of, the proposed development in this location***

22. The appellant company is extremely successful. It is the market leader in the United Kingdom for the supply of high quality continental foods to UK retailers and food-service industries. It supplies over 600 chilled and ambient temperature products to its customers. The company relocated from Croydon about 10 years ago and moved into the purpose built warehouse and office facility at Wells Place. Since then the number of employees has more than doubled to the current figure of 130.
23. The warehouse operates 24 hours per day, 7 days per week. It is a modern and well-equipped facility which has recently been improved with the installation of voice picking equipment. Essentially products are delivered to the warehouse during the night, whilst despatches to retailers are made during the day.
24. Over the last 5 years the appellant company has undergone significant growth with the result that at peak trading times, such as summer events, before Christmas and at times of promotion, there is now insufficient dedicated warehousing space available at the premises. The company currently copes with this through a range of unsatisfactory measures including the use of isles and circulation space for storage, and loading and storing products on lorries in advance of their normal despatch time.
25. As it is anticipated that growth will continue in the future this situation is likely to worsen. As a result unless greater warehousing capacity is provided on the site as now proposed it is likely that within the next 12-18 months that reserve stocks will have to be stored off-site. This would be at considerable extra costs to the company and involve operational complexity and inconvenience. In particular it would be likely to result in additional lorries arriving during the latter part of the day to replenish diminished stock.
26. Such arguments also weigh strongly against the provision of the additional amount of floorspace required in the appeal proposal in an off-site location. Clearly what the company requires is an extension of its existing Unit 3 warehouse rather than the provision of additional floorspace elsewhere, even on the nearby vacant site adjacent to Unit 4. Although no detailed viability evidence has been submitted it is common sense that the operational costs involved are likely to be substantially more if the required additional floorspace is provided elsewhere rather than in the form of an extension. Given the amount of additional warehouse space required, and the associated extension of the access road, there is little scope to avoid the area of Urban Open Land or the ancient woodland given their proximity.
27. I accept that by relocating their entire warehousing enterprise elsewhere the company could secure the size of facility they require to meet current and future anticipated needs. However I consider that there are compelling arguments against such a move. The firm has already invested heavily at Wells Place, not only through the original construction of purpose built specialised

buildings, but also through continuous updating and improvement. About £3 million has already been invested in the building and fitting out of Discovery House. The company provides a significant number of predominantly local jobs, as well as making use of a large number of local businesses. The extension would also increase employment opportunities and it is anticipated that in the order of 10-15 new jobs may be created.

28. In my view the relocation of the business outside the Borough would be a considerable blow to the local economy and constitute the waste of an important and modern resource. Although there is the possibility that the buildings on the site may secure new occupiers if vacated there is no guarantee that this would happen.
29. As regard the relocation of the company to another site within the Borough the only site that appears available and sufficiently large is at 37-41 Holmethorpe Avenue, Redhill. However this site appears to be of questionable quality, evidenced by the fact that it has been vacant for the past 4 years and that in late 2012 planning permission was granted for the demolition of the buildings on the site and its use for open storage. Consequently this site is not well-suited for the relocation of the appellant company. Relocation would also involve the company in far more capital expenditure than required by the appeal proposals.
30. Clearly the proposed extension would enable the business to operate more effectively. This in turn is likely to bring associated benefits to the local area, particularly with regard to lorry movements, which are not anticipated to increase significantly. In particular the provision of 2 additional loading/unloading bays will, by improving throughput enable more deliveries to take place during the day with fewer during the night. Although there would be no guarantee that there would be no movements overnight the company's aim is to move towards this in order to reduce the need for costly overnight working. Overall this would be of considerable benefit to the local area.
31. I conclude, therefore, on the third main issue that there is a strong need for, and clear benefits associated with, allowing the proposed development in this location.

***Whether the need for, and benefits of, the proposed development in this location clearly outweighs any harm***

32. I have concluded that the loss of part of the designated Urban Open Land would be detrimental to the visual amenity of the local area and that the loss of an area of ancient woodland would harm biodiversity. These conclusions need to be accorded substantial weight in the determination of this appeal, given the strong support for the protection of such areas in both local and national planning policy.
33. To set against these findings is my conclusion that that there is a strong need for, and clear benefits associated with, allowing the proposed development in this location. In my judgement overriding weight must be given to this particular conclusion given the exhortations in the *NPPF* to securing sustainable economic growth in order to create jobs and prosperity. I consider that the proposed development constitutes sustainable economic growth as it builds on the success of an existing business, enhances local employment prospects, and utilises and safeguards the future of existing high specification and costly buildings. Consequently I conclude on the fourth issue that the need for, and

benefits of, the proposed development in this location clearly outweigh the harmful environmental impact.

34. This conclusion would have led me to allow the appeal scheme. In addition there are other material considerations that favour the appeal development, in particular the woodland management plan for the retained area of ancient woodland. This plan will be invaluable in safeguarding the long-term future of the remaining part of the ancient woodland and can be made the subject of an appropriate planning condition. This finding adds further weight in favour of the approval of the scheme.

