

To: Planning & Regulatory Committee
By: Planning Development Manager
District(s) Reigate & Banstead Borough Council

Date: 27 September 2023

Electoral Division(s):
Banstead, Woodmansterne and
Chipstead
Luke Bennett
Case Officer:
James Nolan
Grid Ref: 524961 159742

Purpose: For Decision

Title: Surrey County Council Proposal RE/23/00467/CON

Summary Report

Former Bentley Day Centre, The Horseshoe, Banstead, Surrey, SM7 2BQ

Outline application for erection of part 4- and part 5-storey building (with additional lower ground floor) for extra care accommodation, comprising self-contained apartments, staff and communal facilities, and associated parking. Appearance and landscaping reserved. (Amended Plans).

The application site is located towards the north-east of Surrey, on The Horseshoe within the urban area of Banstead. It is owned by Surrey County Council and as shown on the site location plan reproduced in the report Surrey County Council owns a wide area of land within this area. The site comprises two parts: the eastern half where the Former Bentley Day Centre previously stood until its demolition in 2021, that part of the site remains cleared and surrounded by wooden hoarding; and the western half which comprises an open area of land with extensive, established woodland vegetation.

The application site is surrounded by a number of other buildings, the majority of which are also accessed from The Horseshoe, including two care homes, two schools, a retirement home, a community centre, an ambulance training centre, and a small number of residential properties.

The proposal the subject of this application is for the erection of a part 4- and part 5-storey building, with an additional lower ground floor, for extra care accommodation within the footprint of the former Bentley Day Centre, comprising self-contained apartments, staff and communal facilities, and associated parking. The application has been submitted by Surrey County Council under Regulation 3 of the Town and Country Planning General Regulations and seeks outline planning permission for the development. At this outline stage the planning considerations are only concerned with the principle of the development include size and scale and means of access to the site. The design and appearance of the building, and associated landscaping are *reserved matters* which will be submitted at a later stage.

Since the application was submitted, and following comments received from interested parties and consultees, officers have sought amendments to the application reducing the height of the building. The applicants have responded with a reduction in height of around 3m achieved by relocation of roof plant to a lower part of the roof. The overall height is now just over 17m (previously with the roof plant it extended to 20m).

Representations from a total of 11 objectors have been received. These are summarised and addressed in the report but largely relate to traffic implications and height and scale of the building, though these comments relate to the scheme as originally submitted and not to the amended scheme negotiated by officers.

Reigate and Banstead Borough Council object to the proposal on grounds that the scale, bulk and mass of the development would appear out of character with that of other developments in the surrounding area, the proposal has the potential to increase overlooking and loss of privacy,

and be imposing and overbearing and finally, comment whether the amount of parking is sufficient. Banstead Village Residents Association raise similar issues. Again since these comments were received officers have secured an amendment to the scheme reducing the height of the proposal by 3m. However the comments are further addressed in the report.

Other consultees including the County Highways Authority raise no objection subject to conditions. Some technical consultees have requested further information which cannot be provided at this stage as this is an outline application with matters of detail reserved for subsequent approval. Officers have therefore attached conditions which will require this information to be submitted at the reserved matters stage and are satisfied that those matters can be addressed satisfactorily at that later stage.

Based on the amended plans officers are satisfied that a development of this scale and nature can be accommodated on the site with satisfactory access and, subject to planning conditions, without causing harm. The proposal therefore accords with development plan policies.

The recommendation is to grant outline planning permission subject to conditions.

Application Details

Applicant

SCC Property

Date application valid

8 February 2023

Period for determination

6th October 2023

Amending documents

- 02/03/23 Email from Agent with revised Statement of Community Involvement.
- Drawing No. PEO2-5887-DR-A-02303 Rev P01 Site Sections with Proposed Squirrels dated 13 June 2023.
- Drawing No. PEO2-5887-DR-A-90106 Rev C01 Site Plan with Existing Squirrels – Ground Floor dated 21 June 2023.
- Drawing No. PEO2-5887-DR-A-90107 Rev C01 Site Plan with Existing Squirrels – First Floor dated 21 June 2023.
- Drawing No. PEO2-5887-DR-A-90108 Rev C01 Site Plan with Proposed Squirrels – Ground Floor dated 21 June 2023.
- 03/07/23 Letter from Agent with clarifying information.
- Drawing No. PEO2-5887-DR-A-02302 Rev P02 Site Sections with Existing Squirrels dated 13 June 2023.
- Drawing No. PEO2-5887-DR-A-90110 Rev P02 Site Location Plan dated 22 November 2022.
- Drawing No. PEO2-5887-DR-A-90114 Rev P02 Proposed Site Floor Roof Plan dated 22 November 2022.
- Drawing No. PEO2-5887-DR-A-90116 Rev P02 Proposed Floor Plans First and Second Floor dated 22 November 2022.
- Drawing No. PEO2-5887-DR-A-90117 Rev P02 Proposed Floor Plans Third and Fourth Floor dated 22 November 2022.
- Drawing No. PEO2-5887-DR-A-90118 Rev P02 Proposed Floor Plans Roof dated 22 November 2022.

- Drawing No. PEO2-5887-DR-A-90210 Rev P02 Proposed Elevations North and East Elevation dated 22 November 2022.
- Drawing No. PEO2-5887-DR-A-90211 Rev P02 Proposed Elevations South and West Elevations dated 22 November 2022.
- Drawing No. PEO2-5887-DR-A-90310 Rev P02 Proposed Site Sections dated 22 November 2022.
- Drawing No. PEO2-5887-DR-A-90311 Rev P02 Existing Site Sections dated 22 November 2022.
- Drawing No. PEO2-5887-DR-A-90312 Rev P02 Proposed Sections dated 22 November 2022.

Summary of Planning Issues

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
Principle and Need	Yes	36 - 57
Urban Open Space	Yes	58 - 60
Design and Visual Amenity	Yes	61 - 84
Highways, Traffic and Access Considerations	Yes	85 - 107
Impact on Residential Amenity	Yes	108 - 141
Trees and Landscaping	Yes	142 - 162
Ecology and Biodiversity	Yes	163 - 176
Flood Risk and Drainage	Yes	177 - 186
Waste Management Issues	Yes	187 - 188
Archaeology	Yes	189 - 192

Illustrative Material

Aerial Photographs

- Aerial Photograph 1
- Aerial Photograph 2

Site Photographs

- Photograph 1 Frontage of the site viewed from The Horseshoe to the east
- Photograph 2 Site (on the right) with Ridgemount Residential Care Home in distance
- Photograph 3 Frontage of the site from the east
- Photograph 4 Site of the former Bentley Centre and location of new building
- Photograph 5 Rear (west) part of the site within Urban Open Space designation to be retained
- Photograph 6 Junction of The Horseshoe with Boltons Lane
- Photograph 7 South western part of site to remain undeveloped by buildings

Site Plan

- Plan 1 – Plan showing site location and layout
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Background

Site description

1. The site of the former Bentley Day Centre (delineated in red on the plan below) is located off The Horseshoe towards the north-east of Surrey, within the urban area of Banstead, some 116m east of the A217 Brighton Road. Surrey County Council owns the site as well as other land in this area delineated in blue on the plan below. The site is accessed off The Horseshoe with Public Footpath No. 515 running along its boundary.



2. The 0.77 hectare site comprises two parts: the eastern half, where the day centre itself previously stood until its demolition in 2021 (which remains cleared and surrounded by wooden hoarding) and the western half, which comprises an open space and extensive, established woodland vegetation. Although the whole of the site is the subject of this application, the proposed building would be confined to the footprint of the former building on the eastern part of the site.
3. The site lies within a wider area that is a focus for regeneration and investment within Reigate and Banstead's Core Strategy and is recognised as one of the main built-up areas within the Borough. Reigate and Banstead Development Management Policies of September 2019 designates a large part of the western half of the site (which will remain undeveloped) as Urban Open Space and the eastern half (the site of the proposed building) has an Urban Site Allocation that identifies residential development as suitable.
4. The site itself, following the demolition of the former Bentley Centre, is sloping slightly down to the north, which enables the provision of a lower ground floor and parking area within the proposed scheme.
5. The site is surrounded by a number of other buildings including:
 - Squirrels, from which Surrey Choices operate their Short Breaks respite service for people with care and support needs, to the east. Bolters Lane, and residential properties on its eastern side, are situated beyond this. There is a current planning application from Surrey County Council (RE23/01394/CON) to redevelop this site which is being considered – see planning history below.
 - A small number of residential properties and Priory House retirement home to the south-east.
 - Ridgemount care home to the south, with Banstead Community Centre beyond this.
 - South East Coast Ambulance Service's Banstead Training Centre to the south-west, with Banstead Infant School and Banstead Community Junior School beyond this.
 - Greenacres care home to the west, with the residential properties on either side of Dunnymans Road beyond this.
 - There is also a large empty playing field to the north of the site, owned by Surrey County Council, with Banstead Downs Tennis Club beyond this.

- The site lies in Flood Zone 1, defined by the Environment Agency as land least likely to flood. There are no heritage constraints, and the nearest statutory designation is located at Banstead Downs Site of Special Scientific Interest, some 670m to the north.

Planning history

- Bentley Day Centre was originally constructed as a technical training centre sometime between 1958 and 1969 on the site of the former Bentley Lodge and was later refurbished for use as a day centre for adults with learning disabilities.
- Several planning permissions were granted for Bentley Day Centre by the Borough Council since that time, including a new extension to provide a special care unit and internal alterations of the existing staff room in August 1986 under ref: 86/06610/CON, erection of a single storey extension to side elevation in July 1994 under ref: 94/07350/CON, and construction of a new disabled access ramp to side entry in August 2004 under ref: 04/01574/F.
- Meanwhile, Surrey County Council itself granted planning permission for construction of an external life shaft and ground floor link corridor in September 2004 under ref: RE04/1935.
- Bentley Day Centre closed in 2016 and prior approval for demolition of the building was granted in March 2020 under ref: 20/00378/CON. Demolition was subsequently completed in 2021, with the footprint of the former building since remaining clear and surrounded by wooden hoarding.
- Also of relevance to the consideration of this proposal is an application from Surrey County Council currently being considered (reference RE23/01394/CON) at the neighbouring site known as The Squirrels. This is for the demolition of the existing building and the erection of a new Short Breaks Centre for Adults with Learning Disabilities and/or Autism, comprising eight en-suite bedrooms, communal and staff facilities and landscape gardens.

The Proposal

- This application is submitted seeking **outline** planning permission for the erection of a part 4- and part 5-storey building, with an additional lower ground floor, for extra care accommodation, comprising self-contained apartments, staff and communal facilities, and associated parking as shown on the proposed block plan reproduced below:



13. Applications for **Outline** Planning Permission are generally submitted to establish the *principle of a development* on a site. This type of planning application allows fewer details about the proposal to be submitted at the outline stage. These details are submitted and agreed following the submission of a “**Reserved Matters**” application at a later stage. Reserved matters can include: appearance, means of access, landscaping, layout and scale but where insufficient details are provided to enable an assessment to be made applications can be refused.
14. This application has been submitted on the basis that the means of access, layout and scale of the building are to be considered at this stage, with its appearance and associated landscaping being reserved matters to be addressed at a later stage.
15. Extra care accommodation is designed for older people living independently with their own front door within a setting where a degree of care and support can be provided *as required*, from an on-site provider. It is a key focus for Surrey County Council in delivering suitable specialist accommodation for older people as part of the Accommodation with Care and Support Strategy, as the care and support system is under significant strain and faces long-term and sustained financial challenges. Current national benchmarking suggests that the provision of extra care is currently the biggest gap in housing accommodation.
16. In this case Surrey County Council is determining the application under Regulation 3 legislation as it is the applicant and is *directing* and *controlling* the development. The development on site will be delivered by a specialist provider. Surrey County Council will retain ownership of the land and will have nomination rights to the occupiers of the building thereby being able to make it available for those in most need of such accommodation within the County.
17. The proposed new building would be located within the footprint of the former Bentley Day Centre, would measure approximately 17m in height, and as with the former day centre would be accessed from The Horseshoe. A total of 21 off-street parking spaces would be provided, including two car club and two disabled bays, all of which would have electric vehicle charging points. The land to the west of the proposed building would be retained as open space with improvements made to it to achieve biodiversity gain and to provide access to the residents for outdoor amenity space (though details of the proposed landscaping of this area are a *reserved matter* to be considered at a later stage).

