 <p>Reigate & Banstead BOROUGH COUNCIL Banstead Horley Redhill Reigate</p>	TO:	PLANNING COMMITTEE
	DATE:	16 th MAY 2018
	REPORT OF:	HEAD OF PLACES & PLANNING
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AGENDA ITEM:	6	WARD: Merstham

APPLICATION NUMBER:	17/01676/F	VALID:	20th September 2017
APPLICANT:	CRC Riders Ltd	AGENT:	Colin Smith Planning Ltd
LOCATION:	ELGAR WORKS NUTFIELD ROAD MERSTHAM SURREY RH1 3EP		
DESCRIPTION:	Demolition of existing industrial and commercial buildings and erection of fourteen new dwellings (6 x 3 bed, 8 x 4 bed) together with access, parking and landscaping. As amended on 06/11/2017 and on 09/11/2017 and on 07/12/2017 and on 05/04/2018.		
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SUMMARY

This is a full application for the demolition of the existing industrial and commercial buildings and erection of fourteen new dwellings together with access, parking and landscaping. The proposed dwellings would comprise of 6 x 3 bedroom houses and 8 x 4 bedroom houses, arranged in pairs of semi detached dwellings, terraces of three houses and two detached houses. The dwellings would be traditional in design and would be two storeys in height with rooms in the roof. The dwellings would include a mix of front, side or rear facing dormer windows and the roofs would be of a barn hip design.

The application follows a recent proposal for the erection of two blocks of flats and was whilst there was no in principle objection to a residential development, the application was refused on the grounds the proposal would result in a cramped, overdevelopment of the site, would result in an overbearing impact on properties within The Crossways and Nutfield Road and overlooking and would fail to provide an affordable housing contribution. This decision was appealed (decision attached) and in dismissing the appeal the Planning Inspectorate found the proposal 'would appear cramped between block 1 and block 2 and the Crossways boundary, and for this reason it would appear as overdevelopment.'

No objection was raised to the loss of the commercial use of the site during the course of the previous application or subsequent appeal. Although the site is located within the local shopping area and currently has a commercial use, due to its location immediately adjacent to residential dwellings, it is not considered that the site is suitably located for an industrial use. As a result of this, no objection is raised to the principle of the redevelopment of the site for residential use.

During the course of the application amendments have been sought to the design and scale of the dwellings to overcome initial concerns, in particular the design of the roofs and the scale of the dwellings. The reduction in the height of the roof and relocation of some dormer windows to the rear elevations has addressed the previously bulky appearance of the dwellings. Features have been added such as bay windows, gable roof features and hipped roof dormers to provide greater visual interest to the dwellings and the cumulative impact of the amendments sought and received during the application are considered to overcome initial concerns over the design. Overall the proposal is considered to overcome the issues raised by the Planning Inspectorate and the proposal would accord with the traditional appearance of the locality. As such, the proposal would cause no harm to the character of the area and would be acceptable.

The proposal is not considered to result in a harmful impact upon neighbour amenity and the County Highways Authority has raised no objection subject to recommended conditions.

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 £221,821 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 15th June 2018 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 contribution to fund 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.

Sustainable Drainage SCC – requested additional information be provided. Additional information has since been received and final comments are awaited at this time. This will be updated within the Addendum prior to the Planning Committee Meeting

UK Power Networks – objects on the grounds the applicant has neither served notice in accordance with the Party Wall ect. Act 1996 nor satisfied the company that the works are not notifiable.

Contaminated Land Officer – no objection subject to conditions

Divisional Crime Prevention Design Advisor – unable to advise on sustained by design credentials without sufficient information

Representations:

Letters were sent to neighbouring properties on 27th September 2017, a site notice was posted 2nd October 2017 and advertised in local press on 12th October 2017. Neighbours were re-notified on the revised plans for a 14 day period commencing on the 12th December 2017 and again on further revisions on 23rd April 2018.

10 responses have been received raising the following issues:

Issue	Response
Inadequate parking	See paragraph 6.19
Increase in traffic and congestion	See paragraph 6.17
Overdevelopment	See paragraph 6.5 – 6.10
Impact on infrastructure	See paragraph 6.27
Loss of/harm to trees	See paragraph 6.8 and conditions 5 and 6
Alternative location/proposal preferred	See paragraph 6.1
Hazard to highway safety	See paragraph 6.17
Out of character with surrounding area	See paragraph 6.5 – 6.10
Overbearing relationship	See paragraph 6.11 – 6.16

Poor design	See paragraph 6.5 – 6.7
Drainage/sewage capacity	See paragraph 6.22 – 6.23 and conditions 8 and 13
Inconvenience during construction	See paragraph 6.26
No need for the development	See paragraph 6.1
Boundary treatments	See condition 9
Asbestos on site	See paragraph 6.24
Overlooking and loss of privacy	See paragraph 6.11 – 6.13

1.0 Site and Character Appraisal

- 1.1 The application site comprises of a series of commercial buildings located to the rear of the local parade of shops within Nutfield Road. The buildings vary in scale and height and the open parts of the site are laid to hardstanding. The shopping parade and application site are a designated Local Shopping Area.
- 1.2 The site has two accesses from Nutfield Road, one adjacent to number 56 and one in between numbers 38 and 36 Nutfield Road. The site is also bounded by residential properties within The Crossways and there are also residential flats above the local shops in Nutfield Road. To the south of the site is an area of open land known as Crossway Gardens. This area comprises of grassed open space bounded by mature trees.

2.0 Added Value

- 2.1 Improvements secured at the pre-application stage: Pre application advice was sought and two schemes were presented, one for flats and one for houses. A strong preference for houses was made and in this scheme concern was raised over spacing, separation to side boundaries and levels of landscaping.
- 2.2 Improvements secured during the course of the application: During the course of the application amendments have been sought in regards to the design, scale and layout of the development. Amended plans were submitted that are considered to overcome the issues raised.
- 2.3 Further improvements could be secured: A condition regarding materials would be attached to a grant of planning permission.

3.0 Relevant Planning and Enforcement History

- | | | | |
|-----|------------|--|---|
| 3.1 | 16/00802/F | Demolition of existing industrial and commercial buildings and erection of two new residential blocks containing a total of 29 flats (11 x 1 bed, 18 x 2 bed) together with access, parking and landscaping. | Refused
5 th October 2016
Appeal dismissed |
|-----|------------|--|---|

As amended on 26/08/2016

- | | | | |
|-----|------------|---|---|
| 3.2 | 10/01894/F | Retention of new roof and proposed additional extraction flues, new rear south elevation all associated with repairs following fire damage to existing car repair/spraying workshop | Approved with conditions
16 th December
2010 |
|-----|------------|---|---|

4.0 Proposal and Design Approach

- 4.1 This is a full application for the demolition of the existing industrial and commercial buildings and erection of fourteen new dwellings together with access, parking and landscaping. The proposed dwellings would comprise of 6 x 3 bedroom houses and 8 x 4 bedroom houses, arranged in pairs of semi detached dwellings, terraces of three houses and two detached houses.
- 4.2 The site would utilise the existing access to the south and a parking area would be provided in the south western corner of the site. Moving into the site and turning northwards, two pairs of semi-detached houses and one detached house would be sited along the eastern side of the site, and a pair of semi-detached houses, a terrace of three and one detached house would be sited along the western side of the site. At the northern end of the site a terrace of three houses is proposed. All dwellings would have rear garden areas and parking would be provided throughout the site interspersed with landscaping. Two pairs of garages would also provide parking, bringing the total number of proposed parking spaces to 28.
- 4.3 The dwellings would be traditional in design and would be two storeys in height with rooms in the roof. The dwellings would include a mix of front, side or rear facing dormer windows and the roofs would be of a barn hip design.
- 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 mixed, including urban open land, residential and commercial uses all in close proximity.
	No site features worthy of retention were identified.