**Other Matters**

35. Local residents have concerns about a number of other matters, including noise disturbance, traffic, parking, light pollution and cooking odours.
36. As already indicated the 2 proposed new loading/unloading bays at Unit 3 will improve throughput at the warehouse. This will enable more deliveries to take place during the day with fewer during the night, thereby reducing possible night-time disturbance. The access barrier to prevent lorries entering the car park to the side of Unit 4 will ensure that lorries are kept away from the boundaries of the London Road South properties. The appellant company has also agreed to the imposition of planning conditions that should prevent undue noise arising from the use of the buildings.
37. The number of lorries drawn to the site by the development is only likely to increase by a relatively small number over the coming years. Similarly the number of staff cars is unlikely to increase significantly. Consequently the impact on the surrounding road network is likely to be minimal. In view of this the appeal scheme would not have an impact on the school planned on the land opposite the entrance to Wells Place. Notwithstanding this it is evident in planning the school great care will need to be taken to ensure that highway considerations and the Wells Place Estate are taken into account. The proposed car parks next to Unit 4 and the extension to Unit 3 should be sufficient to meet anticipated needs and are in accordance with local parking standards.
38. The proposals would lead to light emanating from areas at the end of Wells Place that were previously undeveloped. The amount of light from Unit 4 is unlikely to be more than that generated by the similar unit on the site that already has planning permission. The light from the proposed extension, loading/parking area and roadway is likely to be visible from the backs of the London Road South properties. However the distance between, together with the intervening vegetation, should ensure that the amount of light at the backs of the London Road South is not of an unacceptable level.
39. As regard cooking odours no industrial scale cooking would take place within Unit 4 and the testing and quality control of products would take place within a space similar to a domestic kitchen. Consequently the proposal would not give rise to any more cooking odours than would emanate from an ordinary dwelling.
40. In summary none of these matters would lead me to find against the proposal.

**Overall Conclusion**

41. My overall conclusion, therefore, is that there are compelling grounds for allowing the appeal. I have taken account of *Policy Em10* of the *Reigate and*

*Banstead Borough Local Plan* which seeks to resist proposals outside designated employment policy areas. However in this case the economic arguments in favour of the appeal development clearly outweigh the environmental arguments against and therefore development beyond the designated employment area at Wells Place is justified. None of the other matters raised outweigh the considerations that have led to my decision.

**Conditions**

42. The need for conditions has been considered in the light of the advice contained in *Circular 11/95* and the discussion during the Inquiry.
43. To ensure the development proceeds as proposed the approved plans need to be specified (Condition 2). The materials specified on the plans should be used to ensure those used are in keeping with local character (Condition 3). Landscaping proposals, together with a Tree Protection Plan, Arboricultural Method Statement and a Woodland Management Plan, are required to protect trees on the site and safeguard their future (Conditions 4, 5 & 6).
44. Physical barriers are required at the front of Unit 4 to prevent lorry access and safeguard neighbours' amenities (Condition 7). Space for car parking, loading, unloading and manoeuvring needs to be provided to ensure the free and safe flow of traffic (Condition 8). There is a requirement for cycle storage and changing facilities to encourage cycle usage (Condition 9). The prohibition of plant or machinery on the site will prevent noise nuisance and keep space available for parking, servicing and manoeuvring (Condition 10). Adherence to appropriate noise levels will ensure that residents' amenities are protected from undue noise and disturbance from the use of the buildings (Conditions 11 & 12).

*Christopher Anstey*

Inspector

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans 12-2273-01 P1 and 12-2273-02 P5.
- 3) The development shall be carried out using the external facing materials as specified in the application.
- 4) No development shall commence on site until a scheme for the landscaping and replacement tree planting of the site including the retention of existing landscape features has been submitted to and been approved in writing by the local planning authority. Landscaping schemes shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants, noting species, plant sizes and proposed numbers/densities and an implementation programme. All hard and soil landscaping work shall be completed in full accordance with the approved scheme, prior to occupation or use of the approved development or in accordance with a programme agreed in writing with the local planning authority. All new tree planting shall be positioned in accordance with guidelines and advice contained in the current British Standard 5837. Trees in relation to construction. Any trees shrubs or plants planted in accordance with this condition which are removed, die or become damaged or become diseased within five years of planting shall be replaced within the next planting season by trees, and shrubs of the same size and species.
- 5) No development shall commence including demolition and ground works preparation until a detailed, scaled Tree Protection Plan (TPP) and the related Arboricultural Method Statement (AMS) has been submitted to and been approved in writing by the Local Planning Authority (LPA). These shall include details of the specification and location of exclusion fencing, ground protection and any construction activity that may take place within the Root Protection Areas of trees (RPA) shown to scale on the TPP including the installation of service routings. The AMS shall also include a supervisory regime for their implementation & monitoring with a reporting process to the LPA. All works shall be carried out in strict accordance with these details when approved.
- 6) No development shall commence, including ground works and removal of existing trees and vegetation, until details have been submitted to the Local Planning Authority of the methodology involved in the implementation of the submitted Woodland Management Plan compiled by Aspect Ecology, dated September 2012, and shall relate to the timings and frequency of the proposed woodland operations and include the review and reporting processes. The development shall be carried out in accordance with the approved details.
- 7) The proposed Unit 4 shall not be occupied until permanently maintained physical barriers fronting Wells Place have been erected at the entrance/exit of the parking area for this unit in accordance with the approved plans to prevent large goods vehicles (LGVs) using the area.