Consultations and Publicity

Reigate and Banstead Borough Council

18. Objection, as the scale, bulk and mass of the development would appear out of character with the surrounding area and has the potential to be imposing and overbearing; increased overlooking and loss of privacy, especially to the east, and, insufficient parking.

Consultees (statutory and non-statutory)

19. Air Quality Consultant - No objection, subject to Conditions requiring the submission of a Dust Management Plan and the implementation of dust mitigation measures.
20. County Arboriculturist – No objection.
21. County Archaeological Officer – No objection.
22. County Ecologist – Requested more information on Biodiversity Net Gain calculations as considers that it is unclear how a measurable gain is going to be achieved and the extent of woodland removal on the site. Comments that the woodland on site is designated as a Habitat of Principal Importance (HPI) under the NERC Act, 2006 and that the Council has a duty to conserve and enhance HPI habitats and that if the mitigation strategy is solely to enhance the retained woodland on site, then further justification is required for ‘target

condition' in relation to the use of this area as a garden /open space for future residents. Further comments in respect of tree removal that two trees (named TN1 and TN2) have moderate suitability to support roosting bats and recommends further bat roost surveys if these trees are being removed. Recommends planning conditions relating to 1. A Biodiversity Net Gain assessment of detailed landscape plan and planting schedules demonstrating a measurable net gain. 2. An Ecology Mitigation, Enhancement and Management Plan (EMEMP) to be submitted detailing a) how existing woodland will be protected during construction and operational phase of development; b) Wildlife sensitive lighting strategy (including LUX contour plan) for the site; c) Habitat and species mitigation for woodland, birds, bats, amphibians, reptiles and other relevant species; d) An enhancement plan for the site to include bird and bat boxes and other enhancement features for species; e) A 30-year management plan for habitats and enhancement features. (**Officer comment:** This is an outline planning application with proposed landscaping being for consideration at a later stage as a *reserved matter*. Officers need to be satisfied that the proposal can meet the requirements of the Development Plan policy in regard of BNG but as the details of landscaping and tree removal are *indicative* only at this stage they will not be approved and will be considered at the later stage. This is considered in more detail in the relevant section of the report below).

23. County Landscape Officer – No objection.
24. County lighting consultant – Requested more information on the details of the lighting (officer comment: As this is an outline application these cannot be provided at this stage but appropriate conditions can ensure the matter is addressed at a later stage)
25. Lead Local Flood Authority – No objection, subject to Conditions requiring the submission of details of the design of a surface water drainage scheme prior to commencement, and the submission of a verification report prior to the first occupation of the development.
26. Transportation Development Planning – No objection, subject to Conditions requiring the submission of a Construction Transport Management Plan prior to commencement; the submission and implementation of a scheme to provide electric vehicle charging points to every parking space prior to occupation, and the subsequent retention and ongoing maintenance of such charging points; the submission and implementation of a scheme to provide a continuous, level pedestrian crossing across The Horseshoe junction with the site access road, following public right of way route 515, prior to occupation; the submission and implementation of a scheme to provide yellow line markings at the dropped kerbs along public right of way route 515, to the west of the site, prior to occupation; and, the submission and implementation of a scheme to provide secure, covered parking for bicycles including charging facilities for electric cycles and mobility scooters prior to occupation, and the subsequent provision, retention and ongoing maintenance of such parking and charging facilities.

Parish/Town Council and amenity groups

27. Banstead Village Residents' Association – Objection, on the basis of building height, building design/materials out of character with local area, lack of screening during winter, and an unsustainable increase in street parking. Urban Open Space to the north and west of the proposed development should be taken into account through the building's impact on the street scene and the number of the trees to be felled/replanted. Only trees that are at the end of their lives should be removed.

Summary of publicity undertaken, and key issues raised by public

28. The application was publicised by the posting of one site notice and an advert was placed in the Surrey and Epsom Comet newspaper on 16 March 2023. A total of 67 owner/occupiers of neighbouring properties were directly notified by letter.

29. Eleven letters of representation have been received raising objection/making comments as follows:

- The adjacent wooded area should be preserved/left untouched – not right to destroy good quality/viable trees.
- Traffic impact on the Horseshoe and its already busy exit to Bolters Lane, especially at morning and evening school times.
- Building height and design is out of character/not appropriate for local area – don't want an eyesore.
- Insufficient car parking.
- Overdevelopment of the site.
- Proposal should meet the interests of local residents.
- Congestion and pollution.
- Important that the development not have significant adverse impact on local wildlife.
- Overshadowing.

Planning Considerations

Introduction

30. The guidance on the determination of planning applications, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
31. In this case the statutory development plan for consideration of the application consists of the Surrey Waste Local Plan Part 1 – Policies and Part 2 – Sites, which together form the Surrey Waste Local Plan 2019-2033 (**SWLP**), as well as the Reigate and Banstead Local Plan: Core Strategy July 2014 (**RBCS2014**) and the Reigate and Banstead Local Plan Development Management Plan September 2019 (**RBDM2019**).
32. The SWLP sets out how and where different types of waste will be managed within Surrey in the future, sets out the planning policy framework for the development of waste management facilities, and is used in determining planning applications.
33. Meanwhile, the RBCS2014 provides the spatial strategy for Reigate and Banstead by outlining the issues that need to be addressed and presenting a series of strategic policies that will deliver the vision and objectives of the Borough Council.
34. The RBDM2019 sets out in more detail how the development principles and targets of the Borough Council's adopted Core Strategy will be delivered until 2027, by setting out the policies that will guide the Borough Council's decision-making on planning applications and identifying sites for development.
35. In considering this application, the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. In this case, the main planning considerations are in terms of the principle of the development including siting, location and height of the building, and access and highway considerations.

PRINCIPLE AND NEED

Reigate and Banstead Local Plan: Core Strategy July 2014

Policy CS10 – Sustainable development

Policy CS14 – Housing needs of the community

Reigate and Banstead Local Plan Development Management Plan September 2019

Policy BAN2 – The Horseshoe, Banstead

Policy DES7 – Specialist accommodation

36. Paragraph 65 of the National Planning Policy Framework 2023 (**NPPF**) states that where major development involving the provision of housing is proposed, planning decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students).
37. Paragraphs 119 and 120 state that planning decisions should promote an effective use of land in meeting the need for homes and other uses by giving substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
38. The NPPF defines brownfield, previously developed land (**PDL**) as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.
39. Paragraph 124 states that planning decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.
40. Paragraph 174 states that planning decisions should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
41. Paragraph 183 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).
42. Paragraph 188 states that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
43. RBCS2014 Policy CS10 (Sustainable development) states that development will make efficient use of land, giving priority to previously developed land and buildings within the built-up areas.
44. RBCS2014 Policy CS14 (Housing needs of the community) states that the Council will:
 - i. Seek a range of housing types and tenures through new development, including affordable housing, and resist an undue concentration of any one type of dwelling in a location that would cause an imbalance and adversely affect community cohesion.
 - ii. Require housing developments to contain an appropriate mix of dwelling sizes in accordance with assessments of housing need, site size and characteristics.
 - iii. Encourage the provision of housing for the elderly, and for people with special mobility, accessibility and support needs in sustainable locations where appropriate whilst avoiding an undue concentration in any location.
45. RBDM2019 Policy BAN2 (The Horseshoe, Banstead, SM7 2BQ) identifies three areas off The Horseshoe, Banstead that are collectively allocated for comprehensive regeneration as enhanced locations for community and public services, potentially including healthcare, emergency services, a library, and youth and community facilities, as well as complementary enabling development including residential, subject to suitable design mitigation.

One of these three areas encompasses the footprint of the proposed building the subject of this application, as well as the adjacent Squirrels and the residential properties to the south-east. It should be noted that the open space and woodland which forms the western half of the application site is not within this area and therefore not covered by this policy.

Development will be subject to the following requirements and considerations:

- Detailed proposals for comprehensive development to be agreed and approved through a design brief.
- Any retail, leisure or commercial provision to be small scale, and complementary to the existing village centre.
- Improved connectivity to, and relationship with, the village centre.
- Upgraded pedestrian and vehicular access and drop-off to serve the schools.
- Retention, re-provision or enhancement of public car parking and recycling facilities.
- Provision of sufficient off-street parking.
- New or upgraded public open space.
- Enhancements to green infrastructure to complement and strengthen the existing 'green corridor' along Bolters Lane.
- Retention of existing trees and design to respect the character of Bolters Lane.
- Measures to address and attenuate surface water flooding risk.
- Regard should be had to the adjacent locally listed buildings.
- Early discussions with Thames Water are needed regarding the adequacy of wastewater treatment infrastructure capacity to cope with proposed development, and the need for any upgrades ahead of development.

46. RBDM2019 Policy DES7 (Specialist accommodation) states that to provide enough suitable accommodation for older people and for people with other support needs:
- a) The Council will support proposals that are easily accessible to shops, public transport, community facilities and services appropriate to the needs of the intended occupiers.
 - d) To meet the need for affordable accommodation within the borough:
 - ii. Where accommodation falls into C2 use class, the Council will encourage applicants to incorporate provision of, or contribution towards, affordable rooms or care packages that meet strategic requirements for elderly care.
47. As stated previously, extra care accommodation is a key focus for SCC in delivering suitable specialist accommodation for older people as part of the Accommodation with Care and Support Strategy, as the care and support system is under significant strain and faces long-term and sustained financial challenges.
48. The Applicant has stated that the reason for such challenges is that the population of the county of Surrey is both growing and ageing, with over 22% of its residents due to be aged 65 and over by 2030 compared with just 19% in 2018.
49. The Applicant has set out that there is a lack of specialist accommodation provision that would support such residents to remain in their communities when their care needs develop or increase, with extra care accommodation currently representing the biggest gap in accommodation provision.
50. This planning application is therefore submitted seeking outline permission for the erection of a part 4- and part 5-storey building, with an additional lower ground floor, comprising self-contained apartments, staff and communal facilities, and associated parking. The applicants have confirmed that the tenants' need for accommodation with care and support will be confirmed via assessment following a nominations process. The tenants will also be eligible to have their rent and service charges fundable through housing benefit, and the rents will be affordable for all tenants as they will be set at a level which can be funded by Housing Benefit; thus all of the homes provided will qualify as *affordable housing*.

51. This building is proposed to be erected within the footprint of the former Bentley Day Centre, which has remained cleared and surrounded by wooden hoarding since the demolition of the day centre in 2021. Officers are therefore satisfied that this part of the wider application site should be considered to constitute previously developed land and it is allocated for residential development with the RBDM2019.
52. The proposed development would be located within the urban area of Banstead and would benefit from close links to the town centre and other services within The Horseshoe. It would be approximately 220m from the nearest bus stops, with services running to Epsom, Chipstead, Coulsdon, Purley and Croydon; 270m from the western end of Banstead High Street; and some 1.1 kilometres from Banstead railway station, with direct services to Epsom Downs, Sutton, Croydon, Clapham Junction and London Victoria.
53. The proposed development would be 100% affordable, with no commercial, retail or leisure development proposed. It would comprise a total of 53 dwellings, suitable for up to 111 residents, in the following composition:
- 1x 1-bedroom self-contained M4(3) wheelchair user apartment.
 - 48x 1-bedroom self-contained M4(2) accessible and adaptable apartments.
 - 4x 2-bedroom self-contained M4(2) accessible and adaptable apartments.
54. The Applicant has stated that the proposed development would therefore provide a mix of accommodation with a range of apartment types, which takes into account the identified needs and demands of the area by seeking to meet the need for long-term accommodation for residents with disabilities and is within a suitable location which is easily accessible to shops, public transport, community facilities and services appropriate to the needs of the intended occupiers.

Conclusion

55. Officers consider that the proposed development accords with development plan allocations and national planning advice in providing affordable housing within a sustainable location within an urban area. The applicant has identified a clear need for this type of development in providing an appropriate mix and range of accommodation for which the county of Surrey is currently experiencing the greatest shortfall between provision and demand.
56. Officers also consider that such provision would comprise a satisfactory level of affordable housing on PDL, which policy in turn specifically identifies as a sustainable location to be developed as part of an enhanced location for community and public services and complementary enabling residential development.
57. Therefore, Officers consider that the principle of the proposed development is acceptable and that a clear need has been demonstrated.