Involvement	No community consultation took place.
Evaluation	The other development options considered were a flatted proposal of 26 units. This was discussed at pre-application stage as well as the proposal for houses. No in principle objection was raised to flats at pre-application stage however preference was given to a development of houses on the site
Design	The applicant's reasons for choosing the proposal from the available options were informed by the previously refused proposal on the site and the appeal decision

4.5 Further details of the development are as follows:

Site area	0.35 hectares
Existing use	Industrial and commercial buildings-use classes B1/B2
Proposed use	Residential
Existing parking spaces	30
Proposed parking spaces	28
Parking standard	28 (maximum)
Net increase in dwellings	14
Proposed site density	40
Density of the surrounding area	38 (The Crossways)

5.0 Policy Context

5.1 Designation

Urban area
Local Shopping Centre

5.2 Reigate and Banstead Core Strategy

CS1(Sustainable Development)
CS4 (Valued Townscapes and Historic Environment)
CS7 (Town/Local Centres),
CS10 (Sustainable Development),
CS11 (Sustainable Construction),
CS14 (Housing Needs)
CS15 (Affordable Housing)

5.3 Reigate & Banstead Borough Local Plan 2005

Landscape & Nature Conservation	Pc4
Housing	Ho9, Ho13, Ho16, Ho17,
Employment	Em1, Em1A
Movement	Mo5, Mo7

5.4 Other Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

Supplementary Planning Guidance

Surrey Design
Local Distinctiveness Design Guide
A Parking Strategy for Surrey
Parking Standards for Development
Affordable Housing

Other

Human Rights Act 1998
Community Infrastructure Levy
Regulations 2010

6.0 **Assessment**

6.1 The application site is situated within the urban area where there is a presumption in favour of sustainable development and where the principle of such development is acceptable in land use terms.

6.2 The application follows a recent proposal for residential development on the site. This application sought consent for the erection of two blocks of flats and was whilst there was no in principle objection to a residential development, the application was refused on the grounds the proposal would result in a cramped, overdevelopment of the site, would result in an overbearing impact on properties within The Crossways and Nutfield Road and overlooking and would fail to provide an affordable housing contribution. This decision was appealed and in dismissing the appeal the Planning Inspectorate found the proposal 'would appear cramped between block 1 and block 2 and the Crossways boundary, and for this reason it would appear as overdevelopment.' However the Inspector concluded in regards to impact upon neighbour amenity; 'I do not consider that the proposed development would cause material harm to the living conditions of surrounding occupiers'. This application seeks to overcome the previous application with a revised proposal and layout.

6.3 The main issues to consider are:

- Loss of employment use
- Design appraisal
- Neighbour amenity
- Access and parking

- Other issues
- Infrastructure contributions
- Affordable Housing

Loss of employment use

- 6.3 The application currently has a commercial use. Policy Em1A states that the loss of existing suitably located business, industrial, and storage and distribution uses within those areas defined for employment purposes in Policy Em1 will be resisted. Amplification 2 of policy Em1A states that alternative business, industrial, and storage and distribution uses for a site would be considered first. Only when it can be demonstrated that a site is unsuitable for such uses will other uses, including residential, be acceptable.
- 6.4 During the course of the last application in 2016 and subsequent appeal, no in principle objection was raised to the change of use. Policy Em1A states that the loss of 'suitably' located industrial uses would be resisted, unless it has been demonstrated that a site is unsuitable for such uses will other uses be considered acceptable. Although the site is located within the local shopping area and currently has a commercial use, due to its location immediately adjacent to residential dwellings, it is not considered that the site is suitably located for an industrial use. As a result of this, no objection is raised to the principle of the redevelopment of the site for residential use.

Design and character

- 6.5 The proposed development would result in the demolition of the existing industrial and commercial buildings and the erection of 14 dwellinghouses (6 x 3 bed and 8 x 4 bed). The design of the dwellings would be traditional in appearance and would employ a barn hip roof design. This roof design is not unknown in the locality with examples seen in dwellings fronting Nutfield Road to the north of the site. The roofs would feature front, rear or side facing dormers to serve accommodation in the roof space.
- 6.6 During the course of the application amendments have been sought to the scale and design of the proposed dwellings. The roof and eaves heights of the dwellings have been reduced by 0.8m and 0.1m respectively. The dormer window design has been amended from a flat roof to a hipped roof, bay windows and gable features have been added to the front elevations and the dormer windows of plots 10, 11 and 12 have been moved to the rear elevations. Furthermore, amendments have been sought to the site layout to provide greater spacing between the dwellings to avoid a cramped appearance.
- 6.7 The cumulative impact of the amendments sought and received during the application are considered to overcome initial concerns over the design. The reduction in the height of the roof and relocation of some dormer windows to the rear elevations has addressed the previously bulky appearance of the dwellings. This design alterations combined with the increased separation

distance between the dwellings avoids a cramped appearance. The enhanced dormer design and additions of bay windows and small gable sections to the front elevations of some dwellings would improve the visual appearance of the dwellings, adding features to further break up the appearance and add visual interest to the dwellings. Materials would be of a traditional palette and include tile hanging, render and brick and this approach would integrate well with the wider area where these materials are characteristic of the locality.

- 6.8 Areas of landscaping throughout the site and around the parking areas avoid a parking dominated frontage and provide opportunities to soften the street scene within the development. A landscaping condition is recommended to secure a suitable landscaping scheme. A tree protection condition is recommended to ensure protection of the mature band of trees along the southern boundary of the site with the open area of land at Crossways Garden.
- 6.9 The Council's Local Distinctiveness Guide (Case Study 3) advises that for infill development, generous separation should exist between the proposed access road serving the development and existing properties, in order to provide landscaping and maintain the character of the street scene. The access is relatively tight, and does not benefit from separation with neighbouring properties, but it is acknowledged that this is an existing situation. The proposed development would not have generous separation between the access and existing property to provide landscaping, however the existing trees to the south of the access are shown as being retained and some landscaping is proposed along the northern boundary of the access to provide an acceptable appearance to the development
- 6.10 The Inspector found harm to the character of the area in the earlier scheme, concluding 'the development would appear cramped between block 1 and block 2 and the Crossways boundary'. Plots 9 to 14 would be set away from the rear boundaries of 24 to 30 Crossways by 10m to 10.5m. Plot 8 would be sited 4.3m from the rear boundary of 38 Crossways at the closest point, however due to the angle of the building, staggered side elevation and area of landscaping proposed to the side of the dwelling in the garden area, is not considered to appear cramped or an overdevelopment. To avoid additional development of site, permitted development rights for extensions would be removed. Overall, the revised layout and proposed scheme is considered to address the concerns of the Inspector and is considered acceptable.

Neighbour amenity

- 6.11 In the decision of the appeal Inspector, he concluded that the proposed development would not cause material harm to the living conditions of surrounding occupiers, having particular regard to privacy and outlook. The rear elevations of plots 9 to 14 that would face the rear elevations of 24 to 32 Crossways would have a separation distance of between approximately 27m to 29m. This is considered acceptable so as not to have an

overbearing or dominating impact, nor cause harm to neighbour amenity in regard to overlooking, loss of privacy or loss of light.

- 6.12 The rear elevations of plots 1 to 5 would face the rear elevations of 50 to 52 Nutfield Road with a separation distance of between approximately 23m to 24m and similarly these distances would ensure that there would be no harmful overlooking into the dwellings and rear areas of the buildings in Nutfield road and would be sufficient to avoid an overbearing or dominating impact, or harmful loss of light upon the amenities of these properties.
- 6.13 The side elevations of plots 6 and 8 would be angled in relation to the site boundaries, and given their separation distances and juxtaposition to the neighbouring properties in Nutfield Road and the Crossways are not considered to result in a harmful impact upon neighbour amenity.
- 6.14 The proposed parking area in the south western corner of the site would be softened and separated from the rear boundary of The Crossways by an area of landscaping and is not considered to result in a harmful impact upon amenity in terms of noise and disturbance.