- 8) No new development shall be occupied until space has been laid out in accordance with the approved plans for cars to be parked, for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The parking and turning area shall be retained exclusively for its designated purpose.
- 9) No new development shall be occupied until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to provide secure cycle parking and changing facilities to the satisfaction of the Local Authority and shall thereafter be permanently maintained.
- 10) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, no further plant or machinery shall be erected on the site under or in accordance with Part 8 of Schedule 2 to that Order without planning permission from the local planning authority.
- 11) Use of the development shall not take place until the following work has been carried out: The background noise levels for both day and night shall be determined at the nearest residential property in London Road South. The measure of the background shall be LAeq's, being hourly for day and 5 minute periods for night. Also, the attenuation of sound from the north western boundary of the site towards that property in London Road South must be determined by modelling. It shall be assumed that no new buildings will be built in-between and that the ground surface will be hard until the point of the rear boundaries of the residential gardens. The full details of the noise monitoring and modelling shall be provided in a report and the work only considered complete when agreed by the local planning authority.
- 12) The noise levels from the development subject to this application, with the exception of the noise generated by vehicles entering or leaving the site, as measured as hourly LAeq's during the day and 5 minute LAeq's at night, at any point on the north western boundary of the application site, and corrected for distance to a position representative of the nearest house, shall not exceed a value equal to the background noise level as described above minus 10 dB plus the attenuation as determined as described in Condition 11 attached to this permission. For the avoidance of doubt, the values so determined shall remain fixed and not be subject to further review or change.

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Robert Walton of Counsel

He called

Mark Brunt

Chairman of Planning Committee and Merstham  
Ward Councillor

### FOR THE APPELLANT:

Matthew Horton QC

He called

Jim Browne BSc (Hons)

Alistair Baxter BA

(Hons) MA MSc CIEEM

Keiron Durrant BSc

(Hons) MSc MIOA

Paul Watson BA (Hons)

DipTP MTP MRTPI

Supply Chain Director, Winterbotham Darby  
Director, Aspect Ecology

Managing Director, Sound Acoustics Ltd.

Director, Phillips Planning Services

### INTERESTED PERSONS:

Dr David Aslett

Local resident & representing London Road South  
Residents Association

Mrs Janet Aslett

Local resident & representing London Road South  
Residents Association

Mrs Janet Pavitt BA

Local resident

### DOCUMENTS HANDED IN DURING THE INQUIRY

- 1 Attendance lists
- 2 Council's letter of notification and list of persons notified
- 3 Certified copy of Unilateral Undertaking dated 28 June 2013 relating to Updated Travel Plan handed in for the appellant
- 4 Appeal Decision (APP/H1033/A/11/2166189) relating to Cowdale Quarry, Buxton, handed in for the appellant
- 5 Appeal Decision (APP/L3625/A/06/2008684) relating to Land at Wells Place, Merstham, handed in for the appellant
- 6 Letter from London Road South Residents Association dated 29 April 2013 handed in by Mrs Aslett

### PLANS

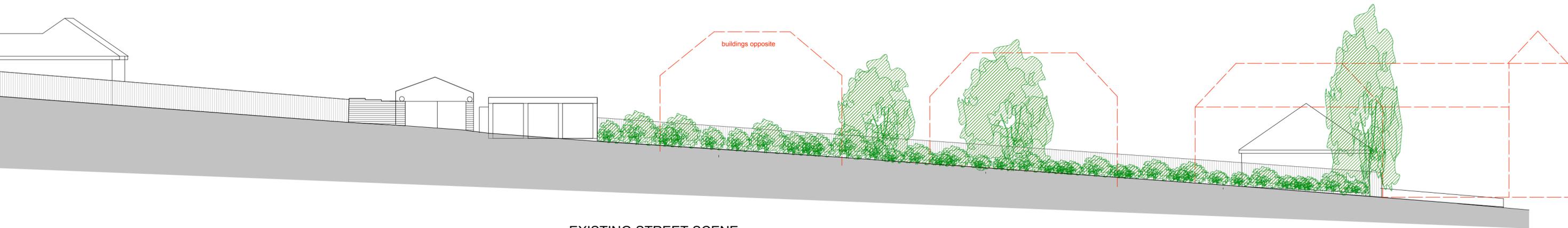
- 1 Extract from Local Plan Policies Map showing Urban Open Land designation handed in by the Council