URBAN OPEN SPACE

Reigate and Banstead Local Plan Development Management Plan September 2019

OSR1 – Urban Open Space

58. RBDM2019 Policy OSR1 states that proposals which directly complement and enhance the value and use of the Urban Open Space for recreation, biodiversity and/or nature conservation will be looked upon favourably. Any other development which would result in the full or partial loss of designated Urban Open Space will only be permitted in exceptional circumstances.
59. Part of the application site, on the west, is within a designated area of Urban Open Space which extends to the north and east. This area will however remain untouched by the development itself and enhanced as part of the proposals (though the landscaping proposals are not for approval at this stage so will be submitted as part of the *Reserved Matters*). The

building itself will be located on the footprint of the previous Bentley Day Centre on land not part of the Open Space designation.

60. The applicant has confirmed that the land will be enhanced in respect of biodiversity and recreation (with some parts of it being accessible to residents of the development) and therefore officers consider the proposal accords with the requirements of the development plan in this regard.

SITING, DESIGN AND VISUAL AMENITY

Reigate and Banstead Local Plan: Core Strategy July 2014

Policy CS4 – Valued townscapes and the historic environment

Policy CS10 – Sustainable development

Reigate and Banstead Local Plan Development Management Plan September 2019

Policy CCF1 – Climate change mitigation

Policy DES1 – Design of new development

Policy DES4 – Housing mix

Policy DES5 – Delivering high quality homes

Policy DES6 – Affordable housing

Policy DES7 – Specialist accommodation

Policy NHE1 – Landscape protection

61. Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land, taking into account:
- d) The desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.
 - e) The importance of securing well-designed, attractive and healthy places.
62. Paragraph 130 states that planning decisions should ensure that developments:
- b) Are visually attractive as a result of good layout.
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - d) Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
 - e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks).
63. Paragraph 157 states that in determining planning applications, local planning authorities should expect new development to take account of landform, layout, building orientation, and massing to minimise energy consumption.
64. Paragraph 187 states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
65. RBCS2014 Policy CS4 (Valued townscapes and the historic environment) states that development will respect, maintain and protect the character of the valued townscapes in the borough, showing consideration for any detailed design guidance that has been produced by

the Council for specific built-up areas of the borough. Proposals will be laid out and designed to make the best use of the site and its physical characteristics, whilst minimising the impact on surrounding properties and the environment.

66. RBCS2014 Policy CS10 (Sustainable development) states that development will be at an appropriate density, taking account of and respecting the character of the local area and levels of accessibility and services.
67. RBDM2019 Policy CCF1 (Climate change mitigation) states that the design of buildings should maximise opportunities for energy saving (e.g. orientation of the building to achieve solar gain), unless this conflicts with other policies.
68. RBDM2019 Policy DES1 (Design of new development) states that all new development will be expected to be of a high quality design that makes a positive contribution to the character and appearance of its surroundings. Planning permission will be granted for new development where it:
- i. Promotes and reinforces local distinctiveness and respects the character of the surrounding area, including positive physical characteristics of local neighbourhoods and the visual appearance of the immediate street scene.
 - iii. Has due regard to the layout, density, plot sizes, building siting, scale, massing, height, and roofscapes of the surrounding area, the relationship to neighbouring buildings, and important views into and out of the site.
 - vi. Creates a safe environment, incorporating measures to reduce opportunities for crime and maximising opportunities for natural surveillance of public places. Developments should incorporate measures and principles recommended by Secured by Design.
 - vii. Provides for accessible and sensitively designed and located waste and recycling bin storage in accordance with the Council's guidance document 'Making Space for Waste'.

69. RBDM2019 Policy DES4 (Housing mix) states that:

- i. All new residential developments should provide homes of an appropriate type, size and tenure to meet the needs of the local community. The proposed housing mix must:
 - b) Respond appropriately to any other relevant evidence of local need and demand for different sizes and types of housing, including the Council's most recent Strategic Housing Market Assessment (or similar); and
 - c) Address any site specific requirements, including the requirements of the Affordable Housing SPD.
- ii. Provision of market housing should meet the following requirements unless it can be demonstrated that it is not financially viable or technically feasible to do so, that there would be no need or market demand for a particular size of homes (as may be the case for certain types of specialist accommodation), or that doing so would have an adverse impact on the character of the surrounding area.

Borough-wide (except for town and local centres)

- I. On sites of 20 homes or more, at least 30% of market housing should be provided as smaller (one and two bedroom) homes and at least 30% of market housing must be larger (three+ bedroom) homes.

Within town and local centres

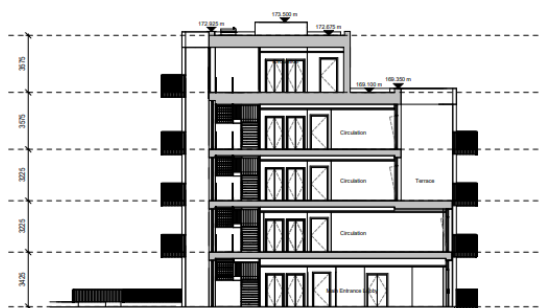
- I. On all schemes, at least half of all homes provided should be one and two bedroom homes.
- II. On schemes of 20 or more homes, at least 10% of homes must have three or more bedrooms.

70. RBDM2019 Policy DES5 (Delivering high quality homes) states that all new residential developments must provide high quality, adaptable accommodation, and provide good living conditions for future occupants. All new accommodation must:
- i. As a minimum meet the relevant nationally described internal space standard for each individual unit except where the Council accepts that an exception to this should be made in order to provide an innovative type of affordable housing that does not meet these standards.
 - ii. Be arranged to ensure primary habitable rooms have an acceptable outlook and where possible receive direct sunlight.
 - iv. Provide a convenient and efficient layout, including sufficient circulation space and avoiding awkwardly or impractically shaped rooms.
 - v. Incorporate sufficient space for storage, clothes drying and the provision of waste and recycling bins in the home.
 - vi. Make adequate provision for outdoor amenity space, including balconies and roof terraces, and/or communal outdoor space.
71. RBDM2019 Policy DES6 (Affordable housing) states that:
- ii. The Council will negotiate affordable housing provision and contributions taking into account the specifics of the site, including financial viability as follows:
 - a) Development of allocated greenfield urban extension sites should provide 35% of homes on the site as affordable housing.
 - b) On all other developments providing 11 or more homes, 30% of the homes on the site should be affordable housing.
 - iii. The tenure mix of the affordable housing provided on each qualifying site should contribute (to the Council's satisfaction) towards meetings the latest assessment of affordable housing needs.
 - iv. The size mix of the affordable housing provided on each qualifying site, expressed as number of bedrooms and bed spaces, should take into account the affordable housing needs in the borough at that time, the size of the market homes provided on the site, and the prevailing type of housing in the area.
72. RBDM2019 Policy DES7 (Specialist accommodation) states that to provide enough suitable accommodation for older people and for people with other support needs:
- a) The Council will support proposals that are easily accessible to shops, public transport, community facilities and services appropriate to the needs of the intended occupiers.
 - c) Developments should be of a high quality, including adequate amenity space and where appropriate should take into consideration opportunities for sitting, socialising, gardening and active leisure pursuits.
73. RBDM2019 Policy NHE1 (Landscape protection) states that throughout the borough, development proposals must be of a siting and scale that is complimentary to the landscape and its surroundings.
74. As stated previously, all matters of detail on the design of the building including external materials are reserved for subsequent approval so all that is being considered at this stage is the siting and magnitude of the proposed building.
75. Officers have already concluded that the siting of the proposed building within the previously developed footprint of the former Bentley Day Centre is appropriate and acceptable; that the number of apartments, mix of apartment sizes, and apartment affordability are appropriate to meet identified needs; and that the location of the proposed development would be easily accessible to existing local shops, public transport options, and community facilities and services.

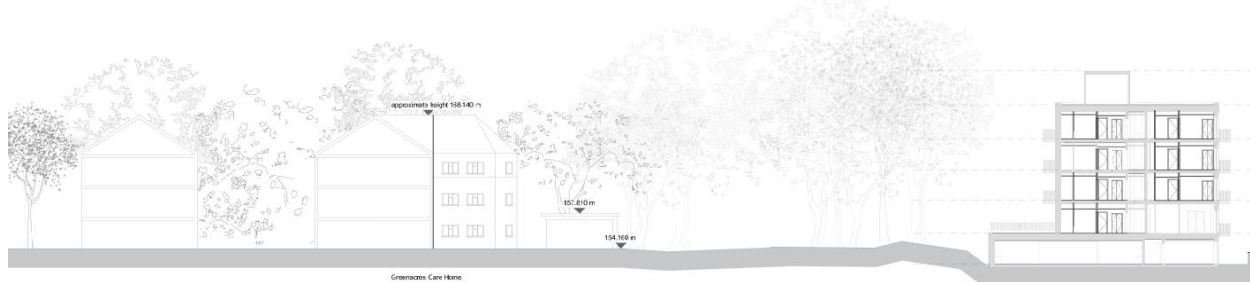
76. The application site is surrounded by a variety of other large scale predominantly communal use and supported living residential buildings within sizeable plots. Though there are smaller terraced units close by in The Horseshoe, the predominant character of the area is determined by the larger buildings and their landscaped and treed grounds. As stated in the previous section the proposed residential use reflects for the character of the wider area and would integrate effectively with these other similar uses. Officers consider that the principle of a large single building of the nature proposed can be comfortably accommodated on this site and will be in keeping with the general character of the area.

77. The application site is sloping slightly down to the north, which would facilitate the proposed lower ground floor and parking area and has differing amounts of existing tree screening along all four of its boundaries. Whilst landscaping is a reserved matter the applicant has indicated that this screening can be retained and preserved to provide a natural setting for the new building, with the trees and scrubs helping to soften the impact of the development and provide natural privacy to future residents and neighbours.

78. The building is described as being five storeys in height rising to 17m but the fifth storey is set in from the frontage of the building such that it would appear less prominent from the most visible vantage point to the east, as shown on the drawing below



79. None of the buildings around the site rise to 17m however the size and scale of some of them is not dissimilar to the proposed building as indicated on the drawing provided by the applicants below which shows the relationship of the proposed building (on the right) to Greenacres Care Home to the west of the site (it also indicates the intervening woodland area between the two).



80. In response to a consultation request with regards to this application, RBBC raised an objection to the proposed development, stating that the scale, bulk and mass appear out of character with that of other developments found within the surrounding area, where buildings appear no higher than three storeys.

81. RBBC also noted that the proliferation of balconies, particularly to the principal elevation, has the potential to increase overlooking and loss of privacy, particularly to the Squirrels building to the east, with the scale of the building having the potential to be imposing and overbearing on this building.

82. Officers did consider that the originally submitted plans with the addition of roof plant taking the building up to 20m in height would have appeared out of character with existing buildings in the area and therefore secured a reduction in this regard such that the height of the building is now 17m with the roof plant relocated to the 'set back' lower storey. Officers consider that as the site is not immediately adjacent or, in close proximity to any of the neighbouring buildings in the area and given that it is significantly screened by mature trees both on the site and within the wider vicinity the scale and height of it will not appear out of character from any vantage point within the area.
83. On the issuing of overlooking this is considered in detail under *Residential Amenity* below and officers conclude that given the distances involved and the location of the buildings the proposal will not give rise to any unacceptable overlooking.

Conclusion

84. Officers consider that a building of the size and height proposed is acceptable on this site and accords with development plan policies in this regard.