Amenity for future occupants

- 6.15 The proposed dwellings in terms of layout, size, accessibility and access to facilities is considered acceptable. The dwellings are below the nationally described space standards in regard to their internal floor areas, (ranging between 3.6m and 9.3m below). Whilst the units are less in floor area, these standards are not adopted within local policy and an assessment must be made on a case by case basis. All dwellings provide kitchens, lounges and dining space providing adequate living space as well as space for storage and facilities such as a ground floor w/c. Furthermore, all units would be served by private outside amenity space accessed from the living space to the rear of each property. Overall, when judged from a living standard perspective the proposal is considered acceptable.

Access and parking

- 6.16 The application proposes to utilise the existing access into the site from Nutfield Road. One parking space is proposed to the northern most part of the site and would be accessed from Nutfield Road. A total of 28 parking spaces are proposed.
- 6.17 The County Highway Authority (CHA) is satisfied from the information submitted that the proposed residential development would lead to a reduction in the number of vehicular movements at the existing southern vehicular access to Nutfield Road, when compared with the existing industrial/commercial uses on the site and the previous proposed development. It would also lead to a change in the nature and type of vehicles using the access, from larger commercial vehicles to private cars. This is considered to be a benefit in highway safety terms.

- 6.18 The applicant has submitted a site layout plan showing tracking for a refuse vehicle entering and leaving the site in forward gear. This shows that the turning movements of such a vehicle could be accommodated within the development. As such the development would also be able to accommodate the forward gear movement of cars entering and leaving in forward gear.
- 6.19 Based on the Parking Standards in the Reigate and Banstead Borough Local Plan, the proposed development of 6 x 3 bed and 8 x 4 bed dwellings would require the provision of 28 parking spaces. This is the number proposed and is considered acceptable in terms of parking.
- 6.20 The developer is not required to provide cycle parking as each of the residential units is a house with garden. As such the occupiers would be able to store bikes in a shed in the gardens.
- 6.21 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.

Drainage

- 6.22 The site is within Flood Zone 1 according to the Environment Agency Flood Maps and is not therefore considered to be at particular risk of fluvial flooding. A finalised drainage strategy and SuDS system will be secured through condition, along with appropriate evidence (including infiltration testing) to demonstrate that it will effectively manage surface water flood events.
- 6.23 Consultation with the Sustainable Drainage Team at Surrey County Council is ongoing at the time of this report. Should further conditions or amendment to the conditions be required, this will be updated accordingly and detailed in the Addendum prior to the Planning Committee Meeting.

Other matters

- 6.24 Concern has been raised in regard to the removal of asbestos on site. The duty to manage asbestos is a legal requirement under the Control of Asbestos Regulations 2012 (Regulation 4). It applies to the owners and occupiers of commercial premises. They have a duty to assess the presence and condition of any asbestos-containing materials. If asbestos is present, or is presumed to be present, then it must be managed appropriately.
- 6.25 Objection was received from UK Power Networks on the grounds the applicant has neither served notice in accordance with the Party Wall Act 1996 nor satisfied the company that the works are not notifiable. South Eastern Power Networks is the owner /occupier of the electricity substation

located within 6m of the proposed works. Building works involving work on an existing wall shared with another property; or new building on the boundary with a neighbouring property; or excavating near a neighbouring building, may fall within the scope of the Party Wall, etc. Act 1996 and may require that the applicant serve a Statutory Notice on all affected owners. An informative would be added to a grant of decision to advise the applicant of this.

- 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.

Infrastructure Contributions

- 6.27 The Community Infrastructure Levy (CIL) is a fixed charge which the Council will be collecting from some new developments from 1 April 2016. It will raise money to help pay for a wide range of infrastructure including schools, roads, public transport and community facilities which are needed to support new development. This development would be CIL liable although, the exact amount would be determined and collected after a grant of planning permission. However, an informal assessment would indicate a contribution of around £118,160 being required.

Affordable Housing

- 6.28 Policy Ho2 of the Borough Local Plan requires developments such as this to provide affordable housing as also required by the Core Strategy, and the National Planning Policy Framework. Affordable housing is required to create sustainable communities and help meet the housing needs of the Borough. Policy CS15 of the Core Strategy states that the Council will negotiate to achieve affordable housing taking account of the mix of affordable units proposed and the overall viability of the proposed development at the time the application is made. For residential developments of between 10 and 14 net dwellings, a financial contribution broadly equivalent to provision of 20 percent affordable housing will be sought, so that affordable housing can be provided elsewhere in the borough.
- 6.29 The development would provide 14 units. The applicant has stated that they are willing to pay the affordable housing contribution which equates to £221,821. Subject to securing this contribution by legal agreement the proposal is compliant with policy.

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
Location Plan	LD01/PA01		19.07.2017
Other Plan	LD01/PL02		19.07.2017
Elevation Plan	LD01/PL03		19.07.2017
Site Layout Plan	PL01 / PL 04	C	05.04.2018
Combined Plan	PL01 / PL 05	B	05.04.2018
Combined Plan	PL01 / PL06	C	05.04.2018
Combined Plan	PL01 / PL08	B	05.04.2018
Combined Plan	PL01 / PL10	B	05.04.2018
Elevation Plan	PL01 / PL11	B	05.04.2018
Elevation Plan	PL01 / PL12	B	05.04.2018
Elevation Plan	PL01 / PL13	C	05.04.2018
Elevation Plan	PL01 / PL14	B	05.04.2018
Elevation Plan	PL01 / PL15	B	05.04.2018
Street Scene	PL01 / PL16	C	05.04.2018
Other Plan	PL01 / PL17	C	05.04.2018
Site Layout Plan	PL01 / PL19	C	05.04.2018
Floor Plan	LD01 / PL 07	A	07.12.2017
Floor Plan	LD01 / PL 09	A	07.12.2017
Elevation Plan	LD01 / PL 18	A	07.12.2017

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. No development shall take place until written details of the materials to be used in the construction of the external surfaces, including fenestration and roof, have been submitted to and approved in writing by the Local Planning

Authority, and on development shall be carried out in accordance with the approved details.

Reason:

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

5. No development shall commence including groundworks or demolition until a detailed Tree Protection Plan (TPP) shall be submitted to and approved in writing by the local planning authority. The TPP shall contain details of the specification and location of tree protection (barriers and/or ground protection) and any construction activity that may take place within the protected root areas of trees/hedges shown, where retained on the TPP. The tree protection measures shall be installed prior to any development works and will remain in place for the duration of all construction works. The tree protection barriers/ground protection shall only be removed on the completion of all construction activity, including hard landscaping. 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 policy Pc4 of the Reigate and Banstead Borough Local Plan.

6. No development shall commence on site until a scheme for the landscaping of the site including the retention of existing landscape features has been submitted to and approved in writing by the LPA. Landscaping schemes shall include details of hard and soft landscaping, including any tree removal/retention, 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 and management programme.

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

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

Reason:

To ensure good arboricultural and landscape practice in the interests of the maintenance of the character and appearance of the area and to comply with policies Pc4 and Ho9 of the Reigate and Banstead Borough Local Plan 2005.