### PHOTOGRAPHS

- 1 Internal views of Discovery House handed in for the appellant



EXISTING STREET SCENE



EXISTING STREET SCENE



PROPOSED STREET SCENE

0 5m 10m 15m



STREET SCENE OPPOSITE

	Project 41-43 GREAT TATTENHAMS SURREY KT18 5RE			
	Drawing Title STREET SCENE EXIST & PROP			
STATUS	Date	Scale @A2	Drawing no.	Rev
P	SEPT 2016	1:200	P042 -3- 09	
<b>DENTON HOMES LTD</b> THE REAR BARN, THE MANOR FARM, 124 MANOR ROAD NORTH, THAMES DITTON, SURREY, KT7 0BH				



## Appeal Decision

Site visit made on 26 September 2017

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 23<sup>rd</sup> October 2017

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**Appeal Ref: APP/L3625/W/17/3176839**

**Land to rear of 41-43 Great Tattenhams, Epsom Downs KT18 5RE**

- 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 Denton Homes Limited against the decision of Reigate and Banstead Borough Council.
  - The application Ref 17/00005/F dated 3 January 2017, was refused by notice dated 5 April 2017.
  - The development proposed is erection of 3 dwellings together with garaging and associated access and landscaping.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on: the character and appearance of the area; and the living conditions of the occupiers of 41 Great Tattenhams (No 41), with particular regard to outlook.

### Reasons

#### *Character and Appearance*

3. The development would involve the construction of three detached houses, sited behind Nos 41 and 43 and they would front Chapel Way. The appealed application was submitted following the refusal of planning permission for two pairs of semi-detached houses under application 15/02787/F, for which a subsequent appeal was dismissed<sup>1</sup>.
4. The site lies between bungalows in Great Tattenhams and Chapel Way that have quite generous rear gardens. Great Tattenhams, within the immediate vicinity of the site, is characterised by bungalows, an exception being the recent flat blocks at the junction with Chapel Way. Chapel Way, in the immediate vicinity of the site, is characterised by a greater variety of dwelling types, with there being a mixture of bungalows, some houses and the previously mentioned flats. The built development in the immediate vicinity of the site does not have an intense appearance because the dwellings are either generally low rise and/or there are some discernible gaps between them. The combination of the height of the bungalows and/or the gaps between the properties on the opposite side of Chapel Way, at this point,

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<sup>1</sup> APP/L3625/W/16/3149350

enables the substantial rear garden trees to be seen. That verdant backdrop helps to soften the appearance of the properties on the even numbered side of Chapel Way. The blocks of flats read as having a quite spacious layout, given their open and planted grounds.

5. The proposed houses by contrast would have a greater height and bulk compared with the bungalows they would be sited between. The height of the houses would be stepped as a response to the slope in Chapel Way. However, I consider that aspect of the development's design would do little to assist with the integration of a group of three houses between the single storey buildings, ie No 41 and 145 Chapel Way and the garage block immediately to the south of the site.
6. The houses would also have limited space between one another. Although the maximum width of house 3's plot would be considerably greater than for houses 1 and 2, the appreciation of that extra width would not be immediately apparent because it would be obscured by the adjoining garage block. I therefore consider that house 3 would have the appearance of being cramped in its plot because there would only be one metre between it and the garage block and a gap of 1.8 metres between it and house 2. Houses 1 and 2 would similarly have a gap of 1.8 metres between one another.
7. I consider that the siting of the houses relative to their respective plot boundaries would result in a development that would have a cramped appearance, which would be unrepresentative of its immediate surroundings. Currently there is a dense hedge and tree screen along the site's boundary with Chapel Way. However, drawing P042-3-03B indicates that much of the hedge and tree screen would be removed and I consider that its reduction would heighten the presence of a development with the appearance of lacking spaciousness in the streetscene.
8. I am therefore not persuaded that substituting three detached houses for two pairs of semi-detached houses has overcome the concerns that resulted in the dismissal of the previous appeal. I accept that there is some merit in the houses having been set further back into their plots by comparison with what was previously proposed. However, I consider that aspect of the development would be offset by the harm arising from house 3 being sited much closer to the neighbouring garage block, in comparison with the siting for house 4 under the previous scheme<sup>2</sup>.
9. Various examples of other plot subdivision development in Epsom Downs have been drawn to my attention and I viewed these other sites during the course of my site visit. The case of 1A St Marks Road (No 1A) is perhaps the most pertinent because it is sited between Great Tattenhams and Chapel Way. However, I consider that is where the comparison with the appeal development ends because No 1A is a bungalow sited between two other bungalows. I therefore consider that No 1A does not provide a justification for the appeal development. 1A West Drive is a bungalow amongst other bungalows and while its rear garden is appreciably smaller than its neighbours<sup>3</sup> that is not readily discernible in the streetscene. I consider that 52 and 54 Shawley Crescent are not directly comparable because they are a

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<sup>2</sup> This comparison of the layouts for the three and four house schemes being based on the site layouts included in the design and access statement accompanying application 17/00005/F

<sup>3</sup> Based on the details shown on the 'area map' provided by the appellant

pair of bungalows between houses in that street and bungalows in Great Tattenhams.