HIGHWAYS, TRAFFIC AND ACCESS CONSIDERATIONS

Reigate and Banstead Local Plan: Core Strategy July 2014

Policy CS10 – Sustainable development

Reigate and Banstead Local Plan Development Management Plan September 2019

Policy DES1 – Design of new development

Policy DES8 – Construction management

Policy INF1 – Infrastructure

Policy TAP1 – Access, parking and servicing

85. Paragraph 104 of the NPPF states that transport issues should be considered from the earliest stages of development proposals, so that:
- a) The potential impacts of development on transport networks can be addressed.
 - b) Opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated.
 - c) Opportunities to promote walking, cycling and public transport use are identified and pursued.
 - d) The environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.
 - e) Patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
86. Paragraph 110 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
 - b) Safe and suitable access to the site can be achieved for all users.
 - c) The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code.
 - d) Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
87. Paragraphs 111 and 112 state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the

residual cumulative impacts on the road network would be severe. Within this context, applications for development should:

- a) Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.
- b) Address the needs of people with disabilities and reduced mobility in relation to all modes of transport.
- c) Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- d) Allow for the efficient delivery of goods, and access by service and emergency vehicles.
- e) Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

88. Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

89. Paragraph 124 states that planning decisions should support development that makes efficient use of land, taking into account the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.

90. Paragraph 187 states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

91. RBCS2014 Policy CS10 (Sustainable development) states that development will:

- iii. Contribute to the creation of neighbourhoods which are supported by effective services, infrastructure and transport options and which are designed to be safe, secure and socially inclusive.
- vi. Minimise the need to travel, whilst increasing opportunities to walk, cycle or use public transport, including as part of the green infrastructure network.

92. RBDM2019 Policy DES1 (Design of new development) states that all new development will be expected to be of a high quality design that makes a positive contribution to the character and appearance of its surroundings. Planning permission will be granted for new development where it:

- x. Makes adequate provision for access, servicing, circulation and turning space, and parking, taking account of the impact on local character and residential amenity, including the visual impact of parked vehicles.
- xi. Is accessible and inclusive for all users, including for people with disabilities or mobility constraints.

93. RBDM2019 Policy DES8 (Construction management) states that the Council will expect all developments to be managed in a safe and considerate manner, in addition to:

- i. Through the use of Conditions, the Council may require Construction Management Statements to be agreed and implemented on a case-by-case basis. These may be required for major developments creating new homes.
- ii. The Construction Management Statement must address how any development impacts will be managed. The statement should be appropriate to the scale and context of the development but should include:
 - b) Measures to manage traffic and parking impact, highway/pedestrian safety and congestion.
 - c) Information about phasing and co-ordination of works, including timing of deliveries.

94. RBDM2019 Policy INF1 (Infrastructure) states that:

- i. The Council will require timely provision of infrastructure to support a particular development and/or to mitigate any negative impacts that would otherwise result from the development.
- ii. Where infrastructure critical to support a development cannot be provided when the Council considers it is needed, development will be required to be phased to reflect infrastructure delivery.
- iii. Infrastructure may be secured by planning conditions and obligations, and highway agreements, and may be funded by obligations and agreements for site-specific infrastructure, and from the Community Infrastructure Levy for infrastructure needed because of the cumulative impact of developments.
- iv. Applications which the Council considers likely to impact on the local utilities network must provide evidence to demonstrate that the impact would not be unacceptable, including with regard to gas and electricity supply and distribution, broadband infrastructure, water supply pressure, waste-water treatment capacity, and the risk of sewer flooding.

95. RBDM2019 Policy TAP1 (Access, parking and servicing) states that:

- i. All types of development, across the borough, will be required to:
 - a) Provide safe and convenient access for all road users, taking account of cumulative impacts, in a way which would not:
 - i. Unnecessarily impede the free flow of traffic on the public highway, or compromise pedestrians or any other transport mode, including public transport and cycling.
 - ii. Materially exacerbate traffic congestion on the existing highway network.
 - iii. Increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists, and other vulnerable road users.
 - b) Incorporate a highway design and layout that:
 - i. Complies with currently adopted highway standards and guidance.
 - ii. Provides adequate access in particular with regard to circulation, manoeuvring, turning space, visibility splays and provision for loading/unloading for an appropriate range of vehicles.
 - iii. Allows for access by service vehicles (including refuse vehicles) and emergency vehicles at all times without restriction, including adequate width to ensure there is no obstruction from parked vehicles. On existing road layouts, new development must not materially worsen the existing access for service and emergency vehicles and look to improve it where possible.
 - iv. Achieves a permeable highway layout, connecting with the existing highway network safely and includes safe access for pedestrians and cyclists.
 - v. Provides sufficient visibility for the safe and convenient use of the roads, cycle tracks, paths and parking places.
 - c) Include car parking and cycle storage for residential development in accordance with adopted local standards unless satisfactory evidence is provided to demonstrate that non-compliance would not result in unacceptable harm. Such evidence could include on-street parking surveys, evidence of parking demand, and/or further information on

- accessibility. Development should not result in unacceptable levels of on-street parking demand in existing or new streets.
- e) Incorporate pedestrian and cycle routes within and through the site, linking to the wider sustainable transport network where possible, especially in and to the borough's town centres.
 - f) Provide electric vehicle charging points.
 - g) Remove any dropped kerbs and crossovers made redundant by the development and reinstate the footway/verge.
- ii. Planning applications will be looked upon favourably unless they would have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe, taking into account proposed mitigation.
 - iii. For all developments likely to generate significant amounts of movement, a Transport Assessment or a Transport Statement will be required.
 - iv. Provision of the following should be considered and are encouraged in new development:
 - a) Shared use of private parking provision for public parking when not in use.
 - b) Initiatives to increase travel by more sustainable options and help reduce the impact and frequency of travel by individual private car journeys (such as car pools/car clubs) to and from the development.
96. The County Highways Authority has produced the document entitled Vehicular, electric vehicle and cycle parking guidance for new developments, in order to ensure that an appropriate level and type of parking is provided, highway safety is protected, and transport sustainability is promoted. This document recommends that the maximum vehicular parking levels for elderly sheltered accommodation is 1 car space per 1 or 2 bed self-contained unit or 0.5 per communal unit, or individual assessment.
97. Whilst this is an outline application the applicant has requested that the access arrangements are considered at this stage so full details of this have been provided with the application. The reserved matters submission will then have to adhere to what is approved as part of this application otherwise a new full planning submission will be required.
98. The Horseshoe is used to access a wide variety of other local community services, including the schools, respite service, community centre, and Ambulance Service Training Centre mentioned previously, as well as a 24-hour public car park which has 76 spaces. The Applicant has identified that there are also six dental surgeries, six supermarkets, three GP practices, three pharmacies, a post office, library, village hall, and several open spaces within a 1.2km vicinity of the application site.
99. There are bus stops within a short walking distance of the application site from which services are provided towards Croydon, Epsom, Gatwick Airport, Redhill, Reigate and Sutton. Banstead Railway Station is also within walking distance, with direct services to Clapham Junction, Croydon, Epsom Downs, London Victoria and Sutton, and footways are available for the full route between the application site and station.
100. The Applicant has stated that only 6 unmarked parking bays and a drop-off area were provided as part of the previous use of the application site, but that 21 dedicated off-street parking bays would be provided as part of the proposed development. This would comprise 16 spaces for residents, including two car club and two disabled bays, and 5 spaces for staff, which would be located within the lower ground floor of the proposed building. All spaces would be provided with electric vehicle charging points. Further, thirteen bicycle stands would be provided as well as a dedicated space for mobility scooter storage inside the proposed building.
101. The proposed development is anticipated to generate up to 84 trips per day and result in seven two-way vehicle trips in the AM peak and six vehicle trips in the PM peak, and is

therefore considered by the applicants to have a negligible impact on the local highway network.

102. In response to a consultation request with regards to this application, Transportation Development Planning raised no objection to the proposed development, stating that the Applicant had successfully demonstrated that it would not result in any significant detriment to the safe operation of the public highway. However TDP did recommend five Conditions be applied to any planning permission which may be granted as follows:

- No development should commence until a full Construction Transport Management Plan has been submitted to and approved by the CPA. Such a plan should include details of parking, loading/unloading, turning, storage, hours of operation, and vehicle routing that should be in place during the construction phase of the proposed development, in order not to prejudice highway safety nor cause inconvenience to other highway users. The Plan should also include a commitment that no HGV movements will take place during both school morning drop-off and afternoon pick-up hours, to avoid the generation of construction traffic during already busy hours for Banstead Community Junior School and Banstead Infant School.
- The proposed development should not be first occupied until a scheme for the installation of electric vehicle charging points for all parking spaces has been submitted to and approved by the CPA and thereafter implemented in full, to comply with the terms of the application and fully encourage the adoption of electric vehicles.
- The proposed development should not be first occupied until a scheme for the provision of a continuous level crossing across the junction of the site access road with The Horseshoe, following Public Footpath No. 515, has been submitted to and approved by the CPA and thereafter implemented in full, in order that pedestrian movement is prioritised and clearly communicated to highway users through design.
- The proposed development should not be first occupied until a scheme for the provision of yellow line markings at the dropped kerbs along Public Footpath No. 515 to the west of the site has been submitted to and approved by the CPA and thereafter implemented in full, in order to prevent vehicles parking in a way which obstructs the footpath from being fully accessible to all users.
- The proposed development should not be first occupied until a scheme for the provision of covered bicycle parking, to include charging facilities for electric cycles and mobility scooters, has been submitted to and approved by the CPA and thereafter implemented in full, in order to encourage sustainable transport choices.

103. Officers agree that all of the above-mentioned suggested Conditions are reasonable and necessary and should be applied in the event that outline planning permission is granted.

104. In their consultation response RBBC questioned whether the amount of parking would be sufficient to meet the needs of the development's occupiers and visitors. The County Highways Authority is satisfied with the provision and officers share this view taking into account the nature of the use of the proposed building as extra care accommodation, its proximity to a range of community services and public transport connections and the existing availability of on- and off-street parking in the immediate surrounding area.

Conclusion

105. Officers consider that the proposed development would not result in an unacceptable impact on highway safety nor a severe impact on the road network, and that its location would minimise travel needs, with several viable public transport modes being within close proximity should long-distance travel be required.

106. Subject to the application of the above-mentioned Conditions, Officers also consider that construction transport impacts would be mitigated, walking and cycling opportunities would be promoted and prioritised over car movements, the environmental impact of transport associated with the proposed development would be minimised, and electric vehicle charging would be as accessible as possible.

107. Therefore, subject to the imposition of the proposed Conditions, the proposal fulfils development plan policy requirements in relation to highways, traffic and access.

IMPACT ON RESIDENTIAL AMENITY

Reigate and Banstead Local Plan: Core Strategy July 2014

Policy CS10 – Sustainable development

Reigate and Banstead Local Plan Development Management Plan September 2019

Policy CCF2 – Landscape protection

Policy DES1 – Design of new development

Policy DES8 – Construction management

Policy DES9 – Pollution and contaminated land

108. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air or noise pollution. Development should, wherever possible, help to improve local environmental conditions such as air quality.

109. Paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- c) Limit the impact of light pollution from artificial light on local amenity.

110. RBCS2014 Policy CS10 (Sustainable development) states that development will be designed to minimise pollution, including air, noise and light.

111. RBDM2019 Policy CCF2 (Landscape protection) states that throughout the borough, development proposals must have particular regard to the effects of light pollution.

112. RBDM2019 Policy DES1 (Design of new development) states that all new development will be expected to be of a high-quality design that makes a positive contribution to the character and appearance of its surroundings. Planning permission will be granted for new development where it provides an appropriate environment for future occupants whilst not adversely impacting upon the amenity of occupants of existing nearby buildings, including by way of overbearing, obtrusiveness, overshadowing, overlooking and loss of privacy.

113. RBDM2019 Policy DES8 (Construction management) states that the Council will expect all developments to be managed in a safe and considerate manner, in addition to:

- i. Through the use of Conditions, the Council may require Construction Management Statements to be agreed and implemented on a case-by-case basis. These may be required for major developments creating new homes.
- ii. The Construction Management Statement must address how any development impacts will be managed. The statement should be appropriate to the scale and context of the development but should include:
 - a) Prediction of potential impacts with regard to noise and vibration, dust, emissions and odours, and ground contamination and soil pollution. Where potential impacts are identified, mitigation measures should be identified to address these impacts.

- e) Information about the measures that will be used to protect privacy and the amenity of surrounding sensitive uses; including provision of appropriate boundary protection.
- f) Means of communication and liaison with neighbouring residents and businesses.
- g) Hours of work.