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

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

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 shall commence until the following details and drawings have been submitted to and approved in writing by the local planning authority:

- a) A design that satisfied the SuDS Hierarchy and that is compliant with the national non-technical Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS.
- b) The results of infiltration testing completed in accordance with BRE Digest 365
- c) Evidence to confirm that the proposed drainage solution will effectively manage the 1 in 30 & 1 in 100 (+CC%) allowance for climate change storm events, during all stages of the development. Associated discharge rates and storage rates shall be provided using a greenfield discharge rate of 1 litre/second.
- d) Detailed drawings to include: a finalised drainage layout detailing the exact location of SUDs elements, pipe diameters, levels, long and cross sections of each drainage element including details of any flow restrictions and how the elements will be protected from blockage/damage.
- e) A plan showing exceedance flows and how property on and off site will be protected
- f) Details of how the runoff (including any pollutants) from the development site will be managed during construction
- g) Details of maintenance and management regimes and responsibilities for the drainage system

The development shall thereafter be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the SuDS are adequately planned, delivered and that the development is served by an adequate and approved means of drainage and

to prevent flooding with regard to Policy Ut4 of the Reigate and Banstead Borough Local Plan 2005 and Policy CS10 of the Reigate and Banstead Core Strategy 2014, as well as the requirements of the Non-statutory technical standards.

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

Reason:

To preserve the visual amenity of the area and protect neighbouring residential amenities with regard to the Reigate and Banstead Borough Local Plan 2005 policies Ho9 and Pc4.

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

Reason:

To ensure that the development does not affect the amenity of the neighbouring property by overlooking with regard to Reigate and Banstead Borough Local Plan 2005 policy Ho9.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no first floor windows, dormer windows or rooflights other than those expressly authorised by this permission shall be constructed.

Reason:

To ensure that the development does not affect the amenity of the neighbouring property by overlooking and to protect the visual amenities of the area in accordance with Reigate and Banstead Borough Local Plan 2005 policy Ho9.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions permitted by Classes A B and C of Part 1 of the Second Schedule of the 2015 Order shall be constructed.

Reason:

To control any subsequent enlargements in the interests of the visual and residential amenities of the locality with regard to Reigate and Banstead Borough Local Plan 2005 policies Ho9, Ho13, and Ho16

13. The development hereby approved shall not be first occupied unless and until a verification report to demonstrate that the Sustainable Drainage System has been constructed as per the agreed scheme has been submitted to and approved by the Local Planning Authority. Such a report shall be carried out by a suitably qualified drainage engineer.

Reason:

To ensure that the SuDS are adequately planned, delivered and that the development is served by an adequate and approved means of drainage to comply with Policy Ut4 of the Reigate and Banstead Borough Local Plan 2005 and Policy CS10 of the Core Strategy 2014, as well as the requirements of the Non-statutory technical standards.

INFORMATIVES

1. Your attention is drawn to the safety benefits of installing sprinkler systems as an integral part of new development. Further information is available at www.firesprinklers.info.
2. The applicant is encouraged to provide renewable technology within the development hereby permitted in order to reduce greenhouse gas emissions.
3. 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.
4. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:
 - (a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
 - (b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
 - (c) Deliveries should only be received within the hours detailed in (a) above;
 - (d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
 - (e) There should be no burning on site;
 - (f) Only minimal security lighting should be used outside the hours stated above; and

- (g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway.

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

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

5. The applicant is advised that the 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.
6. The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed and the classification of the road. Please see <http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>. The applicant is also advised that Consent may be required under Section 23 of the Land Drainage Act 1991. Please see www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/floodingadvice.
7. The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).
8. The developer is advised that as part of the detailed design of the highway works required by the above conditions, the County Highway Authority may require necessary accommodation works to street lights, road signs, road markings, highway drainage, surface covers, street trees, highway verges,

highway surfaces, surface edge restraints and any other street furniture/equipment.

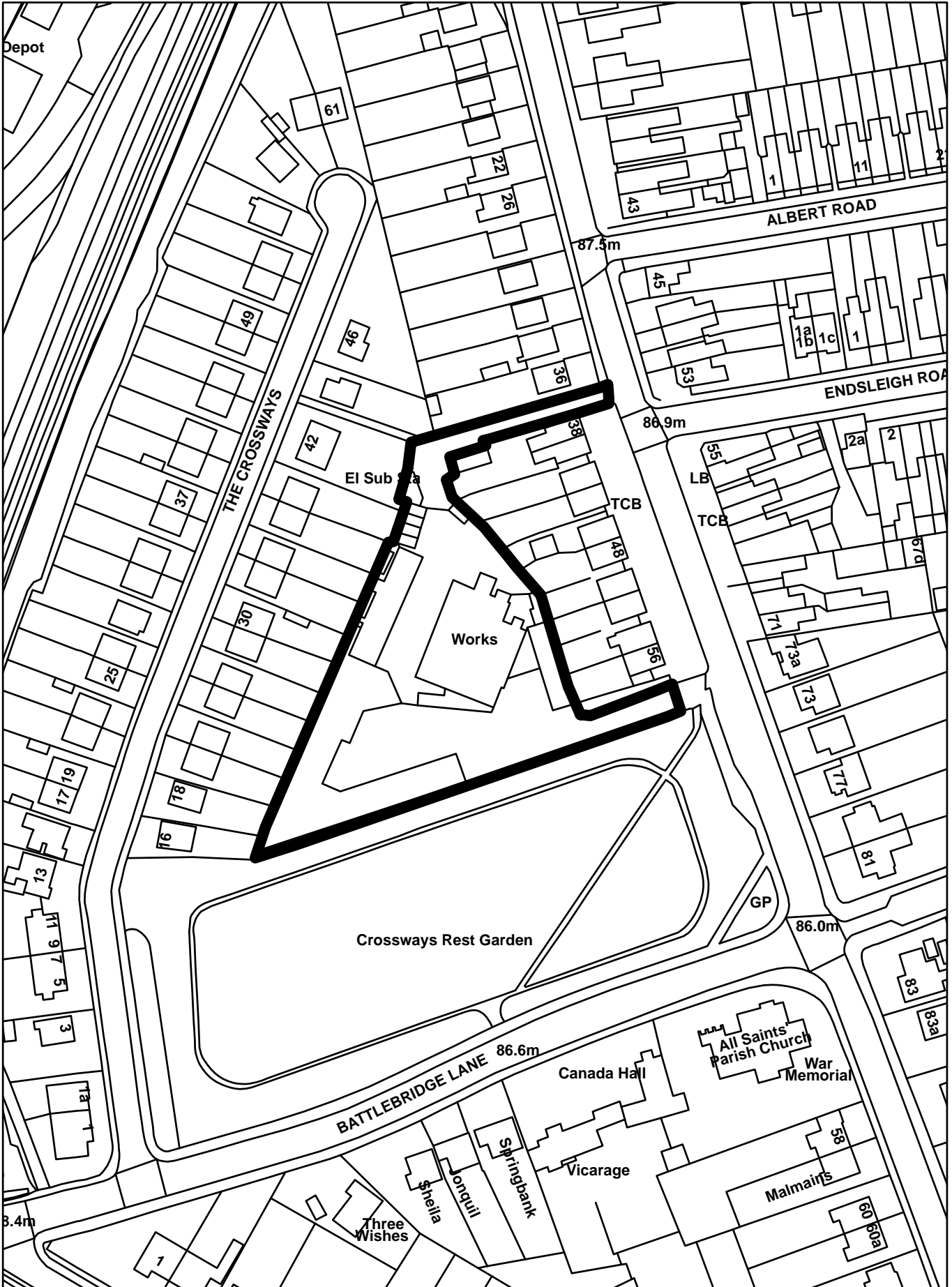
9. Building works involving work on an existing wall shared with another property; or new building on the boundary with a neighbouring property; or excavating near a neighbouring building, may fall within the scope of the Party Wall, etc. Act 1996 and may require that you serve a Statutory Notice on all affected owners. Further guidance is available from <https://www.gov.uk/party-walls-building-works>
10. The use of a suitably qualified arboricultural consultant is essential to provide acceptable submissions in respect of the arboricultural tree condition above. All works shall comply with the recommendations and guidelines contained within British Standard 5837
11. Building works involving work on an existing wall shared with another property; or new building on the boundary with a neighbouring property; or excavating near a neighbouring building, may fall within the scope of the Party Wall, etc. Act 1996 and may require that the applicant serve a Statutory Notice on all affected owners.