10. I appreciate that there is considerable plot width variation in this area. However, my concern is with the tightness of the siting of houses 1, 2 and 3 relative to one another and the side boundaries they would share with the premises just beyond the site. Depending on context, dwellings sited in plots that are either narrow or wide can appear cramped if they occupy virtually all of their available plot width. While the plots would be wider than those previously proposed, the individual houses in the current scheme would be broader and that would negate the effect of having wider plots. In this instance it would be the combination of the height of the houses relative to the adjoining single storey buildings and the tightness of the layout that would give rise to a scheme that would look out of place.
11. I therefore conclude that the development would be harmful to the character and appearance of the area. There would therefore be conflict with saved Policies Ho9, Ho13, Ho14 and Ho16 of the Reigate and Banstead Borough Local Plan of 2005 (the Local Plan). That is because the development would not promote or reinforce local distinctiveness, with the spacing between the houses being uncharacteristic of that predominating in the surrounding area. Given the harm to the character and appearance of the area I also consider that paragraph 17 (the fourth core planning principle) and section 7 (Requiring good design) of the National Planning Policy Framework (the Framework) do not provide support for this development. I also consider that the Council's Local Distinctiveness Design Guide does not lend support to this development.

### *Living Conditions*

12. The northern flank wall of house 1 would be at right angles to the rear elevation of No 41, which has recently had a 6.0 metre deep rear extension. The distance between house 1 and No 41's rear elevation would therefore be 9.2 metres<sup>4</sup>. There would unquestionably be an effect on the outlook for the occupiers of No 41, both from within inside the bungalow and the rear garden. While house 1 would be elevated a little above No 41's ground level, I consider that there would be just about enough separation for the occupiers of No 41 not to experience an unacceptable loss of outlook.
13. I therefore conclude that the development would not unacceptably harm the living conditions of the occupiers of No 41. In that respect the development would accord with Policy Ho9 of the Local Plan because it would not seriously affect the living conditions of the occupiers of a neighbouring dwelling. The second reason for refusal cites conflict with the Council's Supplementary Planning Guidance for Householder Extensions and Alterations. However, I consider that not to be the case because this guidance concerns domestic extensions rather than new houses.

### **Other Matters**

14. The site would be well located to local services and facilities and public transport and it would therefore be in an accessible location. The development would also make a contribution to the supply of housing in the

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<sup>4</sup> Using the dimension of 15.2 metres, quoted on drawing P042-3-04B, less 6.0 metres for No 41's extension

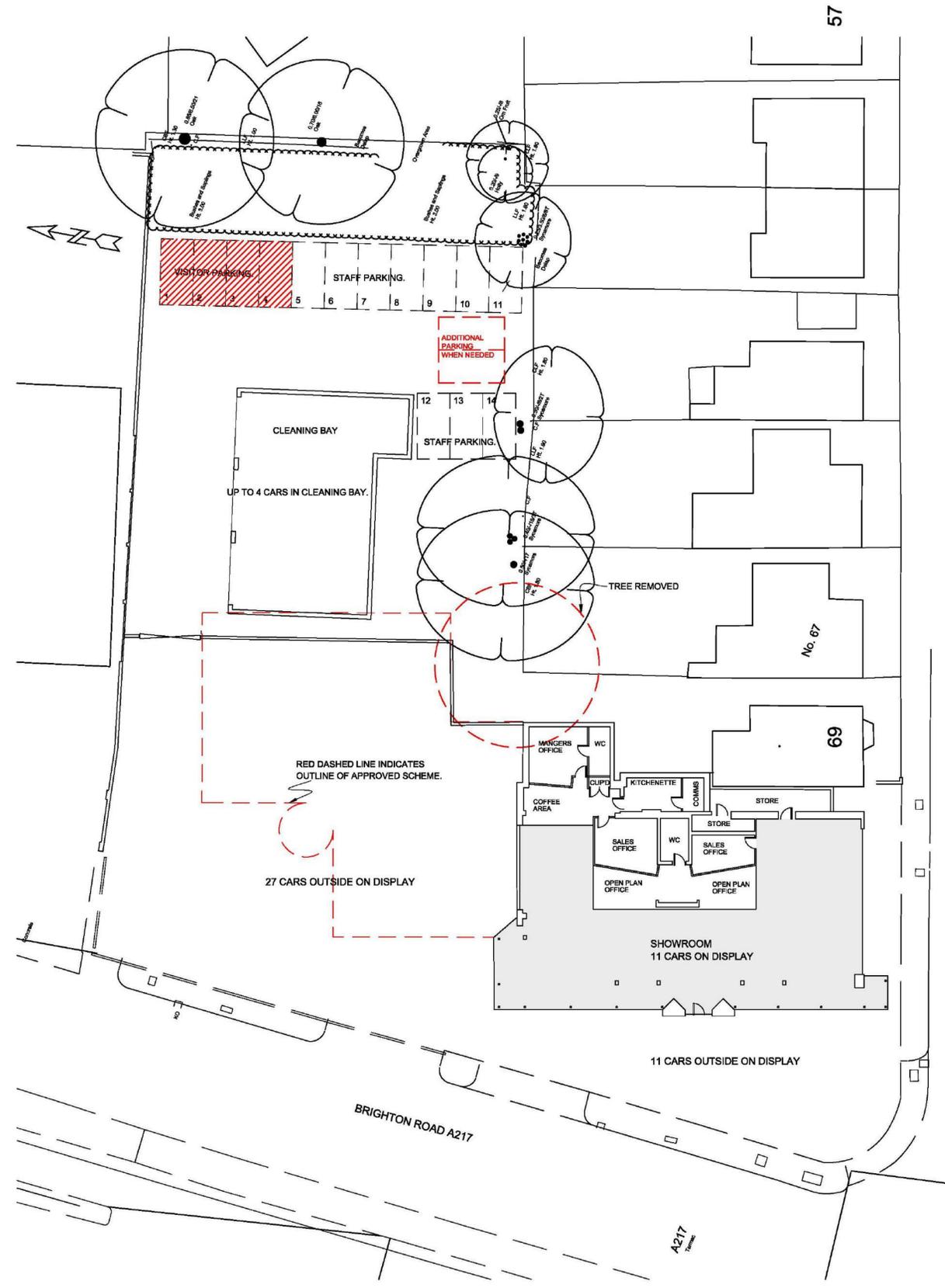
area and there would therefore be some economic and social benefits arising from it. However, those benefits would be relatively modest and I consider them to be outweighed by the harm to the character and appearance of the area I have identified. I therefore consider that this would not be a sustainable form of development.