114. RBDM2019 Policy DES9 (Pollution and contaminated land) states that:

- i. For all types of development, across the Borough:
 - a. Development will only be permitted where it can be demonstrated that (on its own or cumulatively) it will not result in a significant adverse or unacceptable impact on the built environment; amenity; or health and safety due to dust, noise, vibration, light or any other form of air, land or soil pollution. Where there would be potential adverse effects from pollution and adequate mitigation cannot be provided, development will not normally be permitted. This includes pollution from construction and pollution predicted to arise during the life of the development.
 - b. New development will not normally be permitted where existing dust, noise, vibration, light or any other form of air, land or soil pollution are unacceptable and there is no reasonable prospect that these can be mitigated against to satisfactory levels. This is particularly relevant for sensitive development such as residential.
 - c. Where a site is known to be contaminated, or where there is a reasonable possibility of contamination, appropriate investigation, and where necessary mitigation and/or remediation will be required.
 - d. Measures to reduce air pollution will be encouraged.

Impact on the residential amenity of dwellings and other buildings adjacent to the site

115. **Terraced flats known as 1 to 10 The Horseshoe** - These dwellings lie to the east of the application site and are not in the direct line of sight of it. A distance of some 30m would be maintained between the south east corner of the proposed new building and the northern corner of the most westerly flats numbers 9 and 10. Proposed windows and balconies on the eastern elevation of the proposed building will have some view obliquely over the communal gardens of these dwellings but given the angles, the distances involved and the existing tree screening there will not be any loss of privacy or overlooking arising from the proposal. The buildings will not give rise to any loss of outlook to the occupiers of the dwellings and the only impact will be the slight increase in vehicle activity in the area which is not considered to be at an unacceptable level given the nature of the proposed use.

116. **Priory House** - This is a large retirement home which lies further to the southeast and some 42m from the corner of the proposed building. There are windows and balconies indicated on the southern elevation of the proposed building but given the distances involved there will be no loss of residential amenity on the occupiers of this property arising from the proposal.

117. **Ridgemount** - This is a residential care home which lies to the south of the proposed building and some 50m from it at its closest point. Again though there are windows and balconies indicated on the southern elevation of the proposed building given the distances involved and the orientation of the buildings there will be no loss of residential amenity on the occupiers of this property arising from the proposal.

118. **Southeast Coast Ambulance Service** - This three storey administrative building lies to the west of the application site but with the considerable tree screened western part of the site intervening. The proposal will not have any adverse impact on this property.

119. **Greenacres** - This is a three storey care home which is situated to the west of the application site and a distance of 60m would be maintained between this building and the proposed building which again ensures that there will be no adverse impact arising. The

existing trees on the western part of the application site will largely screen the proposed building from this property.

120. **The Squirrels** - This site is the closest of the surrounding sites to the proposed development and is also within the ownership of Surrey County Council. A planning application is being considered at the moment for the redevelopment of that site for a new Short Breaks Centre for Adults with Learning Disabilities and/or Autism, comprising eight en-suite bedrooms, communal and staff facilities within a single storey building and landscaped gardens (reference RE23/01394/CON). The new single storey building will provide short stay residential accommodation and the proposed development of the Bentley site as proposed will have some impact on users of the site by virtue of its proximity, its height and overall bulk. However this impact will not cause any significant loss of amenity by virtue of the nature of the use and the fact that this is short stay accommodation and the windows facing on to the Bentley site serve rooms which will be used as an office, a kitchen and a staff room. It is not therefore considered that the proposal will give rise to any loss of residential amenity to the future occupiers of this site.

Air Quality

121. The environment surrounding the application site is suburban and predominantly residential in use, with multiple highly sensitive human health receptors, and that road traffic and small domestic boilers are the main sources of air pollutants in the vicinity.
122. Air quality at sensitive human health and ecological receptors may also be affected where a proposed development effects a change in traffic flow where receptors are located within 200m of an affected road. In addition, construction activities in the absence of appropriate mitigation have the potential to cause higher than normal rates of dust deposition in the surrounding area, leading to loss of amenity.
123. The Applicant has stated that construction activities associated with the proposed development would include the breaking up of the concrete slab and foundations of the former Bentley Day Centre, and earthworks to develop the site access and car parking. However, any effects on air quality from construction would be short term and temporary in nature due to its small scale and many elements of the proposed building being prefabricated off-site. Suitable and proportionate best practice measures would also be applied during the construction phase.
124. Further, the Applicant has stated that once operational, the proposed development would generate up to 84 trips per day, with a maximum peak hour flow of only 7 trips, and that associated traffic would therefore have an insignificant effect on local air quality.
125. The Applicant has recognised that Banstead Downs SSSI is located some 670m to the north of the application site, but has stated that air quality conditions at this ecological receptor are unlikely to be affected by the proposed development due to its distance. The closest Air Quality Management Area (AQMA) to the application site, which covers the London Borough of Sutton and is located 850m to the north-west at its closest point, is also unlikely to be affected by the proposed development due to its distance.
126. In response to a consultation request with regards to this application, the County Air Quality consultant agreed that the air quality impact associated with emissions on human-health receptors from both construction-related vehicle movements and from vehicles associated with the proposed development once it is operational are not likely to be significant.
127. Further, the consultant stated that with the implementation of mitigation measures and controls, the construction dust impact risk is also not likely to be significant.

128. The consultant therefore recommended that such measures and controls should be formalised within a Dust Management Plan, and that a Condition should be imposed on any planning permission which may be granted to ensure the submission and subsequent implementation of this Plan.
129. Officers agree that such a Condition should be imposed in order to ensure that the construction dust mitigation measures are implemented and that the amenity of surrounding residents and users is not put at unacceptable risk.

Noise

130. The Applicant has recognised that the proposed development has the potential to increase noise levels within the vicinity, especially during construction. An assessment of the noise impact has been carried out in accordance with British Standard 4142 *Methods for Rating and Assessing Industrial and Commercial Sound*, which clearly shows that noise would have a low impact with control and mitigation measures in place.
131. Some measures in relation to construction traffic noise impacts will be mitigated by the measures within the Construction Traffic Management Plan which will be submitted pursuant to condition, including limiting the hours of construction and erecting hoarding around the perimeter of the site. Such construction hours are detailed as typically being between 8am and 6pm Mondays to Fridays and 8am to 1pm Saturdays. Notwithstanding this, Officers consider that the hours of construction should be specifically detailed within a further Condition, to ensure these are clear and enforceable.
132. The Applicant has stated that other noise control and mitigation measures would be detailed within a further noise report, submitted as part of the *reserved matters* to ensure that noise levels would meet planning policy and industry standards.
133. Officers consider that the end residential use is clearly an acceptable form of development in an area where similar uses already exist but also where there are large separation distances between buildings. Noise is therefore not a significant consideration, with the exception of noise from external plant. Officers consider that it would clearly be possible with appropriate mitigation measures to ensure that the proposal would not give rise to any loss of residential amenity to nearby dwellings by virtue of noise. Officers therefore recommend that an appropriate condition is attached to any planning permission requiring the submission and subsequent implementation of details of noise sources and measures to minimise and mitigate these.

Lighting

134. The Applicant has recognised that it is important to consider the lighting requirements for the site and understand which areas will need a higher level of light than others, especially in creating a safe and welcoming environment at night.
135. Although the Applicant has not submitted a detailed lighting scheme as part of this application, they have stated that their proposed approach would include:
- High level, practical lighting on columns.
 - Mid-level ambient lighting on light bollards, which would be used to manage vehicular parking and demarcate key routes/paths.
 - Low-level ambient lighting, specifically an up-lighter embedded within the soft landscape area, to highlight the key feature tree at the front of the building.
136. The Applicant has also stated that calculations relating to the required lux levels and final specifications of fittings would be undertaken by a specialist, with the final selection of fittings being coordinated with the project ecologists due to the woodland area demonstrating suitable habitat for roosting bats and nesting birds. This could include hooded and low-level lighting, consideration to using motion-sensor lighting on short time-frames or dimmers,

recess lighting within the proposed building, and incorporating dark zones within the existing woodland. In any case, luminaires would always be mounted on the horizontal, with an upward light ratio of 0%.

137. In response to a consultation request with regards to this application, the County Lighting Consultant requested that further information would be required, including confirming the type of fittings to be mounted on the building façade, providing details of lighting controls, providing a complete lighting scheme with associated lux plots, and submitting definite lighting design and calculations demonstrating that the scheme is in compliance with the International Commission on Illumination's Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations.
138. In response, the Applicant stated that full details of a proposed lighting scheme would be included as part of the landscaping submission, which is a *reserved matter*.
139. Officers consider that it would clearly be possible with attention to detail to design a lighting scheme for this site which would not give rise to any loss of residential amenity to nearby dwellings. Officers agree with the County Lighting Consultant that a full lighting scheme should be submitted as part of the reserved matters application and therefore consider that a Condition should be attached to any planning permission which may be granted to require the submission and subsequent implementation of such a scheme.

Conclusion

140. Taking all of the above into account, Officers consider that subject to appropriate planning conditions which will require the submission of details at the reserved matters stage there will be no adverse impact on the residential amenity of the occupiers of the surrounding residential properties.
141. The proposal therefore accords with development plan policy requirements in relation to impact on residential amenity.

TREES AND LANDSCAPING

Reigate and Banstead Local Plan: Core Strategy July 2014

Policy CS2 – Valued landscapes and the natural environment

Policy CS10 – Sustainable development

Reigate and Banstead Local Plan Development Management Plan September 2019

Policy DES1 – Design of new development

Policy DES8 – Construction management

Policy NHE1 – Landscape protection

Policy NHE3 – Protecting trees, woodland areas and natural habitats

Policy NHE4 – Green and blue infrastructure

Policy OSR2 – Open space in new developments

142. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of trees and woodland.
143. RBCS2014 Policy CS2 (Valued landscapes and the natural environment) states that in considering proposals for significant development, developers will be required to protect and enhance the borough's green fabric. Urban green spaces and site-specific features which make a positive contribution to the green fabric and/or a coherent green infrastructure network will, as far as practicable, be retained and enhanced.

144. RBCS2014 Policy CS10 (Sustainable development) states that development will protect and enhance the green fabric, and respect and contribute to the borough's green infrastructure network.
145. RBDM2019 Policy DES1 (Design of new development) states that all new development will be expected to be of a high-quality design that makes a positive contribution to the character and appearance of its surroundings. Planning permission will be granted for new development where it meets the following criteria:
- iv. Provides trees where it would enhance the public realm and/or reinforce a sense of place.
 - viii. Incorporates appropriate landscaping to mitigate the impact, and complement the design, of new development. Schemes should:
 - e. Protect and enhance natural features by:
 - i. Incorporating existing landscaping into scheme design where feasible.
 - ii. Integrating new landscaping, both hard and soft, and boundary treatments which use appropriate local materials and/or species.
 - f. Provide details about how future maintenance of existing and new landscape works will be managed. Where necessary, conditions will be used to secure the delivery of landscaping schemes, protection of natural features during the course of development and requirements for replacement planting.
146. RBDM2019 Policy DES8 (Construction management) states that the Council will expect all developments to be managed in a safe and considerate manner, in addition to:
- i. Through the use of Conditions, the Council may require Construction Management Statements to be agreed and implemented on a case-by-case basis. These may be required for major developments creating new homes.
 - ii. The Construction Management Statement must address how any development impacts will be managed. The statement should be appropriate to the scale and context of the development but should include:
 - d) Information about measures that will be used to protect any on/off-site features, including trees, that may be damaged due to works and remediation of any subsequent damage.
147. RBDM2019 Policy NHE1 (Landscape protection) states that throughout the borough, development proposals must:
- a) Respect the landscape character and landscape features of the locality.
 - b) Have particular regard to potential impacts on ridgelines, public views and tranquillity.
 - c) Be of a design, siting and scale that is complementary to the landscape and its surroundings.
 - d) Use appropriate external building materials, particularly in terms of type and colour, to avoid the development appearing conspicuous in the landscape.
 - e) Demonstrate how opportunities have been taken to enhance the immediate and wider setting of the development.
148. RBDM2019 Policy NHE3 (Protecting trees, woodland areas and natural habitats) states that:
- i. Where relevant, new development proposals will be required to include an assessment of existing trees and landscape features on site, including their suitability for retention. This assessment should also include consideration of the impact on habitats beyond the site boundary.
 - iii. Unprotected but important trees, woodland or hedgerows with ecological, amenity or other value should be retained as an integral part of the design of development except where their long-term survival would be compromised by their age or physical condition or there are overriding benefits of their removal.