REASON FOR PERMISSION

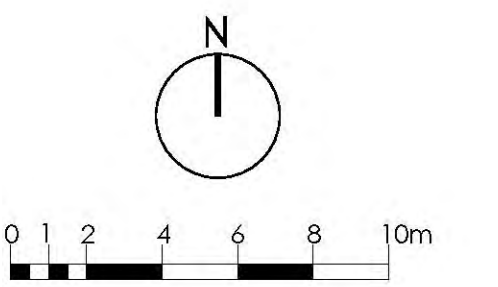
The development hereby permitted has been assessed against development plan policies CS1, CS4, CS7, CS10, CS11, CS14, CS15, Pc4, Ho9, Ho13, Ho16, Ho17, Em1a, Mo5, mo7 and material considerations, including third party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.

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.

17/01676/F - Elgar Works, Nutfield Road, Merstham



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Rev	Date	Description
C	4.4.18	Amended after planning comments
B	22.2.18	Amended after planning comments
A	7.12.17	Amended after planning comments



Date	Nov 2017	Drawn	KA
Scale	1:200 @ A1	Checked	-

Client:
Earlswood Homes

Project:
Battlebridge Works
Merstham
RH1 3EP

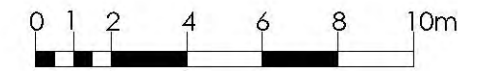
Title:
Proposed Site
Layout

Drawing No.
LD01 / PL 04 C

Plots 1-5



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Plots 6-8



Plots 9-14



Rev	Date	Description
C	4.4.18	Amended after planning comments
B	22.2.18	Amended after planning comments
A	6.12.17	Amended after planning comments

Date	June 2017	Drawn	KA
Scale	1:200 @ A3	Checked	*

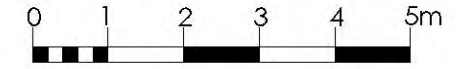
Client
Earlswood Homes

Project
Battlebridge Works
Merstham

Title
Street Elevations

Drawing No
LD01 / PL 16 C

Plots 1 & 2

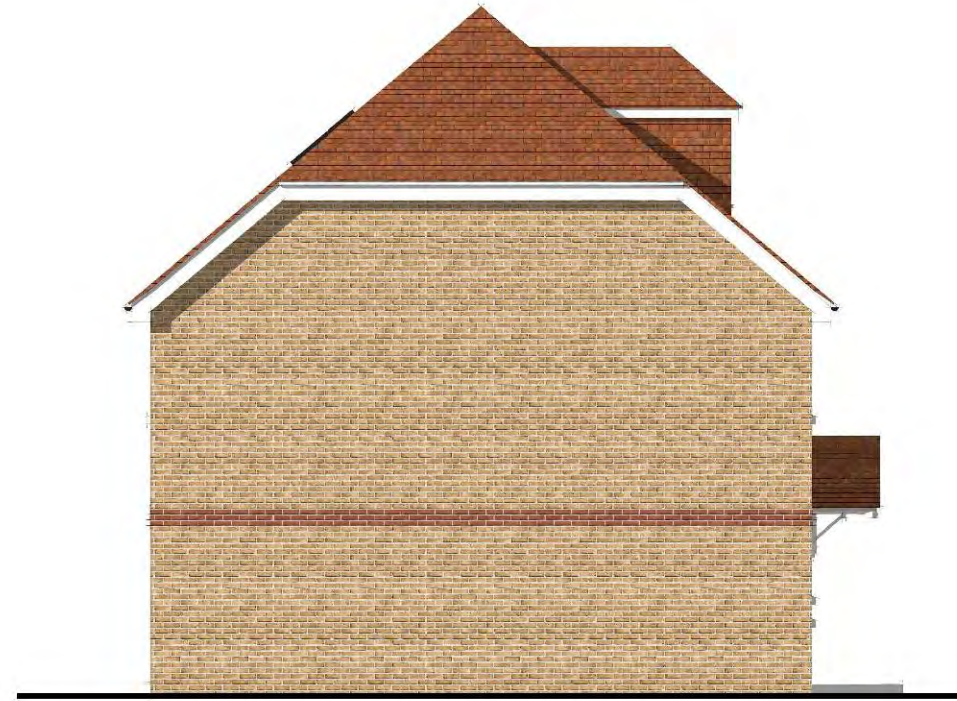


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Front



Side



Rear



Side



Rev	Date	Description
B	4.4.18	Hipped roof dormers shown
A	7.12.17	Amended after planning comments

Date	June 2017	Drawn	KA
Scale	1:100 @ A3	Checked	*

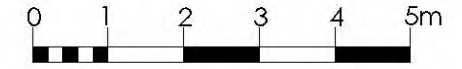
Client
Earlswood Homes

Project
Battlebridge Works
Merstham

Title
House Type Elevations
Sheet 1

Drawing No
LD01 / PL 11 B

Plots 5 & 9



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Front



Side

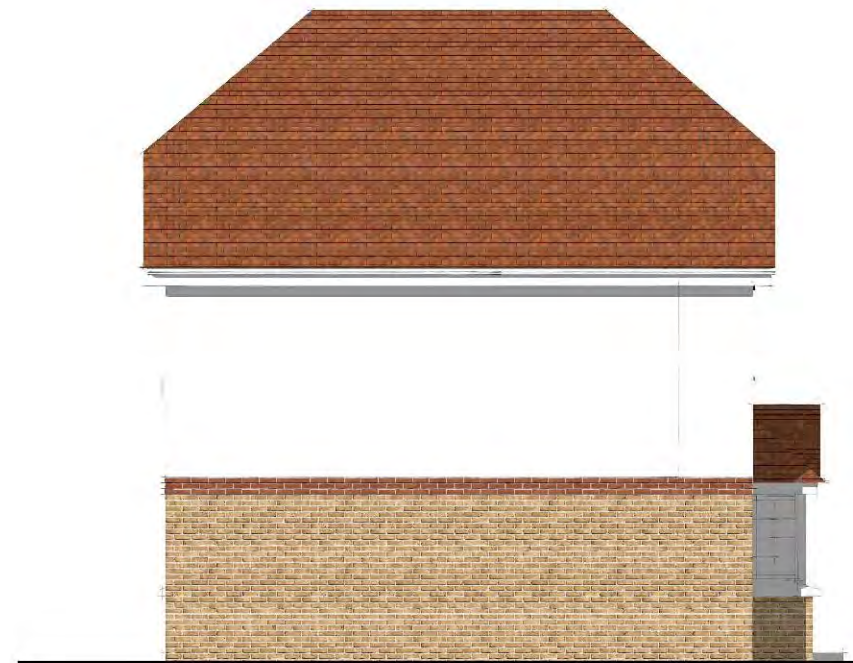


NOTE: PLOT 9 AS SHOWN
PLOT 5 HANDED

Rear



Side



Rev	Date	Description
C	4.4.18	Bay/hipped dormer shown
B	Feb 18	Amended after planning comments
A	7.12.17	Amended after planning comments