### **Conclusion**

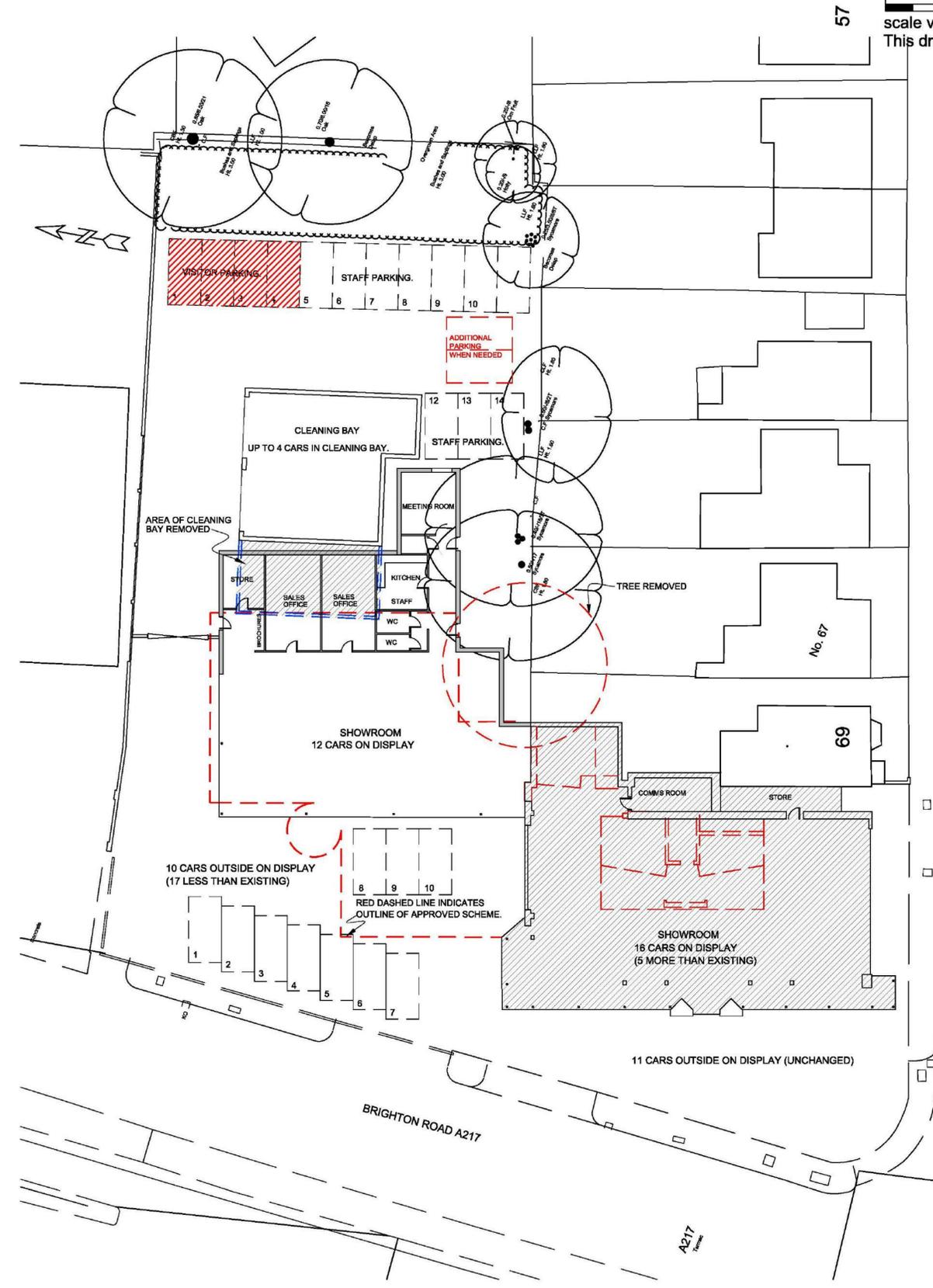
15. While the development would not cause harm to the living conditions of the occupiers of No 41, it would give rise to unacceptable harm to the character and appearance of the area. I therefore conclude that the appeal should be dismissed.