- v. Where replacement tree and hedge planting is required, appropriate species of trees should be used and sufficient space must be provided at the design stage for tree protection, including space to allow trees to reach their optimum size.

149. RBDM2019 Policy NHE4 (Green and blue infrastructure) states that development proposals must:

- a) Where possible, increase access to and provision of green infrastructure and open spaces.
- c) Positively incorporate green infrastructure as an integral part of the design of new developments. Any new green infrastructure should link with existing green infrastructure in the surrounding area where possible.
- d) Incorporate open spaces and green spaces which can be used in a variety of ways and support a range of activities.
- e) Protect and enhance public rights of way.
- f) Where possible, create new links and corridors between open spaces, green infrastructure and the countryside beyond, such as through the provision of footpaths and bicycle paths or through planting and landscaping.
- g) Identify measures for appropriate maintenance of relevant green infrastructure.

150. RBDM2019 Policy OSR2 (Open space in new developments) states that:

- i. New housing developments will be required to make suitable provision for public open space as set out below:
 - a. Open space provision should be provided in line with the following standards: for sites of 25 homes or more, amenity greenspace should be provided at a standard of 0.8ha/1,000 people.
 - d. The above standards should be taken as a minimum but may vary on a case by case basis taking into account the specific circumstances.
- iii. Any provision made as part of new developments will be expected to meet relevant local or national quality standards, be designed as an integral part of the development and include appropriate measures for on-going management and maintenance.

151. As landscaping is a reserved matter that is not being considered at this stage any information that has been submitted with this application in this regard is considered to be for illustrative purposes only and final proposals will be resubmitted following any grant of outline approval. The Applicant has provided an Arboricultural Impact Assessment and Method Statement as well as an illustrative landscaping masterplan. These provide an indication of the proposed strategy for retaining existing planting and providing additional planting at the site.

152. The Applicant has stated that a small number of trees would be removed as a result of the proposed development, including 3 category B trees and 3 category C trees which are located within the footprint of the proposed development and are therefore not feasible to be retained, and one tree within the existing established woodland which forms the western half of the application site, in order to avoid excursions by the proposed woodland path onto the root protection areas of higher-value trees. Pruning to the crowns of a small number of other trees would also be required in order to facilitate access clearance to the proposed development.

153. Officers are aware that the suitability of tree retention is categorised according to the qualities of each individual tree or group of trees, with category A being the highest quality, having a life expectancy of at least 40 years, and category U being the lowest quality, being in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.

154. Categories B and C are respectively used to denote trees of moderate and low quality, which may have defects, an impaired condition, or may simply be lacking any special quality which would afford them a higher categorisation.
155. While the Applicant concedes that some of the trees to be removed do indeed have a degree of ornamental and amenity value, they can be readily replaced with tree or shrub planting as part of a wider landscaping scheme which would be more suited to the proposed development. Such a scheme would also include further detail on the above-mentioned proposed woodland path.
156. As stated previously, landscaping is a reserved matter with no specific details being submitted for approval at this stage. However the indicative plans and information on tree removal do demonstrate that this site can be acceptably developed as proposed albeit with the details reserved for submission at the later stage. The relevant consultees agree with this as set out below.
157. In response to a consultation request with regards to this application, the County Arboriculturist stated that taking into consideration the considerable existing tree stock in the form of the mixed deciduous woodland that occupies a substantial proportion of the site, and the nominal number of trees relative to this that have been earmarked for removal/pruning, they deemed the arboricultural impact of the proposed development to be low-medium.
158. The County Arboriculturist continued that the proposed tree works, and all tree and ground protection measures, should be undertaken in accordance with BS 3998:2010, BS 5837:2012, and industry best practice. Further, a detailed landscape plan including a maintenance schedule; detailed drawings of tree/shrub species, cultivar selection and nursery stock sizes; general arrangement; and, planting pits, staking and watering apparatus arrangement, should be submitted prior to the implementation of any tree works.
159. Meanwhile, the County Landscape Officer also raised no objection to the proposed development, stating that the overall impact on publicly available views is likely to be within acceptable limits due to the existing suburban context, separation distance, and screening provided by intervening woodland and tree cover.
160. The County Landscape Officer continued that there was scope for the proposed building design to incorporate more innovative combined SuDS and biodiversity features, and that they would comment further on the proposed landscape strategy and species choices at the reserved matters stage.
161. Officers consider that as landscaping is a reserved matter full information on tree retention and protection and proposed landscaping will be required to be submitted as a *reserved matters* in order to make a full assessment of this in connection with the details to be provided in respect of drainage layout, biodiversity and habitat requirements all of which will be further considered at the reserved matters stage. This will be controlled by planning conditions.

Conclusion

162. Taking all of the above into account, Officers consider that the site can be acceptably developed as proposed in a way which will be in accordance with development plan policies and conditions will be attached indicating any specific tree and landscaping requirements which will be needed to be submitted as part of the reserved matter as application.

ECOLOGY AND BIODIVERSITY

Reigate and Banstead Local Plan: Core Strategy July 2014

Policy CS10 – Sustainable development
Policy CS12 – Infrastructure delivery

Reigate and Banstead Local Plan Development Management Plan September 2019

Policy DES8 – Construction management
Policy DES9 – Pollution and contaminated land
Policy NHE4 – Green and blue infrastructure
Policy OSR1 – Urban Open Space

7

163. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by:
- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
 - b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
 - d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
164. Paragraph 180 states that when determining planning applications, local planning authorities should apply the following principles:
- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
 - c) Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
 - d) Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
165. Paragraph 185 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should limit the impact of light pollution from artificial light on nature conservation.
166. RBCS2014 Policy CS10 (Sustainable development) states that development will respect the ecological heritage of the borough.
167. RBCS2014 Policy CS12 (Infrastructure delivery) states that the Council will secure green infrastructure in line with its Green Infrastructure Strategy to include provision of new open space and/or improvements to existing open spaces, the provision of and/or improvements to links between open space, and measures to link new and existing developments with open space.
168. RBDM2019 Policy DES8 (Construction management) states that the Council will expect all developments to be managed in a safe and considerate manner, in addition to:
- iii. Through the use of Conditions, the Council may require Construction Management Statements to be agreed and implemented on a case-by-case basis. These may be required for major developments creating new homes.
 - iv. The Construction Management Statement must address how any development impacts will be managed. The statement should be appropriate to the scale and context of the development but should include:

- a) Prediction of potential impacts with regard to wildlife. Where potential impacts are identified, mitigation measures should be identified to address these impacts.

169. RBDM2019 Policy DES9 (Pollution and contaminated land) states that:

- i. For all types of development, across the Borough:
- a. Development will only be permitted where it can be demonstrated that (on its own or cumulatively) it will not result in a significant adverse or unacceptable impact on the natural environment (including sensitive habitats). Where there would be potential adverse effects from pollution and adequate mitigation cannot be provided, development will not normally be permitted. This includes pollution from construction and pollution predicted to arise during the life of the development.

170. RBDM2019 Policy NHE4 (Green and blue infrastructure) states that development proposals must:

- b) Avoid any adverse impacts on existing habitats and take the opportunity to enhance and incorporate biodiversity as an integral part of design.

171. RBDM2019 Policy OSR1 (Urban Open Space) states that for designated Urban Open Space:

- i. Proposals which directly complement and enhance the value and use of the Urban Open Space for biodiversity and/or nature conservation will be looked upon favourably provided that the predominant open character of the space is maintained.
- iii. Planning conditions and/or obligations will be used to secure the timely delivery of any agreed enhancements or alternative provision.

172. Although this is an outline application with matters of landscaping reserved for subsequent approval as there is a national and development plan requirement to consider the biodiversity impacts of all development proposals sufficient information is required to be submitted at this stage to enable officers to make an assessment as to whether these requirements are able to be met. The applicant has submitted information in this regard in support of the proposal namely the following: Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain Report, Badger Survey, Biodiversity Net Gain (BNG) Assessment Ref

173. In response to a consultation request with regards to this application, the County Ecologist has stated that insufficient information had been provided in relation to Biodiversity Net Gain, loss of designated woodland, and tree removals (see comments further summarised under *consultations* above).

174. Officers note the comments of the ecologist and have considered these against the information submitted by the applicant and the relevant development plan policies. As the proposed development is confined in this case to the footprint of the former building on the site with the open treed area to the west of the site retained it is considered that there is considerable scope and opportunity for the applicant at the reserved matters stage (when full landscaping measures will be proposed and approved) to meet the requirements of the development plan in this regard. In this case there is no requirement to show a particular percentage of *net gain*, but there must be no *net loss* and officers accept that the layout which is being pursued lends itself to being able to achieve this given the significant part of the site which is not subject to development.

175. The ecologist comments *that the applicants submitted SWT reports contradict one another in relation to the loss of woodland habitat. Paragraph 6.2.2 of the PEA report states that no loss of woodland is proposed from the proposals, but the BNG assessment states 0.01 ha of woodland removal is required. Clarification is required over the extent of woodland removal. Furthermore, the woodland on site is designated as a Habitat of Principal*

Importance (HPI) under the NERC Act, 2006. The Council has a duty to conserve and enhance HPI habitats. As such, appropriate mitigation is required for loss of this habitat. At present, it is unclear what the mitigation strategy is for the loss. For example, replacement woodland planting is not referred to in the documents. If the mitigation strategy is solely to enhance the retained woodland on site, then further justification is required for 'target condition' in relation to the use of this area as a garden /open space for future residents (see comments above under BNG).

176. Again as there are no proposals for landscaping or woodland loss being considered at this stage officers consider that these issues can be addressed at the reserved matters stage. Officers consider the requirements of the ecologist, and the development plan will be secured when the landscaping *reserved matters* are submitted and considered and at that stage full details of the Biodiversity situation will be required to be demonstrated. Officers therefore recommend conditions are attached to clearly indicate what will be required of the reserved matters application and recommend that the granting of outline permission with these matters reserved and the suggested conditions is acceptable in this case.

FLOOD RISK AND DRAINAGE

Reigate and Banstead Local Plan: Core Strategy July 2014

Policy CS10 – Sustainable development

Reigate and Banstead Local Plan Development Management Plan September 2019

Policy CCF2 – Flood risk

Policy DES8 – Construction management

Policy DES9 – Pollution and contaminated land

177. Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

178. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems should:

- a) Take account of advice from the lead local flood authority.
- b) Have appropriate proposed minimum operational standards.
- c) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) Where possible, provide multifunctional benefits.

179. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Development should, wherever possible, help to improve local environmental conditions such as water quality.

180. RBCS2014 Policy CS10 (Sustainable development) states that development will be designed to safeguard water quality.

181. RBDM2019 Policy CCF2 (Flood risk) states that:

- iii. Proposals must not increase the existing and future risk of flooding elsewhere. Where possible, proposals should seek to secure opportunities to reduce both the cause and impact of flooding for existing and proposed development.
- iv. Development should reduce surface water run-off rates using Sustainable Drainage Systems where necessary, suitable to the scale and type of development. Where Sustainable Drainage Systems are proposed, schemes should include appropriate arrangements for the ongoing maintenance for the lifetime of the development.

182. RBDM2019 Policy DES8 (Construction management) states that the Council will expect all developments to be managed in a safe and considerate manner, in addition to:

- v. Through the use of Conditions, the Council may require Construction Management Statements to be agreed and implemented on a case-by-case basis. These may be required for major developments creating new homes.
- vi. The Construction Management Statement must address how any development impacts will be managed. The statement should be appropriate to the scale and context of the development but should include:
 - a) Prediction of potential impacts with regard to water. Where potential impacts are identified, mitigation measures should be identified to address these impacts.

183. RBDM2019 Policy DES9 (Pollution and contaminated land) states that:

- i. For all types of development, across the Borough:
 - Development will only be permitted where it can be demonstrated that (on its own or cumulatively) it will not result in a significant adverse or unacceptable impact on the natural or built environment (including sensitive habitats); amenity; or health and safety due to any other form of water pollution. Where there would be potential adverse effects from pollution and adequate mitigation cannot be provided, development will not normally be permitted. This includes pollution from construction and pollution predicted to arise during the life of the development.
 - New development will not normally be permitted where any other form of water pollution is unacceptable and there is no reasonable prospect that this can be mitigated against to satisfactory levels. This is particularly relevant for sensitive development such as residential.