Date	June 2017	Drawn	KA
Scale	1:100 @ A3	Checked	*

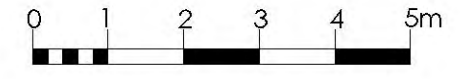
Client
Earlswood Homes

Project
Battlebridge Works
Merstham

Title
House Type Elevations
Sheet 3

Drawing No
LD01 / PL 13 C

Plots 10,11 & 12

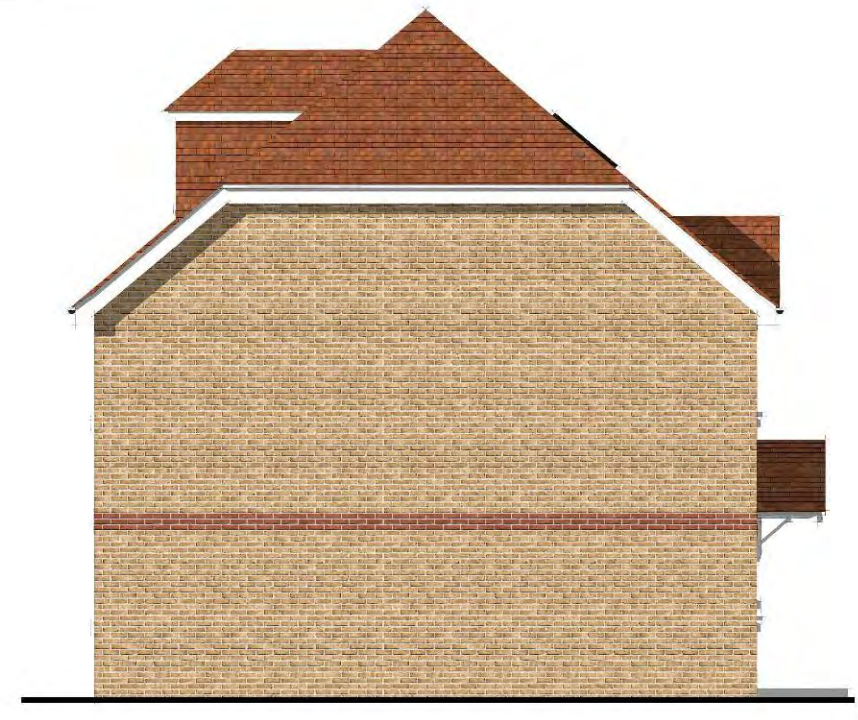


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Front



Side



Rear



Side



Rev	Date	Description
B	4.4.18	Hipped roof dormers moved to rear: gables added
A	7.12.17	Amended after planning comments

Date	June 2017	Drawn	KA
Scale	1:100 @ A3	Checked	*

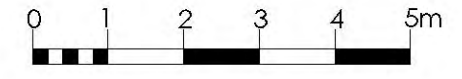
Client
Earlswood Homes

Project
Battlebridge Works
Merstham

Title
House Type Elevations
Sheet 5

Drawing No
LD01 / PL 15 B

Plots 3,4, 13 & 14

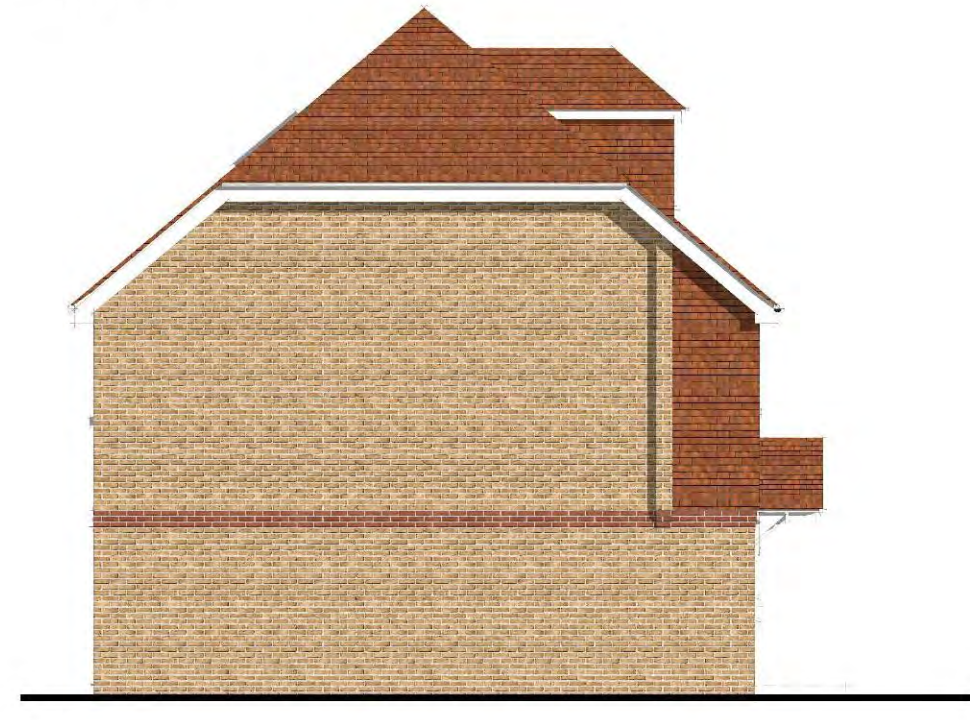


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Front



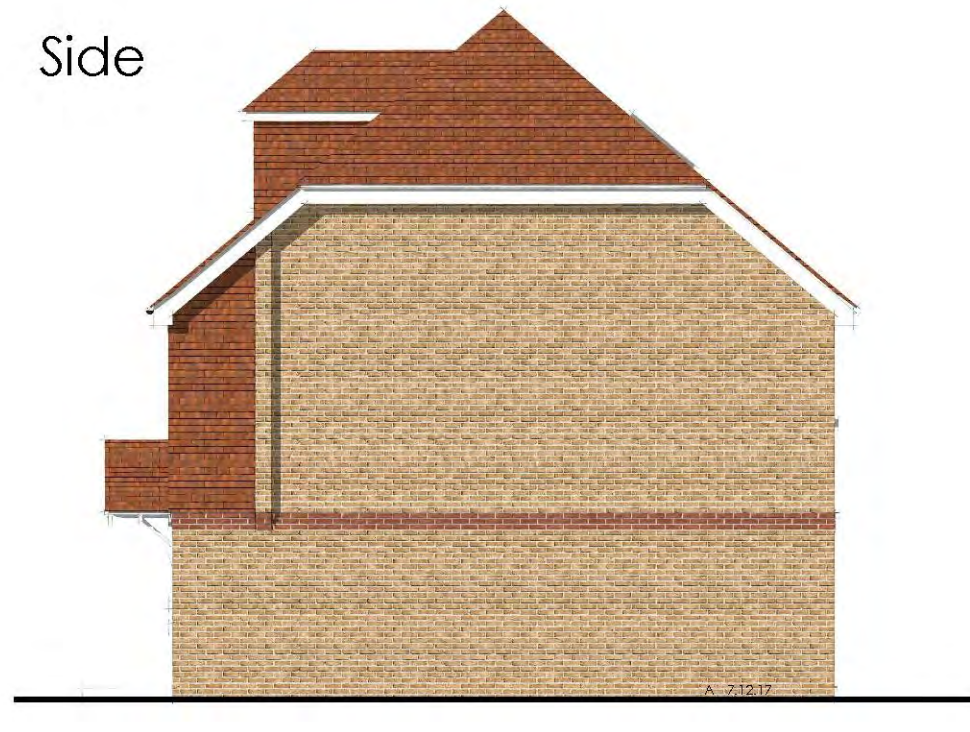
Side



Rear



Side



Rev	Date	Description
B	4.4.18	Hipped roof dormers shown
A	7.12.17	Amended after planning comments