*Grahame Gould*

INSPECTOR



EXISTING SITE PLAN 1:200



PROPOSED SITE PLAN 1:200

A EXISTING & PROPOSED PARKING SHOWN 10/10/17

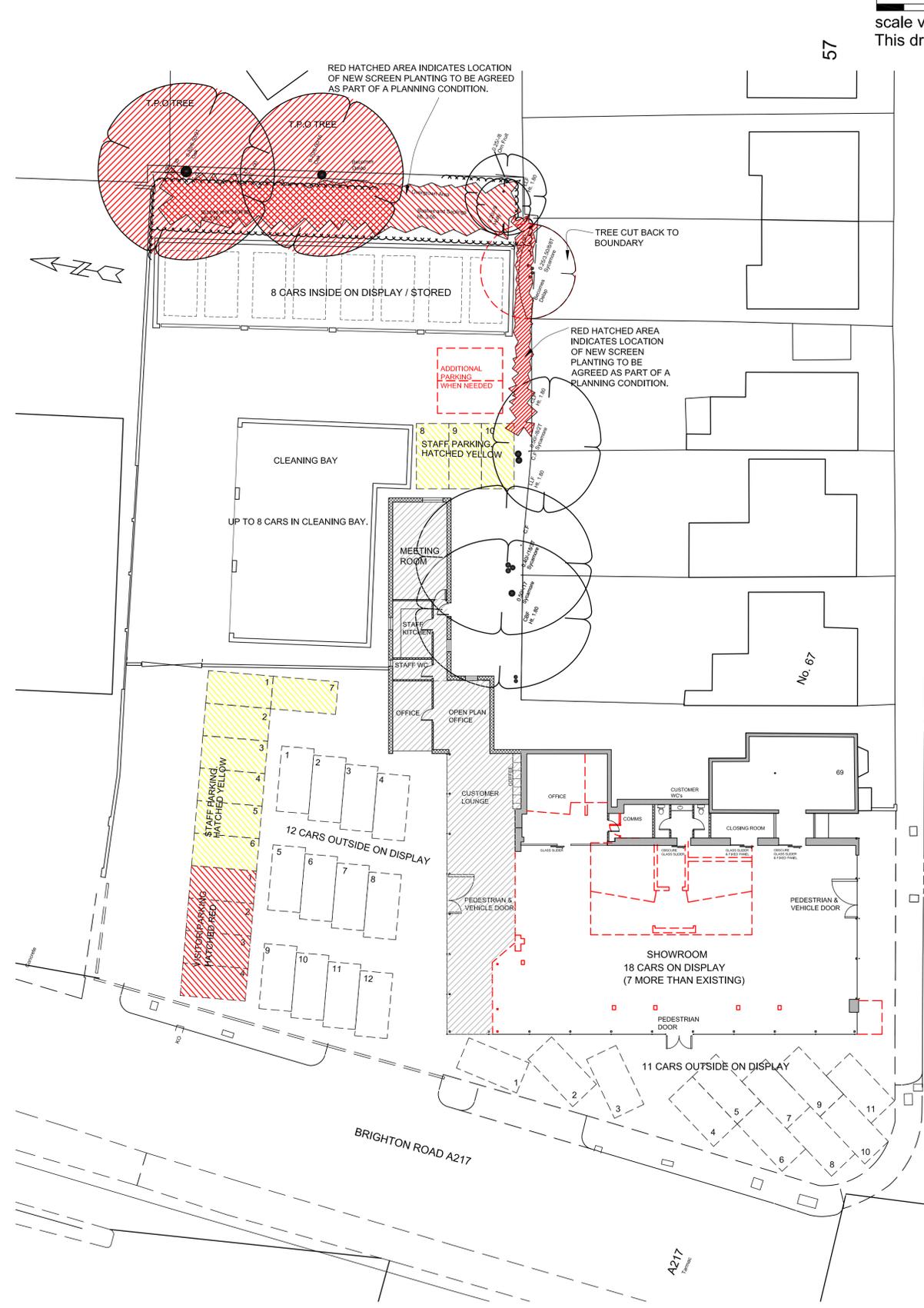
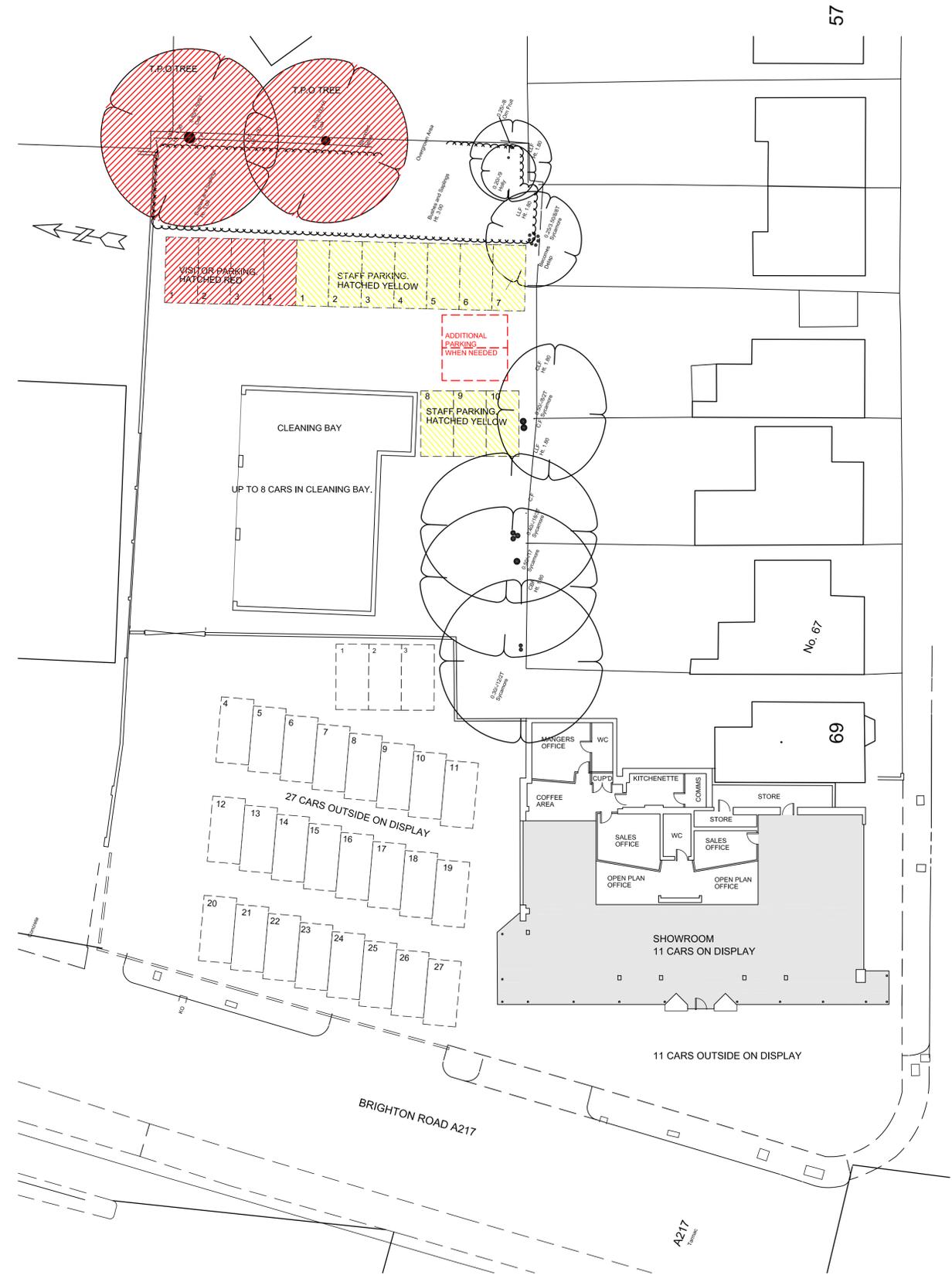
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PROJECT  
 ROMANS INTERNATIONAL  
 BRIGHTON ROAD, BANSTEAD,  
 SURREY SM7 1AT

DRAWING  
 EXISTING & PROPOSED SITE PLAN

SCALE 1:200 DATE AUG 17  
 DRAWING NO ROM/N/100 REVISION A



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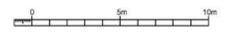
PROJECT	
ROMANS INTERNATIONAL BRIGHTON ROAD, BANSTEAD, SURREY SM7 1AT	
DRAWING	
PROPOSED GARAGES, EXISTING & PROPOSED SITE PLAN PHASE 2	
SCALE	DATE
1:200	MAY 18
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**Notes:**

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**Revisions :**  
 rev date revision



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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
date November 2016		

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Revisions :  
rev date revision



Proposed South-East Elevation



Proposed North-East Elevation

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 South-East & North-East  
Elevations

scale 1:100 @ A1 drawing number SE-2389-03-AC-06 revision  
date November 2016