184. The Applicant has stated that the application site is at low risk from surface water flooding and its location within Flood Zone 1 means it has a low probability of flooding from nearby rivers and the sea. A sustainable drainage system is envisaged to mimic nature and manage surface water drainage based on current site conditions and percolation tests have been carried out in connection with this. Such measures will include:

- Infiltration systems, to collect and store runoff allowing it to infiltrate into the ground. A soakaway crate system for the attenuation strategy for surface water is currently proposed.
- Tree pit drainage, above infiltration crate system proposed in certain locations.
- Filter drains, to temporarily store runoff below the surface in a shallow trench filled with stone/gravel, providing attenuation, conveyance and treatment (via filtration). Due to ground conditions, the locations are to be agreed in advance.
- Pervious pavements, where runoff is allowed to soak through structural paving. Proposed for car parking spaces, where it is assumed that the block paving will filter out oil from parked cars, negating the requirement for an oil interceptor.

185. In response to a consultation request with regards to this application, the Lead Local Flood Authority has stated that insufficient information had been provided at this stage to demonstrate that the proposed drainage scheme would meet the necessary requirements. However, the LLFA also stated that if planning permission is granted two Conditions should be applied to ensure that the drainage scheme is properly implemented and maintained, as follows:

- The submission of details of the design of a surface water drainage scheme prior to commencement, which should include the results of infiltration testing and confirmation of groundwater levels, evidence that the proposed final solution would effectively manage the 1 in 30 (+35% allowance for climate change) and 1 in 100 (+40% allowance for climate change) storm events, detailed drainage design drawings and calculations, a plan showing exceedance flows, details of management responsibilities and maintenance regimes for the drainage system, and details of how

the drainage system will be protected during construction and how runoff from the development site will be managed before the drainage system is operational.

- The submission of a verification report prior to the first occupation of the development, to demonstrate that the drainage system has been constructed as per the agreed scheme, provide the details of any management company, state the national grid reference of any key drainage elements, and confirm any defects have been rectified.

186. Officers consider that subject to these conditions sufficient information would be submitted at the relevant stage to demonstrate that the scheme is acceptable and accords with development plan policies in this regard.

WASTE MANAGEMENT ISSUES

Surrey Waste Local Plan 2019-2033

Policy 4 – Sustainable Construction and Waste Management in New Development

187 SWLP Policy 4 (Sustainable Construction and Waste Management in New Development) states that planning permission for any development will be granted where it has been demonstrated that:

- The waste generated during the construction of development is limited to the minimum quantity necessary.
- Opportunities for re-use and for the recycling of construction residues and waste on site are maximised.
- On-site facilities to manage the waste arising during the operation of the development of an appropriate type and scale have been considered as part of the development.
- Integrated storage to facilitate reuse and recycling of waste is incorporated in the development.

188 As this is an outline application these details have not been provided but a condition can be attached to secure them as part of the Reserved matters such that the proposal will then accord with development plan policy.

ARCHAEOLOGY

Reigate and Banstead Local Plan Development Management Plan September 2019

Policy NHE9 – Heritage Assets

189 RBDM2019 Policy NHE9 states that development will be required to protect, preserve, and wherever possible enhance, the Borough's designated and non-designated heritage assets and historic environment including special features, area character or settings of statutory and locally listed buildings. *Inter alia* an archaeological assessment will be required to inform the determination of planning applications for: a. Sites which affect, or have the potential to affect, Scheduled Monuments. b. Sites which affect, or have the potential to affect, areas of Archaeological Importance or High Archaeological Potential. c. All other development sites exceeding 0.4ha.

190 The proposed site measures approximately 0.78 hectares, therefore in line with Policy NHE9 the applicants have submitted a desk based archaeological assessment with the application. This concludes that the site does not lie within a designated Area of High Archaeological Potential and no new possible heritage asset has been identified by this assessment. The site is large, but the area of the new building is sited within an area which has been subject to previous development. In view of this, together with the lack of any specific archaeological potential associated directly to the area, the uncertain potential of the wider area, and the likelihood that there has already been substantial

ground disturbance across the new build areas, the report recommends that there is no need for further archaeological involvement with this development.

- 191 In response to a consultation request the County Archaeologist has confirmed that the Assessment has consulted all available sources including the Surrey Historic Environment Record in order to provide a thorough overview of the archaeological potential of the site and surrounding area. He concludes that it is very unlikely that archaeological remains will have survived previous development of the site and confirms that in this case there is no requirement for any archaeological work as a consequence of this application.
192. The requirements of the development plan policy in this regard have therefore been met.

HUMAN RIGHTS IMPLICATIONS

193. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda, is expressly incorporated into this report and must be read in conjunction with the following paragraph.
194. In this case, it is the Officers view that the scale of such impacts is not considered sufficient to engage Article 6 or Article 1 of Protocol 1 and any impacts can be mitigated by Condition. As such, this proposal is not considered to interfere with any Convention right.

Conclusion

- 195 The proposal is an application submitted by Surrey County Council under Regulation 3 of the Town and Country Planning General Regulations for the erection of a part 4- and part 5-storey building, with an additional lower ground floor, for extra care accommodation, comprising self-contained apartments, staff and communal facilities, and associated parking.
- 196 The application is an outline application only concerned with the layout and scale of the building, and access arrangements with its appearance and associated landscaping being reserved matters to be addressed at a later stage.
- 197 Officers are satisfied that it has been demonstrated that a building of this nature and form can be satisfactorily accommodated within this site in such a way that satisfies the requirements of the development plan.
198. Officers advise that a number of illustrative plans and material was submitted with this application to demonstrate how the proposal accords with development plan policies for example in connection with landscaping and Biodiversity however that illustrative material has not been approved as part of this outline permission and will require full submission as part of the Reserved Matters as appropriate. The approved plans are therefore relating to the siting and scale of the building and means of access only.

Recommendation

- 199 That, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, outline planning application ref: RE/23/00467/CON be granted subject to the following conditions:

Conditions:

IMPORTANT - CONDITION NOS 2, 6, 12, 16, 17, 18, 19 and 20 MUST BE DISCHARGED PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT

1. The siting and scale of the development hereby permitted is as indicated on the following plans/drawings:
 - PEO2-5887-DR-A-09110 P02 Site Location Plan dated 24 August 2023
 - PEO2-5887-DR-A-90111 P01 Site Plan dated 22 November 22
 - PEO2-5887-DR-A-90115 P01 Proposed Floor Plans Lower Ground and Ground Floor dated 22 November 22
 - PEO2-5887-DR-A-90113 P01 Proposed Site Plan Ground Floor dated 22 November 22
 - PEO2-5887-DR-A-90116 P02 Proposed Floor Plans First and Second Floor dated 24 August 2023
 - PEO2-5887-DR-A-90117 P02 Proposed Floor Plans Third and Fourth Floor dated 24 August 2023
 - PEO2-5887-DR-A-09114 P02 Proposed Site Floor Roof Plan dated 24 August 2023
 - PEO2-5887-DR-A-90210 P02 Proposed Elevations North and East Elevation dated 24 August 2023
 - PEO2-5887-DR-A-90211 P02 Proposed Elevations South and West Elevations dated 24 August 2023
 - PEO2-5887-DR-A-90310 P02 Proposed Site Sections dated 24 August 2023
2. Approval of the details of the design and external appearance of the building, and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
3. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later
4. Prior to the installation of the surface water drainage on this site details of the proposed surface water drainage scheme shall be submitted to and approved in writing by the County Planning Authority. The design must satisfy the SuDS Hierarchy and be compliance with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
 - b) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) and 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep during all stages of the development. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off.
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and

maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.

d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.

e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall be implemented in accordance with the approved details.

5. The development hereby permitted shall not be occupied unless and until a verification report carried out by a qualified drainage engineer has been submitted to and approved in writing by the County Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

6. Prior to the commencement of the development hereby permitted a Construction Transport Management Plan shall be submitted to and approved in writing by the County Planning Authority, to include:

a) Details of parking for vehicles of site personnel, operatives and visitors.

b) Details of loading and unloading of plant and materials.

c) Details of storage of plant and materials.

d) A programme of works (including measures for traffic management).

e) Details of HGV deliveries and hours of operation.

f) Details of vehicle routing.

g) Measures to prevent the deposit of materials on the highway.

h) A commitment that no HGV movements to or from the site shall take place between the hours of 8:30am to 9:15am and 3:15pm to 4pm, and that the contractor should not permit any HGVs associated with the development hereby permitted to be laid up, waiting, on the public highway or The Horseshoe during these times.

i) Details of turning for construction vehicles.

Only the approved details shall be implemented during the construction of the development hereby permitted.

7. The development hereby permitted shall not be occupied unless and until the proposed Electric Vehicle charging points have been provided for all parking spaces (current minimum requirements - 7 kW Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the County Planning Authority.

8. The development hereby permitted shall not be occupied unless and until a continuous, level pedestrian crossing across The Horseshoe junction with the site access road, following public rights of way route 515, has been provided in accordance with a scheme to be submitted to and approved by the County Planning Authority.
9. The development hereby permitted shall not be occupied unless and until yellow line markings have been provided at the dropped kerbs along public right of way route 515, to the west of the site, in accordance with a scheme to be submitted to and approved by the County Planning Authority.
10. The development hereby permitted shall not be occupied unless and until facilities for the secure, covered parking of bicycles including charging facilities for electric cycles and charging facilities for mobility scooters has been provided in accordance with a scheme to be submitted to and approved by the County Planning Authority.
11. The height and scale of the proposed building shall not exceed that indicated on the submitted drawings hereby permitted and as indicated thereon there shall be no plant or machinery located on the roof of the fifth floor, with plant and machinery confined to the roof of the fourth floor where required.
12. Prior to the commencement of the development hereby permitted a Dust Management Plan for the construction phase of the development shall be submitted for approval in writing to the County Planning Authority. The development shall be implemented in accordance with the approved details.
13. No construction activities shall take place on the site except between the hours of 8am and 6pm Mondays to Fridays and 8am to 1pm Saturdays.
14. Prior to the installation of any noise emitting plant or machinery on the site in connection with the development hereby permitted details shall be submitted to and agreed in writing by the County Planning Authority to demonstrate that such installations would not adversely affect noise sensitive receptors and future residents. The development shall be implemented in accordance with the details as approved.
15. There shall be no external lighting installed on the site, including any temporary lighting required during construction, in connection with the development hereby permitted unless and until details of the proposed lighting have been submitted to and approved in writing by the County Planning Authority. Details to be submitted shall include:
 - confirming the type of fittings to be mounted on the building façade
 - providing details of lighting controls
 - providing a complete lighting scheme with associated lux plots
 - submitting lighting design and calculations demonstrating that the scheme is in compliance with the International Commission on Illumination's Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations.
 - Consideration of the lighting impacts on the ecological interests on the site such as Bats

Only the external lighting which has been approved in accordance with this condition shall be installed on the site.

16. Prior to the commencement of the development hereby permitted a detailed Aboricultural Implications and Method Statement shall be submitted to and approved in writing by the County Planning Authority. This shall include the following details:
 - Commitment to pre commencement meeting and site briefing
 - Tree Removal Plan
 - Details of tree works
 - Tree protection fencing prior to commencement
 - Location of site storage and facilities •

- Movement of people, plant and materials
- Enabling works
- Installation of new surfacing both hard and soft near retained trees
- Installation of new structures near retained trees
- Installation of new services including drainage near retained trees
- Further bat roost surveys where trees are to be removed.

The development shall be implemented in accordance with the approved document.

17. Prior to the commencement of the development hereby permitted a detailed landscaping scheme shall be submitted (as a *Reserved Matter*) to and approved in writing by the County Planning Authority. This scheme shall encompass all of the proposed on hard and soft landscaping including in relation to the retained open space and woodland to the west of the site and shall address the requirements to provide the maximum level of biodiversity achievable in connection with the development as set out in conditions 17 and 18 below. The landscaping scheme shall include measures to secure the following:

- Additional landscaping and specimen tree planting to soften the impact of the development from the east.
- Replacement tree planting with detailed specification provided, detailing, species, sizes (recommend 14-16cm extra heavy standard in size or less to ensure proper establishment), planting arrangement, planting pit details, watering/staking arrangement.
- All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard BS 4428:1989.
- The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the County Planning Authority.
- Ongoing maintenance including provision for any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, being replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

The development shall be implemented in accordance with the approved details.