Date	June 2017	Drawn	KA
Scale	1:100 @ A3	Checked	*

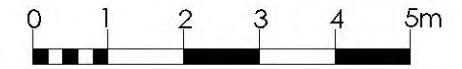
Client
Earlswood Homes

Project
Battlebridge Works
Merstham

Title
House Type Elevations
Sheet 2

Drawing No
LD01 / PL 12 B

Plots 6, 7 & 8

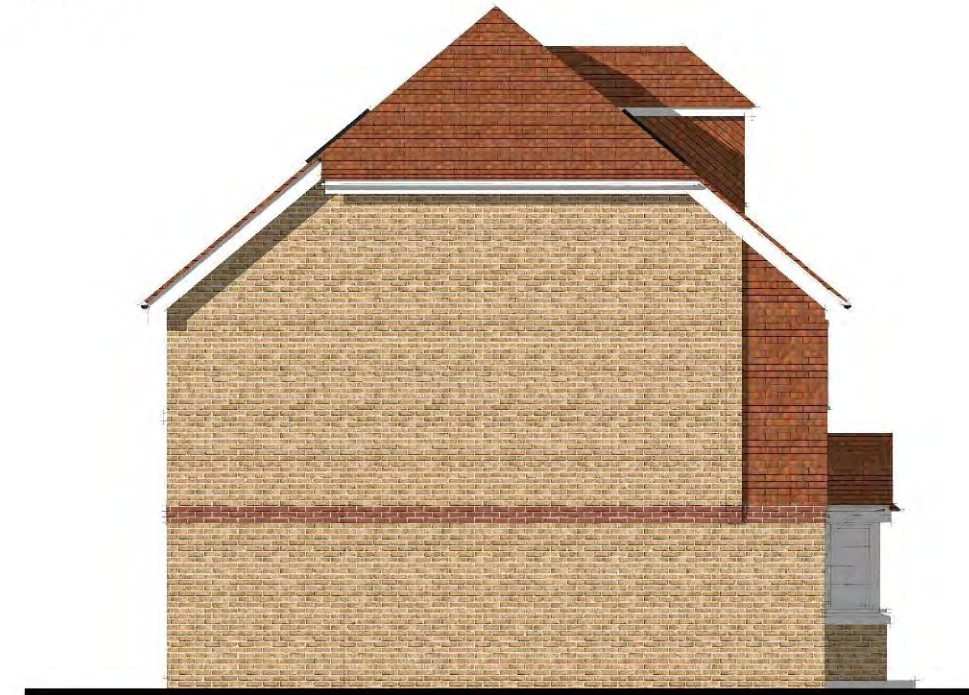


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Front



Side



Rear



Side



Rev	Date	Description
B	4.4.18	Hipped roof dormers/bays shown
A	7.12.17	Amended after planning comment

Date	June 2017	Drawn	KA
Scale	1:100 @ A3	Checked	*

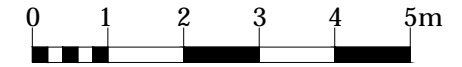
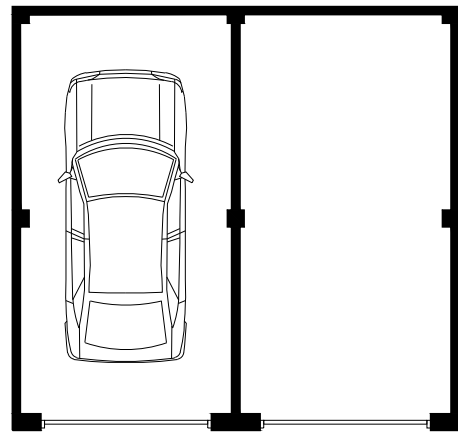
Client
Earlswood Homes

Project
Battlebridge Works
Merstham

Title
House Type Elevations
Sheet 4

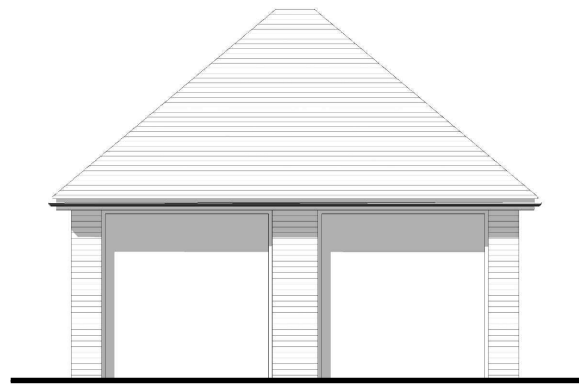
Drawing No
LD01 / PL 14 B

Plan

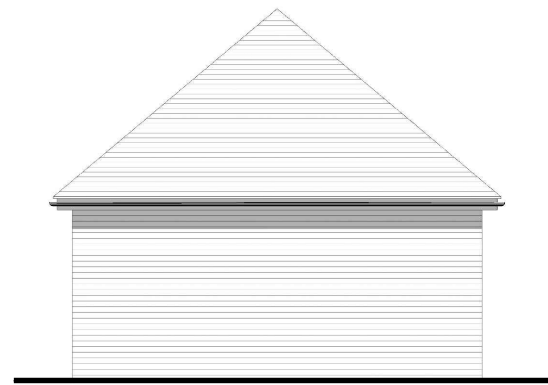


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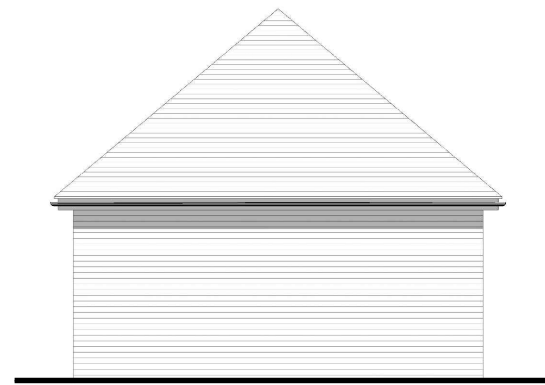
Front



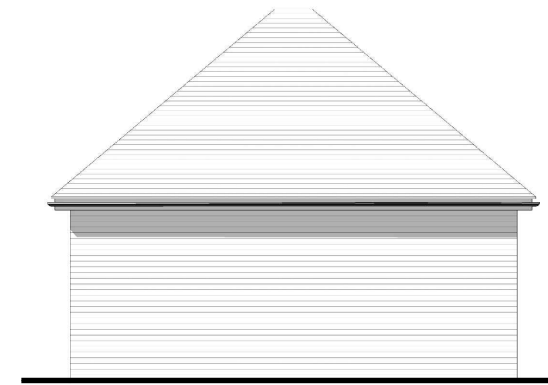
Side



Side



Rear



Rev	Date	Description
A	7.12.17	Roof pitch reduced to 40 deg.

Date	June 2017	Drawn	KA
Scale	1:100 @ A3	Checked	*

Client
Earlswood Homes

Project
**Battlebridge Works
 Merstham**

Title
**Garages
 Plans & Elevations**

Drawing No
LD01 / PL 18 A

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Rev	Date	Description
C	4.4.18	Flipped dormers shown, updated
B	22.2.18	Amended after planning comments
A	5.12.17	Amended after planning comments

Date	June 2017	Drawn	KA
Scale	NTS	Checked	*

Client
 Earlswood Homes

Project
 Battlebridge Works
 Merstham

Title
 Perspective View

Drawing No
 LD01 / PL 17 C

Appeal Decision

Site visit made on 7 February 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 6th March 2017

Appeal Ref: APP/L3625/W/16/3161771

Elgar Works, Nutfield Road, Merstham RH1 3EP

- 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 Mr Kearns, CRC Riders Ltd, against the decision of Reigate & Banstead Borough Council.
 - The application Ref 16/00802/F, dated 7 April 2016, was refused by notice dated 5 October 2016.
 - The development proposed is demolition of existing industrial and commercial buildings and erection of two new residential blocks containing a total of 29 flats (11 x 1 bed, 18 x 2 bed) together with access, parking and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character of the area
 - the effect of the proposed development on the living conditions of surrounding occupiers, having particular regard to privacy and outlook, and
 - whether the proposed development should provide affordable housing.