18. Prior to the commencement of the development hereby permitted a full Biodiversity Net Gain metric shall be submitted to and approved in writing by the County Planning Authority to demonstrate a measurable 'net gain' of BNG on the application site in connection with the development hereby permitted. This should include details of the intended use of the woodland as a garden for future residents/visitors, together with clarification on any loss of the woodland given its designation as a Habitat of Principal Importance (HPI) under the NERC Act, 2006.

19. Prior to the Commencement of the development hereby permitted an Ecology Mitigation, Enhancement and Management Plan (EMEMP) shall be submitted to and approved in writing by the County Planning Authority detailing the following:

- How existing woodland will be protected during construction and operational phase of development;
- Wildlife sensitive lighting strategy (including LUX contour plan) for the site;
- Habitat and species mitigation for woodland, birds, bats, amphibians, reptiles and other relevant species;
- An enhancement plan for the site to include bird and bat boxes and other enhancement features for species;
- A 30-year management plan for habitats and enhancement features

The development shall be implemented in accordance with the approved details.

20. Prior to the commencement of the development hereby permitted details of measures to demonstrate the following shall be submitted to and approved in writing by the County Planning Authority:
 - a. That waste generated during the construction of development is limited to the minimum quantity necessary.
 - b. Opportunities for re-use and for the recycling of construction residues and waste on site are maximised.
 - c. On-site facilities to manage the waste arising during the operation of the development of an appropriate type and scale have been considered as part of the development.
 - d. Integrated storage to facilitate reuse and recycling of waste is incorporated in the development.

The development shall be implemented in accordance with the approved details.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. 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.
3. 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.
4. To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with National Planning Policy Framework 2021 paragraphs 167, 169 and 174; Reigate and Banstead Local Plan: Core Strategy July 2014 Policy CS10; and Reigate and Banstead Local Plan Development Management Plan September 2019 Policies CCF2, DES8 and DES9.
5. To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with National Planning Policy Framework 2021 paragraphs 167, 169 and 174; Reigate and Banstead Local Plan: Core Strategy July 2014 Policy CS10; and Reigate and Banstead Local Plan Development Management Plan September 2019 Policies CCF2, DES8 and DES9.
6. Compliance with this Condition is required prior to the commencement of the development hereby permitted to ensure the public highway can continue to be used safely and without any unnecessary inconvenience during the construction phase of the development to ensure the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with National Planning Policy Framework 2021 paragraphs 104, 111, 112, 113 and 187; and Reigate and Banstead Local Plan Development Management Plan September 2019 Policies DES1, DES8 and TAP1.
7. To comply with the terms of the application, the Surrey County Council Local Transport Plan 4, Healthy Streets for Surrey design guidance, and Surrey County Council Parking Standards by ensuring that electric vehicle charging points are available to all users at the earliest opportunity in accordance with National Planning Policy Framework 2021 paragraphs 104, 110 and 112; and Reigate and Banstead Local Plan Development Management Plan September 2019 Policies INF1 and TAP1.
8. To comply with the terms of the Surrey County Council Local Transport Plan 4 and Healthy Streets for Surrey design guidance by ensuring that infrastructure provided properly prioritises pedestrian movements and that this is communicated to drivers accessing the proposed development through design in accordance with National

Planning Policy Framework 2021 paragraphs 104, 110, 112 and 124; Reigate and Banstead Local Plan: Core Strategy July 2014 Policy CS10; and Reigate and Banstead Local Plan Development Management Plan September 2019 Policies DES1, INF1 and TAP1.

9. To comply with the terms of the Surrey County Council Local Transport Plan 4 and Healthy Streets for Surrey design guidance by ensuring that the route of Public Right of Way No. 515 is kept fully accessible to all users, including wheelchair users and mobility scooters, in accordance with National Planning Policy Framework 2021 paragraphs 104, 110, 112 and 124; Reigate and Banstead Local Plan: Core Strategy July 2014 Policy CS10; and Reigate and Banstead Local Plan Development Management Plan September 2019 Policies DES1, INF1 and TAP1.
10. To comply with the terms of the Surrey County Council Local Transport Plan 4, Healthy Streets for Surrey design guidance, and Surrey County Council Parking Standards by ensuring that safe and secure parking for sustainable transport modes, with appropriate charging facilities, is made available to all users at the earliest opportunity in accordance with National Planning Policy Framework 2021 paragraphs 104, 110, 112 and 124; Reigate and Banstead Local Plan: Core Strategy July 2014 Policy CS10; and Reigate and Banstead Local Plan Development Management Plan September 2019 Policies DES1, INF1 and TAP1.
11. To ensure that the scale of the development respects the character and appearance of the area within which it is located, in accordance with Policy CS4 of the Reigate and Banstead Local Plan: Core Strategy July 2014 and Policy DES1 of the Reigate and Banstead Local Plan Development Management Plan September 2019
12. Compliance with this Condition is required prior to the commencement of the development hereby permitted as the potential impact from dust arises during the construction of the development. In the interests of the residential amenity of neighbouring dwellings, suitable dust management measures need to be in place at that time to ensure that the proposed development accords with Policies CS10 of the Reigate and Banstead Local Plan: Core Strategy July 2014 and policies DES1, DES8 and DES9 of the Reigate and Banstead Local Plan Development Management Plan September 2019
13. In the interests of the residential amenities of neighbouring dwellings, in accordance with Policies CS10 of the Reigate and Banstead Local Plan: Core Strategy July 2014 and policies DES1, DES8 and DES9 of the Reigate and Banstead Local Plan Development Management Plan September 2019
14. In the interests of the residential amenities of neighbouring dwellings, in accordance with Policies CS10 of the Reigate and Banstead Local Plan: Core Strategy July 2014 and policies DES1, DES8 and DES9 of the Reigate and Banstead Local Plan Development Management Plan September 2019
15. In the interests of the residential amenities of neighbouring dwellings and the ecological interest of the site, in accordance with Policies CS10 and CS12 of the Reigate and Banstead Local Plan: Core Strategy July 2014 and policies DES1, DES8, DES9, NHE4 and OSR1 of the Reigate and Banstead Local Plan Development Management Plan September 2019
16. This condition is required prior to the commencement of the development as details of tree removal is part of the overall landscaping of the site which is a *reserved matter*. The indicative tree information provided with the outline application has not been approved as it needs to be assessed in respect of the delivery of biodiversity requirements in connection with the development plan. This is to ensure that the proposal complies with Policies CS2 and CS10 of the Reigate and Banstead Local Plan: Core Strategy July 2014 and policies DES1, NHE1, NHE3 and OSR2 of the Reigate and Banstead Local Plan Development Management Plan September 2019

17. This condition is required prior to the commencement of the development as details the landscaping of the site is a *reserved matter*. The indicative landscaping information provided with the outline application has not been approved as it needs to be assessed in respect of the delivery of biodiversity requirements in connection with the development plan. This is to ensure that the proposal complies with Policies CS2 and CS10 of the Reigate and Banstead Local Plan: Core Strategy July 2014 and policies DES1, NHE1, NHE3 and OSR2 of the Reigate and Banstead Local Plan Development Management Plan September 2019
18. This condition is required prior to the commencement of the development as details the landscaping of the site is a *reserved matter* and insufficient information has been submitted at the outline stage to enable a full assessment to be made of the Ecology and Biodiversity impacts of the development. This is required to ensure that the proposal complies with Policies CS2 and CS10 of the Reigate and Banstead Local Plan: Core Strategy July 2014 and policies DES1, NHE1, NHE3 and OSR2 of the Reigate and Banstead Local Plan Development Management Plan September 2019
19. This condition is required prior to the commencement of the development as details the landscaping of the site is a *reserved matter* and insufficient information has been submitted at the outline stage to enable a full assessment to be made of the Ecology and Biodiversity impacts of the development. This is required to ensure that the proposal complies with Policies CS2 and CS10 of the Reigate and Banstead Local Plan: Core Strategy July 2014 and policies DES1, NHE1, NHE3 and OSR2 of the Reigate and Banstead Local Plan Development Management Plan September 2019
20. This condition is required prior to the commencement of the development as it relates to information required during the construction phase of the development and is required in accordance with Policy S4 of the Surrey Waste Local Plan 2019-2033

Informatives:

1. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations, providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including impacts of and on the character of the area and addressed through negotiation and acceptable amendments to the proposals. The applicant has also been given advance sight of the draft planning conditions. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.
2. Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 8300:2009) or any prescribed document replacing that code.
3. This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as an approval under the Building Regulations 2000 or for the purposes of any other statutory provision whatsoever.
4. The applicant is advised that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide

a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present.

5. The applicants are advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately, and Natural England should be contacted. During site preparation works, all open trenches, pits and excavations shall be covered outside working hours so that any transiting fauna that falls into the earthworks can escape.
6. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

Sub ground structures should be designed so they do not have an adverse effect on groundwater.

If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via SUDS@surreycc.gov.uk. Please use our reference number in any future correspondence.

Town and Country Planning Act 1990 – guidance on the determination of planning applications

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the following committee reports.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to *'have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations'*. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*

Development plan

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))
- Surrey Waste Local Plan 2019-2033 adopted December 2020 (comprised of the Surrey Waste Local Plan Part 1 Policies and Surrey Waste Local Plan Part 2 Sites)
- Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)
- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils in Surrey
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)
- Any neighbourhood plans (where they have been approved by the local community at referendum)

Set out in each report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

Material considerations

Material considerations will vary from planning application to planning application and can include: relevant European policy; the National Planning Policy Framework (NPPF) 2021 and subsequent updates; the March 2014 national Planning Practice Guidance (PPG) and subsequent updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2021; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council, the district/borough council or neighbourhood forum in whose area the application site lies).

National Planning Policy Framework and Planning Practice Guidance

The [National Planning Policy Framework](#) (NPPF) was revised in July 2021. The revised NPPF replaces the previous NPPF published in March 2012 and revised in July 2018 and February 2019. It continues to provide consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) (PPG), as amended, provides related guidance. The NPPF should be read alongside other national planning policies for [waste](#); [traveller sites](#); [planning for schools development](#); [sustainable drainage systems](#); [parking and Starter Homes](#).

At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 10). The NPPF makes clear that the planning system has three overarching objectives in order to achieve sustainable development, which are interdependent and need to be pursued in mutually

supportive ways in order to take opportunities to secure net gains across each of the different objectives. These objectives are economic, social and environmental.

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The presumption in favour of sustainable development in the NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 11) states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important in determining an application are out of date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 219 states that in determining planning applications, local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

Human Rights Act 1998

Guidance For Interpretation

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest.

Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

Contact James Nolan

Tel. no. 020 8541 9442

Background papers

The deposited application documents and plans, including those amending or clarifying the proposal, and responses to consultations and representations received, as referred to in the report and included in the application file.

For this application, the deposited application documents and plans, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning register.

The Reigate & Banstead Borough Council planning register for this application can be found under application reference RE/23/00467/CON.

Other documents

The following were also referred to in the preparation of this report:

Government Guidance

[National Planning Policy Framework 2023](#)

The Development Plan

[Reigate and Banstead Local Plan: Core Strategy 2014](#)

[Reigate and Banstead Local Plan Development Management Plan 2019](#)

[Surrey Waste Local Plan 2019-2033 Part 1: Policies](#)

Other Documents

[British Standard 3998:2010 Tree works](#)

[British Standard 4142 Methods for Rating and Assessing Industrial and Commercial Sound](#)

[British Standard 5837:2012 Trees in relation to design, demolition and construction](#)

[International Commission on Illumination Guide on the Limitation of the Effects of Obtrusive Light from Outdoor Lighting Installations](#)

[Natural Environment and Rural Communities Act 2006](#)

[Surrey County Council Adult Social Care Accommodation with Care and Support Strategy for Extra Care Housing for Older People and Independent Living Schemes for Adults with a Learning Disability and/or Autism](#)

[Surrey County Council Vehicular, electric vehicle and cycle parking guidance for new developments](#)