Reasons

The character of the area

3. The Council objects to the lack of space around the proposed blocks, their proximity to site boundaries, and the dominance of hard landscape, concluding that a cramped character of overdevelopment would result.
 4. I appreciate that the space between the proposed blocks would be dominated by cars, but the approach to compress the car-parking into as small a place as possible on a small site has the advantage of maximising the areas of soft or green space. Properly balanced by sufficient surrounding soft space, this strategy in the block layout seems appropriate here. While there are some pinch points in the soft space, for instance by the flanks of block 1, the retained width for planting would still be substantial. The overall effect, taking into account the green edge along the boundary to Crossways Gardens and the area of planting behind block 2, would strike the right balance.
-

5. However, block 1 and block 2 would appear uncomfortably close to the Crossways boundary. Block 1 would be only a few metres from the back fence of 22 The Crossways. Given the 2-storey scale of the block, the space between it and the boundary would appear pinched, and the relationship of building to boundary, out of character with the immediate, suburban context.
6. The terrace area of the ground floor flat in block 2 would almost merge into the footway link to Nutfield Road, so close is the block to the Crossways boundary. This block is three storeys in part, and in such proximity to the Crossways boundary would appear uncharacteristically close in the immediate context of the distinctive pattern of development of the pairs of semi-detached houses set substantially back from the common boundary.
7. The development would appear cramped between block 1 and block 2 and the Crossways boundary, and for this reason it would appear as overdevelopment. I acknowledge that the roofs of both blocks would be flat, which would diminish their scale in relation to the site boundaries. I have taken into account the existing building volumes and their relationships to the site boundaries; however, this does not outweigh the harm to the character of the area which would result from this proposal. While I see less relevance with Policy Ho16 of the Local Plan 2005 (LP) to which the Council refers and which concerns frontage plots or extensions, it would conflict with LP Policies Ho9 and Ho13, which require redevelopment to maintain the character of the area and to reinforce local distinctiveness.
8. It would be at odds too with the Framework¹ which says that decisions should aim to ensure that developments respond to local character and reinforce local distinctiveness. It would also be contrary to advice in the Planning Practice Guidance² which advises that development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development.

The living conditions of the occupiers in The Crossways

9. The closest house in The Crossways to block 1 would be around 20m distant from the 2-storey part of the block, and around 36m from the 3-storey part of the block. This separation distance would not result in materially harmful overlooking from the openings in block 1. I note that the second floor flat would have a terrace facing towards The Crossways, and the first floor flats would have balconies on the front and rear elevations. However, given their limited depth and the separation distances, I do not consider they would risk disturbing or harmfully overlooking the occupiers in The Crossways.
10. Given the proximity and height of the existing buildings on site to The Crossways, block 1 would not have an adverse impact on the outlooks from the houses or gardens in The Crossways. It would be sufficiently distant from the houses in The Crossways not to reduce to a harmful degree the diffuse light and sunlight in the houses and gardens.
11. From the closest houses in The Crossways, the first floor of block 2 would be around 23m distant and the second floor, around 28m distant. With these separation distances and given the flat roofs of the proposal, block 2 would not

¹ National Planning Policy Framework, paragraphs 58 and 60

² Planning Practice Guidance, DCLG 2014 as amended, paragraph:007, ID 26-007-20140306

result in an overbearing relationship on the occupiers in The Crossways. Nor would it materially harm the diffuse light or sunlight they presently enjoy.

12. The first floor opening and rear balconies in block 2, given their separation distances from The Crossways, would not result in harmful overlooking into the houses or gardens in The Crossways. I note the second floor terrace of block 2 facing The Crossways, but given the separation distance and its modest size, it too would not harmfully overlook the occupiers in The Crossways. Moreover, the balconies and terrace would be limited in size and would relate more to the interior spaces than as amenity spaces where people might gather or undertake activities which could disturb surrounding occupiers.
13. Given the distance of block 2 from the openings in the houses in The Crossways and their back gardens, and the existing structures on-site along the boundary, I find no harm to the living conditions of the occupiers of houses in The Crossways.

The living conditions of the occupiers in Nutfield Road

14. Block 2 would be around 24m from the rear elevations of the closest buildings in Nutfield Road. While it would have a third storey, this would be around 28m from the backs of these buildings. Given the heights of block 2 and the corresponding separation distances to Nutfield Road, there would be no adverse impact on the outlook of the occupiers in Nutfield Road.
15. These distances would ensure that there would be no harmful overlooking into the dwellings and rear areas of the buildings in Nutfield road. While I note a first floor rear balcony and a terrace to the second floor flat in block 2, given their limited depth and their separation from Nutfield Road, I do not consider they would risk disturbing the occupiers of dwellings in Nutfield Road. Similarly, given the length of the gardens behind Nutfield Road, block 2 would not reduce to a harmful degree the amount of diffuse light and sunlight entering the dwellings on Nutfield Road or their gardens.
16. I appreciate that the outlooks from neighbouring dwellings would change as a result of the development, and that there may be some limited overlooking where there is presently none. However, I take into account the scale and location of the existing buildings on the site as well as the risk of disturbance from an alternative commercial use on the site, together with the commonly accepted degree of mutual overlooking between opposite plots in suburban locations like this.
17. Weighing these factors in the balance, I do not consider that the proposed development would cause material harm to the living conditions of surrounding occupiers, having particular regard to privacy and outlook. There would thus be no conflict from the proposal with Policies Ho9 and Ho13 of the Local Plan 2005 which require development not to seriously or unreasonably affect the amenities of adjoining properties.

Affordable housing

18. While one of the reasons for refusal of the planning application was the failure to provide affordable housing, the appellant submitted a unilateral undertaking late in the course of the appeal to secure 9 of the 29 dwellings as affordable housing.

19. Whilst I am dismissing the appeal, the undertaking appears to address the **shortcomings identified in the Council's statement**. It would accord with Policy CS15 of the Core Strategy 2014 (CS) which in schemes of 15 or more dwellings seeks 30% of them as affordable.
20. Taking into account the statutory tests contained at Article 122 of the Community Infrastructure Levy Regulations 2010 as amended, and in paragraph 204 of the Framework, I conclude that an obligation is necessary to secure affordable housing and that the proposal would be in accordance with CS Policy CS15.

Other Matters

21. The views of local residents have been taken into consideration and I have already dealt with what I regard as the main planning issues. There is no compelling evidence to reject the proposal on the insufficiency of its off-street parking provision, resulting traffic congestion, or risks to highway safety. I note that the Council and highway authority do not object to the level of parking, the access, or the number of trips generated. Taking into account the accessibility of the location and the alternative of continued commercial use, I have no reason to disagree with their conclusions.
22. I note the objections to the height of the proposed blocks and their appearance. However, their overall height would be similar to the ridge heights of the surrounding buildings. The parts of the blocks which would stand closest to the surrounding buildings would step down to 2-storeys, and would have a similar eaves height to their neighbours. I appreciate the surrounding buildings tend to have pitched roofs. However, given the almost land-locked nature of the site which already breaks from the surrounding pattern of development, together with the character of its commercial buildings, I see no conflict from the flat roofs proposed and the character of the area.

Conclusion

23. The proposed development would not harm the living conditions of surrounding occupiers and would provide a significant benefit of 29 dwellings, including 9 as affordable, to local housing supply, a significant boost to which is anticipated by paragraph 47 of the Framework. However, this is outweighed by the unacceptable harm it would cause to the character of the area, which is in clear conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR